PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 10 September 2008

(Extract from book 12)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly)*: Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS (from 30 July 2007)
The Hon. J. W. THWAITES (to 30 July 2007)

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter [2]	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

CONTENTS

WEDNESDAY, 10 SEPTEMBER 2008

Wednesday, 10 September 2008

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

POLICE, MAJOR CRIME AND WHISTLEBLOWERS LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

> That I have leave to bring in a bill for an act to amend the Police Regulation Act 1958, the Major Crimes **(**Investigative Powers) Act 2004, the Police Integrity Act 2008 and the Whistleblowers Protection Act 2001, to make consequential amendments to other acts and for other purposes.

Mr McINTOSH (Kew) — I seek from the minister a brief explanation about this bill.

Mr CAMERON (Minister for Police and Emergency Services) — This will make some legal changes to the way police are sued in order to afford them greater protection. It will also make changes in relation to the disciplinary system. It will make some changes in relation to offences in the Major Crimes Act. It will remove beyond doubt some matters in relation to the Office of Police Integrity which have been in place for a number of years.

Motion agreed to.

Read first time.

NOTICES OF MOTION

Notices of motion given.

Dr SYKES having given notice of motion:

The SPEAKER — Order! The member for Benalla may have a visit from the Clerk regarding that notice.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144, notices of motion 90 to 95 and 201 to 215 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Libraries: Bayswater

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the lack of a permanent community library facility in the suburb of Bayswater.

The petitioners therefore request that the Legislative Assembly of Victoria asks that the Minister for Local Government provides funding to the Knox City Council for the provision of a permanent community library facility in the suburb of Bayswater, for the benefit of all residents of Bayswater and surrounding suburbs.

By Mrs VICTORIA (Bayswater) (840 signatures)

Mountain Highway–High and Valentine streets, Bayswater: traffic lights

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the growing number of serious pedestrian versus car accidents at the intersection of Mountain Highway and High and Valentine streets in Bayswater.

The petitioners therefore request that the Legislative Assembly of Victoria resolves that the minister for roads immediately moves to resolve the problem, initially by installing additional signage and resequencing the traffic lights.

By Mrs VICTORIA (Bayswater) (291 signatures)

Abortion: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of the electorate of Ballarat East and Ballarat West draws to the attention of the house to proposed amendments to the Crimes Act which will ensure that no abortion can be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned.

The implementation of this legislation will allow abortions to be legal in Victoria right up to birth. This will only increase the thousands of children who die needlessly each year through abortion and will add to the existing social and psychological problems for women resulting from such a high abortion rate.

The petitioners therefore request that the Legislative Assembly of Victoria vote against amendments to the Crimes Act that will decriminalise abortion in Victoria.

By Mr HOWARD (Ballarat East) (108 signatures)

Abortion: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the Abortion Law Reform Bill 2008. If passed, this bill will permit abortion on demand up until 24 weeks of gestation. This act also proposes that abortion be legalised at more than 24 weeks gestation. Children old enough to be born alive will be legally aborted if the mother requests it and two doctors agree. We the undersigned strongly disagree with this bill on ethical and moral grounds. The petitioners therefore request that the Legislative Assembly of Victoria reject this bill.

By Mr TILLEY (Benambra) (310 signatures)

Housing: homelessness

To the Legislative Assembly of Victoria:

The petition of the residents of the Maroondah region, the Kilsyth electorate and the surrounding area draws to the attention of the house that currently in Victoria there are 14 000 homeless people in Melbourne and metropolitan areas, of which 3000 live in the eastern suburbs. These people do not have a safe, affordable and decent place in which to live. Almost half of these homeless people are aged between 12 and 24.

The petitioners therefore request immediate action from the state government of Victoria and the Victorian government's Minister for Housing to provide additional safe, decent and affordable housing for the homeless in the Maroondah region and the eastern suburbs of Melbourne.

By Mr HODGETT (Kilsyth) (783 signatures)

Housing: homelessness

To the Legislative Assembly of Victoria:

The petition of the church community of Victoria draws to the attention of the house the problem of homelessness. There are approximately 23 000 homeless people in Victoria; 15 000 of them live in Melbourne and metropolitan areas.

We applaud the state government's and in particular the federal government's acknowledgement of the fact that homelessness is a profoundly disturbing problem. We congratulate both governments on their substantial injection of funds and additional initiatives to tackle this obscenity.

We want to encourage the state and federal governments to be advocates for further social justice and do all they can at every local government level to end homelessness. This must be done via the provision of affordable, decent, suitable housing for those who don't have a place to call 'home'. In conjunction, we, the undersigned, pledge to be instruments of social justice. We will do everything we can in our neighbourhood church groups to provide practical and spiritual support programs. We need to work in a spirit of mutual responsibility and compassion to create a social environment for every homeless individual and family that will enable them to live in safety, at peace and with dignity.

By Mr HODGETT (Kilsyth) (46 signatures)

Walpeup research station: future

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the impending closure of the Walpeup research station as a result of a restructure of the Victorian Department of Primary Industries (DPI).

The petitioners register their opposition to the closure of Walpeup research station, on the basis that it will result in job losses, and have serious ramifications for the community, services and environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep the Walpeup research station as a fully funded and functional DPI facility.

By Mr CRISP (Mildura) (80 signatures)

Abortion: legislation

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

The humble petition of the undersigned citizens of the state of Victoria. We wish to raise our objections to the Abortion Law Reform Bill proposed to come before yourselves this month September 2008. We believe this bill if passed would be highly undesirable. It would make the way for legalising killing of babies. Though still in the womb they still have life and are entitled to the same rights as all humans in our opinion. Not only is this detrimental to the unborn child, the effects these actions have upon the mothers, later down the track, are devastating both emotionally, and physically. We pray earnestly that you will not allow this to happen within the law in this state of Victoria.

By Dr NAPTHINE (South-West Coast) (346 signatures)

Tabled.

Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

Ordered that petitions presented by honourable member for Bayswater be considered next day on motion of Mrs VICTORIA (Bayswater).

Ordered that petitions presented by honourable member for Kilsyth be considered next day on motion of Mr HODGETT (Kilsyth).

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

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Lake Wendouree Reserve

Duties Act 2000 — Report of exemptions and refunds 2007–08

Ombudsman, Office of — Report 2007–08 — Ordered to be printed.

MEMBERS STATEMENTS

Education: government policies

Mr DIXON (Nepean) — The government's latest blueprint for education in Victoria released last week is an attempt to try and paper over the failure of its last education blueprint. This blueprint delivered the lowest funded government and non-government systems in the country, soaring maintenance costs, an exodus of students from government schools, falling educational standards and a demoralised teaching force. Blueprints count for nothing if they are not backed up by increased resources and a commitment to real change, not just a commitment by the government to spin its way to the next election.

The Rudd government has seen the appalling Labor-run states' record on education and is effectively taking control over weak, complicit, state government ministers and departments. The Victorian government is a leading cheerleader and should be ashamed of the abrogation of its duty to deliver education in our public schools.

The latest Victorian education blueprint is a glossy document full of stolen coalition policies that until recently Labor has hypocritically criticised. One of the issues I have with the blueprint is the silencing of Victoria's top principals by putting them on executive contracts. They deserve the salaries but not the gag. The Teacher First concept is a worthy one but you cannot train a good teacher in five to six weeks. Having a broader role for business in schools is laudable, but it will not work if they are used as cash cows for an underfunded system. Investigating rewards and incentives for top teachers is a time-delaying cop-out when there are already many existing models to use.

Kevin Heinze

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to pay tribute to the great Kevin Heinze who passed away on 1 September — ironically, on the first day of spring. Kevin Heinze is best known to the Victorian community and Australia wide as a host of the ABC's gardening show *Sow What* from 1967 to 1988. To my constituents and particularly to those local Montrose residents he was 'Kevin', a local hero, a gardening expert and someone who wished to help those less fortunate than himself to enjoy the pleasures of gardening

Kevin was a man of the people. A shining example of this could be seen in his recent work to develop our local community playground. He humbly wore a name tag that said 'Kevin', as if we all did not know who he was. Kevin's *Sow What* program was truly the beginning of reality television. It was a program that not only shared knowledge but brought the simple joys of gardening to the masses.

But it is Kevin's social and community work for which he will best be remembered in our local community. He started the Victorian schools garden awards in Victoria, and one of the major awards is named for him — the Kevin Heinze perpetual development award. Today many children and schools continue to be involved in the schools garden awards.

Nearly 30 years ago Kevin created the Kevin Heinze Garden Centre, which offered the disabled the chance to garden and enjoy the company of others in a supportive and learning environment. Kevin was a great man with a strong sense of social justice and equality and a love of the environment and the beauty around him. To Kevin's family and to the wider family of Montrose and the surrounding area I extend my sympathy.

Child care: Corner Inlet

Mr RYAN (Leader of The Nationals) — Last Friday I attended a very important meeting in Foster within my electorate. It related to the child-care needs of the Corner Inlet area. It was convened by my constituent Megan Vuillermin and chaired by the inimitable Marj Arnup. In attendance were a number of individuals and representatives of organisations, including Russell Broadbent, the federal member for McMillan.

The subject of discussion was the contemporary and future needs of child care within the Corner Inlet region. This is an issue of pressing concern, bearing in mind that the Foster community house occasional care service closed in December 2007. Prior to the federal election last year, as part of its pre-election proposals the Rudd government promised the establishment of a 50-placement facility in Foster. The practical fact,

though, is that we need a new model for the Corner Inlet region. It simply is unsustainable from a commercial perspective to have a 50-placement facility being built. We simply are not able to service that in a commercial sense. On the other hand, there are established needs for the region and a new model will have to be developed to accommodate them.

This is an issue that is current right across country Victoria, and I hope out of the great work instituted by this committee we can get a result that serves not only our community but beyond.

Brigidine asylum seekers project

Mr NOONAN (Williamstown) — Bid 4 Freedom is the name of a charity art auction that since 2003 has been held on four occasions to raise funds for refugees. Hundreds of volunteers and artists have supported the four auctions, collectively raising over a quarter of a million dollars for this important cause. Together with their partners John and Barry, Ann Morrow and Jenni Mitchell have been two of the leading organisers behind the auctions, and I can proudly say that both couples reside in Williamstown. The specific purpose of the auction is to raise funds for refugees being cared for by the Brigidine nuns of Albert Park.

The main priority of the Brigidine asylum seekers project is to help people who have fled war or persecution and have arrived in Australia without visas. These asylum seekers have been released into the community on temporary visas that deny them access to income support, Medicare, public health and education and which also forbid them to work, thus forcing them to rely on charity to survive. Like a few other Victorian organisations, the project provides these people with practical support, including basic necessities such as accommodation and food. The project also seeks to find them pro bono legal advice and the psychological counselling that is so frequently needed by traumatised people. I know that the organisers of the project are hopeful that further federal government changes should ensure that those who genuinely seek asylum in this country will in future be treated with dignity, respect and fairness.

Buses: Manningham

Mr KOTSIRAS (Bulleen) — I stand to condemn this ineffective and uncaring Labor government for providing more hollow rhetoric and taking part in media stunts instead of meeting the transport needs of Manningham residents. Over the last nine dark years residents have been disadvantaged by the lack of transport choices and public transport options in Manningham. Manningham residents are not lucky enough to have a train station, and they therefore deserve a fast and reliable bus service. Bus route coverage is poor in parts of Bulleen and Templestowe. In the Bulleen area public transport is equivalent to the public transport that is provided in a remote village in a Third World country. There is a need for bus stops to be close to residents and a need to improve connectivity between bus services to activity centres and other major destinations.

Recently the government promised that no-one would be more than 400 metres from a bus stop. Even if this were true, that is almost half a kilometre. There are a number of senior citizens and residents with a disability who cannot walk 400 metres. If it is okay for cardigan-wearing public servants to travel one block in the central business district by taxi, then Manningham residents deserve better.

Secondly, there is no information on the regularity of these services, especially on weekends and public holidays. Manningham residents do not want more rhetoric and spin from a government that refuses to take responsibility for anything in this state. The new routes to La Trobe University and Deakin University are a start, but more needs to be done!

Kinglake West: community hall

Mr HARDMAN (Seymour) — I rise to congratulate committee and community of the Kinglake West hall, which celebrated its centenary on Saturday, 6 September. The Kinglake West hall has served the community well over the last 100 years and had become old and tired, but now it has facilities to enable it to meet its community's needs, which it did not have a few years ago. The vibrant committee worked with the three levels of government to achieve a hall that now has modern kitchen and toilet facilities, an outdoor area and a new facade. All of this has been done while protecting the heritage of the building and making the space comfortable and usable for functions and events.

Without the enthusiasm and can-do attitude of the community members involved, this result would not have been achieved. The work of Kinglake West community members is evident when you look around the whole precinct in that area. New construction is under way at the Kinglake West Primary School at the moment. The old school library, which was built by Kinglake West community members, is being moved over to the tennis court so the tennis club will have its own clubrooms, which are being refurbished at the moment through a state government grant. The tennis courts have been resurfaced and lights have been put in,

again with the assistance from the local council and the state government.

On Sunday the Minister for Police and Emergency Services, together with another local member, the member for Yan Yean, and I will be there to open an extension to the Kinglake West rural fire brigade. There are many other examples of the work that the members of the Kinglake West community have done in this precinct, and I commend them for it. People in rural communities never cease to amaze me with the amount of work they do and their can-do attitude in getting on with the job.

Government: performance

Mr R. SMITH (Warrandyte) — Here is a snapshot of Victoria under this Labor government's watch. We can no longer turn on the news without seeing a story about another bashing or stabbing in our streets, and after several botched attempts to address the problem the Premier now tells us it could take two years to fix it. The Minister for Police and Emergency Services has washed his hands of virtually any police-related issue, and Victorians could be forgiven for thinking this state has no police minister.

Our public transport minister is a gift to the opposition, presenting opportunity after opportunity to this side of the house on what now seems to be a daily basis. From rusting trains to the myki debacle, this is one minister who keeps on giving. Hospital waiting lists are blowing out, and our iconic institutions — the Royal Women's Hospital and the Royal Children's Hospital — have been widely reported as having inadequate facilities for the public's needs. The health minister continues to throw money at the crisis while telling us that most of the issues have nothing to do with him. Our Treasurer is steadily running up a debt that Cain and Kirner would be proud of.

The Minister for Mental Health is so bereft of policy that she is begging her shadow counterpart for ideas. The minister for skills — and what an example of an oxymoron she is — has even alienated Labor's best friend, the AEU (the Australian Education Union) with the proposed changes to the TAFE system. Under the watch of the Minister for Industry and Trade we are seeing manufacturing job losses in this state numbering in the thousands, and the minister has yet to realise the urgency of the situation by actually coming up with any sort of a plan.

Presiding over all of this is our arrogant and unelected Premier, who says he consults widely, yet steamrolls over anyone who disagrees with him. Clearly he feels he knows better than most and is beholden to no-one. With the mess that this government is making of the state, it is no wonder that Victorians are anxiously waiting for the opportunity to have their say at the ballot box.

Port Phillip and Westernport Catchment Management Authority: environmental initiatives

Ms LOBATO (Gembrook) — I wish to congratulate the Port Phillip and Westernport Catchment Management Authority on four new environmental initiatives that intend to revegetate and rejuvenate degraded lands and rivers. The four projects that are also attracting many corporate investors are the Spirit of the Bunyip, Yarra 4 Life, Grow West and Living Links. Last week I was pleased to attend the launch of the Spirit of the Bunyip program, which was held at the magnificently revegetated farm of Cathy Bryant and Andrew Peart.

The Spirit of the Bunyip aims to create 100 kilometres of habitat links from the head of the Bunyip River and the Cardinia Creek to the coast and to reduce the amount of sediment that is flowing into Western Port. The Spirit of the Bunyip is one of two of the four projects within my electorate — the other being Yarra 4 Life — that aim to create biolinks to link significant habitats for our locally and state-significant flora and fauna, in particular for our endangered state emblems, the helmeted honeyeater and Leadbeater's possum. These projects are providing valuable improvements for our environment and our local communities.

Women: suffrage centenary

Ms LOBATO — Over the last couple of weeks at three separate locations in the electorate of Gembrook I have had much pleasure in launching the monster petition for the celebration of the centenary of women's right to vote. I have been privileged to inform my constituents of the significant history surrounding the campaign for women to get the right to vote. I launched the first petition at the Emerald Library, then moved on to Emerald Secondary College and Emerald Primary School. The second launch was at Beaconsfield Neighbourhood Centre and the third at the Wild Thyme Cafe in Warburton.

Weeds: control

Mr WALSH (Swan Hill) — An army of weed-busting volunteers is all that separates Victoria from a biosecurity disaster with invasive weeds. As

someone who cares about protecting Victoria from this terrible threat, I personally thank the 1500 registered weed-spotting volunteers we have in Victoria, particularly the one who first spotted the prohibited weed Mexican feather grass — or, as it is sometimes known, Texas tussock.

Because of a decade of Brumby government cuts to the Department of Primary Industries, Victoria is now relying on these volunteers to protect our environment and farms. Earlier this year more than 300 Mexican feather grass plants were found at 18 Big W stores across Victoria. Of these, 100 were sold as Mother's Day presents, prettied up in metal jugs and slatted wooden containers. Bunnings Warehouse sold a further 4800 plants in pretty white teacups and saucers as a Mother's Day promotion.

Looks are deceptive. Mexican feather grass looks very similar to serrated tussock and will be equally destructive to Victorian land-holders. The Brumby government and the Minister for Agriculture may not care about weeds and biosecurity, but the weed spotters do. Shame, Minister Helper, and thank you very much to the weed spotters for the great job they are doing for country Victoria.

Delys Henshaw

Mr TREZISE (Geelong) — I take this opportunity to mark the life of Delys Henshaw, who died on 31 August 2008 at the age of 76 years. Delys Huck was born on 9 July 1932 in Perth, Western Australia. In 1955 she married David Henshaw, a former member of the Victorian Legislative Council, and they moved to Geelong in 1958. It was in Geelong that David and Delys forged their names as leaders in the environmental movement.

In the early 1960s Delys, together with a group of like-minded people, formed the Society for Growing Australian Plants. At the same time Delys, together with her young family, became involved in the Geelong Field Naturalists Club — particularly with the junior group.

As her close friend Joan Lindros said at Delys's funeral, 'Delys loved and cared for the depth and breadth of the natural world, the plant life, the bush, bird life and all other components, including the trees which she waged many battles to protect from mindless destruction'.

In 1972, together with people such as Joan Lindros, Delys and David were at the forefront of forming the Geelong Environment Council, which has proven to be a very effective organisation in protecting the local environment. Through the GEC, Delys fought on many issues, but in particular she was immersed in protecting the Otways and the Barwon River through Geelong. It was in part due to the relentless campaigning of people of the ilk of Delys Henshaw that today we see a protected Great Otway National Park and the Barwon River that has been saved from destruction and now winds its way through the Belmont Common.

