

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 12 November 2015**

**(Extract from book 16)**

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**Deputy Speaker:**

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

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

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

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

<sup>4</sup>Elected 14 March 2015

<sup>5</sup>Elected 31 October 2015

<sup>6</sup>Resigned 2 February 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

## Joint committees

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(*Council*): Ms Bath, Mr Purcell and Ms Symes.

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

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

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

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

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

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

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

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

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



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**Thursday, 12 November 2015**

**The SPEAKER (Hon. Telmo Languiller) took the chair at 9.34 a.m. and read the prayer.**

**Mr Blackwood** — On a point of order, Speaker, yesterday during question time the member for Melbourne asked a question of the Premier regarding the timber industry task force, and within that question the member for Melbourne insinuated that the timber industry was destroying the Leadbeater’s possum habitat. I believe the member for Melbourne has misled this house with that statement. The timber industry undertakes pre-harvesting surveys of every area before it is harvested. If Leadbeater’s possum habitat is found, that area is set aside from harvesting. This process has been in place since 1996 under the timber harvesting Leadbeater’s possum management plan. I ask you to caution the member for Melbourne for misleading this house and trashing the reputation of 23 000 timber workers in Victoria with claims that are completely false.

**The SPEAKER** — Order! The Chair was very lenient in allowing the member for Narracan to make his point of order. The point of order was made and the Chair does not uphold the point of order.

**PETITIONS**

**Following petitions presented to house:**

**Wodonga City Council**

To the Legislative Assembly of Victoria:

The petition of Wodonga ratepayers and residents draws the attention of the house to the huge debt and lack of accountability of the Wodonga City Council.

The current debt is excessive and will take many years to repay, with interest costs to be around \$10 000 000 (estimated by council staff).

The petitioners therefore request that the Legislative Assembly of Victoria conduct a complete review into Wodonga council’s financial, business and management practices, plus councillors’ and officers’ allowances and travel expenses.

**By Mr TILLEY (Benambra) (1036 signatures).**

**Public holidays**

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the new grand final eve and Easter Sunday public holidays will result in both lost productivity and higher wage costs for small business at a stage when many are already facing difficult times. At a time of high and

rising unemployment, and where there was no pressing need or compelling argument for their introduction, imposing these two new major costs on Victoria’s businesses damages them and their employees, consumers and our state’s economy without justification.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reconsider its decision to introduce two additional public holidays in Victoria.

**By Mr WATT (Burwood) (46 signatures).**

**Markham Avenue, Ashburton, redevelopment**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the Andrews government has announced, via the Age website, plans to build a large-scale, high-density 240-unit overdevelopment at 2–18 Markham Avenue, Ashburton, which currently has only 56 public housing units.

The area surrounding Markham estate has been zoned by Boroondara council as neighbourhood residential, which restricts large-scale developments.

Prior to the last election, Daniel Andrews and Labor denied that they had any plans for such an overdevelopment.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its decision to massively overdevelop this site, adhere to the maximum height of 9 metres, in line with community expectations.

**By Mr WATT (Burwood) (55 signatures).**

**Whitehorse planning scheme amendment**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that Whitehorse City Council and residents of the City of Whitehorse have significant concerns with amendment C153, particularly in relation to the disproportionate height compared to the 8-metre limit on properties in surrounding streets, the local impact of traffic and parking, the environmental effects of the adjoining Gardiners Creek and the sheer density of the proposed 310 dwellings at 15–31 Hay Street, Box Hill South.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Minister for Planning in the Andrews Labor government to reject amendment C153 and the proposed planning permit, in line with the Whitehorse City Council recent decision of 16 March 2015.

**By Mr WATT (Burwood) (39 signatures).**

**Woori Yallock Primary School**

To the Legislative Assembly of Victoria:

The petition of residents in the Yarra Valley draws to the attention of the house the desperate need for electronic

40km/h speed limit signs to be installed on Healesville-Koo Wee Rup Road at Woori Yallock Primary School.

The Victorian coalition promised \$60 000 to install the signs if it was re-elected at the 2014 state election. Premier Daniel Andrews and Labor have refused to commit this funding to ensure the safety of local children and crossing guards.

The petitioners therefore request that the Legislative Assembly of Victoria urge the state government to provide crucial funds for electronic 40km/h speed limit signs at Woori Yallock Primary School to ensure the safety of local school children.

**By Ms McLEISH (Eildon) (250 signatures).**

### Special religious instruction

To the Legislative Assembly of Victoria:

The petition of certain residents in the Warrandyte electorate draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break their promise.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours, as has been the case in Victoria for decades.

**Mr R. SMITH (Warrandyte) (50 signatures).**

### Special religious instruction

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break this promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**Mr WATT (Burwood) (115 signatures).**

### Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Morwell electorate draws to the attention of the house that the government has scrapped

special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**Mr NORTHE (Morwell) (112 signatures).**

### Grand Final Friday

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Assembly of Victoria to note the harmful impacts of the decision by the Andrews government to declare new public holidays in Victoria.

At a time of high and rising unemployment and when many businesses are already doing it tough, Daniel Andrews has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and inflict significant damage on our state's economy.

The Andrews government's own assessment of the grand final eve public holiday put the cost of the holiday to Victoria at up to \$898 million per year.

The impact of these additional costs will not be restricted to businesses, with local government and hospitals also affected, leaving ratepayers and the community to foot the bill.

We therefore call on the Andrews government to reverse its decision to impose the grand final eve public holiday.

**By Mr NORTHE (Morwell) (51 signatures).**

### Bunyip North quarry

To the Legislative Assembly of Victoria:

The petition of the Mt Cannibal and District Preservation Group Inc. who represent concerned residents in the Cardinia shire region draws to the attention of the house that the Garfield North rock quarry being proposed by Hanson at Bunyip North has reached a critical stage in the application process with an EES referral being submitted on 5 October 2015.

There are approximately 70 homes within a 1.5-kilometre radius of the proposed quarry. The sensitive areas of Mount Cannibal and Cannibal Creek may well be impacted by the activity proposed during the extraction of material from the site. All the local environment groups — Landcare, the Cardinia Environment Coalition, the Friends of Mt Cannibal and the Cardinia Shire Council have called for an EES to be undertaken.

We believe there is potential for impact on the amenity of a significant number of residents and local areas of

significance, including important areas of Aboriginal heritage, flora, fauna and water.

The petitioners therefore request that the Legislative Assembly of Victoria ask that the Minister for Planning request an environment effects statement (EES) for the proposed Hanson Garfield North quarry in Bunyip North.

**By Mr BLACKWOOD (Narracan) (406 signatures).**

### **Endangered animal protection**

To the Legislative Assembly of Victoria:

The petition of members of the Taylors Lakes Secondary College community, including students, staff and parents draws to the attention of the house or points out to the house the allowance of big game hunting of endangered animals for the purposes of sport.

The petitioners therefore request that the Legislative Assembly of Victoria acknowledge that certain animals need to be protected from hunting for the purposes of sport. These animals include the lion, the elephant, the leopard, the rhinoceros, the giraffe and the tiger. These animals are part of a natural ecosystem that is a treasure to every single person, yet their hunting for sport draws them dangerously close to extinction. We request the house acknowledge the need for action to protect these animals.

**By Ms HUTCHINS (Sydenham) (308 signatures).**

### **Warrandyte police resources**

To the Legislative Assembly of Victoria:

To the Honourable Speaker and members of the Legislative Assembly.

The petition of the residents of the district of Warrandyte draws the attention of the house to their concerns, namely —

1. that Warrandyte police station is not currently manned 24 hours per day, 7 days per week;
2. that the Warrandyte police station is manned by only seven officers, covering weekly shifts; and
3. that the Warrandyte community has experienced an escalation in local crime.

And calls on the Victorian government to raise these matters to the chief commissioner and advocate for increased resources at Warrandyte police station, as well as increased hours of operation.

**By Mr R. SMITH (Warrandyte) (1174 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for Narracan be considered next day on motion of Mr BLACKWOOD (Narracan).**

**Ordered that petitions presented by honourable member for Warrandyte be considered next day on motion of Mr SMITH (Warrandyte).**

**Ordered that petition presented by honourable member for Eildon be considered next day on motion of Ms McLEISH (Eildon).**

**Ordered that petitions presented by honourable member for Burwood be considered next day on motion of Mr WATT (Burwood).**

**Ordered that petition presented by honourable member for Benambra be considered next day on motion of Mr TILLEY (Benambra).**

**Ordered that petitions presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).**

## **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

### **Budget estimates 2015–16**

**Mr PEARSON (Essendon) presented report, together with appendices, extract of proceedings, minority report and transcripts of evidence.**

**Tabled.**

**Ordered that report, appendices, extract of proceedings and minority report be published.**

## **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

### **Country Fire Authority Fiskville training college**

**Ms HALFPENNY (Thomastown) presented special report on production of documents together with appendix.**

**Tabled.**

**Ordered to be published.**

## **DOCUMENTS**

**Tabled by Clerk:**

Auditor-General — Public Hospitals: 2014–2015 Audit Snapshot — Ordered to be published

Community Visitors — Report 2014–15 under s 35 of the *Disability Act 2006*, s 224 of the *Mental Health Act 2014* and

s 195 of the *Supported Residential Services (Private Proprietors) Act 2010* — Ordered to be published

Coronial Council of Victoria — Report 2014–15

*Crimes (Assumed Identities) Act 2004* — Report 2014–15 under s 31

*Crimes (Controlled Operations) Act 2004* — Report 2014–15 of the Victorian Inspectorate under s 39

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

Public Transport Development Authority — Report 2014–15

Shrine of Remembrance — Report 2014–15

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

*Surveillance Devices Act 1999* — Report 2014–15 under s 30L

*Terrorism (Community Protection) Act 2003* — Reports 2014–15 under ss 13, 13ZR and 21M (two documents)

Tourism Victoria — Report 2014–15

*Wildlife Act 1975* — Report 2014–15 of the Victorian Inspectorate under s 74P.

## BUSINESS OF THE HOUSE

### Adjournment

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

That the house, at its rising, adjourns until Tuesday, 24 November 2015.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Evans Road, Lynbrook

**Mr R. SMITH** (Warrandyte) — Communities right across the state are learning that the Andrews Labor government has no interest in tackling Victoria's growing list of road and traffic problems. Last week I met with Casey councillors Amanda Stapledon and Damien Rosario, along with about 50 Casey residents, to look at the ridiculous situation that is Evans Road in Lynbrook.

Evans Road has been closed to through traffic for 12 years now, with VicRoads citing the need for safety improvements to be made at the South Gippsland Highway and Evans Road intersection before Evans Road can be reopened as a through road. This means

that the communities of Lynbrook and Lyndhurst are effectively cut off from each other. Residents who need to travel between suburbs need to take a 12-kilometre journey in order to reach locations that are just a few hundred metres apart.

With the area being represented by three Labor members of Parliament, two of them ministers and one actually the Minister for Roads and Road Safety, you would think that this issue would have been dealt with as soon as possible. Unfortunately not one of these Labor members — the members for Narre Warren South, Narre Warren North or Lyndhurst — live anywhere near the areas they claim to represent. Consequently they are unlikely to experience the frustration that is felt by residents on a daily basis, and to date they seem reluctant to do anything about it. I thank Cr Stapledon for bringing this matter to my attention, and on behalf of Casey residents I ask the Minister for Roads and Road Safety to make opening this road a priority.

### Brooklyn industrial precinct

**Mr NOONAN** (Minister for Police) — Last Friday I joined community representatives, the Environment Protection Authority, local businesses and Brimbank City Council to cut the ribbon on the newly surfaced Bunting and Jones roads in the Brooklyn industrial precinct. This \$2.6 million joint project was delivered through a partnership between the state government and the Brimbank City Council.

In 2011 the Environment Protection Authority identified that sealing these roads would significantly assist in reducing dust pollution. These projects were also recognised as vitally important in the Brooklyn Evolution strategy. That is why I am incredibly grateful to the Minister for Environment, Climate Change and Water for allocating an additional \$950 000 to make these sealing projects possible. But the real credit here goes to the community, which has fought long and hard for it, including locals such as Bert Boere, Laurie Bell, Bruce Light and Geoff Mitchelmore.

I also acknowledge the extensive efforts of others who have been central to action on pollution in Brooklyn: Brimbank City Council's administrators John Watson, John Tanner and especially Jane Nathan; Brimbank City Council CEO Paul Younis and former CEO Bill Jaboor; Brimbank's planning team, Susan Fitton, Stuart Menzies and Adrian Ashford; and Brooklyn Community Representative Group chair Jen Lilburn and secretary Andrea Mason. Many others have also assisted. I am extremely proud of the environmentally responsible action the Andrews Labor government has

taken on pollution in the Brooklyn industrial precinct. We promised the community that we would work to reduce odour and dust in the local area, and sealing these dustbowl local roads is a major step forward.

### **Hamilton Livestock Exchange**

**Ms KEALY** (Lowan) — It was a great pleasure to attend the opening and first lamb sale at the newly built first stage of the Hamilton Livestock Exchange. This fabulous new facility will help build on the Western District's reputation as being a centre of excellence for premium livestock and wool production. I urge the Andrews Labor government to see the value of this project and provide funding for stage 2 of the Hamilton Livestock Exchange.

### **Remembrance Day**

**Ms KEALY** — It was an honour and privilege to join the Lake Bolac community in acknowledging those who served, died or suffered for Australia's cause in all wars, armed conflicts and peacekeeping activities. We will remember them. Lest we forget.

### **Casterton-Coleraine Road**

**Ms KEALY** — The Casterton-Coleraine Road is in an absolutely appalling state and presents a clear danger to all road users. I again invite the Minister for Roads and Road Safety to see firsthand the impact his 10 per cent cut to the road asset maintenance budget has had on the road surface quality in western Victoria.

### **Volunteer firefighter cancer compensation**

**Ms KEALY** — I am very proud to have recently signed a pledge of support for Country Fire Authority (CFA) volunteers with cancer at the Horsham CFA station. This station is manned 100 per cent by volunteers. I strongly support non-discriminatory presumptive cancer compensation for all Victorian firefighters, and I urge the Andrews Labor government to ensure that all firefighters are treated equally and with the respect they deserve.

### **Moyston water resources**

**Ms KEALY** — This year's firefighting activity in the Moyston area depleted many water resources. Coupled with poor rainfall, local people have great concern that there is insufficient access to water for firefighting purposes this coming season. I urge the government to review pipeline tapping points in the region to ensure that the CFA and local landholders have access to water so that they can protect their people and property.

### **Federation University Australia Horsham childcare centre**

**Ms KEALY** — I call on the Andrews Labor government to commit to provide any shortfall of funding to rebuild the Horsham Federation University childcare centre, which was recently destroyed by fire.

### **Nhill Men's Shed**

**Ms KEALY** — Congratulations to the Nhill community, including their local Karen people and the members of the Nhill men's shed, for recently launching the Nhill Karen men's shed program.

### **Bill Stonnill**

**Ms KEALY** — Congratulations to Bill Stonnill and the Coleraine P&A Society committee for putting on a fabulous event this past weekend.

### **Country Fire Authority Fiskville training college**

**Ms HALFPENNY** (Thomastown) — Today the Environment, Natural Resources and Regional Development Committee has tabled a special report, because it is having so much trouble getting the documents it needs from the Country Fire Authority (CFA). The original time frame for this inquiry into the CFA training college at Fiskville was very short, because people affected by the practices there have been waiting for answers for far too long. The committee was forced to request an extension and was granted one until March, but if it is to meet this deadline it urgently needs all the CFA board papers that are relevant to Fiskville.

Whilst the CFA and its solicitors may argue that it has complied with our summons, the fact remains that at the time of the committee passing its resolution to report to Parliament the committee had received the minutes of only 51 out of 739 board meetings. It has since received minutes for a further 51 meetings, totalling just over 100 of 739 meetings to date. These documents are crucial to our investigation, in particular to meet term of reference 3— a study of the role of past and present executive management at Fiskville. In the words of the Premier:

We need a full and frank inquiry to answer every question, honour every worker and reassure every family.

The committee has heard from many people about how the chemical contamination at Fiskville has affected them and their families. Just yesterday at a remembrance service I met with a former volunteer

who has had very bad news about the cancer he has been fighting. We cannot wait any longer. We urge the CFA to do the right thing.

### ***Otama* submarine**

**Mr BURGESS** (Hastings) — The submarine HMAS *Otama* was left to rot in Western Port for close to 10 years by the Bracks and Brumby governments. Immediately after winning government in 2010 I wrote to the new Minister for Environment and Climate Change to ask him to overturn the decisions of the past and give permission for the submarine to come ashore and be granted an actual home location. The Western Port community was elated when the minister provided written permission for the Western Port Oberon Association to bring the *Otama* ashore adjacent to the Western Port Marina in Hastings.

The association had believed that once a home had been secured for the vessel, financiers would provide the funding to bring it ashore. However, after three years of hard work with little success it was clear that after the global financial crisis private funding had become more difficult to obtain. I therefore sought funding from the Napthine government, and in 2014 I was successful in obtaining a commitment of \$1 million to bring the *Otama* ashore. When Labor won the November 2014 state election the submarine was one of the many worthwhile projects cancelled. Funding was withdrawn. Earlier this year I again wrote to the minister asking that funding for the Hastings submarine project be recommitted. I later received a response refusing that request.

Today I am again asking the Andrews government to reconsider its decision not to provide funding to bring the *Otama* ashore. The *Otama* is a unique and historic vessel that I am confident will become one of Victoria's biggest tourism attractions. The opportunity to visit a real Oberon-class submarine and experience what life was like for the crew working inside it would be an enormous drawcard for tens of thousands of visitors a year from across Australia and around the world. The jobs and opportunities generated for local people through this outstanding tourism attraction would be a stepping stone to many other tourism attractions and small businesses across the Western Port area.

### **Grand Final Friday**

**Mr BURGESS** — A report released recently by the Australian Industry Group showed that Victorian businesses were highly critical of Labor's grand final public holiday.

### **Michelle Payne**

**Ms RICHARDSON** (Minister for Women) — In what has been considered as one of the most important things to ever happen in racing it was with great excitement that we all watched Michelle Payne become the first female jockey to win the Melbourne Cup. In a sport that has for far too long designated the track to the men and exiled the women to the sidelines or to fashions on the field Michelle's triumph on the Prince of Penzance proved once again that it is merit, not gender, that victory is made of. Despite marvelling in the glory like most others, Michelle put it plain and simple that her achievements came at a price, with gender inequality at its heart. Michelle highlighted the barriers she had to overcome to simply be awarded the opportunity to ride in the Melbourne Cup. To her great credit she also thanked those who had always supported her. Her loyalty to and love for her brother Stevie also shone through.

Her success demonstrated that, yes, women can take on the world but also that when it comes to the unequal society we live in everyone has a responsibility to make it more equitable. Fathers have a responsibility to encourage their daughters to believe that they can achieve anything on and off the track. Teachers and coaches have a responsibility to once and for all stop telling our boys that they are 'playing like girls'. It is not just in racing or at the elite level that women are perceived as second best — in nearly every endeavour we see women facing barriers simply because they are women. Today we announced our Victoria Against Violence campaign, and we hope that, like Michelle, this will challenge many of the barriers women face.

### **Darnum war memorial**

**Mr BLACKWOOD** (Narracan) — On Sunday, 8 November, I had the pleasure of attending the rededication of the Darnum war memorial. The original memorial was located adjacent to the Princes Freeway, and the Darnum Progress Association decided that a more appropriate location would be in the grounds of the Darnum Memorial Hall. Thanks to the hard work and commitment of Mark Sage and his association, in particular Irene Broadbent; the support of the Trafalgar Bendigo community bank and Baw Baw Shire Council; and the funding from the federal government the new memorial has become a reality and a monument that all locals and visitors can be very proud of.

### **Nilma Primary School**

**Mr BLACKWOOD** — On Monday, 9 November, I attended the Nilma Primary School dedication of its roll

of honour. The honour board was restored with funding made available by the coalition government, and the school community expressed its appreciation for that support. Eight former students of the school paid the ultimate sacrifice in the Great War, and their individual service records were read by students Lachlan Axford, Megan Griggs, Bailey Dent, Kirsty Wooster, Deakin Santo, Rose-Anne Scott, Andrew Burdett and Riley Kleeven. Student leaders Holly Farnham, Charlotte Brown, Shelby McGrath and Anthony Scott provided a background to the project and thanked Warragul RSL sub-branch members Noel Tucker and Ron Blair for their assistance, builder Phil Farnham for remounting the honour board and teacher Kerry Williams for submitting the funding application. Congratulations to principal Annette Sutherland, teachers, staff, school council president Nicki Kimm, parents and bugler Julie Riley, and a special tribute to all students who were very attentive and displayed genuine respect during the ceremony.

### Remembrance Day

**Ms KAIROUZ** (Kororoit) — Yesterday I had the privilege of attending the Caroline Springs RSL Remembrance Day memorial service along with the member for Sydenham and Cesar Melhem, MLC, a member for Western Metropolitan Region. I was honoured to attend this service on Remembrance Day, a day where across the state we stand in silence to commemorate all those who have sacrificed so much during war. The service run by the Caroline Springs RSL was incredibly moving. In the 97th year of Remembrance Day we remembered the lives lost and sacrifices made.

With this year being the 100th anniversary of the Anzac landings at Gallipoli, Remembrance Day was ever the more poignant. We have heard so much this year about the sacrifices and bravery of our Anzac soldiers during World War I, and it was wonderful to have the time to pause and reflect and be able to think about the sacrifices they have made throughout conflicts since those landings. Not every war is a just war, but it is important that we commemorate those who have fought and died on behalf of their country and what they believe in. I thank the Caroline Springs RSL for the excellent work it does in keeping the Anzac spirit alive and for hosting Remembrance Day on behalf of our local community.

### Diwali festival

**Ms KAIROUZ** — On another matter, Diwali is one of the most famous festivals and is celebrated by many Indian families by performing traditional activities with

their friends and families. I wish every member of my community a happy Diwali, particularly the Indian community. I wish them good fortune, health and prosperity.

**Statements interrupted.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! Before calling on the member for Shepparton, I wish to acknowledge in the gallery a former member for Warrnambool. Welcome.

### MEMBERS STATEMENTS

**Statements resumed.**

#### Tatura water summit

**Ms SHEED** (Shepparton) — On Wednesday, 28 October, the Committee for Greater Shepparton, Greater Shepparton City Council and I convened a water summit at Unilever in Tatura. The Minister for Environment, Climate Change and Water attended together with her advisers and departmental staff, along with approximately 80 other stakeholders from the region.

The purpose of the summit was, one, to provide a clear understanding of the range of scenarios for northern Victorian communities resulting from the sustainable diversion limit negotiations with the federal government in 2016; two, to clearly articulate what the best case scenario looks like for northern Victoria; three, to help provide a credible and evidence-based platform for the Victorian government to use in negotiations; and, four, to establish a working group to continue to address these issues and, if necessary, conduct its own socio-economic impact statement.

The outcome of the meeting was a clearly articulated call for the following: a halt to all water recovery initiatives that take water out of productive agriculture so as to protect our economy, our jobs and our futures; an independent socio-economic analysis of the Murray-Darling Basin plan to date; a ban on future commonwealth water purchases; a demand that the commonwealth government commit to funding and delivering the full 650 gigalitres of environmental offsets created, by using environmental water efficiently; and a demand that the commonwealth government halt all efforts to recover 450 gigalitres of additional water for South Australia.

### **Bellarine Relay for Life**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — Last Sunday, 8 November, I once again had the pleasure to attend the opening of the Bellarine Relay for Life 2015, which was the fifth running of the event, and as with other years it was a resounding success thanks to the organisers, volunteers and of course participants. This year 35 teams entered, made up of hundreds of people all prepared to take part in the 24-hour event to raise important funds for cancer research and, in doing so, to remember loved family members or friends lost to cancer or to support those currently fighting the disease. Fittingly this year the first lap was walked by survivors and carers.

I take this opportunity to thank Steve Gibbs, who has been MC of this event for the last three years, the committee for the Bellarine Relay for Life, especially Heather Grant as the chair, and also Loz Hardman, the 2014 Spirit of Relay winner for her wonderful efforts. I also congratulate all the volunteers who took part.

### **Queenscliff Kindergarten**

**Ms NEVILLE** — On another matter, last week I also had the privilege to open the new Queenscliff Kindergarten. The facility has increased the kinder's capacity to now cater for 33 children. It includes space for the maternal and child health centre, a new disabled toilet, a covered outdoor teaching space, refurbished offices and meeting spaces. Thanks to the Borough of Queenscliffe, the kindergarten committee of management, the Point Lonsdale Lions Club and the community market which, together with \$350 000 funding from government, made the much-needed project a reality. I thank the children for the beautiful artwork they presented to me, which is now on prominent display in my office.

### **Tarwin Valley**

**Mr D. O'BRIEN** (Gippsland South) — Gippsland South is the most beautiful electorate in the state, so it was a pleasure to join my colleague in the other place Melina Bath, a member for Eastern Victoria Region, to attend the launch recently of a new Tarwin Valley brand with the catchline 'Bountiful, beautiful, brilliant'. Tarwin Valley promotes the lush countryside, superb produce, pristine beaches and rich cultural and tourism attractions of the region, which includes Koonwarra, Meeniyah, Dumbalk, Fish Creek, Walkerville, Tarwin Lower and Waratah Bay. This is a great community-led initiative to better brand one of the best regions in the state.

### **Mirboo North Secondary College**

**Mr D. O'BRIEN** — Mirboo North is another great part of my electorate, and the newly rebuilt secondary college, funded by the coalition, is running some innovative programs, including its Victorian certificate of applied learning students studying the troubling issue of homelessness. Last week Melina Bath, a member for Eastern Victoria Region in the other place, the member for Morwell and I met with students for a challenging discussion on how to tackle this issue and why billions of dollars of spending over the past few decades has not made much of an impression. Well done to these young leaders and their teacher, Andrew McGrath, for their passion and their plans for a local version of the Sleep at the 'G to raise funds for and awareness of homelessness.

### **The ArtSpace, Mirboo North**

**Mr D. O'BRIEN** — Mirboo North's arts community is also vibrant, and I was pleased to officially reopen The ArtSpace on Friday night. It is a community-run venue supporting 35 local artists with a workshop, retail space and small gallery. It is right next to Grand Ridge Brewery — I inform members that the brewery's products are available in the members dining room — and a great place to visit.

### **Volunteer firefighter cancer compensation**

**Mr D. O'BRIEN** — I am also pleased to have signed a pledge committing myself to fair presumptive legislation for all firefighters. Our local volunteers do a wonderful job, and all those who contract types of cancer should be supported.

### **Korumburra cenotaph**

**Mr D. O'BRIEN** — It was also great to attend the rededication of the Korumburra cenotaph at the Remembrance Day ceremony yesterday, which included the unveiling of a further 13 local names of the fallen not previously listed. Well done to the Moon family for their research in identifying this gap in our local history.

### **Christ the King Primary School, Newcomb**

**Ms COUZENS** (Geelong) — It was a real pleasure to visit Christ the King Primary School in Newcomb to talk to year 5 and 6 students about leadership in our community. The students have been learning about what makes a good leader. I enjoyed talking to the students about my role, and we had lots of fun breaking into groups to debate the issue of an increased tax on sugary drinks. It is great to see our schools taking a lead

in educating our future leaders. Principal Jose Blackley and her dedicated team of teachers and staff are to be commended for ensuring that their students are given every opportunity.

### **Geelong new and emerging communities leadership program**

**Ms COUZENS** — Opportunities for leadership roles do not always come easily. Providing opportunities to those from low socio-economic communities is critical. I was recently invited to speak at the new and emerging communities leadership program to talk to a group of 24 dedicated people from 16 different nations who are keen to take on leadership roles in the Geelong community. I heard many stories from participants about how, as refugees, they came to this country under horrific and tragic circumstances. I admire their courage and commitment, after great struggle, to get to this, their new country. Some have only been here for five months but have taken up opportunities to engage with the community and to develop their skills to become good, strong community leaders.

### **Solar Car Challenge**

**Mr TILLEY** (Benambra) — I wish to congratulate the owners, and in particular the manager, of Wilson Transformers in Wodonga, along with the staff who organise the annual Solar Car Challenge. This challenge is an innovative way of nurturing an interest in the manufacturing industry among year 9 and year 10 secondary students.

Eleven border schools from New South Wales and Victoria participated in this year's challenge. Teams were given the components and dimensions for their vehicles and the design was entirely up to them. They had five months to complete their vehicle, including testing configurations and sizes and taking advice from industry mentors. Border Christian College completed 119 laps of the circuit in 1 hour to be crowned the 2015 winners, with Corowa High School second and Wodonga Middle Years College third. The challenge for Victorian secondary school participants is laid down for next year's event.

Business mentors should certainly be acknowledged and thanked for their support of the innovators of the future. I will name a few, including Bertazzo Engineered, Lucas Mill, Terry Cornelius Panels, the Department of Defence, Blacklocks Ford, J. C. Butko Engineering, Milspec Manufacturing, Kdec, Biti Motors and Flack Engineering Services. I would also

like to thank my fellow celebrity challenge races. Better luck next year.

### **Myanmar election**

**Ms GRALEY** (Narre Warren South) — Over a decade ago in Springvale I met Sawin Saramanee and his friends from Myanmar. They told me of the political persecution and corruption in their homeland. They also told me about Aung San Suu Kyi, who was still under house arrest by the military rulers. Not since 1962 has there been a fair and free election in Myanmar. So to be in Yangon for the 8 November election was a landmark event for us all. Everywhere you went there were posters, billboards, flags, rallies, chanting and singing, with the colour red dominating. You could sense something was happening.

For the first time international observers were allowed to monitor the election. Thanks to the formidable efforts of Professor Damien Kingsbury and his wife, my great friend Rae Kingsbury, under the auspices of Australian People for Health, Education and Development Abroad, my husband, Stephen, and I were there, amongst a team of 40. Everywhere we were greeted with welcoming arms and sincere thanks from the people. I hope our presence helped. People needed to know the risky task of voting was happening under our watchful eye and that we would tell the world if things were not right. We often heard people say, 'Thank you for helping my country'.

To the people of Myanmar, your earnestness — diligently making sure your vote was valid and proudly displaying your inked finger after voting — your courage and your belief in the power of voting was inspiring. We are so very grateful for you reminding us all of its precious value. Despite past brutal struggles, the people of Myanmar smile more easily and broadly than people anywhere else. We are all now hoping for a better and brighter future for them all.

Aung San Suu Kyi led her party admirably — so steady and sure. If the activity on the streets is any indication, her dedicated supporters worked so very hard. May they rejoice in their landslide victory, and I pray they are allowed to and will govern wisely. Many challenges and great expectations face them. To Sawin and friends in the Melbourne community from Myanmar, this is your victory too. I call upon the Australian government and its people to support the courageous and smiling people of Myanmar in the times ahead.

### **Villers-Brettonneux delegation**

**Mr CRISP** (Mildura) — It was my pleasure to attend a dinner hosted by the Swan Hill Rural City Council in honour of a delegation from Villers-Brettonneux led by its mayor, Dr Patrick Simon. Robinvale has had a long association with Villers-Brettonneux, and the Robinvale Villers-Brettonneux Association has hosted and visited Villers-Brettonneux on many occasions. As Australia celebrated a century of Anzac, Robinvale and Villers-Brettonneux are strengthening their relationship in preparation of their centenary in 2018.

### **Mildura Rural City Council**

**Mr CRISP** — Mildura Rural City Council had its annual mayoral election last week, and I would like to offer my congratulations to Glenn Milne for retaining the position of mayor and Sharyon Peart for being elected deputy mayor. Council is currently completing a number of government-funded projects which will benefit Mildura's future.

### **Clontarf academies cricket tournament**

**Mr CRISP** — Three north-western Victorian Clontarf academies played off in a round robin cricket tournament in Mildura recently. It was my pleasure to join the players and the staff, as both a square leg umpire and ultimately a fielder. Thank you to Mick James and the Clontarf team for their work in engaging Aboriginal youth in education.

### **Tony Mangan**

**Mr CRISP** — Mildura has lost a prominent businessman and someone who was a character larger than life. Tony Mangan's dedication, enthusiasm and persistence to the causes he was pursuing were remarkable. Tony worked with my office to secure road train access to the major wineries located south of Mildura. In difficult times the wine industry needed every possible productivity gain to be pursued, and Tony pursued those with vigour. He was a clear thinker in the pursuit of productivity, and he will be missed by the causes he championed. To his family and friends: I am sorry for your sadness and grief at this time.

### **Cure for MND Foundation**

**Ms EDWARDS** (Bendigo West) — Will Hamilton and Lily Ivey are two very motivated students at Girton Grammar School. Through their role as year 5 student representative council representatives they held a school fundraiser to support Neale Daniher's Cure for MND Foundation. The school held a footy theme day

and a sausage sizzle. Overall the school raised \$2213 for the Cure for MND Foundation.

I want to thank everyone who supported Daniher's Drive across regional Victoria recently. It was a hugely successful event. The kids at Castlemaine Secondary College were thrilled to have Neale and some of his team stop at the school on their way to Bendigo. In Bendigo a huge dinner attended by around 700 people was the highlight of the event, and it was an honour to be part of it. Congratulations to Neale, his family and many supporters for their efforts in spreading the message about motor neurone disease.