Delys's main love in life was her family. Sadly David passed away earlier this year, and the couple tragically lost their son Denis as a young boy. They are survived by their loving children and grandchildren — —

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

Rail: Boronia car park

Mr WAKELING (Ferntree Gully) — The Brumby government has again failed the needs of residents in my community to deliver adequate parking facilities at Boronia railway station. In 2002 and 2006 the state Liberal Party promoted the removal of the zone 3 fare system. Despite belittling the idea at first, the Bracks government was forced to change its tune and copy this Liberal Party policy. Because of this the number of constituents travelling by train to and from Boronia station has significantly increased over recent times.

As a consequence, many residents of my electorate are unable to access car parking facilities at the station. My residents are forced to park in adjacent retail car park facilities, which has resulted in many receiving fines from local by-laws officers. I call upon the Brumby government to listen to the concerns of my community and ensure that this issue is investigated to determine how additional parking facilities can be provided.

Cockatoos: control

Mr WAKELING — Many residents of my electorate are currently coping with a sudden influx of wild cockatoos. I have been contacted by concerned locals who claim that cockatoos are almost in plague proportions around Boronia and Ferntree Gully. One concerned resident has suffered recently with upwards of 20 cockatoos at any one time in her front yard, which has resulted in the destruction of her front fence. Whilst my community understands the impact of drought and the need to not harm native fauna, I implore the Minister for Agriculture to take action on this important issue and work with local communities to determine appropriate measures to reduce the impact of these animals.

Geelong: student career counselling

Mr EREN (Lara) — As a task I asked Tess Butler, a year 10 student from Matthew Flinders Girls Secondary College who did work experience in my office last week, to do a 90 second statement about any issue that concerned her. She wrote:

> The issue I want to raise is about my future and the future of other 16-year-olds in the Geelong region. I am studying year 10 at the moment, hoping to do further study in a field which interests me or may interest me — and this is where the problem lies. What interests me may not be relevant to the employment requirements of Geelong. For example, I may go to university for the sake of going to university to get my Bachelor of Arts degree and join the long list of unemployed people that have … BA degrees. If there were a guidance centre in Geelong for students like myself where we can seek guidance for what the future employment prospects of Geelong may be, then accordingly we can then make a decision about what we should study in order to, hopefully, gain employment in the future. That way the skills requirements for the region could be catered for so that the investors don't have to worry about skills shortages.
>
> I don't mean to offend any pathway guidance teacher when I say this, but at the moment in my view the guidance teacher that is supposed to help us in our direction for our future isn't helping much at all. I somehow feel that there is not enough support aimed at giving us more information and guidance.
>
> I also feel that the students that know what they want to do with their future and what they want to study, are the ones who the pathways teacher focuses on, rather than focusing on the students that aren't so clear about where they are heading in their future.
>
> I thank John Eren for giving me this opportunity to voice my concern in the Victorian Parliament.

Rail: Brighton level crossing

Mr THOMPSON (Sandringham) — I call upon the Brumby government to take the 'con' out of Connex. For over 12 months the New Street rail gates have been blocked at the intersection of New Street and Beach Road. For over 100 years this intersection operated successfully to enable its conjoint use by rail and road users, and around the world the successful operation of road and rail transport co-exists. I call upon the Brumby government to step in and resolve this issue so that Sandringham electorate's commuters can make their way to the city, to local schools and to business and medical appointments and avert the danger that would otherwise arise from vehicles making dangerous turns along Beach Road.

Rail: Sandringham level crossing

Mr THOMPSON — I also draw attention to the problems faced by a constituent who wrote to Connex expressing concern about a malfunction of the boom gates at the Abbott Street level crossing in Sandringham, adjacent to the Sandringham station. He writes:

> On Friday, August 29 at about 5.40 p.m. I was personally caught up in this malfunction and became aware of how potentially dangerous it is.
>
> …
>
> The gates were closed for at least 7 minutes and it could have been closer to 8 minutes.

He wrote to Connex and got a perfunctory response that did not deal with the issue at hand, which is the danger of the gates. The concern of my constituents is that people might believe the gates are malfunctioning and cyclists and pedestrians might make inopportune movements across the crossing at times when they could be placed at personal risk.

Electoral roll: enrolment

Mr SCOTT (Preston) — I rise to draw the attention of the house to the non-compliance of approximately 200 000 Victorians with section 23 of the Electoral Act 2002, which mandates compulsory enrolment. In discussion with members I have come across the misconception that enrolment is voluntary. It is not. It is a requirement of the Electoral Act, and 1 penalty unit applies for non-compliance. When approximately 200 000 Victorians do not comply with an act of Parliament it is time for us to consider how we implement that act, and we should consider practices in other jurisdictions. In Canada the state takes a more active role in ensuring people are correctly enrolled, and I note that New South Wales is investigating an automatic enrolment process.

This matter is currently before the Electoral Matters Committee, of which I am a member, but it is an aspect that the broader Parliament should consider prior to the report coming down. I am sure there is not a majority in this house or in the community for overturning compulsory enrolment or voting, but if 200 000 constituents are not complying with this act of Parliament, we should consider how we implement those systems which lie at the heart of our democracy.

Water: desalination plant

Mr K. SMITH (Bass) — Thursday, 4 September 2008, was a great day for the town of Wonthaggi! The sun was shining, the crowd had gathered and there was a festive feel about the town. The minister was coming to town to explain to the people why the Brumby government had failed to consult with the people or with the council on the huge power-hungry desalination

plant on our pristine foreshore. You could feel the excitement build up. 'The minister will be here soon', they were crying. 'Where will he park? It must be over there', they said, where the council had put the 'No standing' signs. They said, 'Here he comes. He is coming to tell us why'.

The big blue V8 all-wheel drive Ford Territory pulled into the kerb. But where was he? The local police from Wonthaggi and the extra dozen police from the Latrobe Valley moved in. 'Make way! Make way!', they yelled. But where was the minister? At last there was a glimpse of the spiky hair but no cheeky grin. No, this was going to be serious Tim. The crowd, all suitably gagged by the government, stood by in silent protest as the little man made his way into the security of the desalination office. You could hear the sigh of relief above the silence of the crowd: 'I've made it', he said, 'but I've still got to get away from here'.

Forty-five minutes later the little spiky head appeared surrounded by the large contingent of burly police. He was escorted to his Territory and away he went, with not a word, not a wave, not a smile to the people. There was no apology.

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

Bundoora: Gresswell conservation reserves

Mr BROOKS (Bundoora) — The Gresswell reserves, which are in the heart of my electorate of Bundoora, make up the Gresswell forest, hill and habitat link. Many people will recall the area was part of the old Mont Park Hospital complex. The reserves, which are now managed by the La Trobe University Melbourne Wildlife Sanctuary, are a precious area of Crown land set aside for the conservation of flora and fauna. They are considered a regionally significant habitat and are home to many birds and animals. In particular, the reserves provide an important habitat for butterflies.

Gresswell Hill is the second highest point in metropolitan Melbourne, and it provides commanding views of the city and suburbs filtered through its leafy canopy of yellow box, river red gums and wattle. On Sunday, 24 August, my family and I joined the Friends of the Wildlife Reserves on their community walk named 'Through the Link and Over the Hill'. The walk was aptly named, as we walked through the habitat link and up Gresswell Hill to take in the sights and sounds of the Gresswell nature conservation reserves. It was good to see so many people attending the walk, and the friends are to be congratulated on their approach to engaging the community.

We are lucky in suburban Bundoora to have such a special area set aside for nature conservation and the enjoyment of the community. We are also fortunate to have the Friends of the Wildlife Reserves, a group of committed volunteers, and I thank them for their hard work and dedication in weeding, revegetation, seed gathering and the many other jobs they do. I have known two members of the friends for many years — Mrs Shirley Gates and Mr Ron Gates — and appreciate their determination and effort as well as that of the rangers at Melbourne Wildlife Sanctuary, headed by Mr George Paras.

We cannot overestimate the value of preserving these areas in our rapidly expanding cities, and I encourage people to visit the sanctuary and the reserves if they are in the area.

Suicide prevention: Lifeline Gippsland

Mr NORTHE (Morwell) — Today is World Suicide Prevention Day, but in many cases this is not a day for celebration. For many families it will be a time to remember and reflect on loved ones who have taken their own lives. However, recognition of World Suicide Prevention Day may enable persons at risk of suicide to find the strength to seek help through organisations such as Lifeline Gippsland. Lifeline Gippsland is a wonderful organisation that not only assists in responding to persons at risk of suicide but also provides assistance to families who grieve for a loved one lost through suicide. Lifeline Gippsland also provides a suicide crisis support program that has undoubtedly saved many lives.

World Suicide Prevention Day is a timely reminder for all of us to be vigilant around family and friends who might be showing signs of depression or mental illness. Unfortunately in the Latrobe Valley some disturbing statistics have recently been uncovered in relation to mental health. The statistics indicate that there are fewer acute mental health beds per capita than the state average — 49 per cent of mental health patients wait more than 8 hours in the emergency department for a bed, and bed occupancy is at the unacceptable level of 104 per cent.

On the one hand we have Lifeline Gippsland and its wonderful volunteers and staff providing essential services to aid in suicide prevention whilst on the other hand the Brumby government continues to underinvest in acute mental health beds and services in the Latrobe Valley and the wider Gippsland region.

Riddells Creek Recreation Reserve and Dixon Field: recycled water

Ms DUNCAN (Macedon) — Last week I had the privilege of representing the Minister for Regional and Rural Development in announcing $500 000 for two local water projects that have been funded through the Small Towns Development Fund. Dixon Field in Gisborne and the Riddells Creek Recreation Reserve will be irrigated using recycled treated water. The Dixon Field project will save 8 to 12 megalitres of potable water, and the Riddells Creek project will initially save about 7 megalitres a year, rising to about 14 megalitres when a second oval is developed.

Both Dixon Field and the Riddells Creek Recreation Reserve are important and widely used recreational areas in these towns. The Dixon Field precinct, which consists of a competition standard soccer pitch, a cricket oval, junior soccer ground, athletics track and a large public open space area, is home to a wide range of traditional sporting clubs. It is also the base of an expanding touch football competition and is used by schools for regional sports events almost on a weekly basis.

The Dixon Field recycled water and improvements project will deliver optimum volumes of treated water to Dixon Field through the development of a watering system. The Riddells Creek Recreation Reserve recycled water project will supply recycled water from the nearby Riddells Creek recycled water plant via the construction of a pump station and 3.3 kilometres of pipeline.

I would like to congratulate the reserves committees for all the work they do in supporting sports in our region and for the tremendous financial contributions and efforts they put into these applications. I am very pleased they have been successful.

Rail: Somerville level crossing

Mr BURGESS (Hastings) — I refer the Minister for Public Transport to an article by Nick Higginbottom in today's *Herald Sun* about deadly rail crossings that are not in the government's upgrade program, in which he says:

> The notorious crossings at Bungower Road, Somerville, and Springvale Road, Nunawading, are not on the list.

I ask the minister to explain to the residents, car and train commuters and train drivers of my community who are forced to take their lives in their own hands when traversing the deadly Bungower Road crossing why it is not on the government's $23 million upgrade list. I also draw the attention of the minister to a report about safety matters at the Bungower Road crossing, released to me yesterday from Public Transport Safety Victoria, which was scathing of the state government. The report identified a litany of problems with safety at the Bungower Road crossing, including incorrect and non-compliant signals and signs. Another criticism was the lack of legislation to require the removal of foliage that is blocking drivers' vision of the crossing. I ask the minister why, when lives depend on it, such basic safety infrastructure procedures are not in place.

A public rally addressing safety concerns on the Stony Point line will be held on Saturday, 20 September at 11.00 a.m. at a safe distance from the crossing. On behalf of members of my community I again invite the minister to attend the meeting and listen to their views.

Tragically, the Bungower Road crossing claimed a life just over 12 months ago and is considered by local experts to be one of the most dangerous crossings in the area. Local police investigators, train drivers and paramedics have all spoken out about the need for boom barriers at the Bungower Road level crossing. Although the section of rail that contains the Bungower Road crossing has a 90-kilometre-per-hour speed limit, experienced V/Line drivers in conjunction with their union have decided that it is so dangerous they will not exceed 60 kilometres per hour when travelling through the crossing. The danger presented by the crossing has recently escalated because of increased train traffic.

Our Lady of the Sacred Heart College: musical production

Mr HUDSON (Bentleigh) — Recently I had the pleasure of attending a production of the *Disney High School Musical On Stage!* at Our Lady of the Sacred Heart College in my electorate. This musical is very popular with young people. It is the story of two young people who step outside of their typecast positions in the school and dare to follow their dreams by auditioning for the key roles in the upcoming high school musical. It explores teenage peer pressure, jealousy and rivalry, and along the way they learn about acceptance, teamwork and being yourself.

Madeline Wood as Troy Bolton, the school basketball star; Annie Aldridge as the shy new brainiac at school; Giulia Poletta as the scheming Sharpay and Michela Poletta as her brother, Ryan, are all standouts in the lead roles. Equally impressive are Bree Haggett as Ms Darbus, the feisty drama teacher; Stacey Vranas as the drill sergeant basketball coach Bolton, and Jemma Williams as Kelsi Neilson, the mousy composer of

Juliet & Romeo, along with Laura Colaianni as Chad and Cristina Cafasso as president of the science club.

I also thoroughly enjoyed the musical ensembles provided by the jocks, brainiacs, thespians, skaterdudes and cheerleaders, singers and dancers, backed up by the band and production team. Altogether there are 100 students involved in one way or another in the *High School Musical*, which is a great achievement. Congratulations must go to Michelle Fenton as the director of this production, together with the students, teachers and parents who have put in weeks of work.

Congratulations to Our Lady of the Sacred Heart College, which has demonstrated through this production that it has a strong and vibrant performing arts culture.

MATTER OF PUBLIC IMPORTANCE

Street violence: government response

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Kew proposing the following matter of public importance for discussion:

> That this house condemns the Brumby government for its failure to address record rising violence on our streets, for its denial of the problem prior to August 2007, and for its policy of shifting blame and relying on gimmick solutions rather than accepting responsibility for the problem and putting police back on our streets where they belong.

Mr McINTOSH (Kew) — This state has a serious problem with rising levels of violence on our streets. The opposition has noted on a number of occasions in this place and elsewhere that assaults in this state have risen by over 50 per cent since 1999. That statistic is a stark reminder of the seriousness of the problem, but at the same time we are also reminded that the number of assaults that have been committed on our streets, as opposed to elsewhere, has risen by nearly 200 per cent in the same period; that is: three times what they were in 1999. As I said, we have a serious problem in this state, and we need serious people to provide serious solutions and not merely gimmicks or shifting blame to other people.

The most important thing about this issue is that when you explore what the government has done you find that it has been shifting blame and relying on gimmick solutions, something that will capture the media's attention.

Mr Nardella — Like what?

Mr McINTOSH — The member for Melton yells out, 'Like what?'. Let me remind the member that one of the solutions that was cobbled together by this government about two years ago to deal with the issue of street violence was to put a golf buggy — a golf buggy! — on the streets to prevent the rising tide of violence. That did nothing; that has gone. Apparently Hummers are now going to cure the problem. When they fail — because what we need is more police officers — what will this government come up with next? Abrams tanks or something like that? We have a serious problem, and we need serious people providing serious solutions to this rising problem of violence on our streets.

As I said, this is a serious issue, and the fact that this government has failed to deal with it in any strategic way by addressing the underlying problem — which is the lack of police resources on our streets — is a complete breach of trust perpetrated by this government on the people of Victoria. It is a prime responsibility of any government to do its utmost to provide for the security of its citizens, but this government has ignored that sacred trust it holds to protect its own citizens. What it has done is come up with gimmicks and other media-driven solutions rather than dealing with the fundamental problem and providing strategic solutions to that problem. Why else would we have a Premier finally admitting after some eight years that we have a problem in the CBD (central business district) of Melbourne?

But the problem does not end there. When you look around this state you see that the problem of rising street violence is not limited to the CBD. Our major regional centres have a significant problem. We have a problem in Bendigo, where overall crime rose by 14 per cent last year and assaults increased by 4 per cent. In Bendigo violent crime has risen by nearly 60 per cent since 1999. In Ballarat assaults have gone up by 33 per cent in the last 12 months alone, with overall crime increasing by 10 per cent. In Geelong assaults have gone up by 15 per cent in the last 12 months. As I said, we need serious solutions; what we do not need is gimmicks.

It has been admitted only in the last 12 months by this government that we have a problem, and indeed it has only been in recent days that the Premier has finally got off his arrogant backside to get in a police car and tour the streets of the CBD of Melbourne — not Bendigo, not Ballarat and not elsewhere in regional Victoria — to observe this significant problem that we face.

What does he do? He comes out and he blames somebody else. He blames the strip clubs and says, 'We

are going to ban alcohol in strip clubs'. Recent tragic events would suggest that the problem may not be limited to strip clubs and that it may be found elsewhere. Even the blaming of venues and the venue operators beggars belief, because everybody — apart from this government — says that the fundamental problem is the lack of police resources on our streets.

Mr Nardella interjected.

Mr McINTOSH — There is a great example of that not far from the electorate of the member for Melton, in the local government area of Brimbank. The police there were reduced to having to put empty police cars on the streets to try to demonstrate that they have a police presence, simply because they lack the resources there to deal with the issue.

We were supportive of the notion of exclusion orders and issues around the fringes of banning notices, but the most important thing in relation to those orders is the requirement not to suck resources from elsewhere around metropolitan Melbourne or indeed regional Victoria and put them into the CBD to deal with this issue, because at the same time as banning orders were introduced into the city of Melbourne — —

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! The member for Melton will have his opportunity to speak later in the debate.

Mr McINTOSH — We note that at the same time as banning orders were introduced into the city of Melbourne, assaults and robberies in the city of Yarra increased by some 30 per cent. So while assaults increased only slightly — by 10 per cent — in the CBD last year, we had a 30 per cent increase in violent crime in the city of Yarra, and of course that is being replicated around the state. Indeed police officers have indicated to me that the thing that concerns them is that while dealing with the problem in the CBD, we are sucking resources from elsewhere.

Many of those areas, as we know, have been starved of police resources. Recently I was in a large provincial town's 24-hour police station; I was told that it was an acceptable practice to have only three police officers — one in the watch-house and two in the divvy van.

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! I have indicated to the member for Melton that he will have his opportunity.

Mr McINTOSH — Quite often they will be reduced to having those three police officers attend a significant incident, which means the whole of that area will be without a divvy van for a long time, with little or no backup because the nearest police service area may be some 50 kilometres away if they need backup or support. At that station on the very day I was there the sergeant I was talking to had to leave the station, unaccompanied and without any support, to deal with a firearms matter. He strapped on the gun and had to go out to deal with that matter

Mr Nardella — Where?

Mr McINTOSH — The member for Melton just does not get it. He is not a serious person; he is not interested in providing serious solutions. Yes, there are many ways we can go about it but it does not just stop with Hummers or banning orders, it does not just stop with a 2.00 a.m. lock-out. It requires a fundamental understanding by this government that we need proper police resources.

It is not just the opposition. On our own calculations in the last financial year, notwithstanding the government's claims, a mere 26 police officers were added to the front line of a total of 150 extra police officers introduced since the last state election — that is, 26 out of 150.

But it is not just us saying it. A matter was recently put to the minister and the Chief Commissioner of Police at the Public Accounts and Estimates Committee hearings. The police association, of course, had said that while it acknowledges a large number of extra police have been added since this government came into office, those police officers have rarely found their way to the front line. They make the very valid point that there are many 24-hour police stations that, in the course of this government's life, have actually had their police numbers reduced rather than increased. It beggars belief, and demonstrates that this government is not interested in managing the situation. It has abrogated its sacred trust to protect Victorians and is mismanaging this situation.

At the end of the day the government is responsible to the people of Victoria for the police force. It can hide behind the cloak of operational decisions as much as it likes, but if it has a serious problem, it is duty bound to deal with that problem; if it does not, it is a breach of trust, and it is demonstrating mismanagement of the police force by not doing so.

Indeed, as we have spoken about on a number of occasions and as has been acknowledged around this

state, in our 24-hour police stations, for example, all around the state there are many absences, vacancies and long-term secondments that reduce the operational numbers.

The ordinary, average 24-hour police station will have somewhere between 35 and 40 police officers as the establishment strength of that police station. In our regional centres there are some large police stations that will have many more uniformed officers, but for an ordinary 24-hour police station in country Victoria and in the city of Melbourne the average will be about 35 to 40 officers. Of those 35 to 40, as I have said repeatedly, many officers will be not available for duty for a variety of reasons — secondment to overseas services or other divisions of the police force — but certainly they are not in that police station. There will also be long-term absences because of long service leave and maternity leave. These are all appropriate and there is nothing wrong with that, but they are not able to discharge their functions as police officers, yet they are recorded as being available for duty on the rosters of our police stations.

On top of that I have seen a number of examples of long-term absences due to WorkCover, and indeed again that is an appropriate remedy, but there is no backfilling. The area that seems to be suffering the most significant level of vacancies is country Victoria. People are just not there. They have been transferred away, and there are vacant positions at police stations. It is not just one, two or three vacancies; I have seen examples of up to seven or eight vacancies being unfilled for a long time at many of our 24-hour police stations — and there has been absolutely no backfilling.

Mr Nardella — Name one.

Mr McINTOSH — What about Sunshine? What about Keilor Downs — and even Werribee? The solution is simple, and the government knows what the solution is because it has implemented part of that solution in Wyndham. We know that Werribee has had a significant problem in relation to policing and a high and rising level of crime. All of the gimmicks, all of the golf buggies and all of the Hummers do not solve the problem, because you need police on the beat.

What you have in Werribee and in Wyndham is a classic example of this government getting it right, so much so that the Minister for Police and Emergency Services and the Chief Commissioner of Police went out to Werribee to announce their crime statistics for their own glorification. They crowed about what a great job they are doing. The solution is simple. They were prepared to spend $300 000 on overtime to ensure that the whole of the local government area of Wyndham did not just have one divvy van on the road — they were able to put two, three, four and on a couple of occasions five divvy vans on the road of a Friday and Saturday night.

But guess what? Certainly in that 12-month period there was a substantial reduction in the level of street violence in that area. They crowed about it, and they know full well what the solution is. If it is good enough for Werribee, why is it not good enough for the rest of the state? Why it is not good enough for the state to have a Premier and a police minister who are prepared to deal with this matter as a serious problem and provide a serious solution?

All I can say is they are not serious people because they refuse to acknowledge even their own success. You spend the money, you provide the resources and you get a positive outcome. The consequence to Victorians about this serious problem is significant. I certainly have spoken recently to two neurosurgeons who will tell you that, anecdotally, they think the level of acquired brain injuries occurring because of street violence is increasing dramatically. That is what they tell me. There are no official statistics they can talk about, but that is what they say.

It impacts on families, on communities, on friends, and indeed on the public purse. This is a serious problem. It is a long-term problem, and we need serious solutions. If this government will not do that, then it has committed a breach of trust, and it deserves to be condemned for the ignorance and the performance up to date. The gimmicks, like golf buggies and Hummers, will not solve the problem. More police on our beats is the only concrete solution to rising levels of violent crime on our streets.

Ms GREEN (Yan Yean) — It gives me great pleasure to rise and speak against this ridiculous matter of public importance as proposed by the member for Kew. What a surprise that the ambulance chasers on the other side would propose a matter of public importance like this! We should not be surprised at all, and I see the member for Kew is now leaving the chamber. He should be absolutely ashamed that the opposition offers no solutions. It criticises the solutions put forward by the government, it offers no facts to back up its claims, it relies on ridiculous anecdotes, and when the government has proposed positive solutions supported by the community, giving support to the Victoria Police to do this very important work and tackle this very difficult problem, the opposition has been missing in action.

We as a government are extremely proud of what we have done in resourcing Victoria Police with record resources. We delivered an additional 1400 sworn police before last election, and we are now delivering an additional 350 during this term. There are more front-line police in this state than ever before, and that is not something that anyone on the other side of the chamber could ever say happened under their watch. We are proud of the results of the Chief Commissioner of Police and our great police officers who have worked to reduce Victoria's crime rate by 24.5 per cent and who keep working so that Victoria continues to be the safest state in Australia.

This compares with the record of the Liberal Party, which slashed 800 police and saw a rise in Victoria's crime rate of 10 per cent between 1994–95 and 1999–2000. The Liberals and their Nationals friends can only attack the great work of Christine Nixon and our police officers. Their party members stand for nothing and support nothing.

Any parent — and I am the parent of two young men who, like many other young people, go out — is aware that there is a problem with alcohol consumption in this state. And it is not restricted to this state — it happens across the country and internationally. That is why we as a government have put forward solutions and are prepared to resource those solutions and support the work of the chief commissioner.

As I said at the start of my contribution, the Liberal members have turned ambulance chasing into a fine art. They are always there with a response to a tragedy, getting the quick media grab, but when they had the opportunity to support Victoria Police and the government's efforts in tackling this problem, they were missing in action. They constantly politicise the operational nature of Victoria Police. The allocation of police resources is absolutely the responsibility of the Chief Commissioner of Police. It is really important, absolutely crucial, that this is free from political interference. But that is not what the other side would have if it were in office. In relation to dealing with the problem of alcohol-related violence, Victoria Police has established a 50-strong Safe Streets task force which operates in the central business district. In addition, police are using critical incident response teams to respond rapidly to alcohol-related violence.

What did those on the other side do? Under their watch they did not respond to problems; they slashed and burnt the resources of Victoria Police. The previous government slashed the numbers by 800, and we saw the increase in the crime rate.

I want to very strongly endorse the work of Victoria Police in establishing the Safe Streets task force, which is concentrating on venues in the city and metropolitan Melbourne on Friday and Saturday nights. It has visited 6605 venues. In April of this year a statewide liquor licensing task force, Operation Razon, was established specifically to tackle liquor licensing issues. Operation Razon is conducted by plain-clothes police and has already visited 633 licensed venues across Victoria and issued 153 infringement notices and 245 official warnings for all breaches of liquor laws. Further, all metropolitan and regional police stations are tasked to proactively and reactively deal with licensing issues across Victoria. So far in 2008 some 2039 infringement notices have been issued for breaches of liquor laws alone.

People in this place who pay attention would recall that late last year the government introduced legislation to tackle alcohol-related violence, legislation that was opposed by the Liberal Party, which was made a mockery of at the time by the *Herald Sun* — —

Mr O'Brien — Tell the truth!

Ms GREEN — I hear the interjection by the member for Malvern. He should hang his head in shame.

The DEPUTY SPEAKER — Order! The member for Yan Yean should ignore interjections, and the member for Malvern should stop interjecting. He will be given his opportunity if he wishes to speak on the matter of public importance.

Ms GREEN — At the time in his contribution to that debate the member for Malvern was seriously trying to hamper the efforts of Victoria Police in dealing with these matters. He was saying that a senior police officer should be expected to take a banning notice to the Magistrates Court rather than being able to deal with it on the spot. The *Herald Sun* at the time correctly pointed out the ridiculous position of the Liberal Party in its front page of 6 December with the headline 'Booze bust — Libs sink laws to make our city safer'. So the community and the biggest circulated newspaper in this state have correctly identified that the Liberal Party does not take this issue seriously. When it had the opportunity to support measures to assist Victoria Police in tackling this problem it was missing in action, and it has opposed banning notices.

The member for Kew has now left the chamber. The emperor has no clothes — he does not support this measure giving Victoria Police the power to deal with alcohol-related violence. I think calling the member for

Kew an emperor is probably giving him a promotion. Even in recent weeks media reports have reiterated that the member for Kew and the Liberal Party do not support the effective work that these banning notices are delivering in dealing with this problem across regional Victoria.

Recently the Warrnambool *Standard* reported that police were hailing the success of the banning notices in curbing alcohol-fuelled crime. That paper said the exclusion zone had brought differing responses from the state opposition. It reported that coalition spokesperson Andrew McIntosh had said the exclusion zone notices only papered over the problem of tackling alcohol-fuelled crime. The opposition does not support this measure. If it ever got back onto the government benches, perish the thought, it would remove this power from Victoria Police in dealing with this important social problem.

The member for Kew has an absolute hide to propose this matter of public importance, saying that the government is not taking this seriously. The community and the media have seen that it is not the government that is failing to take this seriously; it is the Liberal Party and others opposite. The Liberal Party continues to talk down the state and raise fear among the community, which is absolutely baseless in most circumstances. Where we do have a problem, we are dealing with it.

The member for Kew started his contribution by using statistics in an attempt to scare the community about the level of crime in this state. In fact there has been a reduction in assaults and crimes against the person of 0.8 per cent. In particular, the rate of non-family violent assaults dropped 1.2 per cent in the last year. This does not mean that the government is resting on its laurels, and that is why it is taking this issue very seriously and is not only giving improved resources to Victoria Police to do the important work it needs to do but has introduced legislation to deal with it, which those on the other side have not supported from the outset.

Media reports have indicated the member for Kew's lack of support. I am not surprised that his media release about Geelong did not make it onto his website, because he is probably ashamed of it. His criticism of the banning notices and his saying they have not been effective in that region, including in Warrnambool, can be compared with the media reports in the Warrnambool *Standard* which say that this is not the case.

Those on the other side are constantly undermining Victoria Police. They did not support them when they were in office, and they do not support them now. They constantly politicise and fail to support a very good and effective Chief Commissioner of Police who has the support of the community and the government — and rightly so.

I reiterate that we are a government that has funded Victoria Police with record resources, and we will continue to do so. We are delivering additional sworn police and have also undertaken a significant police station building program. We are concerned about the workplaces police operate in, which was never the case on the other side when they were in government. They closed police stations and did not build new ones. We are committed to supplying and are budgeting for equipment for the police. We are proud of our chief commissioner and the police officers who have successfully worked to reduce the crime rate in this state. This again compares with the Liberal Party when it was in office, which slashed resources, with the consequence that the crime rate rose.

The opposition continues to attack the great work of Christine Nixon and Victoria Police; when it had the opportunity, it never proposed solutions. The opposition constantly criticises the government and the police. The issue of alcohol-fuelled violence is being taken seriously by everyone in the community, by parents talking to their children and so on. There are a whole range of things to be done. We are all taking this seriously, and it is about time that the Liberal Party took it seriously instead of using the dial-a-headline strategy and having a cheap shot in the media, chasing ambulances and criticising our hard-working police.

I am firmly opposed to this ridiculous matter of public importance. Those on the other side should be ashamed if this is the best that they can come up with. They should be doing things of substance, reconnecting with the Victorian community and showing that they stand for something. We on this side of the house are absolutely proud that we stand for something — that is, we support our police.

Mr O'BRIEN (Malvern) — I am delighted to be able to speak on this matter of public importance. It refers to condemning the government on its policy of shifting blame and relying on gimmick solutions rather than accepting responsibility for the problem of rising violence on our streets. In talking about shifting blame and gimmick solutions, nothing could better sum up this government in its failure in these areas than what it has done on alcohol-related violence.

Let us look at what we need to fix these problems. If you ask the Police Association or any member of the

community, 'Do you think you can fix these problems without having more members on the streets?' the Labor government answers, 'Yes, you do not need more police on the streets'. When they talk about the extra number of police in Victoria, how many extra operational police were put in stations in 2007–08: just 26!

We need to see extra police. Alcohol-related problems need broader solutions. We need transport solutions: we need a government that understands if you do not want people to get drunk and then congregate because they cannot get home, you need to provide decent public transport solutions. During weekends you need to have taxis whose drivers have the incentive to come into city centres and move people in and out.

You need to have bus and train services that actually operate at the times people want to get in and out of town. You cannot just turn them off like a tap and expect people to find their own way home — unless you want them to get into cars. The government knows what has to be done, but it does not have the will or the wit to do it. It cannot deliver the public transport solutions that this state needs to try to get people home from their nights out.

It also needs to see more cultural change amongst licensees and patrons of licensed premises. One of the ways in which you bring about cultural change is by enforcing the law, which seems to be something the government is completely incapable of doing.

I will give one example. In 2006 the Drugs and Crime Prevention Committee of this Parliament brought down a sensible, bipartisan report. It looked at liquor licensing laws and at some of the reform proposals which could improve them. The government has sat on its hands during the entire period since, and one absolute and glaring loophole has been allowed to fester, which says that if you run a licensed premises — a pub or a nightclub — and your licence has you closing before 1.00 a.m., you do not have to have your staff trained in the responsible service of alcohol?

If you run a bottle shop, your staff have to be trained in the responsible service of alcohol. Is it any wonder we have people getting drunk and continuing to get served when this massive loophole operates in the industry, where staff do not have to be trained in the basic law of the land and the basic policy of responsible service of alcohol. In March 2006, some 30 months ago, the government was told about this problem, but it has done absolutely nothing about it. It has sat on its hands while this problem has continued to fester and get worse, and we have seen more fatal violence on our streets.

I will talk about enforcement of the law. In a moment of honesty in its budget papers this year the government told us a little secret, but I will set the background for the house. The government said that this year it intended to spend an extra $17.6 million on the creation of a compliance directorate in the liquor licensing bureaucracy. That all sounded well and good, and we thought, 'Maybe the government is getting serious about doing something in the area of enforcing liquor laws'.

However, at page 178 of budget paper 3, under 'Service delivery 2008–09', there is a measure in the table in which the government sets its own target for various outputs. One of the outputs is the number of inspections, compliance monitoring and enforcement activities in consumer affairs. Consumer affairs is the area that deals with liquor licensing. How many additional instances of inspections, compliance monitoring and enforcement activities was the government proposing for this year? How many extras? Zero. Nothing. Absolutely zilch! It had planned not one additional inspection, not one additional compliance monitoring, not one additional instance of enforcement activity in the very liquor licensing area that it knows is at the heart of violence on our streets. For all its talk about the money it will spend, nothing could better demonstrate its absolute spin and its inability to undertake anything of substance to deliver outcomes than this glaring moment of truth in the budget papers.

We know there is a massive problem in terms of alcohol-related violence on our streets. Even the Premier has been dragged kicking and screaming to acknowledge that. Yesterday's *Herald Sun* reports:

> The Premier said nightclub and bar owners and bar staff had a duty to ensure patrons were not served when they were clearly intoxicated.

The article further quotes the Premier as having said:

> It's against the law, if you hold a liquor licence, to serve somebody who is intoxicated and the fact is there are plenty of people who are clearly intoxicated who had way too much to drink who are still getting served in bars and the responsibility for that rests with two groups of people.

That is, to paraphrase here, firstly, the bar owners; and secondly, the patrons. The government is well aware that there is a problem with people being served while they are intoxicated, but what do members think the government has done to make this a priority?

There are varying estimates. According to the Australian Hotels Association, there are over 17 000 licensed venues in Victoria. How many fines do members think were issued last year for licensees serving people while intoxicated?

Mr K. Smith — How many?

Mr O'BRIEN — I say to the member for Bass that the figure was 27. I could take any member of this house down to King Street on any night of the week, walk into a single bar and find probably 28 people who had had too much to drink and were still getting served. In the entire state of Victoria over the course of an entire year under this government only 27 fines have been issued for people being served while intoxicated. This shows exactly how pathetic the government is when it comes to enforcing the existing laws. Because it will not enforce the existing laws, it resorts to gimmicks.

Let us have a look at some of these gimmicks. The member for Yan Yean referred to the Safe Streets task force. This is about robbing Peter to pay Paul — that is, taking police out of other areas and putting them into the central business district (CBD).

Mr Nardella interjected.

Mr O'BRIEN — Taking them out of areas like Stonnington, which the member for Melton should be aware has one or two nightclubs and licensed premises, and putting them into the CBD is no solution.

Another example is banning notices. When banning notices applied in the CBD, crime, assault and robbery statistics in the neighbouring city of Yarra went up by nearly 30 per cent. If you crack down on one area by robbing Peter to pay Paul, you simply move the problem to another area. That is not a solution; that is shifting blame and shifting responsibility.

The member for Yan Yean was incorrect in her comments regarding the opposition's position on liquor reform bills that went through last year. As she well knows and as *Hansard* records, the opposition supported them. I was surprised to see a front-page story in the *Herald Sun* written by Ellen Whinnett. It was quite misleading, and one wonders where she got her information from and which member of the Labor Party might have provided her with that wrong information. I do not know. All I can say is that the story certainly went to water.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Malvern, on the matter of public importance!

Mr O'BRIEN — The 2.00 a.m. lockout is another example of a gimmick, but not even a gimmick the government could properly introduce. How many exemptions were granted to this 2.00 a.m. lockout? Every single major nightclub in the area that was supposed to be covered by this lockout was given an exemption. It was an absolute disaster. It was not even the courts that gave these exemptions; it was the government's own director of liquor licensing — Sue Maclellan gave the exemptions. This is a pathetic government that cannot even get its gimmicks right, let alone introduce proper measures to deal with the scourge of alcohol-related violence on our streets.