### **Battle of Long Tan commemorative quilt**

**Ms EDWARDS** — I was honoured to open the Vietnam veterans state conference in Castlemaine last Saturday. All of the sub-branches from across Victoria were represented. The highlight of the conference was the unveiling of the commemorative quilt that has been made in preparation for the anniversary of the Battle of Long Tan next year. The quilt is a work of art, and each square is representative of one of the 28 sub-branches. It will be a lasting legacy for the Vietnam veterans for generations to come. The quilt will be on a touring display in 2016, with a formal presentation at a civic reception before being laid at the National Vietnam Veterans Museum. Without the support of the Victorian government the branch would not be able to undertake this project and others to commemorate the anniversary of the Battle of Long Tan. Thank you to all our Vietnam veterans who work tirelessly to support returned servicemen, their partners and families, and for their volunteer work in our communities.

### **Warburton Primary School**

**Ms McLEISH** (Eildon) — I was so pleased to have the opportunity to participate in the recent 140th birthday celebrations for Warburton Primary School. Held on the day of the annual — and predictably wet — spring fair, the occasion was one to be enjoyed. Principal Damian Marley, decked out in historical dress and later in his 1970s flares, was joined by his dedicated staff as well as by students, parents, past students and past principals. Torah Balding, the youngest student, together with former student 91-year-old Dick Leith, cut the cake. Dick's daughter Kerry Jorgenson, former student and principal for 15 years, was also in attendance and continues to be a great supporter of the school. One of the parents, Teresa Reynolds, went to great efforts to dress the choir in historical costume, which I am sure contributed to their fine performance on the day. The little voices were delightful.

## Mansfield High Country Festival and Spring Arts

**Ms McLEISH** — Mansfield is definitely one of the most vibrant and energetic towns in country Victoria. The recent high country and spring arts festivals offered 11 days of jam-packed arts and activities. It was most definitely a wonderful celebration of art, festivities, music, food and wine. There are so many people in the community to thank for their efforts to make each event and the overall festivals a great success. Lee Huber and the Arts Council of Mansfield, as always, put in a great effort, as did Anne Mudge and the Mansfield District Hospital Auxiliary. There were many local sponsors, including the many venues who hosted events willingly, and of course there was the Mansfield and District — MAD — Orchestra. I attended the Mansfield art glass exhibition, festival opening, hospital auxiliary art show and street carnival. I was truly amazed by the torchlight parade and fireworks — a night of lights and sirens, with Mansfield streets ablaze and abuzz. I was thrilled to see Mansfield arts council founder Liz Bannister acknowledged with the council's first life membership — well deserved.

### Michelle and Stevie Payne

**Mr CARROLL** (Niddrie) — I rise to congratulate Niddrie's most famous constituent, Michelle Payne, on her history-making Melbourne Cup victory. The first woman to win the race that stops a nation — what an achievement!

Watched by millions and in front of more than 100 000 cheering fans, Michelle piloted Prince of Penzance to claim the 155th Melbourne Cup by half a length. Considered a long shot at 100 to 1 at the jump, Prince of Penzance left behind all fancied internationals and all favourites. It was a terrific race to watch, and Michelle's skill and strength shone through. She had started that day from barrier 1, which was a spot drawn by her loving brother and devoted strapper, Stevie. She took Prince of Penzance to the front in the main straight and stayed there.

What really struck me and millions of others was the amazing story of Michelle and her brother that emerged once the race had been won. Michelle's post-race interview epitomised Australian sport, when she said to everyone watching worldwide that anyone who thinks a woman is not good enough for group 1 racing 'can get stuffed'. In years to come Michelle's victory will be considered a game changer for women's sport. She is reported as saying in the online version of the *Age* of 4 November:

I'm so glad to win the Melbourne Cup and, hopefully, it will help female jockeys from now on to get more of a go. Because I believe that we sort of don't get enough of a go and hopefully this will help.

It was impossible not to be moved by the pride on Stevie's face, a man who had never been defined by his impairment, when he led a Melbourne Cup champion into the winners' circle. Finally, the horse Prince of Penzance himself deserves much praise as does the trainer, Darren Weir, from Berriwillock in the Mallee.

The 2015 Melbourne Cup is a genuine sporting fairytale. Michelle had dreamt about it since the age of 5, and at 30 she had done it. Well done, Michelle — a fitting win on behalf of a stable of determined dreamers.

### Michelle and Stevie Payne

**Ms STALEY** (Ripon) — The Melbourne Cup this year will be one for the history books and possibly the silver screen. Prince of Penzance, the 100 to 1 outsider, stormed home to claim the cup. This win was of particular importance to the promotion of regional racing and of special importance to Ripon.

The lead connection Sandy McGregor of Callawadda, the trainer Darren Weir's stables near Ascot, the strapper Stevie Payne from Miners Rest and not least the jockey, Michelle Payne, are all based in Ripon. I want particularly to pay tribute to Michelle Payne's winning ride and her now famous post-race comments that 'women can do anything and we can beat the world'. Firsts are important. Firsts for women change the possibilities for other women. Other brilliant female jockeys will get their group 1 chances now because of Michelle's win.

Country racing is an important contributor to the economic and social development of country Victoria. The industry delivers employment for trainers, breeders, jockeys and support staff. The undisputed training hub in country Victoria is Ballarat Turf Club near Ascot. Australia's leading trainer, Darren Weir, is based there, and the Cumani family is bringing their Australian training base there with over 50 other trainers.

The Ballarat Cup is on Saturday, 21 November. I urge everyone to get along and enjoy a premiere day of country racing.

### Shirley Cohen

**Ms WARD** (Eltham) — I wish to inform the house of and also lament the passing of the exceptional Shirley Cohen, not only one of my constituents and a

longstanding member of my Australian Labor Party branch in Eltham, but also a good friend.

Shirley was born Shirley Carter in Western Australia in 1926, and she was fortunate to have a loving and stimulating childhood. It was in Perth as a student that she met John Cohen at the Labor Club at university, forming what would be a lifelong partnership of great love and respect which would span over six decades.

Shirley was passionate about social justice, equality and education for all. She well understood the importance of education in improving lives and in offering opportunity. It was these passions which led her to a career in education and psychology. It also informed her commitment to the Labor Party as the best vehicle for making Australia a fairer and just country.

Shirley was a person of great intellect, kindness and affection, who would listen to your view on a topic and then in a few words persuade you of her point in the gentlest possible way, always with respect. Shirley was a woman of great kindness and patience; everyone who knew Shirley and John well understood the patience she demonstrated to her very energetic and enthusiastic husband. To me she was a good friend — always there with a loving and supportive word, a reassuring squeeze of the arm — as she was to a great many people. Throughout her 89 years Shirley did not waste one moment and clearly understood what gives life purpose — to love, often unconditionally.

Shirley will be sadly missed by her children, Rhonda, Roslyn and Keith; by their partners; by her grandchildren; and by many members of the Eltham branch of the ALP. We will all miss the wonderful Shirley Cohen.

## INAUGURAL SPEECHES

**The SPEAKER** — Order! Members will now make inaugural speeches in accordance with the resolution of the house. I remind members of the courtesies extended to members making inaugural speeches.

### Member for Polwarth

**Mr RIORDAN** (Polwarth) — I am honoured to stand in this grand Victorian Parliament today as a representative of the good people of Polwarth, a people who for 126 years have shown great faith in their elected members to represent the solid values of strong communities, viable farms and businesses, and as a member who is one of them.

I wish to thank the people of Polwarth for supporting my candidacy in what was a strong by-election process,

with eight candidates competing for their votes. I must also acknowledge and thank the dedicated and loyal support I received from the Liberal Party and its volunteer members and MPs, along with the many close and dear friends who supported me across the 12 500 square kilometres and 42 polling booths that comprise Polwarth. Speaker, I thank you also for the Queensland tan I now have, a result of four weeks of north-facing, shadeless early voting which my supporters and I endured. In particular I would like to thank my campaign team: Ian Pugh, Peter and Mary Hay, Joe McCracken, Bronwyn McKenzie, Gavin Brien, ‘Snag’ Smith, Bev McArthur and Norma Wells.

I wish to record the enormous support shown over many years by both my parents, Marg and Peter Riordan, who always knew that representing Polwarth was a dream of mine. Finally, but not least importantly, I must thank my incredibly patient wife, Catherine, who apart from having her own career is unquestionably manager of government business in the Riordan household. Catherine and I started this journey over 22 years ago, when we met at university at a Young Liberals event. In this year of our 20th wedding anniversary, having raised our four children, Alex, Edward, Millie and Lucy, and having been heavily involved in our community, we begin a new journey representing our community at a different but vitally important level.

I cannot begin to tell this 58th Parliament of the wonders and secrets of Polwarth without first acknowledging the significant contributions of my 12 predecessors over these past 126 years. Most significantly I wish to place on the record my gratitude to my immediate predecessor, the Honourable Terry Mulder. Terry has set a high benchmark, and I note that in 1999, when giving his maiden speech, Terry drew the house’s attention to the significant challenge of a 7 per cent unemployment rate, which at that time was below the state average. After 16 years, with the last 4 in government, Terry’s legacy is a 1.3 per cent unemployment rate. This low jobless rate is not only the lowest in Victoria but also Australia. It is a benchmark for which Terry and the people of Polwarth can be justly proud.

Like all my Polwarth predecessors, I come to this place today with a small business and a farming background. I come to this place having worked long and hard for 20 years in my own family business, employing locals and servicing the entire electorate. While I was born and bred and educated in Polwarth, I have also raised my own family in this vibrant rural community over the past 16 years. I have served my community on local hospital and catchment management boards under both

Liberal and Labor governments. I have worked on a variety of school and sporting communities, and I have involved myself in local and regional issues. I can confidently say that I understand the daily pressures on small business and farmers, who are not only the backbone of a Polwarth economy but of our state as a whole. I also understand the need for accessible and quality health and educational opportunities.

State government affects all our lives: how we live through planning, the safety we expect from our law and order system and how we travel on roads and rail. It is the level of government that best deals with the real concerns of day-to-day living. Our schools, our hospitals, our land and our environment are all affected by the decisions we make in this house. It is the ability of state government to make a difference that has energised me to be in this place today.

Opportunity is the one word that best describes the Polwarth of the past and the Polwarth of the future. My own family's Polwarth stories are ones that have been repeated since the mid-1800s. They are stories of enterprise and risk-taking, wealth generation and thrift, times of plenty and times of struggle. The have-a-go mentality has prevailed, combined with a strong work ethic, while always endeavouring to leave a proud legacy for their children and grandchildren.

My father's maternal grandfather is an obvious example. As a young Englishman he came to Australia, and more specifically to Polwarth, for a new start and a better life. He established himself well and was actively involved in the community. Like his great-grandson 108 years later, W. T. Parker was involved in farming, education and the environment. He was by today's standards a man ahead of his time. The only difference was that when he stood for the seat of Polwarth in 1907 it was as a socialist for the Labor Party. He was unsuccessful. While we may not have agreed on ideas, such as nationalising assets and the need for a pork board, we can agree that as a father he must have excelled, as his children, grandchildren and great-grandchildren have been industrious and successful throughout the Polwarth electorate.

The opportunity that exists in Polwarth is due to the stunning environment we have inherited. Over 5 million domestic and international visitors choose to visit my electorate every year. They come to Polwarth because they can start their drive along the Great Ocean Road, visiting such iconic places as Anglesea, Aireys Inlet, Lorne, Apollo Bay and the wonders of Port Campbell and Peterborough. The return trip to Melbourne can be had in a variety of ways: a rainforest journey through the Otways and its small towns, like

Gellibrand, Forrest and Birregurra; or through Australia's most valuable dairy districts of Timboon, Cobden, Terang, Noorat, Camperdown and Colac. But that is not all. A visitor can travel north across the world's second-largest volcanic plain, with its lakes, craters and fertile soil providing wealth from grains and sheep and beef grazing.

Mount Elephant sits like a beacon across the Western District, leading travellers to and from Mortlake, Derrinallum, Lismore and Skipton, which was the home of our famous former Premier, Sir Henry Bolte. After passing through the attractive town of Inverleigh, the trip might end at Bannockburn, the old and growing town near Geelong.

Polwarth is also rich in enterprise and productivity. It is home to essential food and fibre industries, and its green grass produces much of Australia's ice-cream, yoghurt and milk.

The timber industry continues to provide the materials needed to build houses across Australia, with our largest operator, AKD Softwoods, winning local and national awards for excellence.

New value-added food industries have developed, like Irrewarra Bakery, along with niche agricultural innovators such as Total Livestock Genetics at Glenormiston. The Australian Lamb Company in Colac can process over 45 000 sheep a week for domestic and international customers and provides employment for over 400 people.

Needless to say, our growing tourism industry is driven by characters and risk-takers such as award-winning operators Dan Hunter at Brae and Kosta and Pam Talimanidis of Lorne and Aireys Inlet, all of whom have heavily invested in this coming summer season to provide a world's best experience for visitors and locals alike. It is all these varied industries that add to the diversification and employment pool we are so lucky to have in Polwarth.

Polwarth is an electorate of opportunity and hope. I want to grow the opportunities in conjunction with our innovative entrepreneurs, farmers and educators. Naturally I believe in the philosophy that the role of government should largely involve providing the infrastructure and services which the private sector cannot. It should set the framework for growth and enterprise, but should not pick winners, intervene unnecessarily, tax and regulate to a level that restricts productive activity, kills off incentive and stifles innovation.

Education policy is a vital tool in the opportunity stakes. How we fund education, how we provide world's best practice teaching, how we raise the bar for the majority and how we deliver innovative, cost-effective outcomes for the taxpayer and student alike are the issues we need to address.

Our rural communities cannot offer the choices and resources available to their city cousins, so we must do more to provide future generations with the resources to enable a skilled regional workforce that can advance society and the nation. How we do education now will not be what is required in the future.

Likewise transport and roads policy will require a visionary and imaginative approach. If we are ever to combat the infrastructure deficit, our focus needs to move from potholes and lower speed limits to the construction of infrastructure that can service larger and heavier vehicles transporting ever larger and heavier loads. It should be about how we can more efficiently and cost effectively move our goods, services, tourists and people around.

Increasing technology has many advantages for rural communities in health provision, but sadly many of the ailments our communities face today cannot be solved with technology alone. Issues around mental health, ice and dementia mean that rural communities must remain on guard to ensure that they have the capacity to service and care for their communities in their communities.

With an electorate as attractive as Polwarth, located so close to Melbourne, the dilemma of lifestyle versus the right to farm will become an ever more pressing issue. As city dwellers seek a change of lifestyle and farmers seek to be more intensive and productive, natural areas of conflict will arise. We must take care in this place to ensure that we do not prioritise city lifestyle expectations over the needs of hardworking, productive rural industries.

I acknowledge that industrial relations is a federal issue, but the state must ensure that its policies and programs do not impinge unnecessarily on small business and farmers, who are at the heart of the productive capacity of Polwarth. We have to remain focused on rewarding effort in the workplace and encouraging flexibility in order to fill the growing vacancies we have in our critical industries.

As a member of state Parliament, I support our three tiers of government. I am a federalist. I want the three levels of government to stay focused on their traditional roles. We will never change the whims of a federal Parliament, but we can assist local government in

staying focused on what are its core responsibilities. I believe it is time for a review of local government. Ratepayers expect transparent and accountable local government that delivers value for money. Local government rates and charges should not be used by the state as a form of cost shift funding and an extra source of taxation.

To be the new member for Polwarth is a privilege. It is a great electorate; I have lived, breathed and loved it all my life. I will leave no stone unturned to ensure that it is an even greater electorate in the years to come.

*Honourable members applauded.*

### **Member for South-West Coast**

**Ms BRITNELL** (South-West Coast) — Speaker, it is an honour to rise to my feet for the first time in this place as the member for South-West Coast. Honourable members, it is a privilege to join you in this magnificent chamber as I seek to further my contribution to my region and to this great state in which we live.

I grew up in the south-west and married my husband, Glenn, who is smiling at me from the gallery today. We raised four beautiful children and began a dairy farming business 15 years ago. When Glenn and I started farming we were supported and embraced by the farming community. Through their encouragement I saw the potential that collectively our region could contribute far more than what we have. There is a great history of dairy farmers working together in the south-west. In 1834, one year before Melbourne was settled, the Henty brothers arrived in Portland with dairy cows. It was not long before many families were selling milk and cream, and the iconic Warrnambool Cheese and Butter company was established in 1888 — only about 30 years later than the first members met here in this great institution.

The commitment, drive and collaboration of the farming community inspired me to take an active and broader role as an advocate in the region. Agriculture is not the be-all and end-all by far, but it is the lifeblood of our region's prosperity. My life as a dairy farmer and as a nurse presented me with opportunities that I have shared with my children and other young people in my community. There is untapped potential and opportunity, and in this role I will seek to foster it, encourage it and fight for it. Make no mistake, I will be a committed and passionate voice for the community of South-West Coast, and I look forward to broadening and fostering this further and ensuring that all sectors have my understanding and representation.

I would not be standing here today without the support of so many people. But first, I would not be standing here at all without the support of the Liberal Party. To thank all those who have encouraged and supported me would be impossible. Rather than trying to thank them, I will offer my most sincere commitment to work hard as my way of saying thank you.

The great contribution of volunteer organisations, in particular the Liberal Party, is to support representatives like me to promote our values and be the voice for delivering those values into policy outcomes for our region and for Victoria.

The first person I want to name is my husband, Glenn — always there for me as my steadying influence. And in hard times, Glenn, I know I can always rely on you. I thank my three sons and their wives and partners for their support and assistance, particularly during their youth. In a way, we all grew up on the farm. Yes, they were younger than me, but it was a business that we grew up with together. I thank my daughter, who is beyond her years and already a support and friend. I thank my sister Kate, my brothers, my mother and my father, Jim — and express thanks in memory of my deceased father, Tom, who probably started all this and who, I know, still has a great influence over me.

I have been fortunate in life to have been embraced by many families, as I call them — first the dairy family and then the Aboriginal community of Framlingham, then the Nuffield family and now the Liberal family. My Liberal Party members and supporters in South-West Coast are outstanding individuals who have got behind me and in every way possible assisted me. There is no greater humility than to be supported as I have been. I promise I will repay that support.

Can I particularly thank the former Premier and long-term member the Honourable Denis Napthine, who has been an outstanding representative for our region for more than one-quarter of a century. Denis has encouraged and supported me, and I will endeavour to do the job in a manner that respects and builds on his legacy.

There are many people I will thank in person, but before I do, can I acknowledge the Liberal Party volunteers who gave up their time for me. There is something amazing about the contribution of individuals with longstanding Liberal Party values who are prepared to give their time in support of Western democratic traditions. Today can I single out a few: Leigh Allen and his electorate committee, Hazel and Gordon McKinnon, Dan Tehan, David O'Connell, Jim

Dwyer, Glenys and Bill Philpot, Paul Price, Kim Fitzgerald, Joy and Geoff Howley, Louise Staley, Peter Fisher, Ros Saunders, Anita Rank, Josh Morris and Margaret Couttie.

I have been believed in, and that has given me the courage to step up to roles that have challenged me, but I did not back down, because of the support around me. It is that same encouragement I have been given that I will bring to this region in my role. I will be the voice that believes in the people of the south-west to ensure that our region gets its share of support and resources to set foundations for the people of the south-west to grow upon.

My strong agricultural experience does not limit my understanding of the importance of the social, economic and community fabric of our towns and cities to the region. There is an intrinsic link between our towns and the country, and I get this. Our hospitals, schools and businesses in town all do well when the country is doing well.

In the south-west our natural environment is our greatest asset. Over the next 50 years the world has to grow more food than we have grown in the last 500 years. The challenge is enormous, and in western Victoria we can be a leader in producing quality value-added products, sought after by the burgeoning markets so close to our doorstep. Our towns in South-West Coast will need to grow to support this opportunity, and this is where we will need the infrastructure to support our growth. We will need more of our children job ready. Our educators will be integral to our success. Our products will need to get to market efficiently. We will need electricians, stainless steel welders, information technology experts, robotics specialists, accountants, agronomists and more.

This opportunity will pass us by if we do not grasp it. It will not land at our feet. We as a region need a policy framework to embrace it. Australia produces only 1 per cent of the world's food needs. When you think of niche, think that is what we are — a niche producer on a county level. Niche is good, because quality is what we have and value-adding is our opportunity.

We are not alone in looking to seize this opportunity.

We will need innovation, education, collaboration, agility and strength of character to maximise the potential return, not just for us as farmers but for the entire community that can prosper from the incredible opportunity that is presented to us. There are plenty of young minds wanting to succeed, and I will be an advocate who ensures that South-West Coast people

believe in themselves and have the right environment around them for their businesses to flourish.

My challenge will be to compete and collaborate with the metropolitan community.

Victoria is a global success story and has been for more than 150 years. Gold, agriculture, manufacturing, multiculturalism and innovation have defined our success. Our challenge is to build on our strengths and to be nimble to the opportunities, not to rest on our laurels but to be proud and embrace our history whilst pursuing the new potential and prosperity that the south-west of Victoria will be a leader in. Thank you.

*Honourable members applauded.*

## STATE TAXATION ACTS FURTHER AMENDMENT BILL 2015

*Second reading*

**Debate resumed from 11 November; motion of Mr PALLAS (Treasurer).**

**Mr M. O'BRIEN** (Malvern) — I am pleased to resume my contribution to the debate on the State Taxation Acts Further Amendment Bill 2015. I think we had covered off the important issue of redefining cattle to include bison in the Duties Act 2000. I think I was just leaving off from the discussion of the amendments to the Payroll Tax Act 2007 in relation to updating definitions so that apprentices and trainees who are engaged receive the benefit of the payroll tax exemptions that are available to their employers. I know that some members on the other side were getting very excited about various facts being put on the table in relation to jobs and job creation. We will see what the situation is at 11.30 a.m. today when we find out what the latest Australian Bureau of Statistics (ABS) labour force statistics are for Victoria and indeed for the rest of the country.

Just to reiterate, in the period from December 2010 to December 2014, the ABS said that Victoria produced more new jobs than any other state in the country. Since the change of government in December 2014, when the Andrews government was sworn in — it is a matter of disappointment and I take no delight in noting it — Victoria has lost 7800 full-time jobs. This is in contrast to New South Wales, where, under Premier Mike Baird and his Liberal government and Liberal leadership, that state has put on 84 000 new full-time jobs in the same period. That tells you a lot about the difference in policies. Mike Baird is not creating new public holidays. Mike Baird is not wasting over \$850 million

to not build infrastructure. Mike Baird is actually getting on with it and not just using the words as a dumb slogan. The contrast there between results versus spin could not be greater.

I turn now to other aspects of this bill. The bill seeks to amend the Valuation of Land Act 1960. One of the amendments is to permit the valuer-general to accept a late nomination from a council to be a valuation authority in its municipal district. I think this is a sensible amendment. While we would encourage councils to meet the time lines that are set down for them to make a determination — whether they will undertake their own valuations or whether they will wish to have the valuer-general do it for them — there may be certain circumstances in which a council may be required to come to that decision later than the legislation currently prescribes. In such circumstances the opposition does not take issue with the valuer-general having the discretion — and it should be the valuer-general's discretion — to accept a late nomination from a municipal council in relation to the nomination of a valuation authority.

There are also changes in this bill to change the return date for general valuations from 30 June to 30 April. The reason put forward by the government for this change is that currently best practice requires that councils must provide their general valuations by 30 April, but the law only requires them to provide them by 30 June. Given that councils are now required to bring down their budgets by 30 June, it would seem to have some level of sense that if the budgets have to be handed down by 30 June, then councils would need to have the valuations in by a time prior to that. This is given the effect that valuations have not just for land tax purposes for the state government but also for the rate base in relation to municipal councils. While this is bringing forward the requirements on councils and imposing an additional obligation on them to have those general valuations returned two months earlier, in the circumstances this does not seem to be an unreasonable proposition.

I do note and welcome the fact that the government is not seeking to impose this new obligation on councils for the biennial rates cycle commencing in 2016 and that, rather, this will apply from the 2018 land valuation cycle. We think it is appropriate, given that it is shortening the time that councils will have, that councils be given the opportunity to fully adjust to the new timing requirements the government is seeking to impose upon them and that they have that additional two years in which to transition to the new legislative requirements.

The bill also seeks to make amendments in relation to supplementary valuations. There are a number of effects of the proposal. Certainly one of the effects of the proposal is to ensure that supplementary valuations that have been undertaken can be passed on to the State Revenue Office (SRO). My understanding is that it has been the practice that supplementary valuations have been passed on to the SRO for the purpose of assessing the taxation obligations of the landholder and that that has been the longstanding practice of the valuer-general and the SRO. However, we were advised at the bill briefing that there may be a technical flaw in that practice in that, while general valuations are required to be certified by the Minister for Planning, supplementary valuations are not so required to be certified, and it is that certification which provides the legal basis for the transmission of those supplementary valuations to the State Revenue Office.

In these circumstances it would seem that — while it may be a technical oversight, where the practice perhaps better reflects what people's expectations would be of the tax system, rather than the letter of the law — the government, in this bill, is seeking to fix that defect and to do so with retrospective effect in order to, using the words of the explanatory memorandum, 'validate supplementary valuations provided to', effectively, 'the State Revenue Office relating to the 2012 valuation cycle and 2014 valuation cycle'. In these circumstances it is hard to argue that any taxpayer would be unfairly disadvantaged by these changes to validate what has been a widely accepted practice of the valuer-general and the State Revenue Office. On this basis, the coalition parties do not demur.

The bill also seeks, in relation to supplementary valuations, to enable them to be made in certain additional circumstances. In circumstances where land moves from being rateable to non-rateable there have been some questions as to whether the current legislation permits supplementary valuations to be made. I think it is a fair principle that where land changes in its legal character the taxation obligation should reflect the new characterisation — so if land moves from rateable to non-rateable, for example, then a supplementary valuation in those circumstances is appropriate so that the right level of taxation should be paid. This may in some circumstances benefit taxpayers, and in some circumstances it may benefit entities that collect taxation or rates, but I think the principle that land should be taxed in accordance with its usage and in accordance with the relevant law is a fair one. We believe that taxation law should reflect modern practice rather than what may potentially have happened historically, and again in these circumstances

it is difficult to see that there could be any real concerns raised in terms of the equity of such a move.

While this is in large respects a technical bill, I have sought feedback from different interested stakeholders, including council bodies, the property council, accounting bodies, valuation bodies and general industry bodies. As I think I indicated in my remarks last night, I was not exactly knocked down in the rush in terms of a response. I trust that all those organisations that I had correspondence with are diligent, and I therefore trust that if there are any major concerns, they would be raised with me. I should note that the Property Council of Australia did raise an issue with me, but I have had discussions with it and have subsequently been advised that its concerns have been dealt with following a briefing with the State Revenue Office. I commend the SRO for its willingness to work and engage with stakeholders in relation to these sorts of matters.

It is probably no surprise that taxpayers can get very nervous whenever they see changes to tax law. They do wonder what the intent is behind it, what the purpose of it is, how it is going to affect them and whether it could have an adverse impact on them, because taxation is obviously one of those significant imposts that does affect individuals and does affect businesses. So I think it is important that the SRO and indeed the government respond openly and transparently to concerns that are raised by stakeholders when taxation amendments are proposed. This is a good example of where concerns were raised, by one stakeholder. From the bill briefing I had — and I thank the Treasurer's office for facilitating that; it is always very helpful to make sure that questions can be put and answered — my understanding was that these concerns were not likely to be borne out. It is pleasing that the SRO was able to persuade the stakeholders that in fact their concerns were misplaced, and that of course leads to everyone having a lot more confidence in the provisions proposed in the legislation.

This is not a bill that the opposition will oppose. Obviously there are technical amendments involved, and not having the benefit of having had all the advice the government has had on these matters, and given that it involves technical amendments, we believe that a not-oppose position is perhaps more appropriate than outright support. We certainly think the measures contained in this bill do seem reasonable, proportionate and equitable. On that basis the opposition does not oppose the bill and expects it to be put into place and to refine, reform and improve, in a very minor way, Victoria's taxation laws.

**Mr PEARSON** (Essendon) — I am delighted to make a brief contribution to the State Taxation Acts Further Amendment Bill 2015. As the member for Malvern has indicated, this bill is fairly technical in nature and scope. It is about making sure that we maintain best practice for our tax administration system. It is very important that we do so because any government or administration has to pay for the things it promises. We are somewhat vulnerable as a state because for the 2014–15 financial year, which is the most recent financial year, total grants from the commonwealth were equivalent to \$24.584 billion, yet state taxation was \$18.274 billion, so we need to make sure that we have a strong taxation system in place to pay for the things that we promise.

Part of this is about making sure that we have the right policy settings in place to ensure people are well employed so that they can continue to support the taxation system. The member for Malvern in his contribution bandied around various figures. It is interesting to note that at the time of the last election the seasonally adjusted unemployment rate in Victoria was 6.7 per cent. The most recent figure in Victoria is now 6.2 per cent. The member for Malvern also talked about a reduction in full-time jobs, but the reality is that the number of unemployed Victorians at the time of the last election was 208 444 people, and in September of this year it was 194 206 people. The reality is that the number of people who are unemployed has decreased and the number of people who are gainfully employed under this government has increased. This is borne out in part by the fact that state final demand in this state for the 2015 calendar year is predicted to be 2.6 per cent, which is the highest in the nation. When the member for Malvern was the Treasurer of this state the unemployment rate increased from 5.7 per cent to 6.7 per cent. That is the record that he had when he was Treasurer of this state. Bills like this are incredibly important. We want to have the right settings in place to make sure that we do not have a degradation of the taxation amounts that the state receives as a consequence of various policy changes.

I note that the member for Malvern also indicated to the house on 20 October that there were 98 784 full-time jobs created over 15 months, and he claimed that that happened under the coalition government. But it is interesting to note that the actual time period was from October 2009 to January 2011, so of those 15 months, 12 were when John Brumby was Premier of this state.

The member for Malvern also made a number of comments about the Back to Work initiative of this government. I note in relation to the Back to Work program that we are trying to make incentive payments

for the young and long-term unemployed of \$100 million over two years. I worked in a successful small business for 15 years. If I was looking at trying to employ someone, having a cash payment to employ someone would be a welcome initiative. I note, however, that the former government's election commitment in 2014 as part of its youth employment strategy was to provide vouchers for up to 10 000 eligible participants per year. Having worked in small business, if I had a choice between cash and a voucher, I would take cash any day of the week. That is the record of the member for Malvern.

**Mr M. O'Brien** interjected.

**Mr PEARSON** — When members on this side of the house are in government we are very good at growing the economy. We provide real growth and real employment opportunities for our young people. The member for Malvern was front and centre in the most dysfunctional and useless government in Victorian history. He did not have a cameo role; he was front and centre. He should hang his head in shame for his conduct and behaviour when he was Treasurer of the state. Bills like this are important because through them we make sure that we have a very strong taxation system in place so that we can get on with the job of delivering the things that we said we would deliver. I commend the bill to the house.

**Business interrupted under sessional orders.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I welcome to the gallery Steven Marshall, the Leader of the Liberal Party and Leader of the Opposition in South Australia. Welcome to the Victorian Parliament.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### East–west link

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. In relation to scrapping the east–west link, the Premier said on 15 April this year that his government had capped the state's liability to \$339 million, so I ask: why did he make this unequivocal statement when he knew his government had been incurring additional financial losses on top of this \$339 million figure?

**Mr ANDREWS** (Premier) — I am very grateful to the Leader of the Opposition for asking pretty much the same question others were asking yesterday. I thought

they got dispatched pretty well by my honourable friend the Treasurer yesterday, but they are back for more — who knew what and when and who said what and when! Did those opposite, any of them, say in the cabinet meeting, ‘Why did you sign the side letter?’

*Honourable members interjecting.*

**Mr Guy** — On a point of order, Speaker, on relevance, I know the Premier has had now 30 seconds in which he has not answered a simple question. Why was he misleading Victorians on 15 April? Why did he mislead Victorians? He knew the figure was incurring more, why did he mislead Victorians?

**The SPEAKER** — Order! There is no point of order.

**Mr ANDREWS** — As with so many things, the Leader of the Opposition is completely wrong.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition asked a question, the Premier should be entitled to silence.

**Mr ANDREWS** — Every dollar you spend on this project, you get 45 cents back. A dud. A dog; a dud and a dog. That is what it was. And let us never forget that those opposite — —

*Honourable members interjecting.*

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

**Mr ANDREWS** — There were some back in 2010 who said they would never build the east–west link.

**Mr Guy** — On a point of order, Speaker, on relevance again, it was a simple question. Why did the Premier make a statement that he knew was wrong? It is a simple question. I ask you to bring him back to it.

**The SPEAKER** — Order! The Premier, to come back to answering the question.

**Mr ANDREWS** — The Leader of the Opposition can make all the assertion he wants, he is simply wrong.

*Honourable members interjecting.*

**Mr ANDREWS** — The Leader of the Opposition, Captain Integrity over there, who apparently has not — —

*Honourable members interjecting.*

**Mr ANDREWS** — No, no — the expert on all matters. Captain Integrity:

The bond agreement, along with the swap arrangement, will be managed by Treasury Corporation Victoria.

That is the media release. Apparently the Leader of the Opposition, having supported this dog of a project and the dodgy planning scheme that he approved underneath it, would come into this place making accusations and holding people to a standard, and he has not even read the media release.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte and the member for Hawthorn!

**Mr ANDREWS** — I reject his assertion, and I most certainly reject his approach to infrastructure, which is to put forward dodgy business cases, to deceive the people of Victoria and to invest in road projects that do not stack up and in fact could make congestion worse. We all, along with the people of Victoria, reject that approach.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — The Premier further told Victorians on 15 April that the \$339 million figure:

... settles the matter.

This terminates the project and terminates the relationship in these terms and not a dollar more.

I ask the Premier: given what has come around in the last two days, will he guarantee that not a dollar more is to be paid?

**Mr ANDREWS** (Premier) — Again the assertions and the allegations — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier to continue in silence.