I could talk about the thought bubbles from the Minister for Consumer Affairs, who wants to ban alcohol from strip joints in the morning and then backs away in the afternoon. I could talk about the government's proposal to use Hummers for patrolling the inner suburbs. The Police Association secretary is quote as having said:

> It's a sad state of affairs when an assistant commissioner has to resort to using these huge trucks to give the perception of a greater police presence on the streets.

The government is all about gimmicks and all about spin; there is nothing about substance and nothing about delivering real solutions for the scourge of alcohol-related violence on our streets.

Mrs MADDIGAN (Essendon) — I rise to oppose the motion put forward by the member for Kew. I must say that the rhetoric from the Liberal Party this morning has been a little curious, to put it mildly. The member for Kew hopped up and said that the only solution to crime in Victoria is more police on the streets. The next speaker, the member for Malvern, said that having more police on the streets is not the only solution to crime in Victoria and that you have to look at other things as well. Not only do members of the opposition stand for nothing, they have a lot of trouble even getting their rhetoric right in a debate in this house. You would have thought that they would have had a discussion together or that the Liberal Party would have a policy on the matter, but that does not seem to be the case, so when responding to them it is a bit hard to know what their policy is. Do they believe, as the member for Kew said, that the only solution is having more police on the streets, or do they believe, or is their policy, what the member for Malvern said — that is, that having more police on the streets is not the only solution and that you have to do other things?

Their logic is a bit curious as well. I will start with the member for Kew. He said that the only solution is having more police on the streets. He then spoke about the Strategy for a Safer City program and said we have a lot more police on the streets in the city and that that is an outrage because it has caused higher crime in the areas outside the city. My electorate is in the city of Moonee Valley which, last time I looked, had a border with the city of Melbourne. Assaults have dropped by 7 per cent in the city of Moonee Valley, so where is the logic there? The honourable member for Kew said we should have more police on the streets, but now that we are putting more police in the city he does not like that either, so it is a bit hard to work out what he wants to do.

When you look at their claims it seems to me that members of the Liberal Party have very short memories. They did not believe you should have more police on the streets when they were in government. On the contrary, they cut many police. Let us go through it once more. Let us not stick with the rhetoric and a number of unsubstantiated claims made by the many anonymous people with whom the member for Kew has spoken — he could not name any of them. Let us look at the real situation.

At the moment the Labor government has funded Victoria Police with record resources, and the Liberal Party cannot deny that. We delivered an additional 1400 sworn police officers before the last election.

Mr K. Smith — Where are they?

Mrs MADDIGAN — I thank the member for Bass for his query. If he cares to listen for a while, I will tell him. The government is now delivering on an additional 350 police — —

Mr K. Smith — All out in Essendon?

Mrs MADDIGAN — There are more in Essendon, I am glad to say.

Mr K. Smith — You're lucky! We have got none of them down in Wonthaggi or at Pakenham.

Mrs MADDIGAN — There are more front-line police than ever before — more than when the member for Bass's government was in power.

The DEPUTY SPEAKER — Order! I note that the member for Bass is listed to speak on this matter of public importance, and I will hear him when it is his turn.

Mrs MADDIGAN — Unlike some members of the Liberal Party, we are proud of the results achieved by our chief commissioner and our great police officers, who have worked to reduce Victoria's crime rate by 24.5 per cent and made Victoria the safest state in Australia. Victoria is the safest state in Australia. You would think that members of the Liberal Party would realise that is a good thing, but they seem to have some trouble with it.

Let us look at what members of the Liberal Party did when they were in power. They cut police numbers by 800. Obviously they had a different policy then or a different belief in relation to policing. During their period in office we saw a rise in Victoria's crime rate of 10 per cent between 1994–95 and 1999–2000 — a 10 per cent rise in the crime rate! Quite frankly, I have been appalled by some of the attacks on Christine Nixon, the Chief Commissioner of Police, especially those made by Mr Finn, a member for Western Metropolitan Region in the Council. I would like to have heard members in this place offer support for the chief commissioner and the police officers, who are doing a great job out there.

Let us have a look at what the police are doing. The member for Malvern made a number of claims, including that there were no more police in the front line. I am not quite sure where he got that from. Let us look at the last 100 additional police allocated by police command. This information comes from Victoria Police, which knows what it is doing. Some 50 of those police officers have been allocated to backfill leave. Just a moment ago the member for Malvern claimed there were no police to backfill vacancies. That is factually — —

Mr O'Brien interjected.

Mrs MADDIGAN — I am sorry. It was the member for Kew who was wrong and not the member for Malvern. I thank the member for Malvern for clarifying that for me. I am sure the member for Kew will be very glad. He was the one who said there were no police officers to backfill leave. Lucky for the member for Malvern that the member for Kew has left the chamber!

Of the 100 additional police who have been allocated by police command to operational roles, 26 have been allocated to specific police stations, 20 have been allocated to the covert and intelligence support department and 4 are working in the area of prosecutions. There has been a significant increase in the number of police in the field, particularly to backfill leave.

I have to agree with the member for Malvern rather than with the member for Kew that a broader strategy is needed to combat crime in Victoria. It is interesting to look at the figures. When it is said that there has been a massive increase in crime, I am not quite sure that is right. The figures show that the majority of crimes are committed by a small number of people who keep reoffending. Like me, my good friend the member for Lowan is a member of the Drugs and Crime Prevention Committee. He would know that the committee has been given a reference by the Parliament to look at juvenile crime and recidivism rates and how to stop repeat offending. If we can reduce the rate of young people reoffending, we will reduce the crime rate significantly. There are some terrific programs out there, which surprises me. The Liberal Party's motion refers to gimmicks, but its members did not cover what they think those gimmicks are, apart from something about a shopping trolley.

To support my argument, research shows that a large number of crimes are committed by a small number of people. The Drugs and Crime Prevention Committee has issued a discussion paper for its inquiry, and we are receiving many good responses from the community at the moment. I will quote a little from that discussion paper to identify the problem we have to address. At page 1 of the discussion paper it states:

> Perhaps even more pertinent is the now widely cited and frequently replicated recidivist offender studies of the early 1970s and 1980s which illustrated that the vast majority of crime was attributable to a small fraction of the population. The first of these studies, conducted by Wolfgang and his colleagues in 1972 … examined the offending profile of a group of young people born in 1945 in Philadelphia. In this study it was found that just 35 per cent of those born in any single year had contact with the police before the age of 18, and of those who did, 18 per cent would be classified as chronic recidivist offenders.

The figures of the Victoria Police contained in a report last year showed that 4489 individuals aged between 10 and 14 years committed a total of 9860 offences. I was wondering what members of the opposition meant by referring to gimmicks, because there are some great programs in this state to try to cut recidivism rates. I ask members of the Liberal Party if they consider the Neighbourhood Justice Centre in the City of Yarra to be a gimmick solution. If anyone bothered to speak to the people who work there — and I am sure no-one from the Liberal Party has — they would find that the centre is achieving great results.

There is also the Bridge program, which was established by the YMCA. The project deals with young offenders and getting them into a mentoring program. That has been going for only a short time, but of the 47 clients the project has had, none have reoffended. Do members of the Liberal Party say that that is a gimmick solution?

There is also the Start Over program, which is run very successfully by Jesuit Social Services. Do members of the Liberal Party think that is a gimmick solution? Having listened to members of the Liberal Party, I am not even sure if they are aware of all the programs that are being run.

The Koori Court has been very successful in decreasing the amount of crime in the Koori community. The family conference program that has been extensively conducted by the Broadmeadows Magistrates Court has been very effective in making people who have committed crimes aware of the effect on the victims. It has been very good at giving people an understanding of the damage they can cause without realising it. There is a whole range of programs.

This government's juvenile justice strategy involves a large range of programs. The Ropes programs run by people from the Children's Court and actively participated in by the police have been very successful in making the police a friend of young offenders. Police have worked exceptionally hard to get back to the situation of some years ago — before the last Liberal government — when people saw the police as supporting them. Kids on the street are now developing relationships with police, and that is significant in ensuring that there is confidence in the police.

I congratulate the police. Some of them are doing a terrific job, and some of them do a lot of these things in their own time. For example, Flemington police have been working with Sudanese youth, and they are going to walk the Kokoda Trail together. The building and improving of relationships between the police and the community is significant in that it provides young adult offenders who might otherwise become recidivists with mentors — mature adults who offenders can work with to keep out of jail and become worthwhile citizens. Some young offenders have gone through excellent training programs to ensure that when they leave their institution, if they are in one, they can get a job and get assistance from other adults so that they can live good and happy lives. I congratulate the police on these initiatives.

Dr SYKES (Benalla) — I rise to speak on the matter of public importance. In summary, it highlights the disastrous situation of alcohol-fuelled violence on the streets of the Melbourne central business district (CBD). It highlights the fact that the Labor government cannot manage, that it has lost the trust of people and

that it is resorting to gimmicks to solve problems created by its inability to plan and manage. The problem is not limited to the CBD. I have spoken with my colleagues, who represent the vast majority of country Victoria, and I can say that the problems highlighted by previous speakers also occur in country Victoria. The solution to these problems is for the government to get back to the basics by putting more police on the beat, not just on the books.

Let us go to the situation in the Swan Hill electorate. The member for Swan Hill has told me that Sea Lake police station has had its staffing reduced from a sergeant and two other officers to become a two-man station. Birchip police station has had its staffing reduced from a sergeant and one other officer to become a one-man station. Piangil police station looks as if it will be closed if the existing officer moves on. Those stations have achieved lower crime rates in their areas through the good work of the existing officers, but their staffing is being reduced. I know the pressure on staff in country police stations has been exacerbated by the transfer of staff to Melbourne for the Safe Streets task force. As has been pointed out by other speakers, this is simply an exercise in robbing Peter to pay Paul and highlights the fact that the Labor government cannot manage.

To address this problem we need to recruit more police and retain existing staff. To do that you need good working conditions, including appropriate standards of housing and station facilities. The member for Lowan has provided me with an excerpt from today's *Wimmera Mail-Times*. It reports that Police Association assistant secretary Inspector Bruce McKenzie:

> … inspected police stations and residences at Natimuk, Dunkeld, Balmoral and Macarthur on Monday.
>
> He said facilities were crumbling around officers' ears and labelled conditions as disgraceful and an indictment of the government.

He is also reported as saying that Balmoral police station was the worst in the state.

The member for Rodney moved a notice of motion this morning condemning the Brumby government for its neglect of the Echuca police station. He noted that the station is infested with white ants, is in a state of disrepair and is in urgent need of replacement. In my electorate we have inadequate facilities at Benalla and Euroa and absolutely inadequate facilities at Mount Buller, where thousands of people, including some members of this house, go to enjoy the fabulous snow season.

Another issue — and again it is a matter of getting back to basics — was raised with me by the member for Morwell. He made the obvious point that we should use trained police to do police work — that trained police should be on the beat and not manning D24 communications facilities. He said a number of trained police are currently required to operate the D24 communications facility at Moe in the Latrobe Valley, and in a note to me asked:

> Why can't this responsibility fall to ESTA (Emergency Services Telecommunications Authority) and operate out of Ballarat?

This is a suggestion from the grassroots to use police for what they are best and most suitably trained for — that is, being on the beat, interacting with the community, nipping crime in the bud and ensuring that people behave in a socially responsible manner.

Another issue of concern in relation to retaining experienced police in the force is security of employment. The police officers I speak to are nervous about the increased ability of the Chief Commissioner of Police to transfer senior staff compulsorily. If this is not managed properly, there is a risk that we will see a mass exodus of experienced and committed officers, particularly from country Victorian communities. If we are to retain police officers, we need to provide them with support in difficult situations. The member for Mildura has raised with me concerns in his area regarding a reported 8 per cent rise in family violence associated with the financial stress of the drought. Local officers have been called out to deal with what can be extremely difficult situations. This is both putting emotional pressure on the police officers and tying up police resources for a number of hours, which results in the absence of the police in the community, where they are also needed.

The other basic requirement if we are going to manage this issue properly is the need to enforce existing legislation in relation to the serving of alcohol to intoxicated people. I think the figure quoted for the number of fines issued in the past reporting period was 27. You need only look at the television coverage of what is going on in the Melbourne CBD to see that there have been a whole lot more violations going on than the 27 for which fines have been issued.

There have been investigations into these issues in times gone by. About four years ago the Drugs and Crime Prevention Committee undertook an inquiry into strategies to reduce the harmful effects of alcohol consumption. There were 1400 pages analysing the problem and a number of recommendations were made. It would be very interesting to go through and check off

the number of recommendations that have been implemented by this government. Rather than follow the science and the hard work of the all-party Drugs and Crime Prevention Committee in coming up with those recommendations, this government has resorted to gimmicks to solve its problem, and the most recent one is the use of Hummers.

I wonder if the bright soul who came up with the Hummers idea was a fan of the *Dukes of Hazzard* television show, in which cops cruise around Hazzard County in big Cadillacs. Perhaps we could have our own television series to follow up on *Underbelly*. Maybe we will call it *Humdinger*. There will not be any censorship issues as there are with *Underbelly* — there will be no substance abuse in *Humdinger* because the government has no substance.

We could have the Premier in the lead role, not as Boss Hogg but as Big John, who would cut people down with his icy stare and acid tongue. He was screen tested recently doing police rounds and came over particularly impressively. I should say there was a little bit of concern when there was an unexpected challenge for that lead role from 'Big Ed' O'Donohue, an upper house member for Eastern Victoria Region, but he was taken care of. It was a pity that the Pakenham *Gazette* chose to run a front-page story on that issue, but I am advised that the *Gazette* is being psychologically realigned not to do that again.

In the complementary female starring role we could have Nicole Kidman. She has wide appeal. Her height would create a problem for the Premier, and maybe we would have to deck him out in platform heels. The other option is to have Kylie Minogue as the female star. Her height would present less of a challenge for the Premier, and she would have great appeal to the nightclubbing fraternity, which is a little upset at the moment. In relation to the budget for this series, there is already a lot of fantastic footage on hand courtesy of the security cameras in the central business district, particularly since the 2.00 a.m. lockout, so not much extra filming would need to be done. However, when it is done there will need to be a decision taken as to whether we attempt to depict real life or stick with the virtual imagery of the government and the way it goes about its business.

In conclusion, there is a disaster on our streets. This government has shown yet again that it cannot manage. It has shown yet again that it cannot plan. I challenge the government to get back to basics, to get more coppers on the beat and not just on the books and to have those police well supported with good accommodation and good working conditions to enable them to do the job that they are so well trained for. I challenge the government to do that rather than come up with gimmick after gimmick after gimmick.

Mr LUPTON (Prahran) — I am very pleased to make a contribution on this matter of public importance. I have to say it is quite a bizarre experience to be following the member for Benalla. He seemed to be operating on roughly the same sort of wavelength as the member for Kew in his contribution earlier, when he essentially said that the issue of alcohol-related violence is one that can be dealt with purely by providing more police. I think at the bottom line that is what the member for Kew's matter of public importance is really all about.

When we have a look at the terms of this matter of public importance it is not surprising to see that it does not contain any solutions, ideas, policies or proposals. It is empty rhetoric that suggests nothing is being done about some of these important issues when in fact we know that a lot is being done and a lot is being achieved. Significant steps have been taken and action is under way, and we will continue to evolve those responses as we move forward.

It is no good simply coming into this place and making lame suggestions that there is some kind of policy of shifting blame. We would be interested to know to whom the blame is being shifted. When dealing with questions of alcohol-related violence we have to look at the community response. It is not about shifting blame, it is about accepting that there are responsibilities in relation to a whole range of issues to do with the effects of alcohol. Clearly we as legislators have responsibilities, and we take those responsibilities seriously. The police have their responsibilities, licensed venue operators have their responsibilities, and parents and families have responsibilities. People who go out and drink alcohol in licensed venues also have responsibilities. A community response is needed to make sure that we as a community respond to some of these emerging issues and that we do it responsibly and effectively.

The matter of public importance goes on to say that there is a reliance on 'gimmick solutions'. The responses that the government has been working through with Victoria Police are anything but gimmick solutions. They are genuine and appropriate measures that are being taken over a period of time to deal with and address some of these issues that have been emerging, particularly in recent times, over alcohol-related matters. They have been emerging not just in the city of Melbourne or in Victoria but are matters that are being dealt with by communities and

governments around Australia and in a range of countries around the world.

We need to have our eyes open to those sorts of realities, because when we do that we will be able to do some proper analysis and introduce a suite of measures that are most likely to be effective. In the end there is not a silver bullet solution to the problems of alcohol abuse and the violence that can result from it, and our responses are going to have to be a range of measures that complement each other and assist in overcoming these issues.

The opposition comes into this place and offers no solutions or proposals itself but simply says that the government should put more police back on the streets where they belong. We need to analyse what that means. This government, in contrast to what was done by the Liberal-Nationals government, has increased police numbers and police resources. We need to continue to remind people of that, because the opposition seems to ignore it. When the opposition was in government it reduced police numbers by 800. There was a slashing of police numbers.

Mr K. Smith interjected.

Mr LUPTON — Police numbers were reduced by 800, and that is an undeniable fact. We can accept as undeniable facts that the Liberals and The Nationals, when they were last in government, presided over a cut of 800 in police numbers and the crime rate went up by 10 per cent during the course of that government's time in office. Since being in office the Labor government has increased police numbers. Before the last state election we had provided 1400 net additional police under our policies, and at the last election we committed to the people of Victoria to increase those numbers by some 350 in this term of government. That commitment is being met, and police numbers are being increased in line with it.

Where those police work and how they work is a matter not for the government but for the chief commissioner and police command to decide on. Those are operational decisions and no government should ever get into the business of directing police command as to where police work and how they do their work. If the opposition were in government and attempted to do that it would be a constitutional outrage. The opposition would provoke a constitutional crisis in this state if it attempted to do that in government. It knows that that is the case. It should know better than to mislead the people of Victoria and suggest otherwise.

The police budget this year is $1.75 billion. It is a record budget, and that has been the case year after year since we have been in office, so there cannot be a legitimate argument that police are not being resourced appropriately. They are receiving a record budget to do their work, and it is a matter for the police to determine how they appropriately spend the resources that they are given.

As I have said, the government is responding to a number of these things in a variety of ways. It needs to be acknowledged that there have been some particular successes in recent times with some of the steps that we are taking. I believe it shows that the approach we are taking to these issues is correct. The crime rate is now 24.5 per cent lower than it was in 2000–01, and Victoria's crime rate fell again for the seventh consecutive year last year.

It is very pleasing that in one of the three local government areas that make up my electorate of Prahran, the city of Stonnington, we have seen a 41.2 per cent reduction in the crime rate since 2000–01. There was a report in the local newspaper a couple of weeks ago that the crime rate for this year in that municipality has dropped 14.8 per cent, and we saw very significant reductions in crime, particularly in relation to rape, weapons and/or explosives offences, residential burglary, drug possession and use, theft from vehicles and assault. I think that is a very commendable thing. We are very appreciative of the good and successful work of Christine Nixon and her police officers in Victoria, and in particular in our local areas. They are doing a terrific job and they should be supported in that.

The government has taken a number of steps in releasing our alcohol action plan, which includes a freeze on liquor licence applications in the cities of Melbourne, Stonnington, Port Phillip and Yarra for a period of 12 months to give us a breathing space while we review a range of other matters such as increased compliance and enforcement. We have trialled the 2.00 a.m. lockouts and there is an evaluation process going on in relation to that. We have the Safe Streets task force, which includes the City of Stonnington, I am pleased to say, and that heightened police response is having a positive effect out there on the streets of Melbourne.

This is an important community responsibility. We need to tackle it as a community. We do not need hollow, rather bland and gimmicky matters of public importance being put forward by the opposition when it has no solutions.

Mr TILLEY (Benambra) — I rise in support of this matter of public importance. I have listened closely to the debate this morning, and I see we have the usual attack dogs in place when it is our opportunity to debate a matter of public importance: the same crowd, the same three or four contributors from the government benches. We would like to see a few more. This is an extremely important issue and it is something we take particularly seriously.

From the outset I have to concede the truth of the recent statement by the Premier about people accepting personal responsibility. That is all good and well. I think that in these times, in a changing society, people do not necessarily accept their own responsibilities. But we need to reacquaint this government with the Westminster system of government. Through policy the government directs the future and forward advancement of this state. When we speak about personal responsibility, the government needs to set clear boundaries for our communities through policy and direction. People need to be able to accept the consequences of their actions if they breach these boundaries. Through this policy the government needs to stand firm and be committed to ensure that our police can, as the motto says, uphold the right. They need to be adequately resourced to uphold the right, to protect our community and to allow our community to go about its business day to day in a safe environment free of the drunken idiots that we are seeing in media footage every weekend, particularly in metropolitan Melbourne.

It is simply not good enough. Is it the policy of this government for the violence to continue? Is it the policy of this lazy Brumby Labor government for the public disorder and antisocial behaviour to continue? Or is a combination of those things to continue while the government spins out media releases and gimmicks to give the impression that something is actually being done without adequately resourcing our police and giving them the tools to do their job? They have some tools but they need to be backed up and reinforced to enable them to effectively use the tools the government provides them with. One of the matters that needs attention is resourcing the numbers of police that can walk the beat in metropolitan Melbourne and manning divisional vans in metropolitan, suburban and country and rural stations. It is simply not good enough that the streets are bare when police are tied up off the road and processing offenders back at police stations throughout this state. Police do not have the backup resources to ensure they can continue with the job of keeping our community safe and upholding the right.

I can speak from experience in the 1990s. As a former member of Victoria Police working in metropolitan Melbourne and doing walk-throughs of licensed establishments, I can say we knew we had the numbers to enforce the law. This government continually lambasts us and says we were cutting police. That is a complete fallacy. When we went into a licensed premises as part of a crew, we knew we had backup behind us. We knew we were able to be supported and that if we had to terminate someone's ability to stay on a licensed premises, we could order them to leave. We knew that if we arrested someone we would be backed up. We knew we would be able to get out of those licensed premises safely and get that person back to the police station to process them.

Ms Duncan interjected.

Mr TILLEY — You got into government and the numbers have gone down.

Ms Duncan interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Macedon will have her opportunity.

Mr TILLEY — Policing is a particularly tough job. I have teeth missing from the rigours of having to use physical force with people, but that was part and parcel of the job and unfortunately something I have regretted. I have not been supported in ensuring that my dental problems have been adequately cared for by this government, and it has cost me enormous amounts of money to ensure that my dental requirements are met.

Mr O'Brien — You look great.

Mr TILLEY — Thank you.

Getting back to the point, the contributions to the debate, in particular from the members for Yan Yean, Essendon and Prahran, are always about shifting the blame. There is nothing about taking on personal responsibility in leading Victoria. Let us clear the air. This is not about the Chief Commissioner of Police. We are not attacking the chief commissioner; it is the government we are criticising.

It is the government that fails to adequately resource the police to enable the chief commissioner to effectively keep our streets safe. It is through that policy. As I said earlier in my contribution, we really have no idea of exactly what the policy is. We hear spin all the time; we see the positive press releases, but it is about what is not happening on the ground. It is absolutely devastating when you are confronted or met by members of your community.

Members of the police force are coming to the opposition. We bring into this chamber their arguments about a lack of support, but the biggest problem is that if people speak out, one very clear thing the government does is to bag, gag, move or punish anybody who speaks out about the poor performance of this government. We have seen that in recent times with a number of police officers who have been threatened and intimidated in relation to their future career prospects.

I support the member for Kew in not necessarily naming any particular person because the government will go straight to the records, hunt them down like a pack of dogs and punish them. It is simply not good enough.

Mr Nardella interjected.

Mr TILLEY — I really encourage the Victorian community to speak up. We have the solution — that is, a change of government. Let us bring that on in November 2010 so that we can effectively bring forward policy that will make members of the Victorian community confident that we will support them, we will support their police and we will support every other aspect of their acceptance of personal responsibility.

In recent times, with all the media releases, the Minister for Police and Emergency Services has been absent, and we have seen responses from other people. We have seen police commenting on matters for which responsibility should be accepted by the Minister for Police and Emergency Services. This disappoints me, because the community deserves so much better.

We deserve better opportunities; we deserve better direction in relation to establishing our businesses so that they can thrive. If you have a government that is constantly attacking business people in the engine room of our economy, and apportioning blame to them, Victoria cannot continue to be the great place it deserves to be.

We heard from the member for Essendon about the terrific Ropes program. I have participated in such programs and assisted wayward youth. The Flinders project is another program in the north-east that is terrific. They are terrific projects, but we have to remember that some of this comes back to the family. Families have to take responsibility for their youth. When young people are mucking around in the streets and police report to their parents that they are misbehaving or conducting themselves in an antisocial way, parents also need to accept responsibility for ensuring that their children behave in an appropriate fashion. It is not only the police who have that responsibility, it is the whole of the community. The government needs to ensure that support is available so that when people go out, they behave properly.

Supporting those projects is a positive thing, but we must not forget that the core function of the police is to catch crooks — and that is what is not being supported. The government needs to adequately resource police to do what they do best — that is, to catch crooks. When that problem has been adequately addressed the government can move on to other things.

A recent very important trend in Victoria that has not been raised is death as a result of violent crime. This is happening not only in the central business district of Melbourne but also in Wodonga.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired.

Ms DUNCAN (Macedon) — It gives me great pleasure to rise and speak on this matter of public importance. It is a bit rich and at times even painful to sit in this chamber and listen to members of the Liberal Party, now in opposition, tell us yet again what we should do while we are in government, which is in complete contrast to what they did when they were in government.

The member for Bass yells and screams a lot — he is very good at it and quite amusing at times — and suggests that the opposition did not cut police numbers by 800 during its term in office. However, the numbers speak for themselves. There were 800 fewer police when the Liberal government left office in 1999 compared to the number of serving police officers in 1992. The figures speak for themselves. Opposition members can scream and yell all they like, but those are the facts.

The member for Benambra in his somewhat confused contribution — one minute he said it was the government's fault, the next minute he said parents were not taking personal responsibility — was suggesting that the opposition has not been critical of the police or of the police commissioner. He clearly does not listen to Bernie Finn, a member for Western Metropolitan Region in the Council, who has vilified the police commissioner on numerous occasions.

I know it is extremely difficult and also painful to listen to anything Mr Finn has to say, but I suggest that the member for Benambra take the time to listen to a few of the pearls that come out of his mouth. Liberal opposition members should either support what he is

saying or distance themselves from his comments, because he continues to make them. I think that as opposition members — as a team — they should either support what Bernie Finn is saying or tell the man to close his mouth, and it would be a blessing for all of Victoria if he were to do so.

I would like to talk a little bit about some of the great projects — again, the member for Benambra highlighted some of them — that this government has undertaken since being in office. We have shown we are prepared to tackle the very complex issues — we know they are complex issues — around binge drinking and alcohol abuse in the community. We are seeing significant increases in levels of alcohol abuse across Australia, including of course in Victoria, particularly amongst 14 to 29-year-olds.

We know that the cost of alcohol-related social problems to the Australian community in 2004–05 was estimated at approximately $15.3 billion. These costs stretch beyond the cost of street violence; they include the cost to our health system and the personal cost to families as well. In Victoria we are very concerned about the levels of violence resulting from alcohol-fuelled confrontations as well as the impact of binge drinking and its health implications.

Someone said earlier that the Premier is somehow reluctant to acknowledge this problem. I think the Premier has been very up-front about it. We have seen the investments this government has made not just to acknowledge the problem but also to put its money where its mouth is. The Premier has identified alcohol as being one of the biggest social issues facing Victoria. Tackling preventive health issues around alcohol is one of this government's priorities, which is why it announced the Victorian alcohol action plan in May this year.

Victoria's action plan aims to do a number of things: it aims to reduce risky drinking and its impact on families and young people; it seeks to reduce the consequences of risky drinking on health, productivity and public safety; and it aims to reduce the impact of alcohol-fuelled violence and antisocial behaviour on public safety. This plan is supported by $37.2 million of investment by this government to tackle these alcohol issues through the establishment of a number of programs, including community-based alcohol education sessions and online and telephone screening to enable people to confidentially screen themselves for risk of alcohol problems, with online support resources available to teach behavioural therapy skills to people who are vulnerable to alcohol problems. These services are available to people right across the regions of Victoria. More specialist medical service advice and support is being provided to alcohol clinicians, and addiction medicine specialists will be available to advise local clinicians as well.

This strategy is also consistent with the partnership actions outlined in the National Alcohol Strategy, and alcohol has been identified as a key risk factor in the National Chronic Disease Strategy and by the National Preventative Health Task Force. We know that the response to alcohol misuse and street violence is not only a government responsibility — and we have heard this from a number of members of the opposition — but also a community responsibility. No government — members opposite will be back in government at some point, but I hope it will be in the far-distant future — can tackle these problems alone.

Local communities are also acting, and we have seen some programs that are challenging the drinking culture. The *Geelong Advertiser*, for example, in its Just Think campaign asks community members to think about how they and their friends behave when consuming alcohol. Individuals are urged to show their disapproval of alcohol-related violence by displaying the advertising campaign material that features prominent Geelong footballers. This is a great campaign, and the Geelong community has shown tremendous leadership in getting behind it. Other communities around Victoria are looking at this program, just as they are looking to this government for leadership in this field.

Because the issue of alcohol misuse and its potential links to violence stretches beyond metropolitan Melbourne — we have obviously seen a lot of problems within the CBD, but they also extend out into our regions — we continue to focus on our suburbs and the regions as well. In regional Victoria the government is spending $1 million to help tackle alcohol abuse in Hamilton, Warrnambool, Geelong, Ballarat, Ararat, Bendigo, Mildura, Broadford, Shepparton, Morwell and Lakes Entrance, and in addition it continues to invest heavily in prevention campaigns and treatment services.

Five local hot spots received $20 million in funding through the last budget, which has meant that treatment programs in areas of high need are helping people in the cities of Greater Dandenong, Melbourne, Port Phillip, Yarra and Maribyrnong. We are providing funding for drug and alcohol education in our schools with our Safer Schools week program, and we are working to change the culture of drinking in sporting clubs with the Good Sports program, which includes funding of $300 000 per annum.

Any members of the house who have been along to a club affiliated with the Good Sports program — there are a number in my electorate — will know what a positive impact that can have on the culture of the club and on the example that can be set to young people. A further $123.9 million has been provided to over 105 alcohol services and other drug services statewide through the 2008–09 budget.

We as a government have a comprehensive range of strategies to tackle alcohol misuse, including education campaigns and programs, increased public safety initiatives and policing, licensing enforcement, improved health and treatment options, and cultural change initiatives. The member for Benambra referred to an all-of-government approach, and I am pleased that he supports what the government is doing, because this is, as we see it, a part of our cross-government strategy to tackle alcohol-related violence on our streets late at night.

The strategy is focused on a number of things, including more police, stronger liquor licensing laws and better health responses for people with an alcohol addiction. As part of this package of strategies the director of liquor licensing introduced the three-month trial lockout. We have heard a lot of criticism of this lockout by the opposition. At least this government is prepared to have a go; it is prepared to trial or try things to see what it can do to overcome these problems. Those sections of the community who oppose the lockout should look at the Liberal opposition's position. I quote:

> A Liberal government will introduce entertainment area lockdowns and venue lockouts across metropolitan Melbourne and country Victoria …

That is a direct quote from the Liberal Party election policy in 2006. Again it has said, 'Don't do what we said we would do in an election campaign', and throughout the term of this government it has just criticised. We know the opposition supports lockouts — and would in fact lock down the entire state. Lockouts are Liberal Party policy, but our government sensibly included a trial lockout as just one part of a range of activities that it needs to do. The lockout trial has now ended, and the director of liquor licensing is evaluating that trial. Meanwhile we have more police on our streets, and a range of other health, public education and licensing responses are part of the plan.

We welcome a community debate on what the appropriate responses are to alcohol-fuelled violence, and we know we must all work together to make sure that our city is a safe place for everyone. As we get on with the job of doing that, it is a pity that those opposite continue to offer no comprehensive policy on alcohol — a sign that they stand for nothing and they support nothing. They do not even support their own election policy when they are in opposition, and they criticise this government for every single thing it does. They mislead, they scaremonger and they bag things before they have even started. They offer nothing and they stand for nothing. We know what they would do — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired.

Mr MORRIS (Mornington) — I am pleased to join the discussion on the matter of public importance submitted by the member of Kew, because the Brumby government certainly deserves condemnation for its failure to address what is undoubtedly a rising tide of violence on the streets not just in the central business district but in towns and cities right across the state. It deserves condemnation for its continued denial that we even have a problem.

Ms Duncan interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Macedon has had her opportunity.

Mr MORRIS — The government deserves condemnation for its continued policy of shifting blame, for trying to blame everyone else except itself for the problems we have in this state and, perhaps worst of all, for relying on gimmicks and stunts. When all else fails, it tries to avert attention, and it is definitely time for a sideshow.

I also congratulate the member for Kew because this is indeed a genuine matter of public importance, unlike some of the fluff members have been subjected to from government members in recent weeks in this Parliament.

The opposition has been warning of problems in this area for a very long time. Perhaps it has been highlighted in recent weeks by the so-called lockout program. Wasn't that a roaring success! It is an example of everything that is wrong with the way the government approaches this problem. There was no effort to investigate beforehand potential hitches, no effort to find out what problems could be wrought through the quite reasonable opportunity to appeal to the Victorian Civil and Administrative Tribunal but worst of all, this government has left the director of liquor licensing to hang out to dry.

I have a great deal of sympathy for the director, because she is a professional public servant and has been left to defend the indefensible; the government should be condemned for that alone.

What we need is genuine action, not gimmicks or stunts. I was interested, towards the end of the lockout trial, to see the Premier out on the streets at 1.00 a.m. on a Sunday. It is a shame he did not come out with the Drugs and Crime Prevention Committee when we were out on the streets at 1.00 a.m. about five months ago. He would have seen problems then that would have curled his hair, and we perhaps might have had five months more action on this problem. Perhaps some of the people who have unfortunately been victims of the violence, particularly in the central business district, may have been spared because, quite frankly, Queen Street at 1.00 a.m. on a Sunday is totally foreign to anything you might experience at any other time in Melbourne.

You can then see hundreds, or perhaps thousands, of young people out on the streets, quite often intoxicated, quite often in the mood for a fight, and I take my hat off to the police officers who serve under those conditions. It is an experience in metropolitan Melbourne that is totally alien to me, and something that we should not allow to continue.

Of course the latest gimmick is the Hummer. A particular police officer was proposing to put USA military vehicles on the streets of Melbourne. Goodness knows why you would want to do that. I guess you would end up with one copper in a very large vehicle. Why not get Leopard tanks out if we are going to use military vehicles on the streets of Melbourne?

But worst of all is that we cannot even afford to buy them. We had to go to General Motors, cap in hand, and borrow them. This sort of thing is a stunt of the worst kind. It is a diversion, it is a sideshow, and it is indicative of the government's total failure to address the problem.

Whatever public safety strategy this government might have — and I suspect it is a bit like the industry plan; it simply does not exist — the strategy has been an abject and total failure. The government has failed to manage the huge resources that have been made available to it by the taxpayers of Victoria and through the GST revenue stream from the commonwealth government; and it has failed the trust placed in it by the voters of Victoria.

This whole issue is an example of the worst characteristics of the Brumby government. It is an example of its failure to plan, an example of its denial of the reality and the crisis of the situation. It is an exercise in unbelievable blame shifting.

Ms Duncan interjected.

Mr MORRIS — Yes, thank you. That was just a little diversion from the member for Macedon. I guess it is the interjection you have when you are not having an interjection. There is an exercise in blame shifting, and it is an exercise in gimmicks, and yes, no doubt we will be told there is more to be done. And what will we get? Just more of the same — more failure, more denial, more blame shifting and more gimmicks.

What we will not have is any action to confront the problems, any attempt to deal with the issues. In the last 18 months the minister has been asked in this house question after question, and we have had the same response again and again: either it is an operational matter or it is a matter for the chief commissioner; but whatever it is, it is a case of 'It's not my problem!'.

Clearly the minister's role is not to get involved in the day-to-day affairs of Victoria Police, in the case of the Minister for Police and Emergency Services, or in operational matters; that is clearly inappropriate. But the minister must take responsibility for the overall policy direction of his portfolio and for providing adequate resources to achieve the policy outcomes that the government sets.

The success and failure of those policy directions lies clearly at the feet of the minister, but again and again in this house he has refused to address the issue. Indeed, the member for Hastings and I often comment quietly at question time that if he can't answer the question, how exactly does he fill in his day?

It did occur to me that the Premier might recognise the reality of this situation and abolish the position and role of the Minister for Police and Emergency Services, and create a new position — that of Governor of Victoria Police — because clearly it has become a ceremonial role. Clearly it is to travel around from facility to facility, to cut the ribbons, smile for the cameras and do the PR — but whatever you do, do not get involved in trying to address the problems of the portfolio! In passing, I make that suggestion to the Premier, because clearly this minister is not prepared to accept any responsibility for the intractable problems we have in this state.