**Mr ANDREWS** — We are invited to take a lecture by people who — —

*Honourable members interjecting.*

**Mr ANDREWS** — They are all a little bit touchy about this subject. Do you know why? Because they backed up the truck and they paid everyone — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Opposition and government members! The Premier will resume his seat.

**Mr Guy** — On a point of order, Speaker, on relevance again. There are no assertions — the Premier's words were: not a dollar more. I have asked a question which was very clear: will he guarantee that not a dollar more is to be paid? It is a simple question. I ask you to bring him back to it.

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

**Mr ANDREWS** — Those opposite backed up the truck, and they paid out everyone they possibly could. They were afraid of the Victorian people because they knew this project did not stack up. That is one reason they are sitting over there.

### **Ministers statements: apprentice vehicle registration concession**

**Mr ANDREWS** (Premier) — I am delighted to be able to inform the house that we are delivering in full to halve the registration costs for our tradie apprentices, who are central to the competitiveness of our economy. This was a key commitment we made at the election last year, and true to our word and true to our bond, as with all things, we are delivering in full to the people of Victoria.

I can inform the house that eligible apprentices can apply to have the cost cut in half when they renew their vehicle registration next year. Those applications will be open next week. We estimate some 20 000 apprentice plumbers, electricians, carpenters and others who have a ute or a van or another vehicle central to their training and their occupation will be eligible for this saving — a saving that is up to around \$385 per year. That is a strong investment. It is money back in their pockets, and it is looking after them so that they can complete their training, get their ticket and be part of a productive and innovative future in our state.

We have to acknowledge that apprentice wages are quite low, and there are some who probably do not think \$385 is a great amount of money, but I know from talking to many apprentices in the development of this policy and in its delivery that that is a significant investment.

*Honourable members interjecting.*

**Mr ANDREWS** — And despite the arrogant interjections from those opposite, it will be welcomed, and it has been welcomed, by many apprentices across our state. This of course comes alongside a massive boost in funding for our TAFE sector repairing the damage done by the former government in gutting TAFE and compromising the future of so many young people. This was an important promise to make, and it is an important one to keep as well.

### **East–west link**

**Mr M. O'BRIEN** (Malvern) — My question is to the Treasurer. Yesterday in question time the Treasurer said he had informed Victorians about the more than \$200 million in costs for the east–west link interest rate swaps through a press release in April. Noting that the only part of the press release relating to interest rate swaps says, 'All rates, fees, swaps and obligations related to the credit facility will now be worked through between the financiers and the state', I ask the Treasurer: which part of this press release disclosed to Victorians that they would be up for a further \$217 million in costs?

**Mr PALLAS** (Treasurer) — I thank the member for Malvern for his question. Every day that the member for Malvern reminds Victorians of the hypocrisy and the bastardry the former government inflicted on Victorians is a day that gives us a great opportunity to talk about what it did to Victorians.

In the April media release we highlighted the existence of the swaps and the fact that those matters would need to be worked through. At a press conference in April with the Premier, the Premier in fact was asked about the existence of the swaps, and he went to great lengths to explain that these matters were being managed by Treasury Corporation of Victoria (TCV). That is exactly what we said in the June media release, which reinforced that TCV was taking responsibility — that the swap arrangements will be managed by TCV. That gives members a clear idea that we are managing the matter.

**Mr M. O'Brien** — On a point of order, Speaker, on a matter of relevance, the question related to where in this press release the \$217 million extra cost he has lumbered Victorians with is disclosed. The Treasurer has not turned his answer to that one iota.

**Mr Pakula** — On the point of order, Speaker, this is all very unbecoming. You have got the member for Malvern and the Leader of the Opposition both showing off to the South Australian opposition leader —

*Honourable members interjecting.*

**Mr Pakula** — It won't be up to him, boys. It won't be up to him.

**The SPEAKER** — Order! The Attorney-General will come back to making a point of order.

**Mr Andrews** interjected.

**Mr Pakula** — That's right. He said, 'Vote Labor'. He had it right.

The Treasurer is answering the member for Malvern's question in great detail. He is not just going through the media release but also referring to a press conference that accompanied it, and for the member for Malvern to talk about disclosure after his refusal to release the side letter — —

**The SPEAKER** — Order! The Attorney-General will resume his seat.

**Mr Guy** interjected.

**The SPEAKER** — Order! Engaging with the gallery is very disorderly. The Treasurer will continue. There is no point of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Planning is warned.

**Mr PALLAS** — Nobody wants the Leader of the Opposition's job. He will be the last man standing. We made it clear that these matters would be worked through positively, diligently and openly. There were no secret side letters with his government. It is all on the public record. We take absolute pride in the fact that as a government we honoured the promise that we made to Victorians.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Malvern asked the question; he will stay silent.

**Mr PALLAS** — We are even able to work out how budgets operate, unlike the member for Malvern, who puffed his chest up yesterday and said they never delivered a negative budget, but of course we now know they delivered a deficit of \$300 million-plus — —

**An honourable member** — The master chef from Tarneit!

**The SPEAKER** — Order! The member for Tarneit is in the chair, and the Chair will not take responsibility for the Treasurer.

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

**The SPEAKER** — Order! The Treasurer will come back to the question.

**Mr PALLAS** — It has taken a very diligent effort on the part of this government to extract itself from the mess and the misleading behaviour of those opposite. Victorians know what a quagmire it was. Victorians voted for the action that this government has taken. We of course have been entirely transparent. When those opposite stand to give us a lecture about openness and accountability, you have got to know that their insufferable arrogance gives them not one shred of introspection.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte should allow the member for Malvern to ask a supplementary question.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Police is disorderly. I warn him.

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) — Given the Treasurer yesterday told Neil Mitchell that the \$217 million figure 'might get worse', what advice has he received from Treasury as to how much worse it might get?

**Mr PALLAS** (Treasurer) — The advice that I have received from Treasury is that the actions of the previous government have put the state of Victoria in the position that it finds itself in. Might I say, the member for Malvern is known as 'Windscreen' because he shatters all over Victorians. His arrogance — —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, this is a very straightforward question about how much worse the financial situation might get for Victorians. Victorians are entitled to an answer rather than the Treasurer debating the issue, and I ask you to bring him back to answering it.

**The SPEAKER** — Order! I do not uphold the point of order, but the Treasurer will be more direct and use the last 34 seconds to respond.

**Mr PALLAS** — We released the business case and all the dodgy side letters that went on to show Victorians exactly what they have been signed up to. I am not going to explain to the member for Malvern how swaps operate, but of course when you convert a floating liability to a fixed liability the state of Victoria ultimately has to acknowledge that they can go up and they can go down. That is just a fact of economic life — something that seems to have been lost on those opposite.

### Ministers statements: apprenticeships

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I rise today to update the house on the work this government is doing to deliver a pipeline of apprentices for the suite of infrastructure projects the Andrews Labor government is undertaking. I wish to echo the sentiments of the Premier this morning — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for South Barwon.

**Mr DONNELLAN** — I inform the house that our apprentices will be working on projects like the CityLink-Tullamarine Freeway widening; the Thompsons Road duplication; bridge strengthening for freight, which I know is so popular over the other side; the West Gate distributor, stage 1; the Chandler Highway and many more.

While spending on infrastructure stalled for four years, the construction industry suffered in Victoria. Victoria was very much the land that time forgot. We stood still; we were like a wasteland of Australian politics. This government is supporting the skills of the next generation of Victorian workers because there is so much work to do. Unlike the other lot, we will not be signing a dodgy side letter, we will not be investing in returns in projects that deliver 45 cents for every dollar — —

**Mr Hodgett** — On a point of order, Speaker, I draw your attention to sessional order 7, whereby the minister should be advising the house of new government initiatives, projects and achievements. The minister is departing from that and debating his statement. I ask you to bring him back to his ministerial statement or sit him down.

**Ms Allan** — On the point of order, Speaker, I urge you to reject the point of order that has been raised, because the minister very clearly spent most of the previous minute referring to a whole range of initiatives and new actions being undertaken by the minister in his portfolio. In outlining those new actions, he is also entitled to talk about things that have been rejected in considering the new actions that the government is taking, and it is entirely in the spirit of sessional order 7, which of course those opposite opposed.

**The SPEAKER** — Order! The Chair has heard sufficient in the setting of a framework. I ask the minister to come back to making a statement.

**Mr DONNELLAN** — We have a very strong vision, a very strong intent to get on with the job after four years of standing still. Whether it be requiring that there be 10 per cent apprentices on every major project or ensuring that up to 20 000 apprentices who are undertaking construction apprenticeships have access to a 50 per cent discount on their registration, we are putting money back into their pockets.

We are not focused on one individual project, not like the *Good Government for Victoria* report, which highlighted the lack of vision of those on the other side, that they could not move on and the serious concerns that the Liberal Party got stuck on one project and could not even deliver it after four years — four long years, and it could not get the job done.

### East–west link

**Mr PAYNTER** (Bass) — My question is to the Treasurer. The Treasury Corporation of Victoria annual report reveals a cost of \$217 million to 30 June in relation to the guarantee for a \$3 billion credit facility. Given that the \$217 million is a cost — that is, an expense; that is, it is gone — I ask: how does the Treasurer propose to use this money in the future as a financial facility for other projects, as he said yesterday?

**Mr PALLAS** (Treasurer) — I thank the member for Bass for his question. Might I say I thought his suit was sharper than his question.

When the state acquires the capacity for a swap, we also acquire the liability that attaches to it. In acquiring that liability we will of course look to repurpose the capacity for that facility into other appropriate projects. There is no certainty where the swaps will ultimately land in terms of variable pricing, but we know as an absolute fact that this liability and all other liabilities could have been avoided if those opposite had simply

done what we had urged them to do before the last election: accept the judgement of the people of Victoria. Those opposite refused to accept that judgement, so let us not be under any misapprehension: any liability, any cost, is borne by them.

**Mr Clark** — On a point of order, Speaker, the Treasurer is now debating the issue. If he has more to say, he should say it in answer to the question and not debate the subject.

**The SPEAKER** — Order! The Treasurer has concluded his answer.

*Supplementary question*

**Mr PAYNTER** (Bass) — I will take the Treasurer's answer to the previous question as unresponsive, so I will make this question a bit simpler. Given that the Treasurer's initial reassurance that the financial risks on the project will be 'negligible', despite it already costing \$217 million and the Treasurer now admitting that it may in fact cost more, can the Treasurer inform the house what his definition of 'negligible' is?

**Mr PALLAS** (Treasurer) — I have been asked to give a definition of 'negligible': the member for Bass's contribution to public debate. How is that? That is a good start!

The whole point of swaps is that they do in fact move around based on the variable pricing in international global interest rates. The original cost of the swaps, as we said initially, was about \$191 million. It has moved to \$217 million. It will move backward and forward. Of course, it can be repurposed to an appropriate facility should the state choose to apply it that way. But one thing that we cannot apply to a useful purpose is those opposite.

**Ministers statements: east–west link**

**Mr PALLAS** (Treasurer) — I rise to advise the house of recent information that I have received from my department which I think will come as a great concern to all Victorians. We do know as a matter of fact that under the previous government there was a secret side letter that caused great grief and great cost to the people of Victoria.

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 7, which, as we have covered before, relates to advising the house of new government initiatives, projects and achievements. The Treasurer indicated in opening his statement that he was intending to provide further information. So far that is all he has done. He needs to relate his remarks to

new government initiatives, projects and achievements. Simply providing information to the house does not comply with sessional order 7.

**Mr Pakula** — On the point of order, Speaker, the Treasurer has been going for a little over 30 seconds, and I have no doubt that he is about to provide the house with information on a new government initiative — and if the members opposite just clear out their ears and wait, they will hear about it.

**The SPEAKER** — Order! I accept the advice given by the Attorney-General on the point of order. The Treasurer is about to provide new information on government initiatives. The Treasurer will do that.

**Mr PALLAS** — I have received a brief from my department that today advises me about a side agreement — a secret side agreement — that was struck between the previous government and the federal government. This agreement was in regard to the east–west link agreement and departed from the national partnership agreement that the former Premier signed. The advice I have received is that the east–west link — —

**Mr Clark** — On a point of order, Speaker, I renew my point of order. The Treasurer has not commenced to provide the house with information about new government initiatives, projects and achievements. If he wishes to inform the house about advice he has received, he has numerous other opportunities to do so. He needs to comply with sessional order 7, and I ask you to bring him back to it.

**Ms Allan** — On the point of order, Speaker, I can understand again — as we saw yesterday — those members opposite wanting to gag debate on this critical issue.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the Deputy Leader of the Opposition.

**Ms Allan** — However, the Treasurer was entirely in accordance with sessional order 7. He was indeed providing information to the house based on a briefing he has received from his department that goes to how he is making decisions around new government actions. What more could the opposition want than the Treasurer being forthcoming about advice he has received from his own department? He is entirely in accordance with sessional order 7, and I ask that you rule it out of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Leader of the Opposition has been warned. I will not warn him again.

The Chair upholds the point of order as advanced by the manager of opposition business. The Treasurer will come back to his statement.

**Mr PALLAS** — This of course goes directly to the liability that the state has in respect of its dealings with agreements with the commonwealth. I advise the house about the nature of a secret agreement struck with the federal government. Of course we all know that this agreement — —

**Mr Clark** — On a point of order, Speaker, the Treasurer is defying your ruling. He needs to relate his statement to new government initiatives, projects and achievements, as you have ruled. He is not doing so. If he fails to do so, I invite you to sit him down.

**Mr PALLAS** — On the point of order, Speaker, nothing could be more transparently relevant to government business or indeed to the immediate liabilities that the state has, in terms of its dealings with the commonwealth and our management of them, than this most recent advice that I have received. It could be no more relevant than to have this highlighted.

**The SPEAKER** — Order! What is the point of order?

**Mr PALLAS** — My response on the point of order is that this is directly related to government business. It is new information, and it requires a new initiative from the government — that is, to publicly account to the community for the dishonesty and secrecy that the previous government put in place.

**The SPEAKER** — Order! The Treasurer will now indicate to the house a new government initiative, project and/or achievement. I ask the Treasurer to do so in the last remaining 35 seconds.

**Mr PALLAS** — I will be taking up with the federal Treasurer the issue that this has created. That is the initiative. The terms of this advice says that in relation to infrastructure funding agreements — —

**Ms Ryall** — On a point of order, Speaker, I suggest that taking up something with a federal member is not a new initiative and never has been a new initiative. Under sessional order 7 this is inappropriate and out of order, and I ask you to rule it out of order.

**Mr PALLAS** — On the point of order, Speaker, it is not a new government initiative or business if the

Leader of the Opposition seeks to have a conversation with the Prime Minister. That is not government business. But when the Treasurer of Victoria seeks to take a matter up with the federal Treasurer, that is a matter of government business, and it is a new initiative.

**The SPEAKER** — Order! The Chair has heard sufficiently on the point of order. The Chair does not uphold the point of order.

**Mr PALLAS** — We know that there was a public agreement that said that moneys would be returned to the state of Victoria, but there was a secret agreement described as unprecedented by my department that sought to subvert the will of the people and return that money to the commonwealth.

**Questions and statements interrupted.**

### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I am pleased to acknowledge that we have with us today senators from the French Senate, accompanied by Mr Cedric Prieto, deputy head of mission at the French Embassy. On behalf of the Premier and on behalf of the Leader of the Opposition and the Parliament, welcome to the Parliament of Victoria. Bienvenue à notre Parlement.

From the early days of exploration in the 18th century through the shared sacrifices of two world wars and facing global challenges of the 21st century, Australia and France have enjoyed a strong and enduring friendship. We welcome our colleagues from the French Senate as our friends and wish them a very successful visit to Victoria. Vive la France.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

**Questions and statements resumed.**

**Mr Pesutto** — On a point of order, Speaker, the Treasurer was reading from a document at one stage, and I ask that he produce that document including the entire document of which it formed a part — for example, if it were a Treasury brief, that he provide that brief to the house.

**The SPEAKER** — Order! Was the Treasurer reading from a document?

**Mr Pallas** — On the point of order, Speaker, I was referring to my notes, but rest assured that as a consequence of the fact that I was referring to my notes I will not be delivering or providing this brief; however,

I will be making it public. So the member can rest assured that he will get to see it.

**The SPEAKER** — Order! There is no point of order.

### East–west link

**Mr M. O'BRIEN** (Malvern) — My question is to the Treasurer. Can the Treasurer confirm to Melbourne motorists sitting in traffic that \$850 million is the largest amount of money ever paid by any Australian government, federal or state, to not build an infrastructure project?

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members and opposition members — that includes the member for Eildon — will come to order. All members will come to order.

**Mr PALLAS** (Treasurer) — I thank the member for Malvern for his question. What is it about business cases that those who are purported to be the advocates for business hate and do not concern themselves with? We, of course, would prefer not to have seen one dollar wasted on this ridiculous boondoggle, but I will tell you what: whatever cost it took to get us out of the nonsense, the bastardry, that those opposite sought to inflict on the people of Victoria for simply exercising their democratic right is money well spent.

What would be bad money would be the \$20 billion or more to build a full east–west connection. We know that it was only going to return 45 cents in every dollar. What is it that those opposite do not get about a bad business case?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer is entitled to silence. I have warned numerous members on both sides of the house. I will not warn them again. I will act and use standing order 124 at the next opportunity if necessary.

**Mr PALLAS** — We talked to the Victorian people, the people who gave us a mandate not to proceed with this road, and let me make this very clear: we as a government are saving motorists the money they would have had to pay in the tolls that were in the member for Malvern's business case — the secret tolls he intended to impose upon every inner city freeway. We are saving Victorians from the cut in growth in recurrent expenditure down to 2.5 per cent that his business case suggested would be necessary. That is what we did. We

saved Victorians from his economic ignorance and the fact that he was afraid to simply come clean.

### *Supplementary question*

**Mr M. O'BRIEN** (Malvern) — Can the Treasurer now confirm that Labor governments have presided over the most expensive project never built, the east–west link, the most expensive project that does not work, myki, and the most expensive project never used, the desalination plant?

**Mr PALLAS** (Treasurer) — This government has presided over extracting and giving effect to the will of the people of Victoria. Let us never forget that the hand that signed the letter, the man who signed a secret side deal, also struck a very secret agreement with the federal government to keep the return of the money secret. But we are getting on with the job. The unemployment rate today is at 5.6 per cent, down from 6.3 per cent. Total employment is up 26 100. That is today. That is what we are doing. Total unemployment is down 22 100. That is what we are doing. The participation rate remains stable at 64.5 per cent. That is what real work is about, and that is what real results deliver.

### Ministers statements: ambulance services and paramedics

**Ms HENNESSY** (Minister for Health) — I rise to provide the house with new information about two significant government achievements — that is, the improvement of ambulance response times and the achievement of national registration of paramedics.

On 30 October Ambulance Victoria released its most recent performance data. This is also part of our government's commitment to improve transparency. This data shows some very promising signs in regard to improving ambulance response times. The data shows that 74.7 per cent of code 1 cases were responded to within 15 minutes. This is a particularly significant achievement given the very torrid flu season we have all just experienced.

When we compare that quarter's results to results of the same time last year, it represents a 3 per cent improvement in response times — that is, 30 seconds. That is a significant achievement because every second saves lives. Of course there is still more significant work to be done, and our government is committed to doing it, but I am particularly pleased that our hard work is starting to show results.

In addition to this, we have also acquitted ourselves of a significant election commitment, and that goes to the

national registration of paramedics. Just last Friday at the Council of Australian Governments health ministers council I secured the agreement of all state and territory health ministers to progress this important commitment. This will ensure that paramedics are not just regulated but registered as health professionals, like nurses and doctors. This will provide an assurance to patients when they are being treated by paramedics that they are appropriately qualified.

This is all in stark contrast to the experience in the four years the coalition were in government, a matter David Kemp has canvassed quite well in his autopsy on the performance of the previous government. We are getting on with it, and we will continue to do so.

### Sunbury municipality

**Mr T. BULL** (Gippsland East) — My question is to the Minister for Local Government. I refer to a letter of 7 November 2014 that was sent to the Sunbury Residents Association by the now planning minister, which states:

... the separation —

of Sunbury from Hume —

has been gazetted by the —

coalition —

government and the matter has been finalised.

Given such unequivocal words, why has the minister broken her promise and scrapped the new council?

*Honourable members interjecting.*

**Ms HUTCHINS** (Minister for Local Government) — I thank the member for his question. We are very proud that we kept our commitment to the people of Sunbury to protect their interests and their needs as ratepayers. We have done the responsible thing. We have had a very decent, hard look at this issue. We appointed transitional auditors of the highest order to go in and have a look at the mess that was left behind by those opposite, who in the dead of night put an order through to allow a split to go ahead between the City of Hume and the area of Sunbury which would see a 14.5 per cent rate increase imposed on the people of Sunbury.

**Mr Guy** — On a point of order, Speaker, on relevance. It was a simple question to the minister — I know she has difficulty with that — where a letter had been sent saying that the separation has been gazetted, the matter has been finalised, and the member for

Sunbury had said Labor supports Sunbury out of Hume, so we just ask the minister: why has she not kept her promise?

**The SPEAKER** — Order! There is no point of order. The minister, to continue in silence.

*Honourable members interjecting.*

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Ferntree Gully

**The SPEAKER** — Order! Under standing order 124 the member for Ferntree Gully will withdraw for a period of 1 hour.

**Honourable member for Ferntree Gully withdrew from chamber.**

**The SPEAKER** — Order! It is Thursday, and our international delegates might think that this happens every day. In fact it is worse sometimes. C'est la vie in the Victorian Parliament.

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Sunbury municipality

**Questions and statements resumed.**

**Ms HUTCHINS** (Minister for Local Government) — The fact is there was no proper process undertaken by the previous government to actually consult the City of Hume. In fact the order was made in the dead of night in the dying days of the previous government, with no consultation with the council and no open and transparent admission of what the real cost would be to residents of Sunbury or that their ongoing services would be under threat, let alone the fact that there was no security given to the staff who work within the City of Hume in the area of Sunbury.

There was a lot of dishonesty demonstrated by the previous government — dishonesty. It was another reckless decision taken by those opposite to ram through a decision in the dying days of their government. We did the responsible thing. We stood up, we investigated and we made a very transparent process available to everyone. The report has been released, many people have been consulted and the finding was that the 14 per cent was something that came to the surface during that report, let alone the fact that residents were not assured of certainty with their

services ongoing. We went through the transparent process, and we are proud of the decision we have made. We are delivering for the residents of Sunbury.

*Supplementary question*

**Mr T. BULL** (Gippsland East) — My supplementary is also to the Minister for Local Government. With the Australian Services Union (ASU) vocally opposing the separation of Sunbury from Hume, can the minister confirm that, with 67 per cent of the people of Sunbury voting for separation, she has put the wishes of the ASU ahead of the people of Sunbury?

**Ms HUTCHINS** (Minister for Local Government) — I thank the member for his question. This government took the responsible step of looking into this matter that was messed up by the previous government. We did a comprehensive review, with former judge Frank Vincent, QC, undertaking that work. Around 150 submissions were made through that time, with numerous face-to-face meetings and plenty of consultation with all of the stakeholders involved in both the City of Hume and the city of Sunbury.

Lots of consultation was undertaken, lots of facts revealed that those opposite failed to actually look into — —

**Mr Guy** — On a point of order, Speaker, on relevance to the question that the member has asked, and noting of course that the Premier has told this chamber, ‘I won’t say one thing before and then do another thing after it’ — —

**The SPEAKER** — Order! The Leader of the Opposition will come to making a point of order, or I will sit him down.

**Mr Guy** — On relevance, Speaker, I ask you to bring the minister back to the question, which was simple: was the minister putting the ASU’s wishes ahead of 67 per cent of the people of Sunbury?

**Mr Pakula** — On the point of order, Speaker, the minister is being directly relevant to the question that was asked, the question which, by the way, failed to mention that the ASU also opposes rate capping, which completely undercuts the member’s question. The minister is going through, chapter and verse, the actual reasons why the decision was made, including the secret 14.5 per cent rate rise.

**The SPEAKER** — Order! I do not uphold the point of order.

**Ms HUTCHINS** — I am unsure why those opposite want to see a 14.5 cent increase on the residents of Sunbury and Hume with their rates. If that were to proceed under the plans that the previous government had, if we had not stepped in and done the responsible thing, Sunbury residents would be suffering. We did an independent investigation, and we have delivered.

**Ministers statements: TAFE funding**

**Mr MERLINO** (Minister for Education) — I rise to inform the house of new information and progress to repair the damage inflicted on our TAFE sector over recent years. The crisis in our TAFEs has been twofold. Firstly, the door had been left wide open to scores of unscrupulous training operators, allowing shonks and sharks to run rampant, creating an unprecedented cost blowout. Rather than addressing the cost of the problem — opportunistic and low-quality registered training organisations — decisions were then made to slash subsidies — —

**The SPEAKER** — Order! The minister will resume and respond to regarding new government initiatives, projects and achievements. The minister will conform with sessional orders.

**Mr MERLINO** — The Andrews Labor government, both when in opposition and over the last 11 months in government, reflected on the history of massive cuts to TAFE, uncapped fees, campus closures and walking out on TAFE, just like those opposite did when they were in government. That is what every member of the opposition is doing.

**Mr R. Smith** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Warrandyte**

**The SPEAKER** — Order! The member for Warrandyte will withdraw from the house for a period of half an hour under standing order 124.

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

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Ministers statements: TAFE funding**

**Questions and statements resumed.**

**Mr Clark** — On a point of order, Speaker, the Deputy Premier is defying your ruling. He should either comply with your ruling, or he should sit down.

**Mr Merlino** — On the point of order, Speaker, they are a bit touchy about the state of our TAFE system in Victoria. It is entirely relevant when talking about TAFE to talk about the damage that has been inflicted on the system, about the new initiatives and about how this government is repairing the damage.

**The SPEAKER** — Order! I uphold the point of order made by the manager of opposition business.

**Mr Walsh** interjected.

**The SPEAKER** — Order! I warn the Leader of The Nationals. The minister will come back to a new government initiative, project or achievement.

**Mr MERLINO** (Minister for Education) — We do have a different approach. Just last week the Minister for Training and Skills launched a world-leading research centre focused on vocational education pathways, a new initiative. The Department of Education and Training annual report tabled this week highlights the immediate action taken by this government to strengthen and stabilise the skills and training sector. But not all agree in the community. Some say, ‘The previous government’s policy was good policy — —

**Mr Clark** — On a point of order, Speaker, the minister has now gone back to defying your order and debating the issue. I ask you to bring him back to compliance with the two rulings you have now made.

**Mr Merlino** — On the point of order, Speaker, I have outlined the context of the TAFE system. I have outlined new initiatives that the government has undertaken, and I have outlined new information where the Liberals think it is good policy to cut TAFE — where they say that it is a positive impact. Those are the words of the Liberal Party — —

**The SPEAKER** — Order! The Deputy Premier has 10 seconds to continue. The Deputy Premier was doing well in providing information, but he was walking away from conforming with a sessional order. The

Deputy Premier will now resume his contribution on new government initiatives.

**Mr MERLINO** — Labor will never betray TAFE — never.

**CONSTITUENCY QUESTIONS**

**Box Hill electorate**

**Mr CLARK** (Box Hill) — (Question 6475) My question is to the Minister for Education. I refer the minister to the appalling events at Kerrimuir Primary School, where children were allowed to play in asbestos-contaminated soil, even after the school had been alerted to the risk by a parent. I ask: what action has the minister taken, and what further action does the minister intend to take, to ensure that Kerrimuir parents are given the full facts about what occurred and why, that any health risk students may have suffered due to this exposure to asbestos is fully assessed and parents are fully informed of the results, that the situation at Kerrimuir Primary School has been fully remedied and that no further Victorian schoolchildren will be exposed to buried asbestos or asbestos-contaminated soil, as the children at Kerrimuir Primary School were?

**Eltham electorate**

**Ms WARD** (Eltham) — (Question 6476) My question is to the Minister for Housing, Disability and Ageing. There are more than 4.5 million Australians, including over 20 000 people in north-eastern Melbourne, who live with a disability. In light of the agreement between the Victorian and commonwealth governments to roll out the national disability insurance scheme (NDIS), which will be a transformative approach to providing support for Australians with a disability, from July 2016, I ask the minister to inform the house how my community will directly benefit from the NDIS.

**Euroa electorate**

**Ms RYAN** (Euroa) — (Question 6477) On behalf of the communities of Wandong and Heathcote Junction I have invited the minister on a number of occasions to meet with residents to hear their concerns about the impacts of the Kilmore-Wallan bypass on the Wandong township. Many within the community say they were unaware that the bypass would impact on Wandong until after the route was finalised. They are also bitterly disappointed with a member for Northern Victoria Region in the Legislative Council, Jaclyn Symes, who promised a community meeting six months ago but who has not been seen or heard from since. Last

Thursday I attended a belated community consultation session with VicRoads in Wandong. It was held between 1.30 p.m. and 4.30 p.m., affording those who work, which consists of most of the community, no opportunity to voice their concerns. The minister has a responsibility to front the community. I therefore ask again that the minister meet with residents and give his full consideration to their concerns.

### **Bentleigh electorate**

**Mr STAIKOS** (Bentleigh) — (Question 6478) My question is to the Minister for Families and Children. Will the minister fund the upgrades of Brady Road Kindergarten and Bentleigh West Kindergarten? Glen Eira council has consulted with both kindergartens on improvements that can be made to their facilities. Following this consultation council proposes to improve the outdoor play area at Bentleigh West Kindergarten and to refurbish the playroom and improve disability access at Brady Road Kindergarten. These are two worthwhile projects that have strong local support, and I ask the minister to ensure that they are funded.

### **South Barwon electorate**

**Mr KATOS** (South Barwon) — (Question 6479) My constituency question is to the Minister for Public Transport and is on behalf of Mr and Mrs Patterson of Highton. Mr and Mrs Patterson have previously written to the minister submitting concerns about recent changes to certain Geelong bus routes, in particular the replacement of the no. 16 bus. The minister responded to the Pattersons, advising that a review of the bus routes and associated services will be undertaken early in the new year, six months after the introduction of the changes.

However, permanent infrastructure is being installed along the new route 43, being the construction of concrete pads in readiness for bus shelters in Mount Pleasant Road, Highton, even though a review is taking place and this infrastructure may not be required. I ask the minister: is the review of bus routes in Highton genuine given the fact that new bus infrastructure is already being installed?

Acting Speaker, I have photos of the new bus shelter pads, which I would seek leave to make available

### **Dandenong electorate**

**Ms WILLIAMS** (Dandenong) — (Question 6480) My constituency question is to the Minister for Multicultural Affairs. I ask the minister for information

as to the progress of the Andrews government's commitment to develop an Indian cultural precinct in Victoria. It was great to see the Victorian government undertake a thorough consultative process to determine the best location in Victoria for an Indian cultural precinct. The Indian community in the south-east is long established and well respected, and it was fitting to see Dandenong, the state's multicultural capital, identified as a potential location for this exciting multicultural initiative. The consultation held in Dandenong was very well attended, with well over 200 people attending. The session even had to be postponed the first time to find a larger venue to accommodate the significant interest. The Indian community in Dandenong and the broader south-east is particularly excited to hear feedback on the consultation process. I ask the minister for information on the outcomes of the consultation process and for details of the next steps for determining the location for Victoria's Indian cultural precinct.

### **Gippsland East electorate**

**Mr T. BULL** (Gippsland East) — (Question 6481) My constituency question is to the Minister for Public Transport. The information I seek is whether the minister will ensure that personal case studies like that of the Hederman family near Orbost will be taken into consideration in an upcoming school bus route review in the area. The family has a grade 1 student enrolled at Orbost North Primary School. The student, even though they have a school bus picking up other primary school students in the area to attend Orbost Primary School, is unable to travel on that bus due to Orbost North Primary School not being serviced by buses. This is the case even though the child's family is in receipt of a conveyance allowance, which is only payable if the student is attending their nearest school. The department's own system shows that distances are equal to either school, and this supports the case that Orbost North Primary School should also be serviced by the school bus.

Orbost North Primary School also believes an actual road test to measure distance will show Orbost North Primary School to be the closest school for the family. It would take an extremely short bus route detour of less than a minute to have this child and future prospective students receive bus travel to Orbost North Primary School.

### **Thomastown electorate**

**Ms HALFPENNY** (Thomastown) — (Question 6482) My constituency question is to the Minister for Local Government. I note that the first

round of funding approvals for the Andrews Labor government's Interface Growth Fund was announced recently, and the minister visited the Barry Road Community Centre to announce that its funding was successful. Members of Lalor Tennis Club are also celebrating the funding they will receive to build a decent clubhouse. Residents are so happy to finally have a government that cares about them, and they welcome the Andrews Labor government's \$4 million going into the Thomastown electorate from this fund. Could the minister provide details as to the benefits of these projects and the project time lines?

### **Bass electorate**

**Mr PAYNTER** (Bass) — (Question 6483) My constituency question is to the Minister for Families and Children. I ask the minister whether the Andrew's Labor government will fund the Bass Valley Children's Centre at Corinella. In June this year I asked the Minister for Families and Children to commit to funding this important project. As the minister is aware, Bass Coast Shire Council allocated \$80 000 in its current budget to undertake the design work for the building. Since this time the board has been working tirelessly with the council and the architects; the site and the concept stage have both been locked in, and the project is now entering the preliminary design phase.

The success of this project will depend solely on whether funding for the building is supported by all three levels of government. It is a project that also relies on grants and on community fundraising, which has already raised an impressive \$70 000. I understand that the chairperson of the Bass Valley Children's Centre, Christina Keeble, has written to the Minister for Education, the Minister for Families and Children and a member for Eastern Victoria Region in the Legislative Council, but is yet to receive a response.

### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) — (Question 6484) My question is to the Minister for Health and concerns Casey Hospital. I ask the minister to provide an update on the long-awaited and much-needed upgrade of Casey Hospital — a very busy hospital that cares for my constituents. The hospital was built and expanded by previous Labor governments to meet the needs of our growing community, the members of which we acknowledge deserve the very best of care. We have provided \$106.3 million for the significant expansion, which will allow the hospital to treat over 12 000 more patients. I have met with many local residents who are very excited about this project, and I ask the minister to provide them with an update.

## **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2015**

### *Second reading*

#### **Debate resumed.**

**Mr NORTHE** (Morwell) — It gives me pleasure to rise this afternoon to speak on the State Taxation Acts Further Amendment Bill 2015. This bill primarily amends three acts: the Duties Act 2000, the Payroll Tax Act 2007 and the Valuation of Land Act 1960. The shadow Treasurer in his contribution made some significant points with respect to the way tax is collected in this state and raised some issues with regard to that, but on the whole this bill does not seem to elicit a great deal of consternation from stakeholders or otherwise.

With respect to the Duties Act, this bill seeks to update the definition of 'cattle', as outlined in clause 3, particularly with regard to bison. The current situation is that duty is payable on the sale of certain animals under the Livestock Disease Control Act 1994. That is applicable to a number of different animals, being goats, cattle, calves and sheep, amongst others. Duty is then paid into compensation funds such as the Cattle Compensation Fund, for example, and those funds are then used for disease control and to compensate livestock owners for losses caused by disease. The definition of 'cattle' was previously amended and bison was included in the Livestock Disease Control Act, so essentially this is a consequential amendment to include bison under the Duties Act.

I have been doing a little bit of research on bison and it is an interesting subject. We probably have a couple of aptly named members of Parliament here in respect of the animal kingdom — the member for Gippsland East and the member for Sunbury, being Bulls — but we are talking about bison in this particular instance. It is interesting to read some of the background on it. Across Australia there are only 10 people or thereabouts who actually farm bison, some particularly in the north of the state. The member for Ovens Valley and the member for Benambra, if they speak on this bill, might even add to my contribution with respect to bison, but some of the research shows that up in the King Valley you can acquire American bison pies, and they are supposed to be — —

#### **An honourable member interjected.**

**Mr NORTHE** — I have not had one yet, but it is very interesting. Bison meat is supposed to be very

nutritious in comparison to other meat. Anyway, I will move on from the bison.

The Payroll Tax Act will also be amended essentially to reflect changes made to legislation governing registered training organisations. The changes mean that the definition of 'new entrant' will become obsolete in the Payroll Tax Act. This bill simply updates the definition of 'new entrant' to preserve the exemptions into the future.

There are also amendments to the Valuation of Land Act. These amendments primarily do five things. Without going into all of the five, the changes include the following. At the moment councils are required to adopt their budgets by 30 June each year. This bill brings forward the date by which biannual valuations are submitted from 30 June to 30 April. As the shadow Treasurer outlined in his contribution, 30 April is really a best practice recommendation and this bill seeks to impose that earlier reporting date as a requirement and enshrine that in legislation. The bill also proposes to allow the valuer-general, should the valuer-general consider it appropriate to do so, to accept a late nomination from a council as to who will undertake the conduct of a general valuation. Another important element is that under the bill supplementary valuations will be able to be made in certain additional circumstances — and quite rightly — such as where land moves from being rateable to being non-rateable, amongst other provisions.

In the minister's second-reading speech a further explanation of supplementary valuations is outlined. It says:

Supplementary valuations are also made during each valuation cycle to account for a variety of circumstances, including new properties arising from subdivisions of land and changes in the use or status of existing properties. These valuations are used for assessing council rates, land tax and fire services property levy. The amendments to the Valuation of Land Act make improvements to the valuation process and provide the legislative certainty to existing administrative practices.

It is interesting that valuations refer to council rates, which are the subject of other legislation in this place, land tax and the fire services property levy, which I want to dwell on a little bit further. As the shadow Treasurer said in his contribution, one of the concerns the opposition has raised is about integrity and faith in governments when they make commitments and promises and then they do not eventuate. In an interview with the then Leader of the Opposition, now the Premier, on Channel 7 news the night before the election, Peter Mitchell asked, 'Do you promise Victorians here tonight that you will not increase taxes

or introduce any new taxes?'. The response of the now Premier was, 'I make that promise, Peter ...'. But when you look at it in reality and go back and assess that statement, unfortunately what has actually happened is a far different proposition.

The reality is that in the first budget handed down by this government we see with stamp duty a 3 per cent foreign surcharge in addition to any other stamp duty payable; we have with land tax the introduction of the foreign surcharge, which is 0.5 per cent in addition to any other land tax payable; and that fees and fines are supposedly indexed — up 2.75 per cent. When you correlate that to CPI, CPI to March of this year was actually only 1 per cent, so there is a significant difference. But one of the things we certainly take exception to and umbrage with, as do many residents and property owners across Victoria, is the fire services property levy, which on a general average has risen by 7.2 per cent — in stark contrast to what the Premier said prior to the election.

In my own electorate — and I have raised this in Parliament previously — people have come into my office after receiving their rates notices to show that, in some cases, they have incurred a 12 per cent or 13 per cent increase in the fire services levy. That is simply not good enough. It is a broken promise and commitment by the Premier that he made prior to the election.

The fire services property levy is an important tax reform that I am proud the coalition undertook while it was in government. It has certainly been a policy of the Liberal-Nationals coalition for quite some time. Unfortunately during the 2000s, under the watch of the Bracks and Brumby governments, there was not an appetite by Labor to introduce those reforms. We had the nonsensical situation where the fire services levy, if you like, was applicable to insurance premiums. The reality was that some home owners did not have property insurance, some were underinsured, and some were overinsured. It was simply an unfair tax system.

Applying the fire services levy against property was a massive tax reform, but it was the right reform to undertake. Importantly, what sometimes gets forgotten is the fact that if you were a concession card holder you did not get any rebate from the levy that was applicable to your insurance premium. Under the proposals the coalition had in place there was a \$20 million concession scheme that certainly supported pensioners and veterans with respect to that. It was supported by many different entities and certainly many tax reform analysts and professionals, and was certainly supported by the Victorian Farmers Federation amongst others, so it was a significant tax reform that saw a vast

improvement. It was a fairer one for all Victorians, particularly regional Victorians.

In summary, there is not a lot of contention with the bill. These are a lot of technical amendments that do not seem to derive any consternation from stakeholders. The shadow Treasurer, likewise, has summed up some of the concerns with the bill in his contribution.

**Mr DIMOPOULOS** (Oakleigh) — It gives me great pleasure to speak on the State Taxation Acts Further Amendment Bill 2015. As we have heard, this bill makes amendments to update and clarify taxation and land valuation laws. It amends the Duties Act 2000 to include bison in the definition of cattle for the purposes of livestock duty. It updates the definition of ‘new entrant’ for the purpose of payroll tax exemptions for wages paid to apprentices and trainees, which will allow far more apprentices and trainees to be employed in this important sector. There are also a series of other amendments to the Valuation of Land Act 1960. This is a bit of a cleaning-up bill because of past inadvertent omissions or oversights.

In making a brief contribution I want to briefly pick up on the impertinent and shameless contribution by the member for Malvern on this bill. He criticised the stamp duty in the government’s Back to Work scheme. This was pretty audacious given that when he was Treasurer he championed a very similar scheme. However, true to form, he championed it two days after the then Labor opposition — now government — introduced the scheme, so it was not even his original idea.

Nonetheless we are not leaving things to chance by only having one fix in our bag of policies. We have a whole range of them, including the Future Industries Fund, the Premier’s Jobs and Investment Panel, the level crossing removal program and the first-ever 10-year rolling stock program for 50 per cent manufacturing content in Victoria. Here is a novel one: not inflicting significant cuts to the public service. All of these policies together with a genuine commitment to create jobs will do just that. No government can control the exact number of jobs in this state or any other jurisdiction, but a government can control the work it does to try to achieve a good outcome, and that is what we are doing. I commend the bill to the house.

**Mr BURGESS** (Hastings) — It is my pleasure to rise to make a brief contribution on this bill. Taxation is a very interesting topic. There has been a lot written about taxation throughout history. Very often people begin their contributions by quoting Louis XIV’s

finance minister Jean Baptiste Colbert’s famous declaration that:

The art of taxation consists in so plucking the goose as to obtain the largest possible amount of feathers with the smallest possible amount of hissing.

There is always a need to take great care in passing any bill that deals with taxation. As previous speakers have said, it is easy to create suspicion and distrust in members of the public when you are dealing with taxation, because it creates such an impost on them. It is important that we keep the confidence of the people. Unfortunately the current government made promises prior to the last election that there would be no increases in tax, and it has set out since the election to break those promises. This includes stamp duty of 3 per cent in addition to any other stamp duty payable; a land tax foreign surcharge of 0.5 per cent in addition to any other land tax payable; and the indexation of fees and fines up by 2.75 per cent. They were supposed to be increased by the CPI, but CPI is only 1 per cent. The fire services levy, as we know, is up 7.2 per cent and has been as high as 12 per cent in some quarters.

As I say, it is important that when promises and commitments are made those promises and commitments are kept. This is particularly so in matters where it is important that we keep the confidence of the community, and taxation is one of those matters. With that short contribution, I will allow time for other speakers to make their contributions.

**Mr ANGUS** (Forest Hill) — I am pleased to also make a brief contribution in relation to the State Taxation Acts Further Amendment Bill 2015. Others have covered off on the details of the bill, so in my very brief contribution I want to cover some more up-to-date matters in relation to state taxation and the state budget. What we have seen in the last couple of days, in question time particularly, has been an extraordinary exhibition of deceit against the Victorian people, particularly as reflected in the comments made by the Treasurer regarding the east–west link. There is a litany of hypocrisy coming from this government, such as in relation to east–west link compensation costs. Back in 2014 the then Leader of the Opposition said that the contracts were not worth the paper they were written on and that there would be no compensation payable. The Treasurer and the Premier said on 15 April 2015 that the Labor government had incurred costs of just \$1. Later in that press release they said that the state’s liabilities were capped at the \$339 million that had been paid out by the previous government. We can see how far from the truth that was with the latest bout of compensation payable for the incoming Labor government’s scrapping of this project, which is a

further \$217 million, bringing the overall total cost of ripping up the contract to in the vicinity of \$857 million.

There are a range of other issues, particularly in relation to the budget surplus. I spoke about this in this place the other day. Despite the fact that the state figures have allegedly returned a surplus, the Auditor-General has qualified those accounts, quite correctly, which has turned the Labor government's so-called surplus into a deficit of \$286 million. That is within the first 12 months of Labor coming to government. That is a big shock for all Victorians, and it does not augur well at all for the future of the state budget.

We also had the big promise by the Labor Party when it came to government that it would create 100 000 full-time jobs within two years. With 14 months to go the Premier is a mere 95 571 jobs short. What we are seeing here is a raft of mismanagement, financial incompetence and deception foisted on the Victorian people. It is a shameful situation. Labor has put us into a deficit position with the state budget in its first year of operation. It is the first budget deficit in more than 20 years, and it does not augur well for us as Victorian taxpayers. Having a qualified auditor opinion on a matter such as this is quite extraordinary. In simple terms the fact that you can be given money to build an asset and then decide not to build that asset but keep the money and book it as income is an extraordinary piece of accounting behaviour. That is why the Auditor-General has quite rightly chosen to qualify the accounts in the way he has. There have been a whole lot of defences put up by the Treasurer and the Premier in relation to that.

**Ms Asher** interjected.

**Mr ANGUS** — As the member for Brighton correctly says, it is just a lot of nonsense. What we saw today, particularly in question time in relation to the substantive issue of the interest liability — the \$217 million shown in the accounts tabled yesterday — was just a lot of gobbledygook that showed basically, in my opinion, a complete and utter lack of understanding as to what was going on with that instrument. It is very disappointing for all of us as Victorian taxpayers.

It is very disappointing for the broader community because decisions like this have implications, and they certainly hurt residents in my electorate of Forest Hill because they ultimately increase the cost of government and increase the financial impost upon ordinary households. I think we are in for a very rocky ride here. The State Taxation Acts Further Amendment Bill 2015 has to do certain things. Others have eloquently spoken

about that, so I will not revisit it, but I am looking at it from the macro point of view and expressing very clearly my concerns about where we are going financially here in Victoria.

**Mr D. O'BRIEN** (Gippsland South) — Other members have outlined the relevant sections of this bill. I am briefly going to mention just some of the aspects of it. The payroll tax changes in relation to exemptions for apprentices and trainees highlight this issue of jobs, where the government has completely failed on its so-called jobs package and its target of 100 000 new full-time jobs. It has in fact gone backwards in the 11 months the government has been here. We have seen others this week, and there has been plenty of debate in this place, about the east–west link — an \$850 million cost for a road that will not be built — and about the Auditor-General's office belling the cat last week on the so-called surplus, which is in fact a deficit. The coalition is not opposing this bill, but in the interest of time I will leave it at that.

I take this opportunity, though, to say with respect to time that it is very disappointing indeed — I would suggest that it is a disgrace — that the government has been managing its business program like this. I suspect that on the difficult issue of the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015, which we will be debating later this afternoon, I will not have a chance to speak. It is an absolute disgrace that the Leader of the Government has not been able to manage the program to ensure that MPs have the opportunity to represent their electorates and to speak particularly on matters that are difficult and on matters of conscience to explain to their constituency why they are voting a certain way. That is a disgrace, and the government should not be allowed to treat the Parliament with this contempt. It is absolutely disrespectful.

**Debate adjourned on motion of Mr SCOTT (Minister for Finance).**

**Debate adjourned until later this day.**

## PUBLIC HEALTH AND WELLBEING AMENDMENT (SAFE ACCESS ZONES) BILL 2015

*Second reading*

**Debate resumed from 22 October; motion of Ms HENNESSY (Minister for Health).**

**Mr CLARK** (Box Hill) — I rise as the lead speaker for the coalition parties on this bill. I speak as lead

speaker at short notice as our intended lead speaker was not available. I intend to, first of all, outline to the house in general terms the circumstances around this bill before proceeding to give my own views in relation to it. This is, as I do not need to inform the house, a bill that is highly contentious and goes to an issue that has been the subject of controversy for many years. It is a bill on which I expect many members of this house have different deeply held views. The Liberal Party and The Nationals intend to allow our members to have a free vote on this issue and to decide based on their personal beliefs and using their individual skills, judgement and expertise as members of Parliament on the appropriate way they will vote.

The minister has set out the reasons for this bill in her second-reading speech. She told the house that it is:

... designed to support women's reproductive health choices by ensuring that all women can access health services that provide abortions without fear, intimidation, harassment or obstruction.

I think it is fair to say that all members of this house would believe that people should not be subjected to harassment, intimidation or besetting, and the issue at stake is whether or not this bill follows appropriate means to achieve this objective.

A range of material has been made available to members from those who hold different views in relation to the legislation, and I will touch on some of that factual material. A research note issued by the parliamentary library provides a range of information on exclusion zones, and it is available for members to refer to. It refers in particular to a court action brought by the Fertility Control Clinic against the City of Melbourne and points out that in March last year:

... the Fertility Control Clinic sought a writ of mandamus against the Melbourne City Council for failing to do anything about the nuisance caused by the protesters.

The research note highlights that His Honour Justice McDonald concluded that:

... prima facie, such conduct —

as was alleged in the proceedings —

is a private nuisance by reason of impeding the clinic's enjoyment of its property and a public nuisance by reason of the elements of annoyance, inconvenience or hurt to members of the public.

He referred to the duty of the council under the Public Health and Wellbeing Act 2008 to remedy, as far as reasonably possible, all nuisances existing in its municipal district, provided that, under section 58(1), such nuisances must be, or must be liable to be,

dangerous to health or offensive. The research note states:

Justice McDonald found that it was within the council's jurisdiction to 'erroneously conclude that the conduct [of the protesters] was neither offensive nor dangerous to health'.

A large part of the debate around this bill relates to the size of the exclusion zone that is proposed by it. A number of listings have been compiled about international practice in relation to exclusion zones or buffer zones, and according to the information I have been provided with British Columbia, for example, has introduced a 10-metre fixed buffer zone around a doctor's office, a 50-metre fixed buffer zone around a hospital or clinic and a 160-metre fixed buffer zone around an abortion provider or clinic worker's home. Calgary has introduced a fixed buffer zone which requires protesters to remain across the street. Toronto has introduced a 25-foot fixed buffer zone around a doctor's office, a 60-foot fixed buffer zone around two particular clinics and a 30-foot, or about 9-metre, buffer zone around another clinic.

There have been a range of laws also in the United States, including a 100-foot fixed and 8-foot floating zone in Colorado; legislation for a 35-foot fixed buffer zone in Massachusetts, to which I will return later on; a 36-foot, 11-metre, buffer zone in Montana; and a range of other buffer zones in other jurisdictions. In Australia there is a precedent for a 150-metre buffer zone in Tasmania, and I understand that the ACT is also proposing to introduce legislation.

One of the arguments that has been raised — and again I will come back to this later on — is whether or not the legislation that is currently before this house is likely to transgress the implied freedom of political communication under the commonwealth constitution. The Australian Christian Lobby has circulated to a number of members legal advice that states that there is a strong argument that the prohibition of communication within 150 metres will offend the implied freedom of political communication and will in certain cases be found unconstitutional and invalid by the High Court.

Those are some of the contextual and factual matters relating to this bill before the house. As I say, it is a matter that deals with a highly contentious subject on which different members will reach different conclusions after giving their own individual attention to the facts and the issues concerned and to the views and values that they hold. As I indicated earlier, members on this side of the house will be exercising a free vote, and individual members on this side will be

expressing such views as they think fit, so I now turn to express my own views in relation to this legislation.

In my view all members of this house should support laws and enforcement that protect Victorians against besetting and harassment, and all members of this house should support free speech, including the free exchange of ideas and arguments. The problem with this legislation is that the 150-metre exclusion zone in this bill goes way beyond anything that in my view is reasonable to protect against besetting or harassment. It is not a zone of safe access; it is a zone of censorship of ideas that its proponents do not like.

It is unfortunately part of a deplorable worldwide trend of seeking to prevent and prohibit the expression of any ideas that others do not like, as is increasingly being identified by commentators around the world as a grave and growing threat to freedom of thought, debate and ideas in the Western world, as highlighted for example by social psychologist Jonathan Haidt in his recent compelling article in *The Atlantic* magazine titled 'The coddling of the American mind'. The ban in this bill does not depend on whether what is communicated is respectful or is confronting; all are equally banned if it is reasonably likely that some recipients may take objection to them.

The US Supreme Court in its unanimous conclusion in the McCullen case ruled that a 35-foot, or 10-metre, exclusion zone is unconstitutional as an unjustified restriction on free speech. Indeed in the United States any subject-specific ban on free speech, like the ban in this bill, is automatically unconstitutional. We should not regard the US Supreme Court as the font of all wisdom, but the Supreme Court's unanimous conclusion and the reasoning of the plurality in this case is instructive. I quote:

Petitioners wish to converse with their fellow citizens about an important subject on the public streets and sidewalks — sites that have hosted discussions about the issues of the day throughout history. Respondents assert undeniably significant interests in maintaining public safety on those same streets and sidewalks, as well as in preserving access to adjacent healthcare facilities. But here the commonwealth —

that is, the commonwealth of Massachusetts —

has pursued those interests by the extreme step of closing a substantial portion of a traditional public forum to all speakers. It has done so without seriously addressing the problem through alternatives that leave the forum open for its time-honoured purposes.

As the US Supreme Court also points out, what restrictions like this involve is banning the communication of ideas and information that actually change minds. Again I quote:

McCullen and the other petitioners consider it essential to maintain a caring demeanour, a calm tone of voice, and direct eye contact during these exchanges. Such interactions, petitioners believe, are a much more effective means of dissuading women from having abortions than confrontational methods such as shouting or brandishing signs, which in petitioners' view tend only to antagonise their intended audience. In unrefuted testimony, petitioners say they have collectively persuaded hundreds of women to forgo abortions.

In Victoria those who gather outside abortion clinics say their conversations have led to dozens of women changing their minds and dozens of happy young children being alive today who otherwise would not be.

The stifling of free speech involved in this bill would be equally repressive regardless of its subject matter, but it is important not to normalise what can go on in abortion clinics under Victorian law. Victoria has some of the most extreme abortion laws in the world, allowing doctors to kill children up to the moment of birth and allowing doctors to be coerced by law into being complicit in that killing. Those who support the regime that enables that killing are desperate to exclude any viewpoint that could give rise to the slightest seed of doubt about the legitimacy of the regime they have created. They do not even want to admit that those attending for abortions could have the slightest legitimate reason to doubt the correctness of their decision and could be open to changing their minds when presented with alternative points of view or informed about alternative options.

But the facts speak for themselves. People can and do change their minds when exposed to alternative points of view — points of view not expressed through harassment, abuse or intimidation, but points of view expressed with caring and compassion, as the US Supreme Court has observed. It has been argued that those who protest outside abortion clinics frequently engage in harassing conduct and that the current law is inadequate. However, neither of these propositions has actually been tested in the courts.

As I referred to earlier, in the Melbourne Fertility Control Clinic case the clinic chose to sue Melbourne City Council (MCC) rather than the Helpers of God's Precious Infants. If the Fertility Control Clinic had brought its proceedings against the Helpers rather than against the council, all of the evidence could have been properly made public, findings of fact could have been made and rulings could have been given about how the law applies to the facts as established. If the Helpers were engaged in a public nuisance, an injunction could have been given; however, none of this occurred because they were not actually sued in that case.

Furthermore, again as I referred to earlier, the judge in the MCC case actually ruled that the MCC had probably misapplied the law in not enforcing its by-laws, but he would nonetheless not force them to apply those by-laws differently. Had the case been brought against the Helpers, there would have been a clear ruling as to how the law applied. In fact His Honour reaffirmed that the law as to what is allowed and not allowed in the public exercise of free speech is actually clear and well established.

The Dollar Sweets and Animal Liberation cases in Victoria have for many years made clear that harassment, besetting and obstruction are already breaches of the law and can be restrained by injunction. Indeed a cynic would think that the abortion clinic chose not to sue the Helpers because they could not substantiate their accusations against the Helpers or because their lawyers did not want to be seen supporting laws that restrict what can be done at pickets and blockades.

In deciding whether you agree with any ban like this, you need to apply the test to causes you support as well as to causes you oppose. Do those opposite who support this legislation think it appropriate that there should be a ban on discussing any industrial relations matters within 150 metres of a construction site? The Construction, Forestry, Mining and Energy Union certainly caused great distress to the Grocon Emporium workers, who just wanted to go to their workplace, calling them scabs and threatening them and their future in the industry.

If you support a 150-metre ban here, why should you not support a ban in that context as well? The test of the legitimacy and the reasonableness of this legislation depends on whether you can apply it equally to causes you agree with as to causes you oppose. Those opposite who want to shut down free speech on this one topic are those who repealed move-on laws that gave police the power to act on the spot against anyone who harassed or threatened others.

It is said that this law is necessary to give certainty to police. However, there are two fundamental flaws with that argument. Firstly, such an argument gives no justification for a massive 150-metre censorship zone. That is the distance of seven or eight large house block frontages or more than seven cricket pitches. Police would have greater certainty and enforceability with a 5 to 10-metre zone than a 150-metre zone. Claims of the need for certainty to justify this bill are simply an excuse for shutting down viewpoints that proponents disagree with. Secondly, this bill does not provide certainty for police. Indeed it does the opposite. It

requires police to make judgements about every communication within 150 metres of an abortion clinic against a test of whether it is reasonably likely to cause anxiety or distress. Some communications would fall within that prohibition; some communications would not. This legislation is expecting, on a controversial issue such as this, individual police officers to reach a view and apply the law impartially and objectively.

To make matters worse, the bill will force individual judges and magistrates to form views on this highly controversial issue in which personal views differ widely and with guidance given to them by this Parliament — that is, the words that the bill is proposing to put on the statute book — that is legitimately open to a broad range of interpretations in different ways by different people. It is unfair to put that burden on the judiciary, and even more importantly, it is unfair to all Victorian citizens — those who might want to attract the benefit of its protections and those who might want to convey ideas. It is unfair to everyone to create a bill with such uncertainty and therefore such lack of authority in terms of protections and such lack of clarity in terms of what people's remaining rights of free expression may be.

If the objective of the proponents of the bill were truly to provide certainty and to allow safe passage into premises, having a 150-metre exclusion zone that goes massively beyond anything reasonably necessary is simply inviting the legislation to be ruled unconstitutional by the High Court, in breach of what the High Court considers is an implied constitutional restriction on the capacity of parliaments to legislate to restrict free speech on matters relating to public policy. For those who may have doubts in this area, I simply invite them to read recent High Court judgements, such as the pastors' case in Adelaide and the Monis case involving abusive communications through the post, to get their own assessment of the High Court's reasoning and form their own judgements as to what the High Court is likely to rule in relation to this legislation.

Winston Churchill once said that some people's idea of free speech is that they are free to say what they like but if anyone says anything back that is an outrage. If we are to remain a truly free, open and creative society, we must be willing to allow the communication of ideas and information that we may disagree with. This has been one of the hardest and yet most important lessons of history for humanity to learn, and we must not allow that lesson to be lost.

**Ms THOMAS** (Macedon) — I welcome this bill. In doing so, I first want to acknowledge the Minister for Health for the work she has done, in cooperation with

Fiona Patten, a member for Northern Metropolitan Region in the other place, and for bringing this bill so speedily to the house. I also acknowledge the staff of the Fertility Control Clinic in East Melbourne, who have over decades now endured daily harassment as they go about their work providing much-needed lawful medical services to women in this state.

The reasons for the introduction of this bill have been widely canvassed, firstly and importantly, by the minister in the second-reading speech, and also in the media with opinion pieces by the minister, Fiona Patten, and Emily Howie and Susie Allanson. The recent Supreme Court decision in relation to the nuisance provisions of the Public Health and Wellbeing Act 2008 highlighted a deficiency in our current laws. Victoria Police does not possess adequate powers to prevent women from being harassed and intimidated in this situation. It is for this reason that this bill has been brought, as I said, so speedily to this place.

Let us be clear about the intention of this bill. It is to ensure that women in Victoria are able to access lawful medical procedures without fear, intimidation or harassment. Women also have a right to access these services without having their privacy compromised. I want to acknowledge that this bill is about the balancing of rights. Members on this side of the house hold dear the traditions of the labour movement, which have always included the right to protest and to express political opinions. However, those rights at all times must be tempered when they cause significant harm. There is no doubt that significant harm is caused to the patients and staff at abortion clinics who are subject to intimidation and harassment in the course of accessing and providing lawful medical services.

Regarding the details of this bill, I want to be clear that in addition to prohibiting behaviour that besets, harasses, intimidates and impedes patients and staff accessing abortion services, the bill also prohibits communication in relation to abortion that is reasonably likely to cause distress or anxiety to someone accessing an abortion provider. This provision is drafted carefully to balance the rights of people to freedom of political communication with the rights of women to privacy and dignity whilst accessing — once again I reiterate — a lawful medical procedure that is through an abortion provider. The only type of behaviour that will be prohibited under this provision is that which causes harm to people. That is the only type of behaviour that is being prohibited: that which causes harm to people. It is not a blanket ban, and it is one that ultimately the courts will make a judgement on. The courts will determine the types of behaviours reasonably likely to

be distressing or to cause anxiety to someone seeking to access an abortion provider.

I want to put on the record my views on this matter. I have no doubt whatsoever that silent prayer vigils, silent protests and the display of signs and posters that are designed to humiliate, embarrass, frighten and disturb women are indeed actions reasonably likely to cause distress and anxiety and should be found to be prohibited. I think this behaviour is carried out at abortion premises with the sole intent of dissuading women from accessing abortions. It is the overt and stated purpose of the Helpers of God's Precious Infants, who maintain a six-days-a-week presence outside the East Melbourne Fertility Control Clinic. It is behaviour that is intimidating and distressing, and it is behaviour that belittles women. It belittles women and their capacity to make decisions about their own lives and to determine and control their fertility. Women are perfectly capable beings who are able to make these decisions by themselves. Prayer vigils and silent protests are designed to communicate to women that what they have chosen to do is something they should be ashamed of. They are designed to try to dissuade and humiliate women.

The impact of protest activity, even when it is an individual who silently holds a sign, must also be understood within the context of these women's personal circumstances. Many women are already feeling distressed, anxious and fearful — as we all often are when attending any medical procedure. To encounter a protester holding a sign condemning abortions when women are attempting to access this or any other service, or indeed when they are leaving the clinic, is likely to heighten these feelings of anxiety and distress.

Finally, in commending the bill to the house, I would like to acknowledge my sisters here in the Labor Party who will be speaking in support of this bill and also the legal team from Maurice Blackburn Lawyers and the Human Rights Law Centre (HRLC) for its work in the Supreme Court case. In doing so I acknowledge my friend of over 30 years, Therese McCarthy. I would also like to acknowledge Emily Howie from the HRLC for her advocacy, Rita Butera from Women's Health Victoria, Lynne Jordan from Family Planning Victoria and Susie Allanson and her team from the East Melbourne Fertility Control Clinic for their bravery and for standing up for women's rights to control their fertility in this state.

**Mr WALSH** (Murray Plains) — I rise to make a contribution on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. As has

already been talked about, the bill defines ‘safe access zones’ as an area within a radius of 150 metres from premises at which abortions are provided and identifies forms of behaviour prescribed as prohibited within the safe access zones. Section 185B defines those prohibited behaviours as besetting, harassing, intimidating, interfering with, threatening, hindering, obstruction or impeding a person accessing or leaving premises, communicating on abortion in a way that is reasonably likely to cause distress or anxiety, interfering with or impeding a footpath without reasonable excuse, and recording, without reasonable excuse, a person accessing or leaving the premises.

I put on the record that, given that this side of the house has a free vote, I will be supporting the bill. I believe this bill is not about whether abortion should or should not be carried out — that is a totally separate debate. This is about people’s rights to go about lawful practice here in Victoria and, as the purpose defines, not to be threatened, not to be intimidated and not to feel that they have someone else’s views being forced on them.

Something I have done a number of times, and I did it long before this bill came in, is walk along Wellington Parade to view firsthand these issues. I must admit that as I walk there I do not think the behaviour by those people on the sidewalk is appropriate for me as a normal person accessing the footpath compared to people who may want to go in or out of the clinic. Not everyone who goes into that clinic is necessarily going into that clinic for an abortion.

**Ms Thomas** — It’s true: it’s a fertility clinic.

**Mr WALSH** — It is a fertility clinic, as someone said by interjection. It is about women’s health. We have put a lot of effort into the community not only with women’s health but with men’s health as well. Would men feel inclined to go to a men’s health clinic if they were being demonstrated against for going in and out of that? This is about someone not forcing their views on someone else.

In relation to a number of bills in this place people seem to believe that their views are the right views and the views everyone should have. I must admit when we debated the Adoption Amendment (Adoption By Same-Sex Couples) Bill 2015 a couple of weeks ago, my opposition to that was around clause 17 of the bill and those views being forced on another organisation to have to do something that was in that bill. This is about people having the rights to go about their lawful ways here in Victoria and not have someone else’s views forced on them.

Again, I think there are some people here who have very select views on this. There were the move-on laws under the previous government.

**Sitting suspended 1.00 p.m. to 2.02 p.m.**

**Mr WALSH** — When we adjourned for lunch I had just started to talk about the fact that on this bill and others some people seem to have views that it is fine to have rights to go about your business peacefully on an issue like this but it is not on others. I was mentioning the fact that under the previous government we had the move-on laws, which have now been repealed, but those move-on laws were in some ways similar to this in that people had the right to go to work and not be intimidated by particular unions who were picketing a particular business site.

I think that very much comes to the issue of the Construction, Forestry, Mining and Energy Union here in Victoria and the freedom of association. In my view what we have talked about with this bill equally applies to someone who wants to work on a building site who does not necessarily want to be part of a union. I think they have the right to go and work on that building site and not be intimidated by people covered in tattoos, with a fluoro shirt, threatening them with the fact that they should be part of the union on that particular site. What is good for the goose is good for the gander, in that you cannot have it both ways. You actually need the rights to go about your lawful business in whatever form that may be.

With this particular bill I think it is very much about that. This is about people’s rights — in this case particularly women’s — to enter certain premises without being intimidated, bullied or threatened or having accusations made about their own personal business. On that, I will be supporting the bill.

**Ms WILLIAMS** (Dandenong) — I am pleased to rise in support of the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. This amendment bill will provide safe access zones around premises where abortions are provided and is designed quite simply to support women’s reproductive health choices and safeguard a woman’s freedom to access a lawful medical procedure without the fear of harassment or undue obstruction and intimidation.

More specifically, the bill provides for a safe access zone of 150 metres around the medical premises where abortions are provided and prohibits a person interfering, threatening or impeding another person accessing or leaving these premises. I will acknowledge from the outset that there are strong views held on both

sides of this issue, and I know this topic causes great angst for anti-abortion groups. In recent days I have received some correspondence from people associated with these groups — overwhelmingly men, I might add. When they have written to me most have been quite respectful in putting forward their views, which is their right; however, others have been unnecessarily aggressive — aggressive towards me while attempting to claim that their activities at abortion clinics are not aggressive or intimidating. I find that quite ironic.

One perspective put to me, and one I wholeheartedly reject, is the notion that protesters who engage in often quite confronting behaviour are ‘sidewalk counsellors’. My only comment on that is: I would like to see the qualifications of those purporting to be any such thing. My view on this issue is really quite straightforward, and I will keep my comments brief. I support this bill — unapologetically, I might add.