In the time remaining I want to talk about what I think is a very disturbing trend, and the member for Benambra touched on it — the expectation that officers of Victoria Police will follow the corporate government

line. Earlier this year an inspector on the Mornington Peninsula made a very big mistake. He spoke the truth at a public meeting. Yes, it was a meeting organised by the Police Association, but it was open to the public and many interested members of the public attended. The inspector agreed that police resourcing on the Mornington Peninsula was at crisis point, and he knew from firsthand experience because he had had to close a station because there were simply insufficient officers to keep the doors open safely; and we are talking about a time when the assault figures had more than doubled, since 2000–01; they had increased by 105 per cent, yet the station had to be closed. Two weeks after he had acknowledged publicly the crisis point, he was gone. He had spoken the truth. Clearly it is a terrible thing when you speak the truth, and he was removed.

Moving forward to more recent events, when the law enforcement assistance program database figures fell off the back of a truck a couple of months ago, the opposition was roundly criticised for releasing raw data, for releasing 'unmassaged' data. 'How terrible!', we were told, 'that you could actually put information out there where people might be able to form their own judgements. We can't have that sort of thing happening. We have to ensure we present it the way we want it presented'.

So we were criticised for putting out the raw data. Then around the state police managers appeared in local newspapers either criticising the member for Kew or criticising local opposition members for actually daring to tell the truth, for putting the facts out there. They said, 'The way this is represented is wrong' and they massaged the data. That is not the role of senior police managers. They should not be involved in the political debate. If they entered it at all, it should be on the basis of fact, and that is not what has been happening.

To conclude, the people of Victoria are sick and tired of the violence on their streets and of the denials. They are sick and tired of the blame game which the Premier and his ministers play so very effectively. The state is facing a public safety crisis. The government cannot continue to ignore it, and its members deserve the round condemnation of all members of this place for their inaction.

Mr NARDELLA (Melton) — This is really interesting. Through debate on a really serious matter of public importance or issue in Parliament today, as proposed by the honourable member for Kew, he has not been in here; he has not been here for the last 2 hours. It is so important to the honourable member for Kew and the opposition members that he scampered out; he is not even listening to the debate, is not even interested in what is being said here today. It is a disgrace. That is my no. 1 point with regard to the honourable member for Kew and his contribution here.

A critical aspect of this motion before the house seeks to address the record rise of violence on our streets, but there is one figure that stands out — the honourable member for Kew is still not in the house; he might be listening in his office or he might be out there doing a press release — and it is this: the crime rate in Victoria decreased by 24.5 per cent from 2000–01 to last year. That is a statistic that is so stark that it is undeniable, but the honourable member does not want to talk about this. He does not want the facts told to him directly in this house.

With regard to the honourable member's contribution here today, he is a teller of fairytales: he established a straw man. He established all these police stations and people and police officers and others whom he had talked to, but he could not name one. He was not able to detail to the house anything whatsoever or provide any evidence with regard to any discussions that he has had with anybody. If the truth be told, why would people talk to him? Why would they talk to the honourable member for Kew when he is not even in the house during debate on such an important item before this Parliament? He has made up these stories. There was not a fact stated within the whole 15 minutes during which he spoke to the house. That means one thing: the honourable member is lazy; he has not done any work. Nobody will talk to him because they do not believe that he has any authority, any ability to prosecute the case for them. He is very lazy.

Let us move to the two neurosurgeons. Did he name them? Did he talk about them? Yes, he talked about them, but who are they? Who are these two neurosurgeons who believe that things have got worse? No-one. No-one whomsoever. They are fairytales. The honourable member for Kew creates fairytales that he brings into this place to support a case that is wrong.

Ms Green — And he is ashamed of it.

Mr NARDELLA — Absolutely, he is ashamed of it; he is not in the house now to defend them. He is not in the house now to put up a point of order to say, 'These are the names of the two neurosurgeons. They are not made up. They are not fairytales. They are real people'. But he is not here to put that case at all.

Let me explain modern-day policing to members of the opposition. Members talk about having police on the beat. Policing has now become much more innovative and has gone to a level where many of the issues that

have to be dealt with in our community are tasked by police command. The visible presence may not necessarily be there as the opposition wants it to be there, but the police are actually tackling problems where they are found. The police are not walking up and down the street, as the honourable member for Benambra was indicating — Mr Plod over there walking up and down the street.

When there is a problem, such as if there is a drug house around the place, the police will not just walk up and down the street, they will task it. They will get a team of police officers out there, they will do the investigation and then they will catch the people concerned. That is where that 24.5 per cent statistic comes in. The crime rate goes down because of the tasking, because of the work of police command, because of the work of Christine Nixon, the Chief Commissioner of Police. The crime rate goes down because it is much more effective to do innovative work, to get out there and do the hard slog and not just be like Mr Plod, the member for Benambra, walking up and down the street. That is an absolute nonsense in this day and age.

I now turn to a number of points made by other members. The honourable member for Malvern, who opposed the original legislation to tackle alcohol-related violence, has come in here and wants to argue the point and whether it is an actual fact or not. In 2008 2039 infringement notices have been issued for breaches of the liquor laws alone. There have been 170 banning notices since the start of this year because of that legislation. What has the government been doing? The government has been acting and the police have been acting.

Again, let us have a look at what the opposition has been saying: all the opposition members today have said that the government should be involved in the day-to-day decisions and allocation of police and police resources in our communities. The opposition says that we as a government should determine where the police should be going, who should be going where and how that should be done. That is an absolute disgrace, and that shows that the opposition stands for nothing.

It has not done the hard work. It does not understand policing. It does not understand the separation of powers between the government and the police authorities or the judiciary. And yet opposition members come in here and want to make sure that, if they were elected to government, their minister for police would be saying, 'Yes, we are going to be allocating you, you, you and you to this specific police station and we are going to be making those decisions'. The opposition would be making the decisions instead of the chief commissioner, instead of the regional inspectors, instead of police command who know about policing and who know what they need to do. The opposition is going to rely on Inspector Bloggs, who goes walking up and down the road to make those decisions on behalf of the government.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Fyffe) — Order!

Mr NARDELLA — What a disgrace for the opposition! What a disgrace that its members come in here without any understanding of what policing in modern-day, 21st century Victoria is about. What a disgrace that they come in here with false statistics and false positions!

I want to talk about innovation by Victoria Police. The member for Benalla is not in the chamber; no doubt he has gone off with the member for Kew. They are probably on the golf course, and I will come to talk about the golf course in a minute.

The member for Benalla asked, 'Who was the idiot who decided to introduce the Hummers?'. I will inform the member for Benalla that the idiot was an assistant commissioner of Victoria Police. That is who these people are calling idiots! After doing an investigation, after looking at innovative ways of dealing with crime on our streets and being more visible on our streets by putting Hummers on the streets, we had the member for Benalla saying, 'Who is the idiot?'. The 'idiot' is police command. The opposition does this consistently: it continually puts down police and police command.

In the final 40 seconds of my contribution to the debate I will talk about the buggy. The honourable member for Kew was confused when he talked about utilising the buggy. I think he was talking about the time he was on the golf course with a buggy, which has nothing to do with Victoria Police.

The opposition stands for nothing; it has not done the hard work. It does not understand the separation of power. It consistently comes to the house with false accusations and false positions. I reject the matter of public importance now before the house.

Mr K. SMITH (Bass) — The member for Melton and I have battled for many years in both chambers of this Parliament, but it is never a joy to follow him in a debate because most members go deaf after listening to the tripe he talks. He makes no contribution to the debate and all he wants to do is yell and scream, rant and rave. He has learnt over the years that I can yell,

scream and rant and rave louder than he can. I do not wave my arms around or punch the air as much as he does, but I try to get some decent points in.

The first point I want to make refers to the comment by the member for Melton about the shadow minister, the member for Kew, not being in the chamber. Where is the minister? If I were the Minister for Police and Emergency Services and a matter of public importance that was critical of me and the way I handled my job were being debated in the chamber, I would be sitting in the seat where the Minister for Public Transport now sits, and I would be defending my position. I would not be hiding in my office listening to the tripe the member for Melton has been putting or the intelligent things that members of the opposition have been saying. I would be protecting what I believe was the right thing to do.

The minister would find that difficult to do because he is inept in his job; he is hopeless in his job. When he is asked a question without notice he brushes it away and says it has nothing to do with him but that it is a matter for police command. He is the Minister for Police and Emergency Services. He pulls in the extra money and gets a big white car and driver. He has the responsibility to this house to answer questions, but he cannot. We want to know why.

Why does the Premier keep him in his position? Why does the Premier allow him to stand up in this place and make a fool of himself and the government? That is exactly what occurs. The minister cannot answer questions because he does not know the answers. The Minister for Police and Emergency Services holds a senior position in the government. He is responsible for looking after civil obedience in society, and he should be able to answer questions in this place. We do not say he should be involved in the day-to-day activities of Victoria Police. We do not say there should be extra police put into special places.

Ms Duncan — Yes, you do.

Mr K. SMITH — Hang on — you belt up!

We do not believe he should be allocating police to certain police stations. We believe the minister should be fighting to get a better dollar so we can get more police out there, to have more police in police stations or on the streets, fighting crime or arresting drunks. It is not only drunks but the drug-affected ratbags on our streets who are allowed to thrive because of the lack of policing.

We are not critical of the police but we are critical of the lack of dollars. The police are constantly under stress, not just in Melbourne but across Victoria. It is not good enough. I know that, because I have been fighting for a long time to get more police in the Bass Coast area. I was promised extra police by Assistant Commissioner Paul Evans about two and half years ago; then I was offered extra police in the last couple of months — and we got two extra police officers.

Mr Wells — How many?

Mr K. SMITH — Two. We are down at least 20 officers across the Bass Coast area so they shuffle them around, and give me two officers, but it is not good enough. It is a token gesture by Paul Evans to get two officers down there just to get me off his back. That is not good enough and I have told him it is not good enough. I want extra police so people can look around, knowing they are safe with the number of police on the streets. We want to know that when there are major events, people will not be assaulted.

The assaults in that area have increased, contrary to what the member for Melton might say. There have been additional assaults in the Bass Coast area and in Pakenham because Cardinia also has not got additional police either — not in Pakenham, not in Koo Wee Rup, and not in any of the places in that area have there been additional police. The government spent millions of dollars building a new police station but do not have enough police to put behind the desks, and it is wrong. We do not have enough equipment or enough cars.

Mr Nardella — You are wrong.

Mr K. SMITH — I am not wrong. The member for Melton cannot argue. He has not got enough police out in the Melton area. He should be a bit fair dinkum about this. The member for Melton should try to defend his community by getting more police out there.

We do not need to have our newspapers full of reports of assaults and deaths that have occurred in our nightclub area around Melbourne. We do not need that. We should not have that problem. We should not have people who have been glassed, who are losing their eyes and who will be disfigured for the rest of their lives because some drunk continues to be served in some of these venues around Melbourne. I thought there was at least some responsible drinking and responsible service of alcohol, but I would like to know where it is in a lot of these venues. The operators pack the people in, they allow the drug dealers in, they allow their staff to sell alcohol to people who are obviously intoxicated and then they turn the people out into the streets. If people are not dragged out and assaulted by the bouncers, they are dragged and pushed out into the hands of other ratbags outside, who are looking for a

fight and trying to cause trouble. Where are the police at these times? Now they will be in the six big Hummers that will run around Melbourne with the big police signs on their sides. They will need to have a few divvy wagons in which to put the ratbags. There is a need to have coppers out of uniform who can wander around inside venues to grab drunks and staff who are serving the drunks and report the venues to the Liquor Control Commission so it can take their liquor licences off them. The police could get the drug dealers, stick them in a divvy van and take them off to a place where they can be charged and where drunks can sober up. This is what we should be doing out there in the streets of Melbourne. We should be trying to do something for the community.

Last week a guy got killed at the Queens Bridge Hotel. What a disgrace! People at Crown Casino opposite can look down at the crowds fighting in Queens Bridge Street and at people just killing one another, and it is being allowed to happen. What do members think that does for the reputation of Victoria and Melbourne. What does the minister care about it? He does not care. If he cared about it, he would be here today saying, 'I have got some new initiatives. We are going to try something'.

We knew that the 2.00 a.m. lockout was not going to work — and the advice that the government had was that it was never going to work. The Hummers will not work. These ratbags will get joy out of smashing up those Hummers. The ratbags will still be fighting until the police actually get out there and start charging these people and getting them into the courts and ensuring the courts take positive, real action against the ratbags. They should be thrown into jail. If they want to glass somebody up because they are a bit pissed, it is not going to be good enough to allow them to walk away. We have to do something positive in this state or we will ruin the international reputation that we have got, and it will be gone. We will not be the most livable city in the world; we will be the most avoided city in the world.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2008–09 (part 1)

Mr WELLS (Scoresby) — I would like to speak about the report of the Public Accounts and Estimates Committee on the 2008–09 budget estimates, part 1. I was going to talk about the Treasury figures, but I might pick up an issue about the statistics because many members on the Labor side simply cannot read crime statistics. It is quite clear that the level of violent crimes has increased from 31 000 in 1999 to 42 000 in 2007–08. In a matter of eight or nine years violent crime incidents have increased by 11 000. Government members should not try to tell me that Victoria is now a safer community when you have an 11 000 increase in the number of incidents of violent crime.

Ms Duncan interjected.

Mr WELLS — The member for Macedon just walked past and said that we are the safest state.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly, and the member for Scoresby will ignore them. I ask the member for Macedon to cease interjecting.

Mr WELLS — The Chief Commissioner of Police said very clearly that in relation to comparing the statistics of one state with another, Victoria Police does not list all crime. The police use a sample and a survey on victimisation, so there are two methods of obtaining information — and when that methodology is used the Victoria Police says, 'Do not use this information to compare crime statistics with those of other states'. But this government does so because it is focused on spin and rhetoric. The figures are not actual crime figures. The government cannot claim that we are the safest state when there have been 11 000 extra violent crime incidents in the time that it has been in office. We are becoming a more violent community.

I move to the issue of Treasury. When the Treasurer appeared before the Public Accounts and Estimates Committee we were very concerned about his performance, because we asked a very straightforward question but did not get any answers. I asked if he could provide a guarantee or an assurance that state debt would not exceed the estimates on page 85 — that is, the debt levels moving forward over the forward estimates. We were dumbfounded by the extraordinary spin and rhetoric, because we got no answer. We put the question again and again, but we received no assurance or guarantee. We did not receive even a slight assurance that debt levels would not increase over the forward estimates. We can assume from that either that debt levels will increase or that the Treasurer has no idea what is going to happen with debt levels over the forward estimates.

In the Legislative Council Mr Gordon Rich-Phillips asked a question about the VFMC (Victorian Funds Management Corporation), which has been of great concern to the opposition because of the amount of money it has lost from its investment accounts through

global credit crunches and the way the corporation has chosen to put its moneys in different sorts of equities. We asked a simple question about the decline in the value of the funds under management this financial year and the consequences that that would have on the market, but still we have had no answer whatsoever.

We then moved on to asking the government what it had spent the $22 billion or $23 billion worth of debt on. We asked about infrastructure projects. It was interesting that we asked the Premier and the Treasurer the same question about $23 billion of debt that is going to be racked up over the next three or four years. What have they used that money on? Today is 10 September, and we are still awaiting an answer. Has the government used the money on roads, on schools, on hospitals or for PPP (public-private partnership) projects, or is it using the money for items on which it has capitalised expenses? It would be of great interest to members of the opposition to know that.

In the short time I have left I turn to another issue. When we spoke to the Minister for Health, he assured us that there would be 46 extra beds at the Royal Children's Hospital on a 25-year project. Surely this is another example of Labor mismanagement and poor planning — an additional 46 hospital beds needed at a brand-new hospital?

The ACTING SPEAKER (Mr Seitz) — Order! The member's time has expired.

Environment and Natural Resources Committee: impact of public land management practices on bushfires in Victoria

Ms DUNCAN (Macedon) — I rise to speak on the Environment and Natural Resources Committee's report on its inquiry into the impact of public land management practices on bushfires in Victoria. For the benefit of people in the gallery who have just watched 2 hours of absolute vitriol across this chamber, these committees are all-party committees. When members of Parliament are not here in Parliament, we are often out and working together on particular inquiries. I know that is not evident this morning, but a lot of good work gets done behind the scenes in this place across all parties. We look at a particular problem over some months, and then we come up with some recommendations that will assist solving that problem.

The particular reference given to the Environment and Natural Resources Committee was for the committee to inquire into land management and its impact on bushfires in this state. People will recall that in 2002–03 and in 2006–07 we had some of the biggest bushfires and wildfires that this state has ever seen. The devastation caused by those two fire seasons meant that Victoria lost more than 2.3 million hectares of public land, which had, and continues to have, a huge impact on the environment, the forests and the biodiversity in those areas.

Part of our inquiry reference was to try to work out why these fires are happening. Are they indicative of the effects of climate change, and are there some land management practices on which we could improve? As you can imagine, we visited many areas that were impacted by those fires, including Kinglake, Halls Gap, Dunkeld, Bairnsdale, Creswick, Hattah-Kulkyne National Park, Murray-Sunset National Park, Wyperfeld National Park, the Big Desert Wilderness, Warburton, Mount Bulla, Howqua Hills Historic Area, Mansfield, Myrtleford, Mount Beauty, Omeo, Wilsons Promontory, Cann River and Licola. We also went to Perth in Western Australia to look at what is done over there.

We were interested to visit Licola because not only had it been impacted by bushfires but also because not long after the bushfires it was impacted by flood. I think the people there were just waiting for the locusts, because they had had such a long and hard road in the preceding years. We widened the terms of reference of our inquiry to enable us to look at a flood event in Licola and to look at the links between that flood and the bushfires that had occurred there some months before.

One of the major recommendations the committee makes in this report — and we made quite a few — is to increase threefold the amount of prescribed burning that is done in this state. I note that the member for Evelyn is in the chamber. She is also a member of the Environment and Natural Resources Committee. I cannot speak on her behalf, but from my point of view that was not a recommendation that I thought I would accept at the beginning of the inquiry. I suppose I was of the view that we had either done enough or perhaps we were doing too much. I asked why we would want to burn the forests. However, after the evidence was presented to us I came to understand that prescribed burning has occurred across this country for thousands of years, often caused by lightning strikes.

The executive summary of the committee's report states:

> … Victoria has … experienced over 34 significant fires since 1851 with approximately two-thirds of these fires occurring since the 1950s.

That is what we wanted to look at: why is Victoria having more fires? The executive summary continues:

> … Victoria experiences over 600 bushfires every year on public land with lightning and arson accounting for over half of the fires … though lightning accounts for almost half of the total area burnt on public land.

One of the things we saw was that we have become very good at putting fires out — through aerial firefighting and through the fantastic work of volunteers in the Country Fire Authority and the Department of Sustainability and Environment. A suggestion was put to us — and we looked at the evidence for it — that we have got too good at putting out fires. In the old days many of the fires that would have occurred through lightning strikes would have burnt and continued to burn for longer periods of time. We also know that the traditional owners of this land used fire for thousands of years to control their environment and its biodiversity.

Another thing we discovered is that it is hard to get evidence of what the fire regimes of indigenous people really were. That was one of the things that we looked at, and we know that there is more we need to learn about traditional practices.

The ACTING SPEAKER (Mr Seitz) — Order! The member's time has expired.

Road Safety Committee: vehicle safety

Mr WELLER (Rodney) — It gives me great pleasure to speak on the Road Safety Committee's report on its inquiry into vehicle safety. As a member of The Nationals it was a pleasure to work on this all-party parliamentary committee. Other members included the committee's chair, John Eren from the Labor Party, David Koch from the Liberal Party, Craig Langdon and Shaun Leane from the Labor Party, Terry Mulder from the Liberal Party and Ian Trezise from the Labor Party. It was a good working committee.

The committee was asked to inquire into how we could improve the safety of vehicles on the roads in Victoria. We received many submissions from government departments, including the federal Department of Infrastructure, Transport, Regional Development and Local Government, from VicRoads, the Victoria Police and many other such bodies. From the non-government sector we received submissions from the likes of BMW Motorrad, General Motors Holden, Hyundai, Isuzu, Linfox and many other companies.

We held a series of hearings from August last year right through to about March this year, and over that time we received a great number of submissions and a great deal of information was gained. The Parliament of Victoria invested in a large number of meetings and hearings. We also travelled overseas to see what technology was being utilised in other countries.

In Japan we spoke with Denzo, an electronics specialist which deals with the likes of electronics on cars, such as electronic stability control, assisted braking systems and other innovations. We also went to Germany, America and Belgium. In Germany we visited Bosch and Siemens, which also have their own versions of electronic stability control on their cars. In Germany, Japan and America we were fortunate to see how researchers crash cars and use test dummies. We were shown the techniques they use to crash vehicles in order to examine the effects of crashes on crash test dummies. We saw a variety of tests run and the effects of the impact on the car when it is involved in a crash from different angles and under different pressure. What we found was that the more the human element is taken from the control of cars, the safer cars will be. That was the focus of what we learnt, and technologies exist today to help that happen.

There are some 37 recommendations in the report. Recommendation 28 is that the Transport Accident Commission review and expand the www.howsafeisyourcar.com.au website and promote a range of technologies. One of them is pre-emptive brake assist, which involves sensors on the fronts of cars. In Germany committee members sat in the front seat of a Mercedes-Benz that would pull up when another car was in front of it. The problem with this technology is that it is not affordable for everyone yet. We have to get it mass produced so that it becomes affordable to all who can use it.

The report also lists a lane departure warning system, which involves the sounding of a warning when your car is leaving its lane. There would be either a buzzer on the seatbelt or a bell in the car that would ring and wake the driver to alert them to get back into the right lane. Another technology listed is adaptive cruise control, which would take an investment in infrastructure from the government. With this technology if you went from a 100-kilometre-an-hour zone to an 80-kilometre-an-hour zone, the cruise control would slow the car to 80 kilometres an hour. That technology is available now. Another item listed is pedestrian protection. If cars are going to run into pedestrians, which unfortunately happens, it is important that car bonnets minimise the potential problems for pedestrians who are hit.

The committee also looked at incentives. Obviously the Transport Accident Commission could look at charging lower insurance premiums for safer cars because there would be fewer claims involving such cars. In the

report the committee expressed its disappointment that the government launched its Arrive Alive 2008–2017 strategy without consulting the committee, which it had asked to investigate these issues. The Brumby government showed the height of arrogance in not consulting the committee before it launched that strategy.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired.

Family and Community Development Committee: involvement of small and medium size business in corporate social responsibility

Mr NOONAN (Williamstown) — It gives me great pleasure to rise and make a brief contribution in the consideration of parliamentary committee reports and speak about the inquiry on the involvement of small and medium size businesses in corporate social responsibility. The inquiry was conducted by the Family and Community Development Committee, of which I am a member, and the report was tabled in the Parliament during the last sitting week in August. In the positive spirit displayed by the members for Macedon and Rodney, I acknowledge my fellow committee members in this chamber. They are the committee chair, the member for Cranbourne; the deputy chair, the member for Shepparton; the member for Doncaster; and members in the other place. I would also like to thank the committee staff — Paul Bourke, Tanya Caulfield and Lara Howe — for assisting in bringing the report together.

The committee was asked to consider a range of issues in conducting this inquiry, including looking at initiatives developed by small and medium size businesses; looking at innovative ways of working with government and community groups to support the community; looking at emerging global trends in corporate social responsibility, particularly in addressing social disadvantage; investigating how small and medium business can help build strong communities; determining whether there are any particular barriers or drivers in the area of corporate social responsibility for small and medium size businesses; and finally, examining the sustainability of good practice in these areas. That was a fairly comprehensive brief.

Time does not permit me to comment on every aspect of the report or each of its nine key recommendations, but there are some elements of the report which are worth highlighting as they underpin many of the recommendations. In particular I want to go to the initiatives and innovations. Let me start by referring to many that were dotted throughout the various submissions received during the inquiry. The best examples are listed at pages 62 to 66 in chapter 3 of the report.

Berry Street Victoria, the largest independent child and family welfare organisation in the state, works with small and medium size businesses in the Hume region to tackle areas of need in local communities. The organisation has operated in Victoria for more than 130 years, and it never gives up on those it is charged to care for. I applaud its great work, led by its long-term chief executive officer, Sandie de Wolf. It runs a range of great programs in the region, including the Alexandra Real Connections project, the Cathedral youth arts project, the Safe and Caring Community Day, the emergency relief project and the Early Learning is Fun program, or ELF as it is called.

The ELF program is a great example of how a cluster of groups in a community, including small and medium size businesses, can work in unison to improve the quality of life for those in the local communities. The ELF program is a whole-of-community early years literacy program for families of children aged 0 to 5 years which promotes reading to children from birth.

Importantly local small and medium size businesses are engaged in the ELF program in a number of ways, including, quite cleverly, the involvement of local businesses in what are called community reading days. To the great delight of the children, parents and businesses involved, this entails children dressing up as a favourite character from a book they have read. The ELF program also involves small and medium size businesses in the Hume region developing reading-friendly spaces within their business premises. There is also the opportunity for businesses to provide resources such as books. This is a great program which involves a range of stakeholders such as service clubs, local businesses, community groups, schools and maternal and child health agencies.

The report also contains other great examples of clusters of organisations that have been working together to achieve great outcomes for their communities. Particular mentions should go to the Geelong Chamber of Commerce's business connections program and the partnership between KSB Ajax Pumps and the Smith Family.

It is clear from the report that many small and medium size businesses in Australia are involved in community activities but that the barriers to implementing corporate social responsibility into their business practices can be diverse and complex. Based on the Berry Street

Victoria example, the committee formed the view that the government could play a role in supporting small and medium size businesses to work with local government, community groups and not-for-profit organisations to develop community-based clusters. It should be clear from the committee's report that any amount of support will go a very long way.

Rural and Regional Committee: rural and regional tourism

Mrs FYFFE (Evelyn) — I am pleased to rise to comment on the report of the inquiry into rural and regional tourism conducted by the all-party Rural and Regional Committee. As I represent the tourism icon area of the Yarra Valley, I have awaited the release of this report with much interest, as I will await the release of the government's 2008 tourism plan. I commend all members of the committee for the seriousness with which they have dealt with the inquiry and the bipartisan nature of the recommendations.

Many of the recommendations refer to crucial areas of the business of tourism. They have been raised frequently around Victoria, and in these toughening economic times that level of importance and urgency is increasing. One of the committee's terms of reference asked it to identify the major impediments to the growth of the tourism industry. In the short time I have to speak I would like to concentrate specifically on two areas of the recommendations. Key recommendation 2 in the report is:

> That VicRoads work collaboratively with stakeholders in the tourism industry, to improve tourism signage throughout Victoria for the benefit of the industry and of rural and regional communities.
>
> …
>
> b. VicRoads to establish a process to ensure that tourist signing guidelines are applied consistently, but with the flexibility to deal with anomalous situations, by regional officers across the state.

I would like to highlight an issue in my area which in a previous life I was very actively involved in lobbying for. After many years we were able to establish tourist signs for wineries around the Yarra Valley. Subsequently newer wineries are being disadvantaged because the established businesses have very clear large signs at entrances to major highways and directional signs closer to their businesses, but the newer wineries are having great difficulty in obtaining permission from VicRoads to establish their signs. In fact VicRoads has been working assiduously to reduce the number of winery, B & B, guesthouse and restaurant signs almost down to fingerposts.

Although this may be more aesthetically pleasing to some people travelling around who are not tourists, it is a great disadvantage not only to business but also to tourists from other areas who are trying to find where they booked in for lunch, dinner or to stay overnight. We have people attending wedding receptions at wineries doing U-turns on major highways because they are missing the street and road names. They are having great difficulty finding these properties, and that is very dangerous in country areas.

If you compare the area with McLaren Vale in South Australia, which has far more twisting and interconnected roads than we have in the Yarra Valley, you see that the signage there is much better and clearer. These businesses in rural and regional Victoria have been encouraged to go out there. On the one hand you have Tourism Victoria, totally funded by the state, encouraging tourism operators to open up in country and regional areas, and yet you have VicRoads, again fully funded by the state, which seems to be doing everything in its power to make it difficult to have adequate signage and in fact wanting to reduce it. No-one is asking for huge billboards or fluorescent signs or flashing lights. What they are asking for are the brown signs with very clear lettering showing the distance to the properties on the signs. It is really important that this issue is dealt with.

The other thing I want to touch on, and my time is running out very quickly, is recommendation 31, which states:

> That Tourism Victoria reinvigorate the Jigsaw campaign concept of 'You'll love every piece …

I was very fortunate to see the benefits of this campaign when it was run by the Kennett government. It was fresh, it was invigorating and we were the envy of all the other states. The Jigsaw campaign really boosted tourism in Victoria. Now we do not have anything that is specific to Victoria, we do not have any enthusiasm for promoting Victoria and we are falling behind. We are now outstripped by Queensland, South Australia is getting in front of us, and Margaret River and the rest of Western Australia are way in front of us. We have to reinvigorate the campaign so our tourism businesses can prosper.

Environment and Natural Resources Committee: impact of public land management practices on bushfires in Victoria

Ms LOBATO (Gembrook) — As a member of the Environment and Natural Resources Committee I wish to make a few brief comments in relation to the *Inquiry into the Impact of Public Land Management Practices*

on Bushfires in Victoria report, which was tabled on 26 June. The 14 terms of reference were broad and centred around reporting on how various land management practices and activities on land impact on the scale, frequency and severity of bushfires in Victoria. The committee also examined the relationship between fires and other climatic conditions such as flood and how land management practices can help or hinder the impact of bushfires in such circumstances.

Over many months the committee travelled extensively throughout Victoria, meeting with people in fire-prone and fire-affected communities. We met with people who have fought bushfires, and had the opportunity to hear stories of lives destroyed because of bushfires and lives rebuilt. We heard from many farmers, families, ecologists, environmental organisations, water authorities and public land managers. Many people travelled long distances and spent lots of their time with us to provide evidence.

We also undertook site visits to ensure that as committee members we were familiar with all the areas and understood the perspectives of local communities. I would like to thank each and every person and organisation that participated in the inquiry process and enabled us to gather the detailed evidence we needed to provide a comprehensive and thorough report. I would particularly like to thank the members of the Department of Sustainability and Environment, Country Fire Authority and Parks Victoria who shadowed us on our inquiry and were very helpful.

In all the committee received 257 written submissions and 719 pro forma submissions. It held 17 public meetings and participated in 18 site visits and briefings. I would also like to thank and congratulate the chair of the committee, the member for Dandenong, who demonstrated fantastic leadership and ensured that all aspects of the inquiry were conducted professionally and with attention to detail.

It was clear from the evidence provided to us that much of the knowledge of bushfires is still evolving and there remain differences of opinion. We almost felt that each person's evidence contradicted the previous person's, so it was quite conflicting in many instances. However, when the evidence was fully examined it became apparent that there was a demonstrable need for a substantial increase in the level of prescribed burning in the state. Both the extent and frequency of burning need to be priorities as part of our land management practices.

The damaging effects of bushfires on Victoria's biodiversity can be severe, as was the case with the 2002–03 and 2006–07 fires. Bushfires can also exacerbate and contribute to the extent of flooding, as happened in the Gippsland flood of 2007. The changes to prescribed burning recommended by the committee will require a significant increase in resources as well as community consultation and discussion. It became apparent during our inquiry process that bushfire and land management practices need to be addressed as a whole-of-community issue, with sharing of information across land management bodies and the community. Working together in cooperation, with each organisation having clear pictures of the overall plan for land management needs to occur to a greater degree.

As a representative for areas such as Warburton, Cockatoo and Upper Beaconsfield, which have all been badly affected in the past by bushfires with loss of life and property throughout communities, I was very pleased to be involved in an issue of such tremendous importance to the people of that area of Victoria. Many of my constituents made representations to the committee and also to me in an informal way — —

The ACTING SPEAKER (Mr Seitz) — Order! The time for statements on committee reports has ended.

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Statement of compatibility

Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Research Involving Human Embryos Bill 2008.

In my opinion, the Research Involving Human Embryos Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

In April 2002, the Council of Australian Governments (COAG) agreed that the commonwealth, states and territories would introduce nationally consistent legislation to regulate the use of certain human embryos created by assisted reproductive technology or by other means in the conduct of research. The commonwealth developed legislation, Research Involving Human Embryos Act 2002.

In March 2007, provisions that mirrored the commonwealth legislation for the regulation of research involving human embryos were included in an amendment to part 2A of the Infertility Treatment Act 1995 (IT act) to fulfil the COAG

undertaking. At that time, the Victorian Law Reform Commission (VLRC) was undertaking a review of the IT act. The Victorian government committed to excising part 2A from the IT act once the VLRC review was completed to present this part as a separate, stand-alone bill for Parliament's consideration. The VLRC reported to Parliament in June 2007.

The bill re-enacts the provisions contained within part 2A of the IT act. Its purpose is to provide a suitable regulatory framework to address concerns about scientific developments in relation to human reproduction and the use of certain human embryos created by assisted reproductive technology (ART) or by other means.

The three main functions of the bill are to detail the offences and associated penalties for particular uses of human embryos; to set out the functions and powers of the National Health and Medical Research Council (NHMRC) Licensing Committee and describe the licensing system for embryo research, which is administered by the NHMRC Licensing Committee; and set out the powers available to inspectors who monitor compliance with this bill.

Part 2 creates an offence for the intentional use of a human embryo which was created for use in an ART treatment of a woman and is not an excess ART embryo. It also provides an offence for the intentional use of a human embryo unless authorised by a licence, or where the use is an exempt use. (An exempt use includes use by an accredited ART centre and the embryo used is unsuitable for implantation or the use forms part of diagnostic investigations conducted in connection with the ART treatment of the woman for whom the embryo was created.) The intentional use, without a licence, of other embryos, such as those human embryos created by a process other than the fertilisation of a human egg by a human sperm, and hybrid embryos, are also offences. The conduct of research or training involving human eggs requires that the research or training must be authorised by a licence and may only proceed up to, but not including, the first mitotic division.

Part 3 sets out the functions and powers of the NHMRC Licensing Committee. This part provides for the licensing of a narrow range of medical experimentation on human embryos for the purposes of trialling new medical or scientific research. A licence may be applied for, issued with or without conditions for a specified period, varied, suspended, revoked or surrendered. The NHMRC Licensing Committee must maintain a database with prescribed information pertaining to the licence and must make this database publicly available. Part 3 also describes the review provisions, which apply to licensing decisions made by the NHMRC Licensing Committee, available from the Administrative Appeals Tribunal.

Part 4 sets out the monitoring powers available to inspectors. An inspector is a person appointed under section 33(1) of the Commonwealth Research Involving Human Embryos Act 2002, for the purposes of monitoring compliance with this bill.

1. Human rights protected by the charter that are relevant to the bill

Relevance of charter rights

In his second-reading speech on the charter, the Attorney-General noted that whether or not any of the charter rights are relevant before birth will depend on the circumstances. In this way, the charter is clear that it does not affect any law applicable to abortion or child destruction. However, in relation to research involving human embryos, the threshold issue of whether an embryo is a 'person' for the purposes of the charter arises for Parliament to consider.

The common-law position in Victoria is that a human being is not a legal person until he or she is born alive (see *Yunghanns v. Candoora No 19 Pty Ltd* [1999] VSC 524 at [75-76]). The common law is consistent with decisions made by courts in the United Kingdom, Canada, New Zealand and South Africa which have held that a person becomes a rights-holder after birth (see *Christian Lawyers Association of SA and Others v. Minister of Health and Others* 1998 (11) BCL 1434 (T), *Tremblay v. Daigle* [1989] 2 SCR 530 and *Evans v. Amicus Healthcare Ltd* [2004] 2 WLR 681). The NHMRC definition of a human embryo, which is nationally applied, is 'a discrete entity arising from the first mitotic division when fertilisation of a human oocyte by a human sperm is complete and has not reached 8 weeks of development since the mitotic division'. At this stage the human embryo does not have legal personhood and therefore the charter rights are not engaged.

Section 10: right to protection from medical or scientific experimentation or treatment without consent

Section 10(c) of the charter protects a person's right not to be subjected to medical treatment unless the person has given their full, free and informed consent. In this context 'medical treatment' encompasses all forms of medical treatment and medical intervention, including acquiring human gametes for research, training or diagnostic purposes.

Clause 15 provides that before a licence may be issued the NHMRC Licensing Committee must be satisfied that the applicant for a licence has appropriate protocols in place to ensure 'proper consent' is obtained before undertaking the research activity nominated on the licence application. The bill provides that 'proper consent' means consent obtained in accordance with guidelines issued by the chief executive officer of the NHMRC. The relevant NHMRC National Statement on Ethical Conduct in Human Research (2007) and the NHMRC Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research (June 2007) provide extensive requirements for the conduct of human and ART research. These guidelines place obligations on researchers to ensure the anticipated benefits of the research justify the risk; to ensure that donors are sufficiently and independently informed of all known and potential risks of the procedure or research; to minimise risks; and to obtain participants' informed consent. The guidelines also address ethical considerations specific to participants, including people who are in dependent or unequal relationships, and provide that clinics must provide information in a way that avoids any coercion or direct or indirect inducements. One of the purposes of research involving human embryos is to improve the effectiveness of assisted reproductive treatments. Women who donate eggs for research purposes may personally benefit from the results of the research as well as altruistically benefit other women and

families. In the case where the research activity involves the medical treatment to obtain a human egg, the bill's provisions require that ART providers must have in place protocols which ensure that the full, free and informed consent of participants is obtained before research is undertaken. Clause 18(2) makes the licence subject to the condition that the use of these eggs must be in accordance with the restrictions to which proper consent is subject. Therefore the provisions of the bill are consistent with the rights protected by section 10 of the charter.