This bill does not impact on the right of any Victorian to have their say on the matter of abortion in any number of appropriate forums. These views can still be voiced freely and debated — indeed we quite regularly see a handful of anti-abortion protesters at the gates of Parliament during sitting weeks — and people retain their right to lobby the government. But individual rights must always be balanced, and what we are doing through this legislation is balancing the individual right of free speech, the right of protest, against the right of a woman to undergo a lawful medical procedure without harassment and intimidation. I think this bill strikes a fair balance. People are free to protest and lobby the government on the issue of abortion. They are free to raise their opinion in a range of forums, but it is inappropriate to do that in a harassing or an intimidating way as women who have made a decision enter clinics.

I would also like to add that none of us should ever presume to know or judge the reasons why a woman may seek to terminate a pregnancy. We should not presume to know and certainly should not judge somebody else’s circumstances. I think it is fair to say that the decision to terminate a pregnancy is a serious decision and one that is not typically taken lightly, and we should be respectful of that and respectful of the difficulty of that decision and the reasons that may lead to it.

I would also like to contradict the claims that some anti-abortion protesters have made to me — that incidents of intimidation by protesters are rare. They are not. A study in 2011 showed that at one Victorian clinic 85 per cent of women reported seeing protesters outside the clinic and 20 per cent actually had someone attempt to block their entry into the clinic. This figure is

significant, and despite abortion being decriminalised the targeting of abortion clinics remains.

This bill will also protect the safety and wellbeing of employees and staff who work at these premises or access them as part of their work. Workers should be able to complete their duties and responsibilities without being continually harassed. Staff who work at these clinics can be employed in a number of different roles. The medical clinics that perform abortions also conduct up to six other procedures on site, which has been pointed out by other speakers.

There is clear public support for this bill. In 2013 Newspoll surveyed Victorians and found that over 80 per cent of those surveyed supported safe access zones around abortion clinics. This bill will help ensure that women and staff accessing medical facilities that provide abortions can do so safely and with their privacy and dignity maintained, and most of all it will ensure that respect is maintained for the lawful decision of a woman to do whatever she chooses to do with her own body.

I am proud that it is women on this side of the chamber who are leading this debate, which cannot be said of those opposing it; but I am also somewhat disturbed by some of the arguments put forward by the member for Box Hill in his contribution, which were quite frankly offensive. They had an extremely patriarchal overtone, and they were extremely offensive to me as a woman and I am sure to my female colleagues on this side of the house as well. I commend this bill to the house in no uncertain terms.

**Ms SANDELL** (Melbourne) — I am pleased to confirm that every single one of the Greens in this place and in the other place will be supporting this bill. I will keep my contribution brief, given the agenda that we have today and given the substantial contributions that were made to the debate in the Legislative Council earlier this year.

I am really pleased about this bill because safe access zones are one of the areas of great unfinished business in the area of abortion law reform in this state. Despite what some people, including some MPs in this place, might believe, everyone in our community has a right to access lawful health services without interference and in a manner that protects their safety, their wellbeing, their privacy and of course their dignity. Having an abortion was at long last recognised as a lawful health service in 2008 — much too late, in my opinion — and it follows that women, staff and others who access abortion clinics should be protected from

being harassed or intimidated when they access what is a lawful health service.

The Greens of course wanted safe access zones to be included in the Abortion Law Reform Bill 2008 when it came to the Parliament back in 2008. That was the approach that was taken in Tasmania in its 2013 legislation that decriminalised abortion. Unfortunately it did not happen in the Victorian law, but I am so pleased we are actually addressing this important topic now. One of the reasons I am particularly happy to be voting in favour of this bill is that the East Melbourne fertility clinic is within my electorate of Melbourne, and it is the conduct of some people outside this clinic that has unfortunately given rise to the need for this legislation.

This bill is a good one because it protects and balances competing rights and does so in what is a really common-sense, practical but sensitive way. Women accessing abortion clinics as patients, their support people, staff who work at these clinics and indeed everyone else who needs to access the clinics for a legitimate purpose will have their right to privacy and freedom of movement protected, and that is of utmost importance.

A woman's decision to have an abortion is an intensely personal one. It is one that is taken for myriad reasons — reasons which we do not have the right to judge. In many cases it may be one of the most significant decisions that woman may make, and being harassed or intimidated while going through this personal process can be really distressing and cause significant harm. No doubt there will be some people who still want to protest against a woman's right to have an abortion, and I could not disagree with these people more strongly, because I fundamentally believe in the rights of women to decide what happens to their body and to make their own medical decisions based on their own personal reasons, but we all recognise the absolutely essential importance of freedom of expression, freedom of assembly and the right to protest, so this bill will continue to protect the rights of anyone to protest against Victoria's abortion laws if they choose to do so — just not within 150 metres of an abortion clinic, and of course they do not have the right to harass or intimidate a woman accessing lawful health services or to try to prevent her from accessing such services.

This bill says that within safe access zones the rights of women and workers to privacy, freedom of movement and access to lawful health services without being harassed must take precedence over the rights of anyone else to protest against abortion within that zone.

I believe this is a really sensible balance, and it is one the Greens wholeheartedly support.

Like the Abortion Law Reform Act 2008, this bill really is a triumph of years of tremendous effort by many people. I want to thank some of them today. The staff of the East Melbourne clinic, some of whom are in the chamber today, I believe, have been tremendous, not just for their work over many years but also for their resilience and determination to see the law reformed and for the work they do for women every single day. The women's and human rights groups that have pushed for this reform should also be commended for their advocacy on this matter over many years.

On this particular issue we have seen the best of cross-party negotiation and cooperation. The Sex Party should be commended for its role in helping put this reform onto the agenda this year, and the government should be commended for the way it has responded. To those in the opposition who are voting for the bill I say thank you; it is great that the coalition has been granted a conscience vote on this issue. Obviously personally I feel disappointed that not all coalition members are voting for women's rights to access lawful medical services, but that is their prerogative. It just goes to show that when we work together across party lines on really important issues that affect people's lives we can make Victoria a better place. I wholeheartedly commend the bill and commend it to the house.

**Ms KNIGHT** (Wendouree) — I am pleased to speak on the Public Health and Wellbeing (Safe Access Zones) Bill 2015. This bill ensures that women can act on decisions about their own body without harassment by creating a safe access zone around premises where abortions are provided.

In Australia everyone has a right to their own opinion, including an opinion about abortion, and I have been very clear about my opinion within my local community. I will quote from my article in the *Courier* of 6 December 2013:

... I believe it is a woman's right to determine what happens to her body. I never want to see us go back to the threats to women's health and even their lives from 'backyard' abortions.

As I said, every person is entitled to their own opinion, but the abuse and harassment of women who seek abortions in Victoria must end.

The Minister for Health recently wrote:

The appropriate place to express ...

opinions against abortion —

is outside the Parliament and directed at legislators, such as myself, who are elected to make decisions about Victoria's laws with respect to abortion.

I agree wholeheartedly with this. There is no place for causing distress to a woman who seeks a legal medical procedure, none at all. People can protest against abortion outside Parliament, and they can even come and protest outside my office in Ballarat, which is at 17 Lydiard Street North, on the ground floor, so they would not even have to worry about stairs.

The continuing harassment, abuse and targeting of women who are simply acting on a decision about their own body needs to end. There has been disgusting behaviour outside the East Melbourne Fertility Control Clinic. Women have been harassed when entering or leaving the clinic, protesters have tried to block their entrance to the clinic and protesters have made offensive, frightening and misleading statements to patients and staff. I have seen this firsthand. This kind of disgusting behaviour also occurs outside other clinics in Victoria.

My message to those who want to protest and to harass women seeking abortions is very simple: leave them alone; do not arrogantly place the exercise of your own right to free speech above the right of women to seek a legal medical procedure without being set upon and abused; and do not set the exercise of your own conscience above the right of others to exercise theirs. Those people could come to my office and set up a permanent protest out the front if they like, but with the passage of this bill they will not be able to continue the harassment of women who seek abortions.

I thank a number of people for their efforts in relation to this legislation. I do not think we would be debating a bill like this without the work of Candy Broad, a former member of the other place. Candy deserves much of the credit for the legalisation of abortion in Victoria. I am certain there would have been action to curtail the harassment of women outside abortion clinics, but the effort of Fiona Patten, the Sex Party MLC, has hastened change, so I thank Fiona. I also want to thank the Minister for Health. Her commitment to empowering women will continue to make Victoria a better and fairer state.

I will finish by acknowledging all the staff who work at fertility control clinics. I also acknowledge all the women who have accessed that service. Let us hope that in the future women can access that service without harassment and in safety.

**Ms ASHER** (Brighton) — The Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015

provides safe access zones within 150 metres of premises where abortions, and indeed other services, are carried out, where prohibited behaviour is not permitted. The definition of prohibited behaviour is set out very clearly in new section 185B of the bill, and includes 'besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding', and also refers to attempts to communicate with people in a way that is 'reasonably likely to cause distress or anxiety'. The bill also introduces an offence of publishing or distributing a recording of a person accessing a women's health clinic. That is set out in new section 185E and with some limited exceptions.

I am prepared to debate the issue of 150 metres. I note in the second-reading speech the minister said it was based on consultation, but leaving aside that detail, this bill has my complete support. The reason for the bill is set out very clearly in the second-reading speech — that is, that women accessing abortion clinics, staff and members of the public who happen to be in the vicinity have for years been subjected to vile campaigns by anti-abortion protesters. These protests have gone on for about 20 years and involve harassment and intimidation. People who are anti abortion have every right to hold that view, but in my opinion these protests are aimed at stopping women getting access to abortion clinics. I think taking photos of women on their way into and out of those clinics is despicable. These demonstrations primarily take place at the Fertility Control Clinic in East Melbourne, but other institutions are also the subject of these vile demonstrations.

I note with interest the arguments of those who oppose this bill. The first argument they put up is about free speech, but free speech is not an absolute right in our society. For example, the instance of defamation laws shows that in our society free speech is not absolute. I believe the motivation for these demonstrations is the intimidation of women who access these services. It is almost as if the people who are against abortion wish to impose their views on the women who access these services.

The second argument put up by opponents of this bill is that we all have a right to protest. I believe people in Victoria should have a right to peaceful protest that does not block people from going about their lawful daily business. There are laws regulating protests in Victoria. If members want to look at the parliamentary research note that was issued, they will see there is the Parliamentary Precincts Act 2001, whereby demonstrations are limited in the parliamentary precinct, and under certain circumstances people can be asked to leave. In addition, the Victorian Sustainable Forests (Timber) and Wildlife Amendment Act 2014

sets up timber harvesting safety zones. The right to protest is already limited under law in the state of Victoria.

In terms of my own position, I am opposed to protests which obstruct people who are going about their daily business. For example, I oppose these protests outside abortion clinics with the aim of intimidating. I oppose union blockades, because they obstruct people from access to their own workplaces or obstruct people from going about their daily business. I oppose protests against logging that stop people from earning an income and doing their job. I oppose protests that shut down Melbourne, for example, as we have seen twice in recent times on the corner of Flinders Street and Swanston Street. From my personal philosophical perspective, I oppose protests that impede people from going about their daily business.

I support the right to protest. I guess I am one of the very few train travellers in this Parliament now, and I walk past the anti-abortion protesters every day that Parliament sits. Those protesters simply hold up their placards and do not impede my access to my workplace. I support that right, but I note that they are protesting outside a Parliament and not outside an abortion clinic. I have a long history of opposition to some of the tactics of the Right to Life Association in Victoria. I gather that this group has morphed into the Helpers of God's Precious Infants. It is members of these groups who are now perpetrating the current behaviour. For the record, I have been talking about Right to Life tactics since 1980. As a Young Liberal, I moved a motion at the Liberal Party state council, which was passed, I might add — —

**Mr Wynne** — You would've just been a baby.

**Ms ASHER** — I was not a baby. My motion urged all Liberal Party members not to fill out the Right to Life questionnaires, not because I did not think they had a right to ask questions but because there was an incident at the 1979 state election where data was distorted by the Right to Life Association, and incorrect material was published in newspapers.

For the record, an article in the *Age* of 30 June 1980 states:

A Young Liberal executive member, Ms Louise Asher, said the movement condemned the 'improper tactics and methods used by the Right to Life Association'.

The article goes on to say:

Ms Asher said the Young Liberals generally supported the right of lobby groups to obtain information from politicians.

'But the Right to Life Association has forfeited its right to do so by questionable manipulation of material', she said.

For the Parliament's amusement, I will also quote from an article which appeared in the *Sun News-Pictorial* of Tuesday, 1 April 1980 — it was April Fools' Day — in which Margaret Tighe responded:

The Right to Life Association yesterday launched a strong counterattack on the Young Liberals.

The Right to Life president, Mrs Margaret Tighe, compared the Young Liberals to Russian communists.

I must say I have never before been called a communist, and I have never been called a communist since. I was under the impression, and I still am now, that I am a woman in favour of women's rights. In this instance I am in favour of women accessing abortion clinics without the harassment and intimidation of the group that has sprung from the Right to Life Association. I have written many letters on this issue to the *Age* over the years, and it is no surprise to me that the tactics switched in the 1990s from intimidation of MPs, which no-one could care less about, to intimidation of women, which does bother me enormously.

Of course this is about a balance, and I do agree with the government's statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006 where the government justifies this limit on:

... freedom of expression and peaceful assembly ... to protect the rights and interests of persons accessing or working in premises in which lawful abortion services are provided.

I conclude by referring to an article in the *Age*, scarcely my favourite newspaper, on 10 November, written by Susie Allanson and Emily Howie, which states:

Of course, anti-abortionists have a right to share their views, but human rights law requires a balance between the legitimate rights of free speech and protest, and women's rights to privacy, dignity and safe access to their doctor. Currently, that balance is skewed.

Women's privacy, dignity and safety are subordinated to the liberties of extremists to push their views on the captive audience of clinic patients and staff.

I agree wholeheartedly with that assessment. It is my belief that those demonstrating outside abortion clinics are zealots. They are entitled to their views, but they are not entitled to harass and intimidate women.

**Mr WYNNE** (Minister for Planning) — I rise to make a brief contribution and lend my voice in support of this particularly important piece of legislation, which will bring to an end the, frankly, repugnant and disgraceful behaviour of people who seek to intimidate

and harass women who are seeking to access legally available medical supports. It is in that context that I think this Parliament must send a very clear message to the broader community that whilst people do have a democratic right in this country to protest and to lend their voices to particular causes, they do not have the right to harass women, particularly at what are often the most vulnerable times in their lives.

It is in that context that when people are standing outside of these medical clinics, particularly the one in East Melbourne, seeking to put their views in an aggressive and intimidating way, the Parliament ought to say, 'That is utterly unacceptable'. To put in place this 150-metre perimeter around the clinic is, I think, a sensible and balanced approach. Ultimately I believe that as a civil society, yes, you have to balance the rights of people to express their views, but you certainly do not have a right to impede women who seek to access legally available medical services. It is simply not negotiable.

I applaud the work of Fiona Patten, a member for Northern Metropolitan Region in the other house, who kicked off this bill. It was adopted by the government and refined and modified by my colleague the Minister for Health to make a better bill. Certainly Fiona has worked very closely with us in the formulation of this bill. Ultimately when we work in such a cooperative way across the Parliament, we have the sort of cooperation that we have seen today. I acknowledge the contribution from the member for Brighton, who has been unambiguous in this debate on a number of occasions when we have had these sorts of bills come into the Parliament. This is a good bill because it protects the rights of women. I applaud the bill.

**Mr MORRIS** (Mornington) — I am pleased to have the opportunity to make some brief comments on the bill before the house. I think it is important that I do, as the Liberal Party has determined that members will have a free vote. While this bill is about access, it is also inextricably about the issue of abortion. Back in 2008 I was very pleased to support the Abortion Law Reform Act 2008, and my support for that act remains unchanged. At the time I expressed my concerns with regard to what is now section 8 of that act, and my reservations about that section of the act also remain unchanged.

In terms of the bill before the house, we are talking about two issues: firstly, freedom of speech, and secondly, the opportunity to go about your business unhindered, regardless of what that business is. Echoing the comments of the member for Brighton, my view certainly is that freedom of speech is not an unlimited

right; there are bounds to it. I do not believe that this bill extends those bounds to an appreciable extent. The opportunity to protest and express views remains unhindered by this bill. It simply means you cannot do it in a particular area. The bill does ensure that women who are often at one of the most vulnerable and challenging times of their lives will be able to seek access to services and support without having to run the gauntlet of protest and intimidation. For those reasons I will be very pleased to vote in support of this bill.

**Ms RICHARDSON** (Minister for Women) — I am pleased to speak wholeheartedly in support of the Public Health and Wellbeing (Safe Access Zones) Bill 2015 before the house. This is a very important bill for the women of our state. As the Minister for Women I well understand that every single day in just about every field of endeavour women struggle to achieve equal outcomes compared to men. The most tragic outcome for women are the rates of violence and sexual violence committed against them, often at the hands of the one person who is supposed to care for them, and often in the place they are supposed to be safest — their home.

As the Minister for Women, I also understand the terrible double standards that women face because of gender inequality and sex discrimination. These double standards start at a very young age and continue throughout a woman's life. The truth is that we all have a role to play in turning this around. But for a start we need to be fair dinkum about the positions we take and address our own unconscious bias that drives many of these poor outcomes for women.

Take today's debate as a case in point. The safe access bill ensures that women in Victoria have safe access to health services to terminate unwanted pregnancies, without being harassed and intimidated by protestors. The bill ensures that women have freedom of choice to make reproductive health decisions without interference. In short, the bill seeks to balance out competing rights — the right to access medical services and the right to protest. As we all know, the right to protest does not trump every other right and, most importantly, nobody has the right to harass and intimate women — ever. Yet this is what is happening every day just a few kilometres from here.

When it comes to restricting the right to protest we know members opposite have had some experience of this. The member for Murray Plains was reminded by the member for Brighton, I think, of his 2013 amendments to the Sustainable Forests (Timber) Act 2004 that ensured that there was a 150-metre harvesting safety zone between forestry workers and

environmental activists. During his second-reading speech the then minister argued that the amendments were necessary to ensure protest activities ‘do not put anyone’s safety at risk or break the law’.

Protests outside the Fertility Control Clinic in East Melbourne have for very many years been a matter of great distress, risk and harm to women, but they have also been the site of heinous crime. We must never forget that lethal force was used by one disgruntled protestor, with a gun being fired and clinic security guard Steve Rogers being killed in 2001. While many protest sites may have been marked by violence and tussles between police and protestors, only one has been the site of a murder. Yet this is the one protest site some members opposite are struggling now to lawfully limit protest rights at. Why do that when in so many other instances Liberal Party members have in the past fallen over themselves to limit protest rights? Instead what we have heard from some is a recasting of this bill as being about something other than a balance of rights, hence the conscience vote.

To be clear, the right to access terminations in this state has been made lawful — entirely lawful. What this bill does is make it clear that it is unlawful to harass and intimidate women seeking those medical services, full stop. Recasting this debate in any other way only serves those who wish to turn a blind eye to the harassment and intimidation that women face. But why is it that the once proud rights-based Liberal Party is now so influenced by the conservative right in this state? Why is it that the freedom of choice, the freedom of a woman to choose, is championed by so few in the Liberal Party these days? The member for Brighton was a very strong voice in this place when the debate around decriminalising abortion was conducted in this house. I remember sitting with the member for Brighton during part of that debate and talking about the generational changes that were taking place within the ranks of her party.

The truth is that the Liberal Party was actually founded in large part by very strong women. The party has for decades had an affirmative action requirement for many of its administrative positions, but not for Parliament. I agree they have not gone that far, and in my view there are electoral consequences of that, but traditionally the Liberals in this state have been regarded as a party that did listen to the voices of women. So what has happened since? The Liberal rights-based tradition has been diminished. In my view all members opposite should be able to mount an argument in keeping with this tradition, and in this instance not require women to pay the price for this failure.

In concluding, I congratulate Fiona Patten, a member for Northern Metropolitan Region in the other place representing the Australian Sex Party. The safe access bill provides the right balance between the freedom of women to safely access services and the right to protest. She has made a significant contribution for women in bringing this bill before the Parliament. It is worth noting also that as a minor party member she has done more in nine months than any of the Greens MPs, who have been in this Parliament for nine years. I salute Fiona. Working collaboratively with her has been a pleasure and serves as a lesson to the Greens party members in particular.

I also congratulate the Minister for Health, who has brought this bill to the house. We share a passion, as so very many members of this house do, for advancing the cause of women in this state. We know — and as my other portfolio responsibility of preventing family violence informs me — that if we fail to do just that, we will see terrible consequences for women right across this state.

**Ms STALEY (Ripon)** — I rise to speak on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. I have to say that I am not really sure why the Minister for Women felt she had to lecture Liberal Party members on our values. At least we have them. I suppose it is yet another audition for the leadership of the Labor Party. I cannot really give another reason for it.

I rise today to support this bill. I have to say that the 150 metres is longer than I would have chosen but that is not enough to cause me to not support the bill. The reason I support this bill is because safe access reform is needed. The current law is not doing what we want it to do. The fact that there have been no successful prosecutions despite the harassment and the ongoing protests outside these clinics for 20 years tells me that the law is broken. When a law is broken, we need to stand up and fix it. That is what this bill does, so I will be voting in favour of the bill.

I must say that it is a bit of a shame that the Summary Offences Amendment (Move-On Laws) Act 2015 took away the option to use those laws to do what this bill does. As I said during debate on the bill, the exclusion orders in the move-on laws had the option to be used for this purpose. Given that all other laws are inadequate, it is a shame that they were not given the chance to be used for that purpose. It would have given us another way to address this matter. The government chose not to go down the path of including the exclusion orders.

I am somewhat concerned that this bill will not achieve its objectives. I am supporting the bill, and I very much hope that it does achieve its objectives. Those objectives are to allow women in this state to access the lawful abortion services provided. I raise a flag about what concerns me. In new section 185B(1), paragraph (b) of the definition of prohibited behaviour provides:

subject to subsection (2) —

which is about staff —

communicating by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, attempting to access or leaving premises at which abortions are provided and is reasonably likely to cause distress or anxiety ...

The bill creates an objective test. It means that the police will then have to apply that test. They will judge whether behaviour is reasonably likely to cause distress or anxiety. It is likely that that provision of this law will then be tested by those who currently protest at the clinic. So I am not sure that the construction of the bill, by creating that as an out, is actually going to move us to exactly where we want to be.

I think that the structure of the bill, by having a very large exclusion zone — 150 metres — but then allowing this test to be brought in, which will be tested by the courts, takes us back to the situation where one of the issues was that women who go and have an abortion do not then want to go through the court process to complain about the harassment they received. So we are still left with the situation where the police will need a witness to prove that the action was 'reasonably likely to cause distress or anxiety'. I am genuinely concerned that this bill leaves open a continuation of what we have seen already. I understand that is not the intent. I support the intent of the bill. I really want it to mean that women can access abortion, but I am not sure that the government has got this right. I really hope I am wrong.

I do hope that prosecutions are brought — I actually hope that the protesters hear the will of the Parliament and do not turn up anymore, but I might be a bit too naive in believing that they will not be turning up. Assuming they do turn up and they do seek to test the law and test the limits of what we are doing here today, I think we will come back to this possibility that the police will have to go through a series of steps that will end up with this being tested in court, and that may not be an easy thing to pull off.

With that caveat, which as I say is not enough to knock out my support for this bill, and nor is the 150-metre

restriction zone — even though I think it is a bit on the high side — I think it is important that we try to do this thing. I think women need to be able to access abortion in this state without being harassed and without people coming up to them and trying to change their mind with offensive photos, offensive language and very close personal contact. That is not protesting — that is harassment. We have to say no to that, and for that reason I support this bill.

**Ms GRALEY** (Narre Warren South) — I am pleased to make a brief contribution to debate on the Public Health and Wellbeing Amendment (Safe Access Zone) Bill 2015 this afternoon. I begin by referring to an article in the *Age* with the headline 'Safe access to abortion clinics must be granted' by Susie Allanson and Emily Howie. They said:

This week the Victorian Parliament should seize the opportunity to end more than two decades of daily harassment of women. For too long, women attending abortion clinics have run the gauntlet of intimidation and harassment just to see their doctor.

This is effectively what this is about — women accessing medical treatment. They should be able to do that without harassment and without any form of intimidation. I would like to commend the Minister for Health for bringing this very carefully drafted and balanced bill before the Parliament, and I also applaud the work of Fiona Patten in the upper house for progressing this bill through the Parliament.

As I have said, this bill has very clear objectives. It is about the right of women to access legal medical treatment safely and privately without being hindered, harassed or intimidated. I find it a little bit difficult to accept when we hear at this time in this Parliament people who should be representative of the community talking in a very belittling way about the capacity of any woman to make this decision for herself. Any woman has the capacity to make a decision about what she can do with her body. I would like to say that the decision to have an abortion, I imagine, is not an easy decision. It is a difficult decision. Many women who make that decision seek the advice of experienced and professional counsellors, the views of their husbands and families and the advice of their girlfriends when they come to making that decision. They do not need 'conversations with people on the way', I think it was called, to having that treatment. They do not need spiritual counselling, as one email to me referred to it. And they do not need helpers along the way either. This is a difficult decision, and every woman can make this decision for herself. But also this is not what happens. I refer to the Supreme Court decision, which says that

this is what women experience when they go to the clinic in East Melbourne:

jostling and striking people passing the area and entering the clinic;

making offensive, frightening and misleading statements to patients and staff;

engaging in loud singing, praying and shouting, clearly audible in the clinic;

intimidating and harassing patients of the clinic, with the effect of deterring patients from attending the clinic; and

causing significant injury to the personal comfort of staff members, patients and others.

And we read in the *Age* last week of a staff member who deliberately takes a different route home every night so that people do not follow her to her home. This is harassment; this is intimidation; this is bullying of the worst kind.

I would just like to address the issue of the 150-metre safe access zone, if I may. The reason why the decision has been made for 150 metres is that a safe access zone of less than 150 metres would not adequately protect patients and staff accessing or leaving premises which provide abortions. The health services have reported that anti-abortion protesters identify from a significant distance women who are likely to be approaching a health service to have an abortion. This is on the basis of the body language of the woman, the fact that she may look lost and be taking stock of her surrounds — she is preparing herself for a significant event and a significant treatment. Health services state that once a potential patient is identified, anti-abortion protesters will subsequently walk up and intercept the woman in the car park abutting abortion clinics, when she is alighting from tram stops or cars or when she is parking and walking to a clinic from neighbouring streets. These women are being hunted down because they want to go and have a medical treatment.

Health services have stated that for these very important reasons of safety a safe access zone of less than 150 metres would mean that these patients would continue to be subjected to harassment, intimidation and in some cases — in a lot of cases — verbal abuse. It is for this reason that consultations have taken place to make sure that this bill is a good bill and that it is a balanced bill that will protect women, and the perimeter of 150 metres and beyond will hopefully protect patients and staff accessing and leaving premises that provide abortions as well as the rights of the individuals to express their views and beliefs outside that safe zone. If you have a view on this issue, there are plenty of forums in which to express that view, but do not

intimidate, do not harass, women on their way to receiving legal medical treatment.

I will finish on the basis of the *Age* editorial headed ‘Women should not be bullied over abortion’. It finishes — and I think it is a nice way of putting it:

Our wives, sisters, daughters, mothers, lovers and all deserve the best care and security that this state can provide when they most need it.

I commend the bill to the house.

**Ms KEALY (Lowan)** — I rise today with great pride to speak in support of the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. In my opinion this bill is about addressing violence and intimidation against women. When we look at the newspaper on a regular basis and we see that there has been another attack on a woman — another rape, another domestic violence situation — which has resulted in serious injury or death of the woman, we have to go back to every single cause and what may lead to that. Whenever people condone behaviour in the community where it is okay to call a woman names, to intimidate them and to make them feel a much smaller person in the community, then we must take a stand, and that is why I will be supporting this bill. I note that The Nationals and the coalition have agreed to take this to a free vote today.

The main provisions of this bill and its intent are to define a safe access zone as an area within a radius of 150 metres from the premises at which abortions are provided and the forms of behaviour to be prescribed as prohibited within a safe access zone. The prohibited behaviour is clearly outlined in the bill. It includes: besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding a person accessing or leaving a premises; communicating on abortions in a way that is reasonably likely to cause distress or anxiety; interfering with or impeding a footpath without reasonable excuse; and recording without reasonable excuse a person accessing or leaving premises.

I would like to take this opportunity to thank people within my electorate who have contacted my office about this bill. It covered the full spectrum of people who are strongly anti-abortion. In my opinion this bill is not about abortion from a clinical perspective. It does not increase the ability of women to access an abortion and it does not decrease the ability of women to access an abortion, in strict clinical terms, so in my opinion this is not about abortion. There are also people who have raised issues around freedom of speech. Certainly everybody has a right to share their views, but it is how

you share those views that is of key importance. I will go through that a little later on.

Probably most compelling were the women who contacted me to share their stories — very personal stories — about accessing the East Melbourne fertility clinic. It may not have been to access abortion services, although some women did contact me to share their experience, and I really do thank them for that and respect their anonymity. I appreciate them opening up to me and sharing their stories. Theirs may have been an abortion that took place many years ago, but they shared their own feelings of obviously being conflicted. An abortion is not something that any woman would take on lightly. It is not something that you flippantly cast your mind to. These women are in a position where they have made a very difficult decision. They have accessed appropriate information sources and counselling and spoken to their friends and support networks and clinical professionals about whether they would go through with this and what other options are available to them so they were making an informed decision to access a legal medical service. But they talk about how they are blocked from even entering a premises.

In preparation for the debate on this bill I made a medical appointment to go to the fertility clinic to see it, as somebody who could perhaps be going in for any service at a medical clinic. I dressed down in my civilian clothing and entered. It was an interesting experience. To, firstly, have somebody standing in the gate next to a security guard and blocking your passageway into the premises is just not something you want to see. I am a very thick-skinned woman and someone who has comments made to me on a daily basis because I am a politician. I have thick skin and I have pointy elbows. But when you are walking into this foreign place, a clinical environment, where you are making a very difficult emotional decision, it is not a good start to the process to have somebody blocking your pathway. That person then leant across so they were within a couple of centimetres of me — they were right in my ear and in my personal zone — and told me to protect my unborn child. That was the message I got, and given that I was not pregnant, I was very impressed with their ability to determine that. Perhaps we can bring that test into the pathology sector. I am not sure it would be rebatable on the Medicare benefits scheme.

To have that message given to you, as somebody who is not going in for an abortion, is just wrong. The intention there is not about counselling a woman, as has been purported. The intention is to intimidate a woman so they do not have an abortion, disrespecting any of the decision-making processes they may have gone

through to get to that point. That is where I think it is wrong.

I spoke to one of the doctors in the clinic, and he told me stories that people are telling women who are on their way into the clinic that they are murderers. Imagine walking along, on your way to access a legal medical service, and having somebody, all along the way, tagging behind you and calling you a murderer. That is not acceptable in any workplace. It is not acceptable in the schoolyard. It is called bullying and harassment and intimidation, and we must take a stand against that. It is not freedom of speech if you do that; it is certainly something that we should be taking a stand on and stamping out from our community.

There are other horrific stories. A couple pulled up in a car with their kids in the back seat, and one of the protesters put their head in the window to the back seat of the car while they were unloading their children and said, ‘Your mummy is going to kill your little brother or sister today’. To tell that to small children is absolutely abhorrent, and the fact that our existing laws cannot address that means that we need to bring new laws into place so we can appropriately prosecute and stamp out this sort of behaviour.

Perhaps we need to increase funding for counselling services for women, and I would strongly support that. I know there are women who have had an abortion who are still dealing with the psychological trauma of that. For any women out there who have gone through those sorts of processes, particularly in the past when there was less medical responsibility around those sorts of psychological supports for women, I would strongly encourage them to seek some support.

In closing, I speak very strongly in support of this bill. We must all take a stand against violence against women. We must not condone name-calling, intimidation and harassment of women. We must protect the rights of women to access legal medical services. I commend the bill to the house.

**Ms WARD (Eltham)** — I rise in support of this bill. This bill is not about difference of view or opinion. It is not about censorship. It is about attempted coercion. It is about a woman’s unfettered and free access to health services for health treatment. It is about women having the right to feel free in their movement and in their decisions. At the clinic in East Melbourne those gathered outside can vary in number from 3 to 100. I can only imagine the horror and the fear of any woman walking through that gauntlet, and I thank the member for Lowan for telling me of her experience in doing

that. Being confronted with that gaze — and I am sure that gaze is judgemental — must be absolutely awful.

In 2013 the East Melbourne clinic submitted a letter to the courts. The letter says:

We have been provided with a research paper, surveys, as well as several statements of both patients and people accompanying patients to the clinic. They indicate that the protesters routinely make comments to the patients and those accompanying them, display posters and use props, try to hand pamphlets and other material to patients and those accompanying them and try to block the entry to the clinic. The research paper, survey and statements indicate that the activities of the protesters make patients and people accompanying patients to feel high levels of psychological distress, including feeling uncomfortable, annoyed and hurt.

It is important to recognise that hurt. Women are going to this clinic for a whole variety of reasons. They are going to this clinic for very good reasons, and they are going to this clinic for reasons they have thought very deeply about. For them to be obstructed, for them to be judged, for them to be bullied on their entrance into that clinic is absolutely wrong. I am glad that we are putting forward legislation that will help to prevent that.

For me a very important part of this bill is to ‘protect the safety and wellbeing and respect the privacy and dignity’ of people accessing the services at premises at which abortions are provided and employees of such premises. This is exactly right. It is about respecting the privacy and dignity of people who are going about fulfilling their rights as members of this state to seek the health care that they need. They absolutely have the right and they absolutely should have the respect and receive the privacy that they deserve when they are going about obtaining health care.

It has been said in this house before that everybody has the right to protest — and they do, and I agree. I say to the protesters: come and stand out at the front of my office. Come and stand in front of this Parliament. Protest to the lawmakers. Do not protest to the women and their friends who are going about their day-to-day business, who are getting the treatment that they need, that they want and that they have thought very, very deeply about. Actions that involve eyeballing rather than a direct gaze, filming, taking photos and sometimes distributing these photos and films is not respecting the privacy and dignity of those using the services. Such actions are used solely to intimidate and to coerce. They are not there to support.

I would like to quote my friend Dale Wakefield, who is currently CEO of a women’s refuge. She says:

I used to walk past them every morning on my way to Epworth. I saw them completely harassing women entering

the building. I used to intervene by yelling at them ... usually that was enough to get the women to the door without too much harassment as they turned on me.

This is not good enough. We should not have bystanders needing to be decoys so that women can go and access the health care they need. We need to ensure that the citizens of this state have their dignity and privacy respected. Women have the right to access the health care they need without fear, without intimidation and without bullying. There is no prevention of ideas, thought or political movement in this bill. Women are instead being protected and their choices are being protected.

The member for Box Hill spoke of a direct gaze; I call it eyeballing, I call it intimidation, and I call it coercion. What right do people have to attempt to dissuade women from seeking the medical support that they need? They do not have that right. Those women have the right to access a free and open space, and they have the right to do it without being encumbered. This is indeed harassment.

I thank the Minister for Health and I thank Fiona Patten, a member for Northern Metropolitan Region in the Council representing the Australian Sex Party, for putting forward this bill and for their deep consideration of and thought on this issue. I thank those who work in and around the clinics for allowing that service to be available to women and for providing a good and conscientious and thoughtful service. I ask those who currently stand in front of those clinics to devote their time to children in foster care, to food share, to clinics offering support to women needing fertility advice and to not stand in front of those clinics in an attempt to dissuade women from their choices.

**Ms SHEED** (Shepparton) — I rise to speak on the Public Health and Wellbeing Amendment (Safe Access Zones) 2015. I say at the outset that I will be voting in favour of it, but in saying that I found it quite difficult to come to that decision for a number of reasons. I have been concerned about the bill and its implications for free speech. My initial response was that it is an ill-conceived piece of legislation that seeks to deal with an important issue in a very hurried manner and without due consideration for some of the fundamental issues that are at stake. There are a number of ways in which the purposes of this bill could have been achieved, significantly without necessarily encroaching on the right to freedom of speech.

Women in Victoria are legally able to obtain an abortion within the confines of the law, and that was settled in this state in I think 2008, so it is not the issue at stake here. Women should be able to attend for

medical services in a free manner without the sort of harassment that has been described here today. The legislation that is before us today includes words like 'besetting', 'harassing', 'intimidating', 'interfering with', 'threatening', 'hindering', 'obstructing' or 'impeding' a person by any means. We are all pretty clear that it is that sort of behaviour that should be prohibited by law, and indeed a lot of those things are already prohibited by law. One of the problems we have had in relation to this is the fact that the law is not being enforced, and that is an issue across a number of areas but perhaps not the discussion for today.

In Australia we do not have a Bill of Rights. Freedom of speech is constrained and limited. Was it not the purpose of the government in repealing the move-on laws in the Summary Offences Amendment (Move-on Laws) Act 2015 earlier this year to give people the right to freedom of speech — the right to demonstrate, and the right to gather together to express their views? Those in favour of the legislation were quick to point out how important it was to repeal the move-on laws to protect those rights. Indeed in his second-reading speech the Attorney-General stated about these laws:

The powers go too far given they can be made in circumstances where a person committed no crimes at all. They impose limitations on the Victorian public's freedom of movement, the right to peaceful assembly and the freedom of association.

Other speeches were in similar terms.

In a world where we are extremely regulated, where we are monitored closely all the time, and in public places as well, where we are tracked simply by virtue of the fact that we have a mobile phone, our freedoms are being encroached upon enormously and for many reasons, and I think we should be very careful when we come to take any step that further limits our rights to those freedoms. As a community we have lost sight of the fact that we are giving up much of our own privacy and our own freedoms every time we put information into our phones or our computers, we make purchases on the internet, or we use Facebook or Twitter. We are giving away private information about ourselves that other people use. Our information can be sold and passed on to anyone anywhere else in the world. When we are walking around the city we know that we are on CCTV. In Shepparton, a country town, the CBD is monitored by CCTV in a way that means you can focus up very closely right onto the face of a person and there you have it: you know who they are.

If we limit our rights to express our views publicly: to march and to demonstrate in a free and open manner in accordance with the law, then we need to know that we

are giving up something valuable and that it is really important that we do know this is so. It is this tension between those rights and the rights of women to access these health services that have really troubled me. I read the Supreme Court case which described the behaviour of these protesters who are outside the clinic. A lot of the evidence was contained in a letter from the clinic to the court. Of course none of this evidence was tested, but I was very impressed to hear the member for Lowan giving firsthand evidence of her experience. I have now heard it firsthand, and this nevertheless is second-hand.

Some of the examples state that the protesters stand outside the clinic every day and have done so for more than 20 years from Monday to Saturday. Often they number up to 12 people. They approach women apparently coming to the clinic, imposing their presence even when they are clearly unwelcome, harassing women entering or leaving the clinic, engaging in arguments with women and passers-by and attempting to block their entry to the clinic, blocking the footpath outside the clinic and entering the laneway that runs alongside the clinic to follow patients or stand and pray or sing and shout outside the windows of the consulting rooms. I could go on, but I do not think I need to; we have heard enough of this already today. These are the concerns I have. It is because of the fundamental right women have to make these decisions to access health services that they should not be harassed in this way, which is why I think we perhaps need a law to deal with it.

There are other laws in this state that similarly cover situations where there is an exclusion zone in existence, and to some extent that has also influenced me. The Parliamentary Precincts Act 2001 sets out a distinct geographic area around the Parliament where people cannot demonstrate. The Safety on Public Land Act 2004 allows for an area of state forest to be declared a public safety zone for the maintenance of public safety. This seems to have been done to prevent demonstrators from coming into forest areas and impeding logging. In the wildlife regulations we have restrictions and exclusion zones around people who might be demonstrating against, say, duck shooting. I think if we can have those sorts of exclusions in that sort of legislation, in the situation we have here, where women are seeking to access fundamental and really important medical treatment, I have come to the conclusion that it is simply appropriate that the same thing should happen.

I am also influenced by the fact that it is only 150 metres. People can still demonstrate and say what they want. They can stand outside on Macarthur Street

at the back of Parliament House. I see them each morning as I drive into Parliament. We are not entirely depriving people of their right to demonstrate; we are just placing some limitations on it. I suppose I have struggled with this to some extent, but the overwhelming concern for me is that women to have the right to access these clinics. However, I still urge everyone to think long and hard about how quickly we give away the rights we have. That is a really important issue for us all. I support the bill.

**Ms KILKENNY** (Carrum) — It is an understatement to say that I am extremely proud to be able to speak in support of the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. At the outset I acknowledge and commend Fiona Patten in the other place for her incredible and persistent work in bringing forward an earlier version of this bill. I also thank the Minister for Health for her tremendous work on this bill. Firstly, to the member for Box Hill: let us call out what he was saying. This is not a debate about freedom of speech; this is a debate about the patriarchal society we live in: a binary system in which men have dominated and have exerted superiority and control over women and their capacity to act autonomously, particularly when it comes to their bodies.

The current situation Victorian women face when attempting to access an abortion is unacceptable within a human rights framework. Women in Victoria have the right to obtain a legal medical service with respect and dignity, yet every day in Victoria the rights of anti-abortion protesters are being privileged over the rights of women who are trying to access these services. Protesters outside abortion clinics are violating women's human rights six days a week, 52 weeks a year.

We have heard from many members today, and I want to focus on one aspect of this: the Charter of Human Rights and Responsibilities and the implied freedom of political communication in Australia. The charter protects the rights of individuals — like the rights of women who are seeking to access legal medical services. The charter does not protect the rights of organisations, entities or groups, like the Helpers of God's Precious Infants. Charter rights are not absolute. Nothing in the charter gives a person, private entity or public entity a right to limit or destroy the human rights of any person. One set of rights, such as freedom of expression or freedom of religion, cannot be used to nullify another person's rights, such as the rights of women to be free from all forms of discrimination and violence or to access legal medical services.

I turn now to the implied freedom of political communication, which has also been raised as an issue in this debate. As we know, this implied freedom was recognised in the High Court case *Lange v. Australian Broadcasting Corporation*. This freedom constrains a state from interfering with a citizen's freedom to communicate political matters. Any law which seeks to constrain that freedom will be invalid if it is not a reasonably appropriate and proportionate limitation on the implied freedom of political communication. I, for one, certainly believe in the freedom of political communication. I find it difficult, however, to see how a communication directed at individual women as they seek to enter a legal medical centre can possibly be seen as contributing to any kind of public or political debate in Victoria.

I also add that the first amendment of the United States constitution gives people the right to freedom of speech, but the US Supreme Court found that it does not include a right to preach to a captive or unwilling audience. Even leaving that aside, people should be in no doubt that the access zones and the prohibition of certain behaviour carried out by anti-abortion protesters as set out in this bill are more than a reasonably appropriate and proportionate limitation on any freedom of political communication.

Attempting to access an abortion service is a uniquely female experience. It is women who are bearing the brunt of anti-abortion protesters and their intimidation, harassment and violence. It is women who are the targets of anti-abortion protesters. Under the Convention on the Elimination of All Forms of Discrimination against Women, women have a legal right to access medical services. A lack of access to medical services is therefore discriminatory and contrary to the United Nations convention.

Also, when protesters harass, intimidate and obstruct women accessing abortion clinics they are subjecting these women to violence, discrimination and coercion. This is also contrary to the rights of women to be free from all forms of violence and discrimination. In violation of a woman's right to privacy, these protesters, who specifically target individual women as they access abortion clinics, are also effectively interfering in that woman's reproductive decision-making process as well as her bodily autonomy and her physical and psychological integrity and wellbeing.

This violence and discrimination against women must stop. This includes verbal protests as well as silent vigils, because we all know, just as violence against women is not limited to physical violence, so too

communications are not limited to verbal communications. They can include pictures, banners and, yes, even silent vigils and prayers. Whatever communication is used, the motivation is the same and the effect is the same. All these forms of communication by protesters outside abortion clinics constitute a violation of the rights of women. This bill upholds the rights of women. This bill legislates to stop the unacceptable violation of women's human rights by anti-abortion protesters. This bill says no to violence against women.

Keeping places free from violence and discrimination is a legitimate, responsible, significant and proper purpose for this government, so I am extremely proud to be part of the Andrews Labor government, which has put equality back on the agenda, which has said equality is not negotiable and which is going to promote the rights of women. Women in Victoria have the right to obtain a legal medical service with respect and dignity. A human rights framework unequivocally requires that women have the right to access health services such as abortion free from harassment, intimidation and obstruction, and I commend this bill.

**Mr ANGUS** (Forest Hill) — I rise today to speak on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. The twofold purposes of this bill are noted in clause 1 as, firstly, to provide for safe access zones around premises at which abortions are provided and, secondly, to prohibit publication and distribution of certain recordings. This bill raises a number of fundamental and very important issues that I will briefly address in my contribution.

The brevity of my contribution is due to this debate only being brought on on a Thursday and a lack of time being allowed for this debate by the government. The government is happy for a lot of time to be set aside for bills with less social and other long-term consequences, whereas it appears determined to truncate debate on matters with vital social consequences. I also note that earlier today the member for Box Hill made a very comprehensive and articulate contribution that I urge others to read.

Clause 5 of the bill includes a definition of 'prohibited behaviour', which in new section 185B(1)(a) is noted as meaning 'besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding that person by any means'. New paragraph (1)(b) deals with communicating in a way that is 'likely to cause distress or anxiety'. When asked about how this would be determined or measured, government representatives at the bill briefing conceded that this would most likely be ultimately determined by a judge in a court case.

This raises a significant concern where there will be an unelected judge determining key aspects of this legislation. When further questioned about the details of the possible offences arising from the bill, government representatives were again unable to answer the questions in relation to specific behaviours within the exclusion zone, such as praying, singing hymns, saying the rosary et cetera. Again, determinations in relation to this will most likely be left to the courts.

I do not disagree with the law as it currently stands, whereby one person cannot harass, intimidate, obstruct, impede et cetera another person going about their lawful business. The current law provides protection for all Victorians in this regard, regardless of the purpose of their lawful business, and this law is, in my opinion, totally appropriate. I do not disagree with the argument that people attending for the purpose of abortion services should be able to attend peacefully and without harassment, intimidation et cetera. However, I also support the argument that a person with an alternative view about abortion should be able to respectfully offer some support and assistance to a person attending such premises and have their free speech reasonably protected.

Clause 5 of the bill also defines the safe access zone as 'an area within a radius of 150 metres from premises at which abortions are provided'. This is the length of three Olympic-sized swimming pools — an extraordinary and, in my view, completely excessive distance. Measured from a single point, this amounts to some 70 686 square metres or 7.1 hectares. It will apply to all people and buildings within that area, which will inevitably include private property. The government has been unable to answer many questions about the serious and wideranging implications of this bill. For example, if a mobile polling booth is present at a hospital that conducts abortions, will a candidate handing out how-to-vote material espousing anti-abortion views be breaching the law?

One of the key questions for me is: what has actually happened in the last 20 or so years? I asked the government representatives during the bill briefing how many protestors have been charged with harassment, assault, intimidation or other offences in the last 20 years or so, and the advice was that there have been none. Like most reasonable people, if there had been a documented and proven problem that needed to be solved, I would have been open to seeing how this could be addressed. However, this does not appear to me to be the case.

As part of my preparation for this contribution I attended the site of the clinic in East Melbourne to

inconspicuously observe for myself what was actually going on. In the time I was there I saw a handful of people spread out on the gutter edge of the footpath but did not see any behaviour that I would consider to be harassment, intimidation or similar. I mainly saw an older lady approach some pedestrians and in some cases offer a brochure of some sort. I saw some brief engagement at times, with the majority of pedestrians basically ignoring the people and continuing on. Thus the fundamental question I have is: what is the purpose of this legislation? In my opinion it is solely designed to silence law-abiding members of the community who have a different view to the current government on a particular issue — in this case, abortion.

I have also viewed footage that shows the protesters outside the East Melbourne facility being spat upon and verbally and physically assaulted whilst conducting their silent protest. I have read the stories from numerous women, now mothers, who have met, in some cases, members of the Helpers of God's Precious Infants. Their testimonies of the assistance provided by this group and the care and compassion shown towards them during an extremely difficult time in their lives are compelling.

In conclusion I note that I have been contacted by numerous residents in my electorate of Forest Hill as well as many other Victorians about this bill. They have expressed some or all of the concerns that I have raised in my contribution and urged me to vote against this bill. They saw amongst other things the fundamental right of freedom of speech as the most important right to be considered in this debate. For this reason and the other reasons I have outlined in my contribution, I do not support the bill.

**Ms EDWARDS** (Bendigo West) — It is a pleasure to rise and speak on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. I thank the many men and women on both sides of this house today who have spoken in favour of this bill. It is heartening to know that there are many progressive thinkers in this Parliament. Sadly the member for Forest Hill is not one of them; for his information, this bill is to protect women. I have to shake my head at the weak arguments being put forward against the passing of this legislation.

It is quite simple: my body, my choice; her body, her choice. When weighing up the balance around freedom of speech and freedom of assembly, we expect both of those things in a democratic society — there is no doubt about that at all — but what about women's freedom of movement and women's freedom from violence? What are intimidation, bullying and

harassment? They are forms of abuse, and they are abuse against women because it is the women who go to the clinics to seek medical treatment who are being harassed, intimidated and bullied. They are being abused.

Verbal and emotional abuse comes along with that intimidation and bullying when a woman is about to enter a clinic for a termination that is often an emotional and mentally straining exercise. This abuse, particularly in Melbourne at the East Melbourne clinic, has been going on for too long. For over 20 years there has been abuse against women who are going about their daily business and making their health choices.

In order to foster a secure environment for women to receive legal medical treatment, it is imperative that we as a society demonstrate a willingness to preserve the bodily autonomy of women free from coercion. Right now, at a time when violence against women is so alarmingly high, when we are talking everywhere about family violence and the threats against women and when every week two women get murdered in this country, the law must reflect the value of a woman's right to self-determination in all aspects of her life.

This legislation is about addressing this abuse. It will create 150-metre zones around Victorian health services that provide abortions, and in these zones the bill prohibits besetting, harassing, intimidating, interfering with, hindering or obstructing people accessing the clinic. In other words, it is about preventing abuse. The bill also prohibits recording people accessing the clinic or communicating about abortions in that zone in a manner that is reasonably likely to cause distress or anxiety.

Why is this necessary? It is because, as I said, this sustained abuse has continued for too long in broad daylight in our modern society — and even right now as we have a royal commission that is spotlighting family violence against women. In short, the law at the moment does not adequately protect against this abuse.

Intimidation and pestering of women when they go into clinics to have terminations — abortions — can have lasting ramifications far beyond the simple annoyance of being harassed as they enter these clinics. These implications can take the form of mental health issues that can be severe and in the very worst cases they can result in suicide, something that no-one wants to have happen, and women going on to have post-traumatic stress. These are things that we need to prevent, and this bill goes a long way towards doing that.

I support this bill because, as I think many members here have experienced during the course of campaigning, I have received some pretty horrific emails, some pretty horrific letters and some pretty horrific abuse as well as threats and intimidation from anti-abortionists. I do not like to be bullied and I do not like to be abused, so I have not responded to the many emails I have received from anti-abortionists about this bill — most of them not from my electorate, I have to say — because I felt it was important that they see for themselves that when I stand here today and speak on this bill my views are very clear. I will not be bullied. I will not be intimidated. I will not be harassed. It is my body; it is my choice. It is her body; it is her choice. I commend the bill to the house.

**Mr PAYNTER** (Bass) — Thank you, Acting Speaker, for the opportunity to rise to speak on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. I congratulate Fiona Patten in the other place for her work on this bill. The purpose of this bill is to provide a safe access zone of 150 metres around premises at which abortions are provided so as to protect the safety and wellbeing and respect the privacy and dignity of people accessing these services, including employees and others. Importantly, it introduces the objective test of communication that has a reasonable likelihood of causing distress or anxiety. Most importantly, the bill does not seek to unreasonably or unnecessarily restrict the doctrine of freedom of political communication. I welcome this bill, and it has my full support.

Let me start by outlining what this bill is not about. This bill is not about free speech. People are able to speak their minds wherever and however they choose, providing it does not impinge on the freedoms and rights of others. Free speech comes with responsibilities. With social media, ordinary media and personal protest there is ample opportunity for all Victorians to voice their own views.

This bill is not about abortion. Currently abortion is legal in Victoria. Despite a person's personal view on this subject, people choosing abortion are not breaking the law in Victoria. This bill is not about unfairly denying a person's ability to distribute paraphernalia or provide counselling or advice to persons entering an abortion clinic. This is possibly the biggest nonsense I have heard leading into this debate. How would anybody in their right mind think that a person entering an abortion clinic would be seeking the views of or counselling from protesters outside the clinic?

This bill is purely and simply about providing safe access to an abortion clinic without fear of intimidation,

physical or emotional abuse or interference from protesters. For obvious reasons, most people entering these clinics are women. Most are doing so under great stress, are particularly vulnerable and can be suffering emotional trauma. Protesters who seek to intimidate or interfere with their access to these clinics are cowards. These cowards seek to ply their trade when a person is at their most fragile. Further, I personally believe these actions are targeted at these women for just that reason — because they are women. It is another example of how people seek to intimidate, change or influence a woman's behaviour, her actions and her thoughts. I ask this question: would there be the same level of protest or the same actions used by these protesters if it were a man entering a clinic for an abortion? In my view, certainly not.

There are times as members of Parliament when we get to do what is right for no other reason than that it is simply the right thing to do. Supporting this bill and providing safe access to women entering abortion clinics is the right thing to do, and I am proud to do so.

**Ms THOMSON** (Footscray) — I am proud to be able to stand here and support the bill before the house. I pay tribute to the Minister for Health and to Fiona Patten in the other place for ensuring that this bill did get to Parliament, is being debated and hopefully will pass this Parliament swiftly and be put in place for women who have experienced harassment at those fertility clinics — for that is what they are; they are fertility clinics. Let us be very clear about this: they deal with all aspects of fertility, and it is a woman's right to choose to obtain any and all of the services that they provide.

This is not a bill about abortion. We are not relitigating the bill of 2008. I was proud to be in this Parliament in 2008 and support that bill as it went through the Parliament, but that is not what this is about. This is about a woman's right to move freely, unencumbered and not to be harassed or bullied, as she goes about her business, whatever it may be, and more importantly to get the health services that she may need at any given time. That is what this bill is about.

There are a couple of things I will put on the record to make very clear. We have heard reference to the move-on legislation and that it would have covered these protesters. It did not cover them. It was never used — not once was it used — and nor could it be effective. The reason it could not be effective was that the directions were only valid for a period of 24 hours or less. These protesters have been protesting in front of these clinics on and off for 40 years — 40 years! — and consistently for 25.

Like the member for Lowan, who I thought made an absolutely brilliant contribution today, and along with lots of members in this house, I too have gone to the clinic in East Melbourne. I have been on a number of occasions to see how people conduct their practices of harassing women as they go to seek medical advice and medical services. I have actually taken a couple of friends over the years, accompanied and supported them, as they themselves made the very difficult decision to have an abortion. I know what that harassment is like firsthand. No-one would think that I am a wilting flower over here. I am strong — I might be small, but I am capable of standing up for myself and standing up for my friends — but I was certainly intimidated. I did not like the tactics of having people's faces up against mine, of having things thrust into my hand and of being told that I was evil. These are not the things that we expect women in the 21st century to experience. In fact we would not allow it to happen in the parliamentary precinct, we would not allow it to happen in the workplace and we certainly should not let it happen near health services for women. We certainly should not let that happen.

I want to talk about the 150-metre rule, because I know others have mentioned it. This following and this ongoing harassment of women is not counselling. If I want counselling, I will seek counselling from a professional. I will go and see them where they provide those services, I will expect it to be private, and I will expect it to be confidential. That is not what these people do. They bully, they harass and they demean women, and in the 21st century we are not having it anymore. It is not going to continue. I am pleased that this legislation will ensure that.

The penalties, I hope, will be the very things that will keep these people away, because the penalties are severe — a fine of up to \$18 000 and up to 12 months jail if they breach them. On the objective test it will be for police to determine and not for the woman who might be intimidated to have to deal with. The police will make the objective test as to whether or not it may be intimidatory, not the women who are going into the clinic. That protects those women as well.

I also want to take this opportunity to thank all those who have worked with women for those 40 years to provide them with the services they needed when they needed them and who often put themselves at personal risk. They have supported them not just in the procedure but also to feel that they can cope with the decisions that they make and at every step along the way. I want to thank them for that, because I know it has been a really hard ride for all those people who have provided those services. To those who have been

campaigning for this to occur for a long period of time, to have had the legislation in 2008 and to now ensure that those women will be safe when they go into fertility clinics to get the medical services they require, this is the last piece of legislation we need to secure this for women. I commend the bill to the house.

**Ms RYALL** (Ringwood) — I would like to say from the outset that I absolutely deplore bullying, harassment, intimidation and abuse anywhere, whether it be outside abortion clinics or whether it be outside construction sites, whether it be within organisations, the family unit or anywhere. I absolutely deplore any form of abuse.

My concern about the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015 relates to that tension and that fine line between free speech and abuse that many have talked about in this house. In recent years we have seen what I would say is some of the most disgraceful behaviour at the front of some of our construction sites. I was most concerned in the last term when I saw the sheet — the 'scab sheet', it was called — that had the faces of construction workers from Emporium Melbourne on it with a double-barrelled shotgun for all to see. That information was circulated. My concern too is with the Premier's own faction, where there have been balaclava-clad protesters punching horses and picketing and applying intimidation, harassment and appalling abuse to people.

**Ms Thomson** — That's not what this bill's about.

**Ms RYALL** — Some of the stories I have heard today about what happens in front of abortion clinics seem to indicate a similar nature of harassment, abuse and appalling behaviour. I hear someone opposite saying, 'That's not what it's about'. As far as I am concerned, we do not characterise one kind of harassment as being different from another when they are both harassment or abusive behaviours. I get concerned about psychological health and wellbeing and fear for people's lives when any form of harassment, intimidation or abuse occurs. I also get concerned when some men stand shoulder to shoulder with other men who bully, abuse, harass and intimidate and say that that is acceptable behaviour and choose not to say that it is unacceptable.

It is unfortunate that harassment occurs. It is unfortunate that those who have attended abortion clinics or those in the vicinity of offices around those clinics who have walked past have felt that harassment has occurred, intimidation has occurred and bullying has occurred. I deplore it in any way, shape or form.

What I do support is free speech, peaceful protests and protests that do not intimidate others, that do not bully others and that do not harass others. The safety of others is paramount, and it includes not just their physical safety but their psychological safety as well. Harassment, bullying and intimidation have no place in our society full stop.

**Mr PEARSON** (Essendon) — I will make a very brief contribution on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015. This debate has been a very measured and considered affair. While I have not been here for the entire debate, I want to acknowledge some of the contributions. I thought that the members for Dandenong and Wendouree on this side of the house made some really thoughtful and very good contributions. I also acknowledge the contributions made by the members for Lowan and Brighton. I thought both were very measured, heartfelt and sincere. This bill is an important piece of legislation. It is the measure of a modern, progressive, inclusive and respectful society.

As many members know, I am very fortunate and blessed to have five children. I was equally fortunate to have met my wife when she was 18 and had just started at university. Thankfully, my wife did not fall pregnant until she was 30, though subsequently I realised I would only have to take off my pants and look at my wife twice and she would fall pregnant. I raise that from the point of view that I was very lucky we never, ever had to go through a termination together. I cannot imagine what it would have been like had my wife and I had to go through something like that when we were very young and at another time.

This bill is an important piece of legislation. I did not mean to trivialise my contribution by that earlier remark; it is important legislation. I am pleased that is something we never had to experience when we were younger. I am also pleased that through this legislation it is something no-one else will have to experience.

**Mr T. SMITH** (Kew) — I know that time is short, so I will be as quick as I possibly can be. It is my pleasure to rise to speak on the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015, and quite frankly this is the most vexing piece of legislation I have had to deal with in the year since I was elected.

People have the right within political discourse to offend others. It is a fundamental part of a robust democracy, but protesters engaged in collective political action do not have the right to harass anyone else going about their legal business. It is for this reason

that I will be supporting this piece of legislation. Largely, the reason why I am supporting this bill is that my sister worked as an accountant in a building abutting the clinic in Wellington Street, East Melbourne. She has very kindly written me an email detailing the behaviour of anti-abortion protesters which I will read to the house, which informs my views on this subject:

Five years ago my place of work was situated in Wellington Parade, East Melbourne. I was in my mid-20s at the time. Each morning I had to walk past the demonstrators outside the clinic. The demonstrators would gather around me shouting and showing me disgusting pictures. As soon as they realised I was not trying to enter the clinic they would leave me alone. But I had to endure this on a regular basis.

On one day my mother was dropping me off —

that is my mother as well —

at work, and I was staying the night at a friend's, so I had a bag with me. Unfortunately the only free park on the street was just outside the clinic. As soon as the car pulled up and saw a young female about to get out, they surrounded the door and then continued to follow me, barely letting me walk down the street. This was while they continued to shout disgusting things and show me absolutely abhorrent photos.

I should have the right to walk down a street without being harassed; this is not a peaceful protest.

I have also got an email here, which I will not read aloud, from the managing partner of Sayers Partners, accountants, at 112 Wellington Parade, East Melbourne, who makes it very clear that it is highly detrimental to his business having protesters waving around ghastly photos, intimidating clients and generally making the area that should be for small business an area that resembles a protest field, and that is totally unacceptable.

I am a proud Liberal in the tradition that wants to see greater freedom in society, and it concerns me greatly that I am essentially supporting a curtailment of fundamental freedoms for a certain group of people with a differing opinion to the mainstream. However, in this instance I am convinced the public good is best served by ensuring that areas abutting abortion clinics are orderly and, in the Burkean tradition of our party, that protests are well ordered, organised and most importantly do not impinge upon the rights of others going about their lawful business.

I would like to add that I think a 150-metre exclusion zone around abortion clinics is excessive and unnecessary, but I am convinced that with the reasonable person test built into this legislation some form of peaceful protest that the reasonable man would accept around clinics is still potentially permissible.

That reassures me that the conflicting rights that we have to deal with here in this instance are being appropriately managed, and for this reason it is my pleasure to support this bill.

**Debate adjourned on motion of Mr EREN (Minister for Tourism and Major Events).**

**Debate adjourned until later this day.**

## FISHERIES AMENDMENT BILL 2015

*Second reading*

**Debate resumed from 22 October; motion of Mr PAKULA (Attorney-General).**

**Opposition amendment circulated by Mr WALSH (Murray Plains) under standing orders.**

**Mr WALSH** (Murray Plains) — I will make the lead speaker contribution on the Fisheries Amendment Bill 2015. As is set out in the bill, the purpose of this bill is to phase out net fishing in Corio Bay by 2018 and in Port Phillip Bay by 2022, compensate the 43 existing commercial licence-holders and provide a limited non-net commercial fishery in Port Phillip Bay of up to 8 licence-holders from 2022 onwards.

In starting my contribution I say success has many parents, and given that this is a proposal — —

**Mr Eren** — And failure is an orphan.

**Mr WALSH** — And failure is an orphan, as the minister interjects across the table, but I suppose in this case, given that the coalition put a policy out about this in a similar format early in the election campaign and the Labor Party copied that near the end of the election campaign, there has been a general ownership of this particular policy for quite some period of time.

From the coalition's point of view, our Better Bays plan was a more holistic view on what could be done for Port Phillip Bay rather than just the buyout of the licences, as is proposed in this legislation, because that Better Bays plan also encompassed the concept of better erosion control around the bay, better litter control around the bay, better control of marine pests in the bay and better control of stormwater going into the bay, with the subsequent pollution that goes with it.

The Better Bays plan was also a package that included upgrades and improvements to fishing platforms and piers, particularly Mordialloc Pier. I am reminded of the story, when we went down to announce that, of Rex Hunt. Rex got quite emotional, as he does sometimes

about that particular pier, because that was the place his father first took him to go fishing when he was a young child. The plan was also about new and upgraded bike paths around the bay and also money for infrastructure and the operation of surf lifesaving clubs as well, so it was a far more holistic program than just the buyout we are now talking about here today.

Target One Million, as I said, is only one part of this particular program and the buyout by the now Labor government, because if you do not upgrade the associated infrastructure, you actually put more pressure on the recreational fishing infrastructure. It is going to be a lot harder to get a parking spot; it is going to be a lot harder to get a launching slot, particularly for those people coming back in after a number of hours out in the bay fishing; it is going to be a lot harder to actually get their boat back on their trailer when they want to. We know that for those people who have visited those launching places around the bay, when there is a long queue of people coming in off the water and they are tired and have been out in the weather, they just want to get their boat on their trailer and go home, and that creates some tensions at times around that particular area.

As I started off by saying, success has many parents. It would be interesting to know whether Labor would have done it at all if it had not been for the coalition putting this policy forward. I notice the minister at the table smiling about this. I believe the coalition actually led the Labor Party to do this particular policy.

**Mr Eren** — Except you didn't do it.

**Mr WALSH** — We did not get the opportunity to do it. Port Phillip Bay, as has been said by a lot of people, is a recreational fishing mecca here in Victoria. It attracts a lot of people not only from outside Melbourne and the rest of Victoria but also from interstate and overseas to actually go and fish in Port Phillip Bay. I noticed recently there was an economic report put out about the value of recreational fishing here in Victoria. It coincides with this particular debate. I suppose as an inlander it is important to know that that recreational fishing economic report includes recreational fishing right across Victoria, not just for the bay, because it is a huge industry wherever you go.

Coming back to the bay, there has been a lot said about the pastime of recreational fishing and the joy for children — and for adults, for that matter — when they catch their first fish. I suppose one of the pleasures I had as the former minister with responsibility for fishing was actually to go out snapper fishing with Trevor Hogan from Patterson River a couple of years

ago, something I had never done. I had never been out on the bay fishing. I am one of those people who openly admit that they actually like to see land when they are out on the water; I do not want to get too far from land. But it was an opportunity to go out with Trevor and some of the people from VRFish to do some snapper fishing. It was a real thrill to catch my first snapper. We both caught a couple of fish each and took them home that night and cooked them with the instructions that Trevor gave us, and it was a magnificent piece of fish, so I understand the thrill that people get out of going recreational fishing.

I think one of the myths about fishing is that it is not a sport or recreation for women. I know there are a lot of people who always talk about the guys going fishing. There are a lot of women who go fishing, and we should make sure that we put on the record in this place that it is not a gender-specific pastime. A lot of women love going out fishing, both with their partner and probably most likely without their partner and with someone else they can enjoy that with. It is a recreation for the whole family, and as has been spoken about by a lot of people, it is important that young people get the opportunity to do it. Quite often, particularly if they have a positive experience the first couple of times they go out fishing, they are — with no pun intended — hooked for life because of the thrill they get out of doing that and will get out of it into the future.

There is a substantial industry that sits behind recreational fishing. We have talked about the economic activity report. That effectively says that the combined direct and indirect output of the industry is about \$7 billion, and it employs something like 34 000 people. Those people who have gone along to the boat show over a number of years would have an appreciation of how recreational fishing crafts have improved over time. If you go back in time to a little silver aluminium tinny with 5, 10 or 15-horsepower output on the back, you see that boats have come a long way since then.

**Mr Brooks** — Not mine!

**Mr WALSH** — That's up to you. You need to buy a better one. You need to go to the boat show, Colin; there were some great boats down there. I am sure there is a person who would love to sell you a better boat in the future, but there are some very good boats there now and a whole range of rods and tackle and everything that sits behind that. So there is a very big industry that sits behind that.

The thing to remember in discussing this legislation is that there are those 43 licensed commercial fishermen

who have been fishing in the bay, some of them for several generations. With this particular legislation it is important to bear in mind that some of those people believe they are substantial losers out of this particular initiative that is being put forward. I would like to thank particularly Seafood Industry Victoria (SIV) for the detailed information it has sent through about its views on the compensation package and how it is going to work, particularly the fact that SIV does not believe the compensation package is adequate. It does not believe it is as generous as the Western Port buyout that happened a number of years ago. When I met with SIV a number of weeks ago in the consultation on this bill, at that stage it was going to write to the minister and see that particular issue out. I do not know if it has actually written to the minister about the fact that it does not believe that the compensation package is adequate, but it said it was going to do that.

The other issue, comparing it with the Western Port buyout, is the fact of a tax ruling around how the payments were going to be treated from a tax point of view. As I understand it, a class tax ruling for the Western Port commercial fishermen meant that they clearly knew how the tax was going to be treated on their payments — when they get their payouts, they lose a substantial amount of it in tax.

One matter that arose during our bill briefing which was not clear to me is about the allocation of the eight longline licences that will remain after 2022. The question that I raised at the bill briefing was that the process for how those licence-holders will get a licence is prescribed, but it does not impose a time frame on it. During the bill briefing opposition members were informed verbally that the licence-holders would be notified before 1 April 2016. Our advisers took it on notice that that issue would be clarified and put on the record during the debate in this house. I think it is important for those people who will be affected that the process be set out in the bill as to how they can apply for a longline licence. In making their decisions about when and how they surrender their licences, it is important that those people know when they are going to be informed of whether, if they choose to apply, they will be one of the eight licence-holders who will be given a longline licence into the future.

There is a lot that could be said about this bill. Unfortunately the way the business program has evolved this week — with a lot of bills and the short day yesterday — not everyone will have a chance to speak on bills, which we saw happen with the previous bill, debate on which has been adjourned. A number of speakers on this side of the house have not had the

opportunity to speak, and I have put my truncated version of my contribution to the debate on the record.

In closing, I will speak to the amendment that I have had circulated in my name, which is:

Clause 5, page 3, line 31, omit "2018" and insert "2017".

That is to do with the time of cessation of netting in Corio Bay. The feedback that I have had from the Friends of Corio Bay Action Group is that they believe that the government is using the ceasing of netting in 2018 as an election stunt running up to that year's election. They believe it would be better to move the date away from the election cycle and have proposed 2017 instead of 2018. I think that is reasonable, which is obviously why I have circulated my amendment.

When I started my contribution I said that success has many parents, and there has been bipartisan support for this particular program. I would like to think that there would be support from the Labor Party in the other place for my amendment to bring forward the cessation of netting in Corio Bay from 2018 to 2017. If there is no support in the upper house for that amendment, that would say to me that this is all about a political stunt and not about trying to do the right thing by the fishermen in Corio Bay. It will be interesting, and it will be a test for the Labor Party in the upper house to see if government members support that amendment, because if they do not, that would send a very clear signal, particularly to the Friends of Corio Bay, that the government is not serious about this piece of legislation.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a contribution to the debate on the Fisheries Amendment Bill 2015. Fishing is one of Victoria's most popular recreational pursuit, with some 700 000 recreational fishers in the state, many of whom would call it a sport.

As Parliamentary Secretary for the Environment I well know the various waterways and options that people have for both ocean fishing and inland fishing across Victoria. Recreational fishing contributes something like \$3 billion to Victoria's social and economic wellbeing and is particularly popular in regional Victoria. The government's Target One Million plan, the largest injection of funds into fisheries in something like three decades, will help sustain and grow the recreational fishing industry. It will also encourage more families and individuals to get involved, and I think those people will have a greater appreciation of and will become advocates for our natural environment.

This government has chosen to grow our recreational fishing industry, so our election commitment recognised the need to remove commercial netting licences from Port Phillip Bay by 31 March 2022. We recognised that people's livelihoods would be affected, and that compensation is part of the government's policy under a seven-year strategy that includes the removal of netting and increased catch rates and size for the recreational fishing sector. I am pleased that the bill includes a phase-out of commercial fishing in Corio Bay from 1 April 2018, and the government has upped its compensation package from \$20 million during the election period to a commitment of some \$27 million.

During our time in opposition I was pleased to play a role in some of the consultations and policy development work with VRFish and several other stakeholders on behalf of the Premier, the then opposition leader, and in conjunction with the member for Bendigo East in her shadow ministerial responsibilities. I commend the bill to the house. I also believe that, again, this legislation was an election commitment that was affirmed by the people of Victoria almost one year ago. It will provide great benefits for the hundreds and thousands of recreational fishers across Victoria. It is a timely decision, one that has been affirmed at the ballot box by the people of Victoria, and I look forward to its passage through this place.

**Debate interrupted.**

## DISTINGUISHED VISITORS

**The ACTING SPEAKER (Mr Crisp)** — Order! I take this opportunity to acknowledge a former member for Gippsland East, Mr Craig Ingram, who has joined us in the chamber. No doubt he has an interest in proceedings.

## FISHERIES AMENDMENT BILL 2015

*Second reading*

**Debate resumed.**

**Mr KATOS** (South Barwon) — I rise to make a contribution to the debate on the Fisheries Amendment Bill 2015. At the outset I say that both the Labor Party and the Liberal Party went to the last state election supporting the proposition that is put forward in this bill. In my contribution I will put the views of the commercial sector on the record. This bill has vexed me because I have a personal history in the commercial fishing sector. My father was one of the first to fish for scallops in Port Phillip Bay — he held one of the

84 licenses that were taken away on 1 April 1997. Fisheries licences just happen to be issued on April Fools' Day — they cover the period from 1 April to 31 March. My father's scallop fishing licence was taken away, and now the same thing is happening with commercial netting in Port Phillip Bay.

Obviously my family has a very long history in the commercial sector with netting. The main type of net in contention was the beach seine or scraper net, which is effectively shot away from the beach and then hauled back towards the beach, with the lead lines being drawn along the sand. That was probably the net that was most in contention. The mesh net, or gillnet, was probably the least contentious of the nets. It was not as obvious and obviously the nets were more discriminatory.

Commercial fishermen have certainly indicated to me that they felt that they could have continued to coexist with the recreational fishermen, and that they were more than happy to look at multiple options to facilitate that. I have spoken to fishermen. Most of the fishermen are on the Bellarine Peninsula, and I certainly had a very lengthy conversation in the last few weeks with Dennis White of White Fisheries in Drysdale.

He indicated to me that the commercial sector was more than happy to look at the closure of the inner harbour of Corio Bay, which is effectively from the tip of Point Henry due north to Point Liliias — that is, to close that and allow no fishing whatsoever in there. They were happy to look at not working on weekends and public holidays. They were happy to look at not working even in the Christmas period, from Christmas into the New Year and even some of January. That is when the holiday-makers particularly are out there fishing the most; they were even happy to look at fishing three days a week, which is what the scallop fishermen used to do.

On a roster they would fish three days a week; they would not fish on weekends. It was a similar system to that, and if the three days of the week you were permitted to fish happened to have bad weather, then it was just bad luck that week and you would not have fished.

I firmly believe that, through their practices, a couple of commercial fishermen have ruined it for the whole industry, in particular through their practice of using beach seine nets. In the bad old days they used to just haul a beach seine net right up onto the beach then pick through it in very shallow water, and a lot of bycatch and other fish were killed in that process. Now fishermen will do that in their waders in a deeper bit of water closer to the shore, and they will use more hoop

nets to take the fish out. Obviously bycatch is not killed in that process. People are now doing it well, but unfortunately a couple of complete idiots have spoilt it for the whole industry.

Some of the other issues that the commercial sector has raised with me include the inability now of a large section of the community to access fresh fish from Port Phillip Bay — younger people, older people and even disabled people. Not everyone can go out and catch a fish. It is unfortunate that a lot of people will continue to miss out. One thing I think this bill lacks completely — and the commercial sector has highlighted this to me — is the premium species of fish in Port Phillip Bay, being King George whiting, southern calamari and snapper, particularly smaller snapper such as baby snapper and mid-sized snapper up to, say, 1 or 2 kilos. The problem that will potentially be created now is a massive black market in these fish. I am certainly not implying that all recreational fishermen go out and sell their catch, but I know that some do. They would knock on my door when I used to have the shop, and I would tell them, 'Go forth. I'm not interested. I only want to deal with licensed fishermen'.

Are there increased penalties proposed for, in effect, poaching or exceeding bag limits? Are there increased penalties for selling your fish? Obviously when you sell your fish as a recreational fisherman, you are breaking fisheries laws, you are breaking tax laws and you are breaking health laws. Are they being considered? Perhaps these issues could be asked about in the committee stage of debate in the Legislative Council. I would implore recreational fishing groups to make sure that their members are not tempted to do this; to get out there on the front foot and remind recreational fishermen that this is not going to be a free-for-all to go and do as they like. There will be incentive to do it, if you look at the price of King George whiting particularly and the fact that a lot of the King George whiting is caught in Port Phillip Bay.

One other thing I think we need to look at is longline. I think there would be eight longline licences left, but longline only targets, in effect, large snapper and gummy shark — they are the two main species. You might get some rockling or young flathead caught as a bycatch. You might get some black ling caught as a bycatch. In the warmer months, and this is the main reason they do not use a longline in the summer months, you catch a lot of skate and stingrays as bycatch, which really have very little or no commercial value.

I certainly believe we should investigate non-netting commercial licences that would allow fishermen to

work with a rod and reel or even a gig so we could get southern calamari in the spring and we could get a continued supply of King George whiting into the marketplace as a premier table fish, and even those smaller snapper — baby snapper and mid-sized snapper. The longline only targets those bigger fish. That would be a method perhaps to look at in the future.

I certainly believe we should have a category of licence that is a commercial licence, and that is another thing that could be asked about in the committee stage in the Council. It is not netting, so the issues raised by recreational fishermen with the netting being banned would not be a problem. That would allow some fish to come to market to satisfy some demand. It is never going to satisfy the same level of demand that the nets could, but at least it would provide some method of getting those fish to market. If you look at a longline hook, it does not fit in a King George whiting's mouth, I can tell you. It is quite a large hook. That is one thing I would certainly be wanting to see investigated.

As I said earlier, this bill has certainly vexed me, having come from the industry. It is sad to see the fishermen go, but I understand the commitment that was made by both parties, and I accept it. The election was held, and the Labor Party won the election, but on our side we also made a similar commitment. We now need to look at alternative methods. I think a rod-and-reel fishery, a gig fishery, that would allow commercial harvest would complement very well the dive fishery for scallops and the aquaculture that is going on in Port Phillip Bay. I think all of these things would be complemented very nicely if that method of fishing were in place.

The black market also needs to be addressed. I really do see that becoming a potential problem. I firmly believe the vast majority of recreational fishermen do the right thing, but the temptation and the incentive will now be there for fishermen to go out and do that. That is the problem I see. They will have their 70-year-old next door neighbour who has eaten King George whiting all their life, and unless they give that fish away out of the kindness of their heart, that neighbour will still be looking for fish. With those comments, I will finish my contribution.

**Mr EREN** (Minister for Tourism and Major Events) — I too wish to speak on this very important bill before the house, the Fisheries Amendment Bill 2015. As a local Geelong member who saw many hundreds of people go into town halls and sporting clubs to lobby for recreational fishing to be protected going forward, but also as the Minister for Sport and a

dad — I went fishing with my father, I have taken my kids fishing, and I hope to take my grandkids fishing one day — I am aware on a number of fronts that this bill is important to many people.

As has been alluded to before, there are over 720 000 recreational fishers out there, and that is important on a number of fronts. It is not only physically good for you to be out and about, active and getting some fresh air, but it is also psychologically very good for you. Fishing has gone a long way to ensuring that many community members keep sane, to a certain extent. Sometimes when you do not catch fish for a long time it does stress you out, I must admit, but having said that, it is certainly a very relaxing recreational activity. We also know it is estimated that some \$2.3 billion of activity through recreational fishing grows our economy in a number of different ways. It is important on a number of levels.

When you think about the contribution that fishing makes to general society, it is important to make these policy decisions based on some facts as well. There are two sides to the argument, and I must admit that the commercial fishing side put a lot of good cases forward, as did the recreational fishing groups. And of course, as governments do from time to time, we have to balance our decision-making process and come up with a policy.

I do not think you can make everyone happy all of the time, but you try to find a balance. To that end, I recognise some of the comments that have been made in relation to commercial fishing and how it impacts on businesses. There are some 43 commercial licences that will be affected — and it is those people's livelihood. We certainly understand that. As a government we are compassionate towards that. I remember that when I was first elected to Parliament, not to this place but to the other place, back in 2002 we made another very important decision — to stop logging in the Otways. That affected some people who worked in that industry at the time, but you fast-forward some 12 or 13 years and many tens of thousands of jobs have been created as a result of tourism and other activities going on out there. From time to time governments must make some very tough decisions.

Like then, again we are providing a package for the commercial fishing industry, and we are providing some \$27 million to compensate affected licence-holders. We are also honouring a Labor government commitment to offer a clear and fair exit strategy for licence-holders. This will provide proper recognition of individual investment and loss of income to licensees. We will offer compensation payments in

the first year from \$350 000 up to \$1.6 million depending on catch histories. We just want to make sure that we are fair with the industry. We understand the importance of recreational fishing and how good it is for our future and of course for our state. That is why we are providing a package to the affected parties.

I want to point out in relation to the level of activity in the economy that tourism is worth about \$21 billion to our economy, and some 206 000 jobs are associated with it. We have had a bumper year this year, particularly with visitations, not only through intrastate tourism that occurs through Victorians visiting other parts of Victoria but interstate tourism is also rising, as is international tourism. We need to make sure that we have lots of different offerings for all those various interested parties, and we need to know why they want to come to Victoria. One of those reasons is of course because it is a great place to live, work and raise a family. That is going back a while — that is a slogan from the past. But also, in relation to making sure that we have the offerings in place, we have to provide some fishing alternatives by building the stock and having ample fish.

Going back about a year and a half ago when these discussions were happening, a few mates and I went on a chartered fishing trip for the day, and it was a great day. It was fantastic, but unfortunately we did not catch that many fish through the day. It was not because of my lack of expertise in fishing, and it was consistent with the rest of the group. They did not catch any fish either. I think that through the day I caught about four fish, which apparently is very low.

**An honourable member** interjected.

**Mr EREN** — Yes, it was about that big. I admit that at that time it really did convince me that there was a depletion in stocks and that did worry me a bit. The chartered boats depend on the tourism dollar — and of course that is an industry itself — and they too were very concerned about the lack of fish in the bay. In making our determination that was part of it as well.

The removal of netting in Port Phillip Bay is an important issue to my electorate of Lara. As a local member I have been contacted by constituents at my electorate office asking for a ban on netting in Corio Bay. By doing this, the constituents expect increased catch rates and size of fish for the recreational fishing sector and reduced spatial competition. And what a beautiful bay we have, I must admit. As a local member I can say it is probably the best looking bay. In terms of its health as well, it is quite good considering there is a lot of industry around Geelong. We have a very healthy

bay, and we enjoy that tremendously. It brings many millions of people to our foreshores, and we just want to make sure that going forward into the future we attract people not only from other parts of Victoria but also from interstate and internationally to come and do some fishing in Corio Bay.

It is a very important bill before the house. It will add value to our economy in Geelong and broader Victoria. It will also mean that going forward many generations will be able to enjoy fishing as a recreation with their families. To that end, I commend the bill to the house.

**Ms SANDELL** (Melbourne) — I rise to speak on the Fisheries Amendment Bill 2015. The Greens will be moving a reasoned amendment to this bill today, and I will outline our reasons for doing so. My reasoned amendment asks for Parliament to suspend debate on this bill until after the outcome of a study on the effects of commercial and recreational fishing has been completed. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this house refuses to read this bill a second time until the outcome of the Fisheries Research and Development Corporation funded project “The social drivers and implications of conducting an ecological risk assessment of both recreational and commercial fishing — a case study from Port Phillip Bay” is available.’

This is a research project costing \$185 000, and the Fisheries Research and Development Corporation is co-funded by the Australian government and fishing interests, both commercial and recreational. The project is currently being finalised. I understand it will be published early next year, possibly in February. If the government and opposition are committed to evidence-based policy, I see no reason why we cannot delay this bill until after the results of the study are known.

I was pretty disappointed to learn that recreational fishers and the Victorian government pulled out of this process because of the election promise to shut down commercial netting. This to me indicates that the Victorian government has ulterior motives for shutting down commercial netting in the bay — such as wanting to pander to recreational fishers in marginal seats, perhaps — and is not actually interested in what the science says about our fisheries and whether it is actually a good idea or not to shut down commercial netting. I hope sincerely that this is not the case and that the government votes to delay the bill until after the study is finished.

The objectives of the study are fivefold: firstly, to understand the full range of issues underpinning resource sharing by commercial, recreational and other

stakeholders in Port Phillip Bay fisheries; secondly, to develop a framework for assessing the social and ecological issues in Port Phillip Bay fisheries; thirdly, to undertake a qualitative ecological risk assessment of the Port Phillip Bay fishery, including both the commercial and recreational sectors; fourthly, to identify the most significant ecological risks to the ecologically sustainable development of fisheries in Port Phillip Bay; and lastly, to make recommendations for improved cross-sectoral management of Port Phillip Bay fisheries. With this bill the government is planning to essentially shut down commercial netting in Port Phillip Bay, but it is doing so before it sees the results of this important study.

Now I understand that it looks pretty strange for a Green to stand up here and say that we should continue commercial netting, but the fact is that we in the Greens make our policy decisions based on science and based on evidence. Environment groups are telling us that these fisheries are actually sustainable and shutting them down would be counterproductive to protecting the environment. The Greens, and environment groups, believe that we should all get all our food, including fish, from the most local and sustainable source possible. Both the Australian Conservation Foundation (ACF) and *Australia's Sustainable Seafood Guide* — which is endorsed by Greenpeace — list fisheries in Port Phillip Bay as sustainable. I do not understand why we would want to shut down a sustainable seafood source if it meant people will then get their fish from unsustainable sources that are not local. That is not the outcome we would like to see.

Surely everyone in this place should be encouraging local sustainable farming and fishing instead of encouraging people to get mass-produced food from unsustainable sources that come from a long way away. I know that it is very rare for an environment group to endorse a commercial product, and even rarer for the Greens to get up and say that the government is doing a good job at managing a natural resource, so when we do, members should know that we have thought long and hard about it and have looked at the science and at the evidence.

The Australian Conservation Foundation's sustainable Australian seafood assessment program recommends Port Phillip Bay fish. I have spoken to the researcher who oversaw this project, and he confirmed that shutting down commercial netting does not stack up on environmental grounds. *Australia's Sustainable Seafood Guide*, which is published by the Australian Marine Conservation Society, also lists Port Phillip Bay fish as sustainable, and this guide is endorsed by Greenpeace.

Snapper caught commercially in Port Phillip Bay is the only commercially available snapper that is endorsed by a third party. ACF has also assessed silver trevally, southern calamari and King George whiting from the bay as sustainable. Eminent scientists are coming out in public saying that the best available research that we have shows the fishery is socially, environmentally and economically sustainable. If new evidence comes to light that shows that this is not the case, I would be more than happy to change my position, but we do need more evidence. That is the reason for my reasoned amendment. I say, 'Let's go out and get some more evidence rather than making policy on the fly'.

In addition, my office has talked to Dr Tanya King, who is a senior lecturer at Deakin University and the lead author of a recent paper on the mental health of commercial fishers and their families. She has alerted the government to the urgent need for a social impact assessment. She has also called for counselling for licence-holders and their families.

**Mr Nardella** — A social impact assessment on fish — on fish!

**Ms SANDELL** — The member for Melton seems to think we need a social impact study on fish, which is quite strange; we actually need it on fishers. Dr King's paper notes 'high levels of fisher depression, anxiety, self-harm, risk-taking and suicide'.

The government has not presented any evidence to back up its claim that the environment is endangered by commercial netting or even that recreational fishing is harmed by commercial netting. There is actually no evidence that recreational fishers will benefit from this bill, so it seems like it is really something done to win votes. I do have grave concerns about the government's motives for introducing this bill. If they are not based on science and evidence around the environment or around the recreational fishing catch, what are they based on? What are the government's motives based on? Are they based on politics? Has it promised recreational fishers the world in exchange for votes in certain marginal seats? Or has it made a deal with the Shooters and Fishers Party in return for preferences?

The government's Target One Million election promise set a target of increasing recreational fishing to 1 million Victorians and promised no new marine parks of Victoria. It is pretty concerning to me that the government does not want to protect our fish and marine environments but instead is pursuing policies to increase the number of fish being taken out of the environment by recreational fishers. Now of course I understand that people like to go fishing — my family

included — but we need to make sure we are managing our fisheries in a way that is based on science and a way that is sustainable, not in a way that is based on knee-jerk reactions or what will play best in marginal seats.

If we allow recreational or commercial fishing to go unmonitored and increase it, as this government is doing with recreational fishing, without knowing the impacts, we will not only be doing the environment damage but we will be being short-sighted because it means our kids and our grandkids will not be able to enjoy fishing in the same way that people do today.

The Minister for Tourism and Major Events got up and talked about his one experience out in Port Phillip Bay — and, based on that one experience, he seems to think that fish stocks are going down. That was based on one anecdote. That seems to be the extent of his evidence and seems to be the extent of the evidence this bill is based on. I think his one experience of not being able to catch enough fish in Port Phillip Bay says more about his ability with fishing than about the stocks in Port Phillip Bay.

We cannot be allowed to squander a resource today merely for a few votes in marginal seats. We should be managing our resources in a way that is sustainable and a way that allows them to exist into the future. I sincerely hope this government is not selling out the environment and is not selling out our industry in order to retain a couple of marginal seats. I would love it to prove me wrong, and it can do that by delaying this bill until the study I have referred to is complete.

In the government's Target One Million promise it also promised to undertake a statewide recreational catch survey. There has not been a substantial survey of recreational fishing in the bay since 2000–2001, so data about recreational fishing are well out of date. It would make sense to me to undertake a recreational catch survey before taking the drastic measure of shutting down an entire industry of commercial netting. This is just one more reason why the government should vote for the Greens' reasoned amendment and delay this bill until we have proper scientific information about what is happening in the bay and what is happening to our fisheries. The Greens' reasoned amendment is simple and it is sensible. It asks the government to wait at least until the Fisheries Research and Development Corporation project is completed early next year. It is a very sensible proposition. I hope everyone in the house will be able to support it.

**Ms WILLIAMS (Dandenong)** — Today I rise to support the Fisheries Amendment Bill 2015. This bill

implements an Andrews government election commitment to remove all commercial netting in Port Phillip and Corio bays by 31 March 2022 and intends to develop and encourage recreational fishing in the bay. Corio Bay will be closed to netting by 1 April 2018. Port Phillip Bay will be given back to the people of Victoria for them to enjoy and engage in a healthy, family-friendly recreational fishing experience. I have to say I grew up fishing in Port Phillip Bay with my dad, and it was one of my most treasured pastimes, both because I love the thrill of reeling something in but also because it gave me one-on-one time with my dad, who was — and still is — the most interesting and knowledgeable man I know.

I understand that I am not alone in my love of fishing. Victoria is home to some 750 000 recreational fishers. When I was primary school aged and out fishing with my dad I remember pulling out some really decent-sized flathead, but these days you are lucky to pull out something of legal size. I know many anglers believe commercial netting is responsible in some part for this, and I hope the changes being made through this bill will go some way to restoring our bay to what it once was, giving families something to be excited about as they cast their lines in.

We have heard about Labor's Target One Million plan that aims to raise the number of recreational fishers to 1 million. But increasing the number of recreational anglers is only part of the plan. We envisage improving fishing access and facilities through our better fishing facilities grants program, and we want to encourage membership in recreational fishing clubs, increase fish stock and establish school education and fishing programs. We hope many more Victorians will have a go at fishing. It is fun, it is healthy and sometimes it is heartbreakingly frustrating — most of the time, in my experience.

Fishing does not have to be an expensive pursuit. Just as I did when I was a kid, my nephews love to sit on the end of the pier with their rods, waiting for a tug on the line. They have never known the bay as I remember it, so sadly their fishing experience has mainly involved fending off unwanted toadies and pulling in baby flathead that have to be promptly thrown back. It is a summer highlight for them, and it is something the whole family can be involved in. It is an accessible activity too — you do not need to be an athlete, and everyone can do it. Basic skills can be learnt and honed, and many of life's lessons can also be learnt along the way: patience, disappointment, hope, sometimes prayer and success. It is an exercise in dealing with all life throws at you, or perhaps I have just read too much Hemingway. The benefits are many and varied: the

opportunity to engage with family and friends, become more aware of our environment and our responsibility to that environment, and also recognise firsthand the need to protect our sometimes fragile natural resources.

The way of the recreational fisher is to throw back the undersized or unwanted, preferably with as little harm to the creature as possible. In contrast, commercial fishers are unable to control their bycatch — that is, undersized or unwanted marine life that is caught in nets, along with the targeted species they are looking for. These are disposed of at the end of the day — thrown away, often just left to die. By removing netting in Port Phillip Bay we will no longer be reading stories about wildlife, such as penguins et cetera, being trapped in these nets.

Environmental benefits to Port Phillip Bay through the banning of netting will also be significant. Commercial netting catches just about everything, from undersized fish — which, as I have said, would usually be thrown back by a recreational fisher — to penguins, birds, dolphins, you name it. Marine life may be substantially endangered as small school fish are harvested along with targeted species.

This government is putting a significant injection of funds into fisheries — the largest injection we have seen for about 30 years. Currently it is estimated that recreational fishing contributes somewhere in the vicinity of \$2.3 billion to the social and economic benefit of Victorians, particularly in rural and regional Victoria. Growing this recreational activity will also provide substantial benefits to the people of Victoria in terms of both health and economics.

I am very proud to be part of government that is actively encouraging the uptake of such a family-friendly activity, and I am proud that in doing so we are also preserving the health of the bay and her wildlife. I commend the bill to the house.

**Mr DIXON** (Nepean) — I rise to support the bill and support the amendment put by the Leader of The Nationals. I am the member for Nepean, and recreational fishing is a huge pastime in my electorate, not only for the residents — many of whom are retired and like to go fishing — but also for the massive number of visitors who come down to my electorate to go fishing right throughout the year, whether it be fishing off the pier, ocean fishing or fishing in Western Port Bay or Port Phillip, all of which provide different fishing experiences. It is an area that attracts a lot of recreational fishing, and this is a huge issue in my electorate. I have been fishing down there for 30 years, and I have seen a massive increase in the number of

recreational fishers and the competition for what sometimes are more scarce fish. But we see fish stocks come and go — there is a cycle about it. The secret of what we need to do in the bay is to keep it sustainable.

It is also a large part of my local economy. Rye, where I live, has the second-busiest boat ramp in the state, but there are massive flow-on effects to bait shops and other shops that sell fishing equipment. It is a specific industry in itself, but it is also part of the broader tourism industry, which is the largest business in the electorate. More than \$1 billion a year comes into my electorate through tourism. It is an integral part of Nepean, and it is a very important recreational pastime for people who live on the Peninsula and, as I said, visitors as well.

Coincidentally, I held a fishing forum a few weeks ago, and there was a range of speakers. The forum was not about this legislation; it was something that I had organised anyway. This legislation came up as a topic, and the fishers who were there were very supportive of it.

One concern that has been raised with me by some local restaurateurs is that what makes them different from other restaurants is that they offer fish from the bay that has been caught by professional fishers, which they can then sell off the plate in their restaurants. It is not the only thing they sell — they also source fish from other places — and these changes are not going to mean the end of their restaurants, but it is an obvious concern that they have raised with me, and I certainly understand their concerns.

As we encourage more recreational fishers through this bill it is very important that recreational fishing is kept sustainable as well. I know this bill is about having sustainable fish stocks in the bay, but recreational fishing now has more people fishing and it also needs to be sustainable. There are also people who poach and take bag limits to the absolute limit. They might have five people out on the boat and only one of them is fishing, but they could bring in 50 fish. There is lots of anecdotal information about recreational fishers who are selling fish to local restaurants that they have caught as amateurs. There are people skirting around the rules. We have to continue to monitor recreational fishing and the issue of bag limits. Most reasonable recreational fishers say to me that they want the fish stocks there. They want their pastime to be sustainable, and they say that if there need to be changes to bag limits or any other regulations, they are open to these as long as they are based on evidence and fact.

It is important that the government in bringing in this legislation also continues to support and even enhance the enforcement of the current regulations to ensure that those who are recreational fishing are doing it the right way — that they are keeping to the laws and regulations — so that the fishing stocks remain sustainable in Port Phillip Bay.

As I said, there were some concerns about this legislation in my electorate, but overall and by a large margin the benefits that this bill will bring to the electorate of Nepean make it worth supporting.

**Mr PEARSON** (Essendon) — I am delighted to speak on the Fisheries Amendment Bill 2015. I note that the Minister for Agriculture is in the gallery for this great moment. This is a fantastic piece of legislation that continues the tradition of great Labor governments in this state caring for the environment. It reminded me of a similar piece of legislation from June 2002 that was introduced by a former member for Bundoora and former Minister for Environment and Conservation, the Honourable Sherryl Garbutt. Sherryl introduced the legislation for the marine national parks, which for the first time in the world created an entire system of highly protected marine national parks at the same time — 13 marine national parks and 11 marine sanctuaries. This is a great continuation of that tradition. The current minister is continuing to carry on the proud tradition of her predecessors by championing legislation that proves Labor's outstanding environmental credentials in a way that does not jeopardise industry.

I must say that the member for Melbourne, as is often her wont, and similarly the member for Prahran, came in, did their set pieces and then left the chamber. I found the member for Melbourne's speech somewhat confusing — the fact that the Greens party is voting against a piece of legislation that would protect our marine environment is, I think, one of the most bizarre contributions this house has seen in a very long time. There is an opportunity now to put in place real legislation to protect our marine natural environment with a staged and progressive regime and a clear and fair exit strategy for the incumbents, yet the Greens want to postpone this. Clearly they love trees but they hate fish. To the Greens political party, if it stands still and is above water, it is good; if it moves and is below the waterline, it is bad. That is the mentality of these lunatics.

This is an important piece of legislation. It is important for the incumbents. I think that when you look at having a serious step change in an industry, it must be done with a smooth and measured pathway. When you listen to the Greens contributions about Hazelwood, it

is all about shutting it down now — just turn out the lights, shut the gates, put everyone on the dole and it is all over. This piece of legislation demonstrates that this government has a very good and sound understanding of business and economics. This is about making sure that we have a smooth path, so that you can say to the incumbents, some of whom might be approaching retirement age, that you will not put on any more staff, giving them an opportunity to put their hand up and ask to exit the industry they have loved. It is done in a gradual and smooth way so that you have an orderly transition. That is the hallmark of good public policy.

That is what we do on this side of the house. That is what Labor does. It has a measured, considered, thoughtful and consultative approach. We are not compromising on our principles, and we are not trying to walk away from our election commitments or our promises. This is about making sure that we have a very sensible approach to change by embarking on change in a way that does not destroy the value of these businesses overnight. It is a gradual change, but it is also about making sure that there is a situation whereby we have a viable and sustainable industry now and into the future.

The member for Dandenong made a very good contribution about growing up and comparing fish limits. The member for Dandenong is quite a few years younger than me, so I am assuming that this was probably in the late 80s or maybe early 90s, but in comparing then with now, she has seen a degradation in the quality of the fish stock. This piece of legislation will ensure that we can improve the quality and the quantity of the fish stock in our bays. It will also make sure that future generations can continue engaging in recreational fishing. It is a great piece of legislation. I am delighted that it has been put forward by the Minister for Agriculture, and I commend the bill to the house.

**Mr J. BULL** (Sunbury) — It is always great to follow the member for Essendon. It gives me great pleasure to rise and contribute to the debate on the Fisheries Amendment Bill 2015. Yet again this is a bill that delivers on an election commitment, which is a common theme this year.

Some of my finest childhood memories are of fishing with my dad. Whenever he had time off work he would take me and my brothers and sisters fishing, and more often than not in Port Phillip Bay, like so many Victorians. This was good quality family time. Port Phillip Bay — or the bay, as many know it — is a great source of many terrific memories. As recreational fishers we learnt a great deal about the health and

management of the bay from a very young age. I think these are really important lessons for those who want to get into the fishing industry and for those who enjoy going fishing. Things like size limits and a bag limits, and taking only what you require — they are very important lessons and I think great lessons to learn from a young age.

My brothers and sisters and family and friends always stood for getting together in summer. We were lucky enough to have grandparents who had a holiday house on the Bellarine Peninsula at St Leonards. I am sure that many members and people in the gallery know of the place. We would often spend long summers fishing and enjoying the fruits of the bay, as did so many Victorians. If you looked right across the bay — and it is a wonderful Victorian asset — you would see people come in to boat ramps and exchange stories about what they caught. The member for Dandenong was probably standing there regaling people with tales of the toadies she referenced in her speech and of the size of the toadies that stole her bait. These were terrific times, and I am sure that many members in the house and many Victorians right across the state can think about the great times they have had fishing. I can see those on the other side thinking about it as well.

This bill is about ensuring that recreational catches are increased and therefore that there is an increase in the number of people who want to fish and become involved in the fishing industry. The bill provides for the long-term viability, health and sustainability of recreational fishing in the bay. As I mentioned, I am one of 750 000 recreational fishers in this state, but fishing is not just a hobby. It contributes \$2.3 billion to our social and economic wellbeing, particularly in country Victoria. That is a figure that will grow, and this bill is designed to assist and enhance the number of recreational fishers in the state.

On reflection it is hard to measure the social and emotional benefits that fishing provides to families and friends. One of those pastimes that is often undervalued is taking the boat out and trying your luck fishing with family and friends. You may be someone who takes a boat out off the boat ramp, or you may be someone who fishes from a pier. We are very lucky to have — —

**Ms Williams** interjected.

**Mr J. BULL** — The member for Dandenong says she prefers the boat. I am with her on that.

This bill forms part of our plan, as I mentioned earlier, to increase the number of anglers in Victoria to

1 million by 2020. The Target One Million plan will see increased fish stocks, support for local clubs, improved access and facilities and the removal of netting from Port Phillip Bay — the primary purpose of the bill. The bill will deliver on the government's Target One Million election commitment to remove all commercial netting from Port Phillip Bay by 31 March 2020.

Victorian Labor's recreational fishing policy states that it will halt commercial netting in Port Phillip Bay and Corio Bay, increasing fish stocks for recreational anglers, and that is what this bill is designed to do. The policy outlines that a sliding cap will be implemented on a commercial catch basis based on the average catch over the previous three years and that the government will offer a clean and fair exit strategy for licence-holders. In my view we certainly achieve that.

The bill before us implements an election commitment, which I have already mentioned, with some changes following extensive consultation with commercial fishers. It sets a clear path to remove commercial netting from Port Phillip Bay, and in my view it provides adequate and just compensation payments for those who rely heavily on the industry. The reduction in the commercial catch is expected to increase catch rates and the size of fish and also reduce spatial competition. This will enhance recreational fishing opportunities in Port Phillip Bay for many Victorians, with the potential to attract visitors from outside the bay. The phase-out of netting in Port Phillip Bay will take place over an eight-year period, beginning today.

In my view this bill achieves a balance of increasing fish stocks and ensuring that those who currently rely on Port Phillip Bay — those who hold licences — are fairly compensated, which is important. They need to be able to look after their families and look at ways to diversify and move into other areas as they go forward. After extensive consultation with industry the government has agreed to provide a revised package of \$27 million, which forms part of this compensation. This will provide fairer compensation and better recognition for the individual investment and loss of income of licence-holders. Overall with this bill we are moving toward establishing a bay that will last for generations, and I am confident that Target One Million will be achieved by 2020.

The government recognises that this decision impacts a number of people's lives, as I have just mentioned, and that fishing is more than just a business or a workplace. We understand, and it is important to recognise, that for many of these operators this is an important bill, but it is also an important bill for the 750 000 Victorians who

currently fish and are involved in the angling industry and the many more who will hopefully come to it from here on in. This bill provides a fair and reasonable compensation package for those who currently hold netting licences, with an ample period for transition out of the current arrangements. It will ensure that stocks in the bay are protected and that the recreational angling industry thrives and grows whilst ensuring sustainable and protected Port Phillip and Corio bays.

I would like to think that in years to come members in this house and people in the gallery will one day be out fishing and look back on today and the bill before the house this evening and think of the importance of ensuring that our fish stocks are maintained and enhanced and of all the great things that fishing brings to families and communities, especially for those around Port Phillip and Corio bays and for those on the coast. It is also important for those from rural and regional Victoria, who may fish locally on the Murray, in lakes or in places like that, but it is worth noting that a lot of these people travel for holidays. They see family and friends and come fishing in what are the very beautiful Port Phillip and Corio bays. I would like to think that my children, who are yet to be born, can one day reflect on this bill in this place, and with those comments I commend the bill to the house.

**Mr NARDELLA** (Melton) — I support the bill before the house. I want to give members some history, and I thank my friend the member for South Barwon for some information on this. There were not many, I can assure you, but one of the things the Kennett government did and did well was that it stopped the dredging of Port Phillip Bay.

*Honourable members interjecting.*

**Mr NARDELLA** — Members of the Greens political party just shouted out, ‘Rate capping’. What a nonsense. I will get to them in a moment.

**The SPEAKER** — Order! The member for Melton will continue through the Chair.

**Mr NARDELLA** — The dredging of Port Phillip Bay was very intrusive. The dredges were dragged across the bottom of the sea, which ruined the bottom of the bay and affected the fish stock, so on 31 March 1997 there was compensation paid to the owners of the dredges. They were paid out. With this legislation we are continuing the process of making sure that Port Phillip Bay is a great place to spend recreational time, that we rebuild the fish stocks and that we enhance the enjoyment of people both on the bay and on the piers, so they can continue to enjoy the bay. Also, as my

friend the member for Dandenong said, it is about making sure that the fish that are caught are bigger than they are at the moment — maybe not this big, as she said, but bigger than they are at the moment.

It is a policy that we took to the election last time around. One of the things that defines this government compared to the Liberal government is that the promises we make are the promises we keep, and the mandate for this legislation came from the people of Victoria. They wanted to make sure of this policy, and they gave us government on the basis of implementing this policy.

But I want to pick up on the contribution made by the member for Melbourne from the Greens political party. It was nonsense. She put up a reasoned amendment to stop this legislation from going any further until some research or something happens sometime in the near future — next year. She thinks this research is much more important than putting in place the security that this legislation puts in place in terms of the time line going into the future.

The Greens political party has a mantra: ‘If it’s not a tree and you can’t hug it, then it’s not the environment’. Its members have no understanding. When we put in place marine national parks around Victoria, not once did they ever say, ‘Terrific. You’ve done a great job. You’ve protected the environment with the marine national parks’. Not once did they — in this place, in the other place or publicly — support the Labor government in terms of the environmental policies that it has put in place.

Finally, I want to say that most of us enjoy fishing. My son-in-law Shaun, my grandkids Kyal and Jayden and I fish in Port Phillip Bay. I have photos of some of the catches that both Kyal and Jayden have picked up. They were proud of the fish they caught. I am no cook, as some people may know, so those fish were then unhooked and thrown back into the bay. Hopefully, like the member for Dandenong said, they will become much bigger fish. People do get enjoyment from fishing. We want to make sure that this continues within Port Phillip Bay. The compensation is one of the major aspects of this bill, which gives people certainty.

I support the bill before the house. It is important legislation. It is part of the policy that we took to the last state election. It is imperative that it is passed without any further ado.

**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.

**House divided on omission (members in favour vote no):**

*Ayes, 82*

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Angus, Mr	Merlino, Mr
Asher, Ms	Morris, Mr
Blackwood, Mr	Nardella, Mr
Blandthorn, Ms	Neville, Ms
Britnell, Ms	Noonan, Mr
Brooks, Mr	Northe, Mr
Bull, Mr J.	O'Brien, Mr D.
Bull, Mr T.	O'Brien, Mr M.
Burgess, Mr	Pakula, Mr
Carbines, Mr	Pallas, Mr
Carroll, Mr	Paynter, Mr
Clark, Mr	Pearson, Mr
Couzens, Ms	Pesutto, Mr
Crisp, Mr	Richardson, Mr
D'Ambrosio, Ms	Richardson, Ms
Dimopoulos, Mr	Riordan, Mr
Dixon, Mr	Ryall, Ms
Donnellan, Mr	Ryan, Ms
Edbrooke, Mr	Scott, Mr
Edwards, Ms	Sheed, Ms
Eren, Mr	Smith, Mr R.
Foley, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Garrett, Ms	Spence, Ms
Gidley, Mr	Staikos, Mr
Graley, Ms	Staley, Ms
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thompson, Mr
Hodgett, Mr	Thomson, Ms
Howard, Mr	Tilley, Mr
Hutchins, Ms	Victoria, Ms
Kairouz, Ms	Wakeling, Mr
Katos, Mr	Walsh, Mr
Kealy, Ms	Ward, Ms
Kilkenny, Ms	Watt, Mr
Knight, Ms	Wells, Mr
Lim, Mr	Williams, Ms
McCurdy, Mr	Wynne, Mr

*Noes, 2*

Hibbins, Mr Sandell, Ms

**Amendment defeated.**

**House divided on motion:**

*Ayes, 82*

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Angus, Mr	Merlino, Mr
Asher, Ms	Morris, Mr
Blackwood, Mr	Nardella, Mr
Blandthorn, Ms	Neville, Ms
Britnell, Ms	Noonan, Mr
Brooks, Mr	Northe, Mr

Bull, Mr J.	O'Brien, Mr D.
Bull, Mr T.	O'Brien, Mr M.
Burgess, Mr	Pakula, Mr
Carbines, Mr	Pallas, Mr
Carroll, Mr	Paynter, Mr
Clark, Mr	Pearson, Mr
Couzens, Ms	Pesutto, Mr
Crisp, Mr	Richardson, Mr
D'Ambrosio, Ms	Richardson, Ms
Dimopoulos, Mr	Riordan, Mr
Dixon, Mr	Ryall, Ms
Donnellan, Mr	Ryan, Ms
Edbrooke, Mr	Scott, Mr
Edwards, Ms	Sheed, Ms
Eren, Mr	Smith, Mr R.
Foley, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Garrett, Ms	Spence, Ms
Gidley, Mr	Staikos, Mr
Graley, Ms	Staley, Ms
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thompson, Mr
Hodgett, Mr	Thomson, Ms
Howard, Mr	Tilley, Mr
Hutchins, Ms	Victoria, Ms
Kairouz, Ms	Wakeling, Mr
Katos, Mr	Walsh, Mr
Kealy, Ms	Ward, Ms
Kilkenny, Ms	Watt, Mr
Knight, Ms	Wells, Mr
Lim, Mr	Williams, Ms
McCurdy, Mr	Wynne, Mr

*Noes, 2*

Hibbins, Mr Sandell, Ms

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**RELATIONSHIPS AMENDMENT BILL 2015**

*Second reading*

**Debate resumed from 10 November; motion of Mr PAKULA (Attorney-General).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**LOCAL GOVERNMENT AMENDMENT  
(FAIR GO RATES) BILL 2015**

*Second reading*

**Debate resumed from 10 November; motion of  
Ms HUTCHINS (Minister for Local Government).**

**The SPEAKER** — Order! The question is:

That this bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 82*

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Angus, Mr	Merlino, Mr
Asher, Ms	Morris, Mr
Blackwood, Mr	Nardella, Mr
Blandthorn, Ms	Neville, Ms
Britnell, Ms	Noonan, Mr
Brooks, Mr	Northe, Mr
Bull, Mr J.	O'Brien, Mr D.
Bull, Mr T.	O'Brien, Mr M.
Burgess, Mr	Pakula, Mr
Carbines, Mr	Pallas, Mr
Carroll, Mr	Paynter, Mr
Clark, Mr	Pearson, Mr
Couzens, Ms	Pesutto, Mr
Crisp, Mr	Richardson, Mr
D'Ambrosio, Ms	Richardson, Ms
Dimopoulos, Mr	Riordan, Mr
Dixon, Mr	Ryall, Ms
Donnellan, Mr	Ryan, Ms
Edbrooke, Mr	Scott, Mr
Edwards, Ms	Sheed, Ms
Eren, Mr	Smith, Mr R.
Foley, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Garrett, Ms	Spence, Ms
Gidley, Mr	Staikos, Mr
Graley, Ms	Staley, Ms
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thompson, Mr
Hodgett, Mr	Thomson, Ms
Howard, Mr	Tilley, Mr
Hutchins, Ms	Victoria, Ms
Kairouz, Ms	Wakeling, Mr
Katos, Mr	Walsh, Mr
Kealy, Ms	Ward, Ms
Kilkenny, Ms	Watt, Mr
Knight, Ms	Wells, Mr
Lim, Mr	Williams, Ms
McCurdy, Mr	Wynne, Mr

*Noes, 2*

Hibbins, Mr                      Sandell, Ms

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**TERRORISM (COMMUNITY  
PROTECTION) AMENDMENT BILL 2015**

*Second reading*

**Debate resumed from 11 November; motion of  
Mr PAKULA (Attorney-General).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**CHILD WELLBEING AND SAFETY  
AMENDMENT (CHILD SAFE STANDARDS)  
BILL 2015**

*Second reading*

**Debate resumed from 11 November; motion of  
Mr FOLEY (Minister for Housing, Disability and  
Ageing).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**STATE TAXATION ACTS FURTHER  
AMENDMENT BILL 2015**

*Second reading*

**Debate resumed from earlier this day; motion of  
Mr PALLAS (Treasurer).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**PUBLIC HEALTH AND WELLBEING  
AMENDMENT (SAFE ACCESS ZONES)  
BILL 2015**

*Second reading*

**Debate resumed from earlier this day; motion of  
Ms HENNESSY (Minister for Health).**

**The SPEAKER** — Order! The question is:

That the bill be now read a second time and a third time.

**House divided on question:**

*Ayes, 69*

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Asher, Ms	Merlino, Mr
Blandthorn, Ms	Morris, Mr
Britnell, Ms	Nardella, Mr
Brooks, Mr	Neville, Ms
Bull, Mr J.	Noonan, Mr
Burgess, Mr	Northe, Mr
Carbines, Mr ( <i>Teller</i> )	O'Brien, Mr D.
Carroll, Mr	Pakula, Mr
Couzens, Ms	Pallas, Mr
Crisp, Mr	Paynter, Mr
D'Ambrosio, Ms	Pearson, Mr
Dimopoulos, Mr	Pesutto, Mr
Donnellan, Mr	Richardson, Mr
Edbrooke, Mr	Richardson, Ms
Edwards, Ms	Ryan, Ms
Eren, Mr	Sandell, Mr
Foley, Mr	Scott, Mr
Fyffe, Mrs	Sheed, Ms
Garrett, Ms	Smith, Mr R.
Graley, Ms	Smith, Mr T.
Green, Ms	Spence, Ms ( <i>Teller</i> )
Halfpenny, Ms	Staikos, Mr
Hennessy, Ms	Staley, Ms
Hibbins, Mr	Suleyman, Ms
Howard, Mr	Thomas, Ms
Hutchins, Ms	Thomson, Ms
Kairouz, Ms	Victoria, Ms
Katos, Mr	Walsh, Mr
Kealy, Ms	Ward, Ms
Kilkenny, Ms	Wells, Mr
Knight, Ms	Williams, Ms
Lim, Mr	Wynne, Mr
McCurdy, Mr	

*Noes, 13*

Angus, Mr	Riordan, Mr
Blackwood, Mr ( <i>Teller</i> )	Southwick, Mr
Bull, Mr T.	Thompson, Mr
Clark, Mr ( <i>Teller</i> )	Tilley, Mr
Dixon, Mr	Wakeling, Mr
Gidley, Mr	Watt, Mr
Hodgett, Mr	

**Question agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**STATE TAXATION ACTS FURTHER  
AMENDMENT BILL 2015**

*Clerk's amendment*

**The SPEAKER** — Order! Under standing order 81, I have received a report from the Clerk that he has made the following correction in the State Taxation Acts Further Amendment Bill 2015:

In Clause 8, line 25, I have inserted 'subsection' before '(3)'.

**Business interrupted under sessional orders.**

**ADJOURNMENT**

**The SPEAKER** — Order! The question is:

That the house now adjourns.

**Ferntree Gully Senior Citizens Club**

**Mr WAKELING** (Ferntree Gully) — I rise to raise a matter with the Minister for Public Transport, and the action that I seek is for the minister to facilitate a meeting with me and representatives from VicTrack, Knox City Council and the Ferntree Gully Senior Citizens Club to discuss issues of car parking. The Ferntree Gully senior citizens hall is located at 160 Underwood Road, Ferntree Gully. This facility, which is on council-owned land, is directly adjacent to the public car park for the Ferntree Gully train station, and that is located on VicTrack land.

With a membership of over 70 local residents, the Ferntree Gully Senior Citizens Club recently celebrated its 56th birthday. It is an important club in my community, and it meets at the hall two to three times per week for a number of activities, which is the highlight of the week for many of the members.

In the past the committee members have been able to park near the hall, but now, with the lack of parking adjacent to the station and the current volume of commuters using the station, the members who arrive for their activities often find that all the car spaces adjacent to the hall are filled. This is resulting in many of the attendees of the club having to park elsewhere throughout the suburb, often streets away, and walk a fair distance. Given their age, this is often a challenge. The current lack of parking facilities for train commuters is putting enormous pressure on parking

adjacent to the station. Prior to the last election the coalition government made a commitment to provide \$1.1 million to build an additional 110 car spaces adjacent to the Ferntree Gully station, and that was going to provide an enormous boon to local rail commuters. However, this government has seen fit not to honour or match that commitment, and therefore the pressure facing commuters at this station has been exacerbated.

I recently met on site with the director of engineering of Knox City Council, Dr Ian Bell. He discussed with me the need for the clear identification of parking to be allowed within VicTrack land for members of the club, with the attachment of permanent signage to mark out a set number of spaces for the exclusive use of hall users on the days in question. As I stated, this is a significant issue for members of the Ferntree Gully Senior Citizens Club. Clearly there is a need for the government to provide additional car spaces with respect to the coalition's commitment of 110 car spaces. Specifically the action I am seeking from the minister is to facilitate the meeting with me and representatives of VicTrack, the council and the club in order to see if we can reach a resolution.

### Family violence

**Mr BROOKS** (Bundoora) — It is a pleasure to rise and raise an issue for the Minister for the Prevention of Family Violence, and it is great that she is in the chamber to hear my adjournment request. Specifically I ask the minister to visit my electorate for the purposes of attending a family violence forum.

Members of this place will be all too well aware of the tragic consequences of family violence. Unfortunately on average more than one woman is killed every week due to violence, and according to recent Australian Bureau of Statistics figures one in three women have experienced sexual violence from a partner, an unknown person or a stranger. These are staggering statistics, but behind the statistics lie real people, real women and children, who are confronted by the horrors of family violence and live in fear of it.

I am concerned that recent police statistics show that in my community over a five-year period — in places like the Banyule local government area — the number of family violence incidents has risen by 9.8 per cent. Over the same period in the City of Whittlesea, which covers part of my electorate, family violence incidents were up some 17.3 per cent. These are epidemic proportions, but at least what was once a hidden problem is now being exposed. It is important to acknowledge the great work being done by the minister

and this government with bipartisan support, the work being done by the family violence royal commission and the actions this government is taking so that, at a local level, local communities can take a real leadership role in this issue.

I want to hold a forum for local community leaders in my electorate and to have the minister come along and talk to people about the actions being taken by the government on the impact of family violence and about what local communities can do to combat the scourge of family violence on our society.

### Lakes Entrance police resources

**Mr T. BULL** (Gippsland East) — I raise a matter for the attention of the Minister for Police. The action I seek is that the minister ensure policing numbers are increased over the summer holiday period in Lakes Entrance, and in particular over the Christmas holiday period.

I have been advised by local business and community members of the town that, due to staff being on secondments and maternity leave, the police station may not operate a full roster, which I understand to be around 17 staff. The feedback I am receiving is that additional staff have been allocated to the Lakes Entrance area for New Year's Eve, which is very big in Lakes Entrance, but only on that day. I am sure that all MPs would be aware that the population of Lakes Entrance explodes over the holiday period; from an average population of about 6500, it grows to over 50 000 in the Christmas school holidays, so additional policing is certainly required.

Business and community leaders from such organisations as the Lakes Entrance Action and Development Association have invested a lot of time, resources, effort and money over recent years to make Lakes Entrance a family-friendly holiday destination — indeed a lot of families come to the area to enjoy our great region — so we need a strong police presence as a core component of making sure that those families have a good experience and do not encounter the sorts of bad experiences that can often happen in large crowds.

Tourism is a key economic driver throughout the Gippsland region, particularly in the Gippsland East region, and we need to make sure that people who come to our magnificent region have a good experience so that they will want to come back again and enjoy our hospitality.

To deal with this increased population influx and to allow the police who are in the region to undertake

proactive policing rather than responsive policing, we need more hands on deck for the holiday period. I note that the minister has stated on numerous occasions that he understands the importance of community safety, so the action I seek is that the minister guarantee not only that there is a full roster of local police at Lakes Entrance over the Christmas and New Year holiday period but also that additional staff be provided for this period given the massively increased holiday population.

### Level crossings

**Mr RICHARDSON** (Mordialloc) — I raise a matter for the Minister for Public Transport. The action I seek is for the minister to commence community consultations in the next few months on the Cheltenham to Frankston railway level crossing removals to better understand the needs of my community.

Recently I joined the Premier, the transport minister and the members for Carrum and Frankston to announce that an additional eight railway level crossings will be removed on the Frankston line between Cheltenham and Frankston. The removal of these crossings is part of the government's plan to remove 50 dangerous railway crossings over eight years to make our communities safer, create space to run more trains and reduce congestion along the eastern side of the bay.

With the Kingston region anticipated to grow by 20 percent over the coming 15 years, governments at all levels need to look to the longer term to address infrastructure priorities for the future. Doing so involves stripping away short-term thinking and short-term politicking and genuinely planning for the future.

The removal of level crossings at Charman Road in Cheltenham, Balcombe Road in Mentone and Edithvale Road in Edithvale is part of the solution to these problems in the future. These level crossing removal projects go much further and provide the Victorian government and Kingston City Council with an opportunity to leverage investment and to think innovatively about how these projects can deliver even further regional benefit. After all, these projects will be some of the most substantial upgrades along the train line since the line came down to Chelsea in the early 1900s.

I note that a recent publication by Kingston City Council acknowledges the importance of the government's eight-year commitment. It states:

The removal of these level crossings will provide improved safety, reduction in congestion and enable more frequent train services in the municipality.

...

The level crossing removals will help reduce traffic congestion for motorists who have to wait at boom gates and provide further opportunities for urban renewal.

The council then lobbies the Victorian government to prioritise this investment and concludes:

... the removals are not only a critically important piece of infrastructure, they are essential for the community for the next 100 years.

I wholeheartedly support the sentiments put forward by Kingston City Council about how vital these projects are. Such projects of 100-year significance do not happen overnight, and there will be challenges for our community over the coming years as we head towards construction in 2018. We will need to work together as a community on disruptions to services and changes to timetables, which are unavoidable if we are to look to the longer term and deliver the removal of these crossings. The crossings are likely to be removed as a single package of works, similar to the current packaging of the nine level crossings on the Dandenong corridor. They will improve coordination and reduce disruption to residents, motorists and train passengers.

I believe detailed community consultation and genuine engagement will be essential as we work together to get through these projects. Residents can anticipate some of the macro challenges, including the high watertable in our community, the narrow rail corridor and the proximity of the crossings to the Nepean Highway and the bay.

In conclusion I ask the Minister for Public Transport to investigate commencing community consultations in the next few months on the Cheltenham to Frankston railway level crossing projects.

### Unpaid fine notification

**Ms ASHER** (Brighton) — The issue I have is for the Attorney-General. I ask him to investigate options to stop harassment and annoyance to individuals who have the misfortune to move into premises that have previously been occupied by people who have not paid their fines.

The background to this is that two of my constituents from the suburb of Elwood have written to me advising that they have been bombarded by mail from Civic Compliance Victoria, VicRoads, the Infringements Court and CityLink. Of course the mail is directed to

previous occupants of the premises who have not paid their fines. One constituent has received 50 letters to the previous tenant, and another constituent has received 170 letters. One has told me that he feels he has lost control of his letterbox. For taxpayer-funded organisations, this imposes a significant cost on the taxpayer and causes a significant increase in the amount of rubbish.

In one case my constituent has identified the whereabouts of a previous occupant through Facebook and LinkedIn and has advised the authorities of where he thinks this miscreant may live. It appears that authorities just keep sending mail, and that is what the system requires the authorities to do, but the system is wrong, and there should be a better one.

What I seek of the Attorney-General is that he investigate options. Perhaps we could look at a system where authorities may be able to seek out the people who owe them money and not simply rely on all these people who have not paid their fines advising them of their change of address within 14 days. At the moment they are not complying with the law. I have actually written to the Minister for Police, I have written to the Minister for Roads and Road Safety and I have written to the Attorney-General about this. In fairness it was a recent letter to the Attorney-General; I am not complaining about him not responding.

I have also written to CityLink, and in fact CityLink was the most responsive of all, because it has at least stopped one constituent's mail up until February next year. I call on the Attorney-General to investigate some options for a better system than this constant harassment of people who have done absolutely nothing wrong.

### **Eltham electorate cycling infrastructure**

**Ms WARD** (Eltham) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for the minister to pay particular attention to the issues around cycling identified by my community and respond accordingly by helping with improved routes and safety. Along with many Victorians I was pleased last month at the Victorian government's announcement that it would be updating the Victorian Cycling Strategy 2013–23 along with establishing a \$10 million fund to invest in new bike paths across the state.

Nobody could doubt the health and environmental benefits of cycling as a form of transport nor the positive effect on congestion of commuting by bike. I welcome the government's commitment to improving

cycling safety and infrastructure in the state. I also congratulate the government on the inclusive approach it is taking to consulting with Victorians as to their views on what the cycling strategy should include. Listening to and engaging with the views of stakeholders and the public is critical in developing strong and robust policy.

I recently invited my constituents to participate in a cycling survey and received many thoughtful responses, including suggestions of building new paths in the area, extending existing paths and thinking about how to attract more tourism to my community by making my electorate more attractive to bike riders. I will be forwarding all these suggestions to the minister. I ask that the minister respond to the views and needs of my constituents.

### **Prahran electorate cycling infrastructure**

**Mr HIBBINS** (Prahran) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for the minister to invest in cycling infrastructure in the Prahran electorate. Quality bike infrastructure is essential to a livable city. The sun is out, and increasing numbers of residents in Prahran want to cycle to work and get around our community. To facilitate this we need to invest to make cycling safer and more convenient, particularly for women. There are plenty of opportunities to do this in Prahran.

The St Kilda Road separated bike lanes proposed by Port Phillip and Melbourne councils would make one of busiest routes safer and encourage more people to ride. Recent peak-hour bike lanes installed on High Street are a welcome inclusion. Having often commuted down this road from Prahran East, they are something I had been calling for many years prior to my election. I have noticed an increase in the number of riders along this route since the lanes were put in, although I have had some concerns raised that they are a bit too narrow. These lanes could now be replicated along Malvern and Toorak roads for east–west routes and along Williams and Orrong roads for north–south connections.

Train stations in the Prahran electorate need secure bike parking cages. According to Public Transport Victoria data South Yarra is the most cycled-to station in Melbourne, but commuters are forced to attach their bikes to railings out the front of the station, where it is already overcrowded with pedestrians.

Melbourne Bike Share is an under-utilised form of transport in Melbourne. Bike sharing is a success in just about every city apart from Melbourne. The previous

government promised it would expand Melbourne Bike Share into inner city suburbs, and Stonnington council endorsed this approach, but the plan was shelved after the state government refused to subsidise the scheme. The government must now reinvigorate the Melbourne Bike Share scheme by expanding it to places like Chapel Street and integrating it better with public transport. I have often seen the blue bikes at places like Prahran Market and as people ride them along the Yarra, which is quite a distance from the nearest station, so there clearly is a demand.

Finally, the government must work closely with local government to deliver on a shared vision for better cycling and address problem areas, such as Chapel Street. Over the years we have seen a number of bike plans, strategies and maps from the state government. What we need now is investment in cycling infrastructure, which will make Prahran a more livable and sustainable community, reduce congestion and overcrowding on our roads and public transport and improve people's health and wellbeing.

### **Perinatal Emotional Health program**

**Ms COUZENS** (Geelong) — The action I seek is for the Minister for Mental Health to conduct an investigation into the Perinatal Emotional Health program run by Barwon Health. The federal government's national partnership on perinatal health funding will soon be gone from servicing vulnerable new and expecting mothers in Geelong.

I was recently contacted by Barwon Health in Geelong. This vital program will close or be seriously compromised from December this year as it will no longer receive federal funding to provide services through to the end of the 2015–16 financial year, despite the Andrews government confirming it is still funding and will continue to fund this important life-saving program. I ask the minister to conduct this investigation urgently in the interests of vulnerable mothers and babies and their families in Geelong.

### **The Babes Project**

**Ms RYALL** (Ringwood) — My adjournment matter is for the attention of the Minister for Health, and the action I seek is for the minister to join with me in visiting The Babes Project at its Croydon office to discuss its incredible work and the need to ensure sufficient funding so that no woman who needs support throughout her pregnancy is left to journey through her pregnancy, the birth and her first year as a mum on her own. I am very proud to be an ambassador to The

Babes Project. There are currently 50 women on the waiting list for The Babes Project services.

The Babes Project has supported 300 women through its Croydon centre over the last three years. It supported them throughout their pregnancy, birthed with many of them and then supported them until their little ones were 12 months old.

The Babes Project has undertaken a trial in Frankston on the Mornington Peninsula, which has provided significant insights into the needs of women, particularly vulnerable women, in the Frankston area. The opening of a second centre down in Frankston after the 18-month trial will help alleviate those waiting lists and will certainly make an impact in an area that has significant need. Some of the insights that were identified throughout the trial period in Frankston included: of the woman the project assisted, 35 per cent were teenagers; 61 per cent reported past or current mental health issues; 55 per cent were single; 38 per cent had a history of family violence; and 33 per cent had a history of drug and alcohol use. Up to 20 per cent of these women required support throughout the birth of their child by midwives and support team members of The Babes Project.

This is a vital service that is certainly needed. I would very much appreciate the Minister for Health joining me and Helen Parker, the executive director, and her team at The Babes Project. It is very important to make sure women are supported in a range of areas throughout their pregnancies, the birth and while they are learning to become a parent, whether it be in financial management, cooking, learning to care for their little one or building relationships with other people in like situations. It is a vital service. I commend the team at The Babes Project for the work it does. I look forward to the minister joining me and The Babes Project to find out about the exciting services the project offers and the fabulous work the team does. I look forward to, hopefully, some further funding to assist it.

### **Apprentice vehicle registration concession**

**Ms SULEYMAN** (St Albans) — The adjournment matter I wish to raise is for the attention of the Minister for Roads and Road Safety. The action I seek is that the minister join me in my electorate to meet some of the many trade apprentices who will benefit from today's announcement that the Andrews government will grant half-price car registration to numerous Victorian trade apprentices. I was very pleased to hear the Minister for Roads and Road Safety, along with the Minister for Training and Skills, Minister Herbert, announce the

introduction of this important commitment, and I thank them for their hard work leading up to today's announcement.

In my electorate of St Albans there is a large number of young people learning trades through various apprenticeship schemes. It is vital that these young people are supported by the government, and this announcement today certainly shows that this government is committed to the future of these apprentices. According to the National Centre for Vocational Education Research, national completion rates for apprentices and trainees are less than 50 per cent. This is a worrying statistic, and as a government we are determined to reduce it.

With an average wage for first year apprentices of around \$15 an hour, today's announcement provides real support for young tradies and a genuine incentive to complete their training. Instead of making savage cuts to our trade training sector, we are re-funding and reinvesting in it. Unlike the former government, we are committed to the future of Victorian tradespeople. I would once again like to thank the Minister for Roads and Road Safety and Minister Herbert, and I look forward to future initiatives from our government that will support Victorian apprentices.

### Responses

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — I am very pleased to respond to the member for Bundoora's request to attend a community forum that he wants to convene to discuss family violence and, of course, the intrinsic link between violence against women and gender inequality and attitudes towards women. I want to congratulate the member for Bundoora. In this place he chairs, along with the member for Sandringham, the parliamentary group focused on tackling violence against women. During the last parliamentary sitting week he held a very successful forum with police assistant commissioner Dean McWhirter, who came and spoke to parliamentarians.

The member for Bundoora is a very active member of Parliament and is very keen to see the issue addressed in a comprehensive way. In particular, as a community leader he is working with agencies and community groups right across his electorate to ensure that we can deliver better outcomes for women and children. The royal commission report in February of next year will bring about some significant changes right around the state, but I look forward to joining with the member for Bundoora at a community forum at a mutually

convenient time so that we can continue the work that he is leading in his community.

**Ms HUTCHINS** (Minister for Local Government) — The member for Ferntree Gully raised an issue for the Minister for Public Transport with regard to VicTrack and car parking issues. I will take up that matter with the minister for her to follow up on.

The member for Gippsland East raised a matter for the Minister for Police in relation to Lakes Entrance and policing numbers for holiday periods. I will take that on board and get the minister to follow up on it.

The member for Mordialloc raised a matter for the Minister for Public Transport as well, with regard to the level crossing in Cheltenham.

The member for Brighton raised a matter for the Attorney-General with regard to harassment and bombardment with mail of people who have not paid their fines and have subsequently moved on. She asked the minister to take action on that.

Three matters were raised for the Minister for Roads and Road Safety. The member for Eltham raised the issue of bike paths and the resident survey she has on them. She asked the minister to look at that survey and the results of it.

The member for Prahran raised the issue of investment in bike paths in Prahran.

The member for St Albans has also raised a matter for the Minister for Roads and Road Safety. She has extended an invitation for him to come to her electorate to meet with apprentices with regard to the issues relating to registration of cars and the recent announcement of the discount that is available.

In addition to that, the member for Ringwood raised a matter for the Minister for Health with regard to The Babes Project. She requested that the minister visit that office.

Finally, the member for Geelong raised for the Minister for Mental Health issues relating to the Barwon Health perinatal health program and asked for feedback on those issues.

I am happy to take up those matters with the relevant ministers.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 5.53 p.m. until Tuesday, 24 November.**