Section 13: privacy and reputation

Section 13(a) of the charter recognises a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The explanatory memorandum to the charter explains that 'the right to privacy is to be interpreted consistently with the existing information and health records framework to the extent that it protects against arbitrary interferences'. The right to privacy recognised by section 13 of the charter goes beyond the right to information privacy, and embraces a right to bodily privacy and territorial privacy.

The requirement that any interference with a person's privacy must not be 'unlawful' imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the precise circumstances in which interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any limitation on a person's privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the charter.

Clause 14 requires the provision of information in a licence application in accordance with the requirements specified in writing by the NHMRC Licensing Committee. This information includes personal contact details and the curriculum vitae for each staff member involved in the proposed research. While the provision of this information engages the right to privacy, the information that is sought is appropriate for determining whether the applicant is suitable to hold a licence to undertake the research. This clause does not unlawfully or arbitrarily interfere with a person's right to privacy.

Clause 15(3)(b) requires that the NHMRC Licensing Committee must not issue a licence unless it is satisfied that a research activity or project proposed in a licence application has been assessed and approved by an appropriately constituted Human Research Ethics Committee (HREC). The applicant for the licence must ensure that the application includes the HREC evaluation and approval clearance of the research proposal prior to submitting it to the NHMRC Licensing Committee. The purpose of the HREC clearance is to ensure that the ethical implications of the activity or project are fully considered and approved prior to a person submitting the application for a licence. The sensitivity of conducting research on human eggs or human embryos warrants the involvement of this expert group and while the clause engages the right to privacy, it does not unlawfully or arbitrarily interfere with a person's right in this regard.

Clause 23 engages the right to privacy because it imposes an obligation on the NHMRC Licensing Committee to maintain a licensing database, which contains prescribed information, and to make this database publicly available. The type of information that is collected includes the name of the person to whom the licence is issued, a statement about the uses and numbers of excess ART embryos or human eggs and the creation or use and numbers of any other embryos authorised by the licence and the period for which the licence is in force. The database includes 'personal information' within the meaning of the Information Privacy Act 2000 but it is questionable whether there would be any real expectation as to the privacy of that information.

Clause 28(1) engages the right not to have one's privacy or home unlawfully or arbitrarily interfered with because it permits inspectors to enter any premises for the purpose of assessing compliance with the bill. However, in practice, research of this kind must be undertaken in accredited laboratories, which would not be residential premises. Provisions for the conduct of inspections, consistent with standards for monitoring licensed activity, are also provided for in the bill.

Clause 28 also allows entry if it is made under a warrant issued under clause 30 in relation to the premises to ascertain compliance with the bill. If a warrant is issued the inspector must comply with various procedures that are designed to ameliorate the intrusiveness of the powers (such as announcing who they are and providing a copy of the warrant to the occupier (clause 31); announcing that as an inspector he or she is authorised to enter the premises (clause 32) and allowing the occupier to observe the search (clause 33)). While this clause engages the right to privacy, it is not arbitrary or unlawful and is therefore consistent with the right to privacy.

An inspector who enters any premises under a warrant (clause 30) can also direct a person at the premises to do certain things, including producing documents or records (clause 28(1)(g)(ii)). The requirement to provide this information engages but does not unlawfully or arbitrarily interfere with a person's right to privacy. In accepting a licence, a person is presumed to know, and to have accepted the terms and conditions associated with the licence, including the provision of information to monitor compliance with those terms and conditions.

Clause 28 sets out the powers inspectors may exercise where they have entered premises under the powers conferred by the bill. These include the power to search, inspect, examine, photograph, conduct tests, take samples and operate equipment at the premises. These clauses enable inspectors to monitor whether research conducted at certain premises is being conducted in accordance with requirements imposed by the bill and the regulations made under it. The conferral of these powers on inspectors is reasonable in the circumstances and does not arbitrarily interfere with an individual's rights protected by section 13(1) of the charter.

Clause 34 engages the right to privacy because it requires inspectors to produce their identity cards for inspection if required by the occupier of the premises that is being inspected. The card will display the photograph of the inspector and the date of issue and period of validity of the card. This requirement does not arbitrarily interfere with the privacy of inspectors because the identity card does not disclose personal information. However, it does communicate to the occupier that the inspector in attendance is operating under current powers.

Section 15: freedom of expression

Section 15 of the charter recognises a qualified right to freedom of expression. The right protects an individual's right to express information and ideas, as well as the right of the community as a whole to receive all types of information and opinions. Section 15(2) of the charter provides that every person has the right to freedom of expression. This includes the right not to express. Section 15(3) of the charter provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality.

Clause 23(2) engages the right to freedom of expression because it requires the NHMRC Licensing Committee to make public a database containing prescribed information about licences it issues. The purpose of this provision is to ensure the broader community has access to information that relates to the numbers of and ways in which human embryos and human gametes are being used in research. Research involving human embryos is conducted to improve the effectiveness of assisted reproductive treatment procedures and to address the causes of infertility, thus protecting and promoting public health. Disclosure of information about licences issued in this sensitive area of research is reasonable to ensure continued community confidence in the contribution it is making to public health, and therefore falls within the exception contained within section 15(3) of the charter.

Where an inspector enters a premises under the authority of a warrant, clause 28(1)(g) provides the power to require any person in or on the premises to answer any questions put by the inspector and covered under the purpose for which the warrant is issued. This power is provided in order to assist in the detection and investigation of persons who commit serious offences in relation to research involving human eggs or embryos. It is reasonably necessary for the protection of public health that inspectors have the power to require people at regulated premises to assist them when they are monitoring compliance with the bill or possible contraventions of the bill. This restriction on the right to freedom of expression is therefore consistent with the rights protected by section 15 of the charter.

Section 20: property rights

Section 20 of the charter recognises a person's right not to be deprived of his or her property other than in accordance with law. The requirement that a permissible deprivation can only be carried out 'in accordance with law' imports a requirement that the law not be arbitrary. A provision that confers a discretionary power to deprive a person of their property will be consistent with the charter if the limits of the power are defined and the criteria that govern the exercise of the discretion are specified.

Clause 29 extends the monitoring powers provided for in the bill to secure a human egg, embryo (human or other) or a thing that may afford evidence of the commission of an offence during a search of premises pending the obtaining of a warrant. The provision is not arbitrary because the power may only be exercised by inspectors authorised to enter the premises by a warrant. Seizing a thing that may be evidence of the commission of an offence would be in accordance with a lawful exercise of statutory power and for a specified purpose and is compatible with section 20 of the charter.

Section 25: rights in criminal proceedings

Section 25(2)(k) of the charter protects the right to be free from compulsory self-incrimination. This means a person must not be compelled to confess guilt and includes the right to remain silent. The right against self-incrimination is an important aspect of the right to a fair trial.

Clause 28(1)(g)(i) requires any person on the premises to answer any questions put by the inspector who has entered the premises by a warrant under clause 30. While the purpose of the questions may be to determine compliance with the bill, the person to whom the questions are being put has not been charged with a criminal offence. Therefore, the right in section 25(2)(k) does not apply and there is no limitation on the right.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions may limit rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Daniel Andrews, MP
Minister for Health

Second reading

Mr ANDREWS (Minister for Health) — I move:

That this bill be now read a second time.

The Research Involving Human Embryos Bill 2008, in conjunction with the Prohibition of Human Cloning for Reproduction Bill 2008, seeks to fulfil the commitment made by the government last year to separate the medical research provisions from the clinical treatment aspects of the Infertility Treatment Act 1995.

This bill precisely excises part 2A of the Infertility Treatment Act — Regulation of certain uses involving excess ART embryos, other embryos and human eggs — and re-enacts these provisions into a stand-alone piece of legislation.

Consistent with the commonwealth Research Involving Human Embryos Act 2002, the bill enables the continuation of certain types of research involving embryos to be permitted, provided that the research is approved by the National Health and Medical Research Council (NHMRC) Licensing Committee, in accordance with legislated criteria, and that the activity is undertaken in accordance with a licence issued by this committee.

The bill retains the definition of human embryos to match the NHMRC definition and the definition in the current commonwealth legislation.

This bill provides the important protections to allow research on stem cells created by nuclear transfer to

continue to develop in Victoria. The advances in this field are already significant; regenerated cells derived from adult stem cells are already being used to treat leukaemia, lymphoma and several inherited blood diseases.

I believe that this bill strikes the right balance, as it prohibits practices that are abhorrent to the overwhelming majority of Australians and it allows research to proceed in an area that receives strong community support and which, it is hoped, may one day lead to advancements in our ability to combat diseases that currently cause a great deal of suffering to many Australians.

I commend the bill to the house.

Debate adjourned on motion of Mr DELAHUNTY (Lowan).

Debate adjourned until Wednesday, 24 September.

PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL

Statement of compatibility

Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Prohibition of Human Cloning for Reproduction Bill 2008.

In my opinion, the Prohibition of Human Cloning for Reproduction Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

In April 2002, the Council of Australian Governments agreed that the commonwealth, states and territories would introduce nationally consistent legislation to ban human cloning and other unacceptable practices arising from reproductive technologies. The commonwealth developed legislation, Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research (Amendment) Act 2006, which was assented to on 12 December 2006.

In March 2007, provisions that mirrored the commonwealth legislation for the prohibition of cloning for human reproduction (part 4A) were included in an amendment to the Infertility Treatment Act 1995 (IT act) to fulfil the intergovernmental undertaking. On 18 April 2007, the Victorian government committed to excising part 4A from the IT act and presenting it as a separate stand-alone bill for Parliament's consideration.

The Prohibition of Human Cloning for Reproduction Bill 2008 continues the existing legislative coverage by replicating part 4A of the IT act.

Part 2 details practices that are completely prohibited, for which indictable offences apply. These practices are placing a human embryo clone in the human body or the body of an animal (clause 5); importing or exporting a human embryo clone (clause 6); creating a human embryo for a purpose other than achieving pregnancy in a woman (clause 8); creating or developing a human embryo by fertilisation that contains genetic material provided by more than two persons (clause 9); developing a human embryo outside the body of a woman for more than 14 days (clause 10); making heritable alterations to genome (clause 11); creating a chimeric embryo (clause 13) or hybrid embryo (clause 14); placing a human embryo in an animal, or an animal embryo in a human, or a human embryo in a human other than in a woman's reproductive tract (clause 15); and participating in commercial trading in human gametes or human embryos (clause 17).

Part 3 of the bill includes clauses that identify practices that are prohibited unless authorised by a licence issued by the National Health and Medical Research Council (NHMRC) Licensing Committee. However, the licensing requirements are identified in other legislation.

The bill's purpose is to prohibit human cloning for reproduction and other unacceptable practices associated with reproductive technology and for related purposes.

1. ***Human rights protected by the charter that are relevant to the bill***

The bill does not raise any human rights issues.

2. ***Consideration of reasonable limitations — section 7(2)***

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities 2006 because it does not raise human rights issues.

Hon. Daniel Andrews MP
Minister For Health

Second reading

Mr ANDREWS (Minister for Health) — I move:

That this bill be now read a second time.

Last year amendments to the Infertility Treatment Act 1995 were considered and passed by this Parliament. At the time the government committed to separating the medical research provisions from the clinical treatment aspects of the Infertility Treatment Act 1995.

The Prohibition of Human Cloning for Reproduction Bill 2008, accompanied by the Research Involving Human Embryos Bill 2008, will fulfil this commitment.

The bill excises part 4A of the Infertility Treatment Act 1995 — Prohibited practices including prohibition on human cloning for reproduction — and re-enacts these provisions into a stand-alone piece of legislation.

The bill also corrects the erroneous part of a note currently in section 38OD of the Infertility Treatment Act 1995, clarifying that research involving hybrid embryos is prohibited.

Consistent with the Commonwealth Regulation of Human Embryo Research Act 2002, the bill provides for the continued prohibition of human cloning for reproduction and other unacceptable practices associated with reproductive technology, and for related purposes. It also identifies practices that are prohibited unless authorised by a licence issued by the National Health and Medical Research Council.

The passage of this bill is essential, as it continues to prohibit practices that are abhorrent to the overwhelming majority of Australians and it allows research activities to proceed, under licence, in a narrow range of areas for the purposes of improving the effectiveness of assisted reproductive treatments.

I commend the bill to the house.

Debate adjourned on motion of Mr DELAHUNTY (Lowan).

Debate adjourned until Wednesday, 24 September.

ASSISTED REPRODUCTIVE TREATMENT BILL

Statement of compatibility

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

In accordance with section 28 of the charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Assisted Reproductive Treatment Bill 2008.

In my opinion, the Assisted Reproductive Treatment (ART) Bill 2008 (bill) as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will:

(a) update Victoria's laws on ART and surrogacy to clarify and remove existing anomalies and inconsistencies, to recognise the realities of Victorian families and reflect new technologies;

(b) remove the current statutory requirement that women be married or in a de facto relationship with a male to access ART treatment in Victoria;

(c) strengthen the protections for children born through ART by implementing enhanced screening for treatment, expanding donor-conceived children's access to information about their genetic history and clarifying parentage laws;

(d) provide that complex treatment decisions are made by an independent expert Patient Review Panel, with provision for review of decisions by the Victorian Civil and Administrative Tribunal;

(e) expand the opportunity for altruistic surrogacy and posthumous use of gametes in treatment procedures, in the context of rigorously assessed applications;

(f) provide that prescribed ART records are held by the Registry of Births, Deaths and Marriages; and

(g) reduce the regulatory burden on ART providers by introducing a deemed registration system.

The bill repeals the current Infertility Treatment Act 1995 and replaces it with the Assisted Reproductive Treatment Act 2008. The bill amends the Status of Children Act 1974 and the Births, Deaths and Marriages Registration Act 1996.

The principles underpinning the charter of respect, equality, freedom and dignity tie closely to the objectives of the bill. These principles include human rights that:

> are essential in a democratic and inclusive society that respects the rule of law, human dignity and equality and freedom;
>
> belong to all people without discrimination, and the diversity of the people of Victoria enhances our community.

Human rights issues

The provision and regulation of ART involves a balancing of a number of rights and interests, including those of donor-conceived children, potential parents, donors of gametes, as well as the broader interests of society.

The bill aims to enhance rights protection and achieve an appropriate balance between those interests.

Section 8: recognition and equality before the law

Section 8 of the charter establishes a series of equality rights. The right to recognition as a person before the law means that the law must recognise that all people have legal rights. The right of every person to equality before the law and to the equal protection of the law without discrimination means that the government ought not discriminate against any person, and the content of all legislation ought not be discriminatory.

Guiding principle of non-discrimination

Clause 5 of the bill sets out the guiding principles, including that persons seeking to undergo reproductive treatment must not be discriminated against on the basis of their sexual orientation, marital status, race or religion. The right in

section 8 of the charter therefore underpins the objectives of the bill in promoting equality and non-discrimination.

Discrimination on the grounds of age

Numerous clauses of the bill make provision for differential treatment of persons on the basis of age. These provisions amount to discrimination and constitute reasonable limitations on section 8 of the charter, for the reasons set out below. The provisions which discriminate on the basis of age are:

gametes or embryos produced from a child cannot be used in treatment other than for the treatment of the child (clause 26);

where a donor or a parent of a person born as a result of a donor treatment procedure applies for information on the central register which relates to a child, the registrar must only disclose the information if the child's parent or guardian has consented and the registrar must also take into account whether or not the child has indicated that it does not want the information disclosed (clause 58);

where a child born as a result of a donor treatment procedure applies for information on the central register, the registrar must only disclose information if the child's parent or guardian has consented to the making of the application and a counsellor has provided advice that the child is sufficiently mature to understand the consequences of the disclosure (clause 59); and

a person may enter into a surrogacy arrangement for a woman only if the surrogate mother is at least 25 years of age (clause 40).

(a) the nature of the right being limited

The prohibition of discrimination is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, the right is not absolute and can be subject to reasonable limitations in section 7 of the charter.

(b) the importance of the purpose of the limitation

The purpose of the differential treatment of children in clause 26 is to protect the child from undergoing treatment procedures except where the procedure is for the child's future benefit. This protects the child from inappropriate or unnecessary procedures.

The purpose of the differential treatment of children in clause 59 is to ensure that children may only access information on a Register under the supervision and guidance of a parent or guardian, or where the child is assessed by a counsellor as being sufficiently mature to understand the consequences of the disclosure. The purpose of the differential treatment of children in clause 58 is to ensure that the disclosure of information is appropriate, in the best interests of the child and that whether the child has indicated that he or she does not want the information disclosed is taken into account by the registrar.

In each case, the differential treatment is for the important purpose of protecting the child's best interest, consistent with section 17 of the charter (protection of families and children).

The purpose of clause 40 is an important one: to protect the surrogate mother from possible coercion, exploitation and psychosocial difficulties potentially arising from entering into a surrogacy arrangement.

(c) the nature and extent of the limitation

Clause 26 provides a prohibition on procedures involving gametes produced by children except in limited circumstances where the procedure is for the child's future benefit.

Clause 58 provides that the registrar must only disclose the information about a donor-conceived child if the child's parent or guardian has consented and the registrar must take into account the child's wishes.

Clause 59 provides that the registrar must only disclose information if a counsellor has provided advice that the child is sufficiently mature to understand the consequences of the disclosure.

Clause 40 precludes clinics providing treatment to a surrogate mother who is less than 25 years old. Part 14 of the bill inserts a new part IV into the Status of Children Act 1974, section 18 of which also precludes the County and Supreme courts in most cases making a substitute parentage order transferring parentage from a surrogate mother who is less than 25 years old to the commissioning parents. There is provision for the approval of non-complying surrogacy arrangements in clause 41, but this can only be approved in exceptional circumstances and only if it is reasonable to approve the arrangement in the circumstances.

In the case of the limitations imposed by clauses 58, 59 and 40 the restrictions are limited in time and last only until the child or young person reaches the prescribed age.

(d) the relationship between the limitation and its purpose

In relation to clauses 26, 58 and 59 there is a direct relationship between the age discrimination and the protection of the best interests of the child.

In relation to clause 40, the Victorian Law Reform Commission (VLRC) stated that '[A] woman acting as a surrogate requires a sufficient level of maturity to be able to understand the implications of entering into the arrangement. Becoming a surrogate should not be seen as the mere exercise of a legal right attained on turning 18, but rather a decision that requires a level of maturity that most people have not developed at that age. It is worth noting in this context that although people become legal adults at 18, the United Nations' definition of youth extends to anyone under 25. Requiring the surrogate to be at least 25 years old may also act as an additional protection against any unequal bargaining power between her and the commissioning parents' (VLRC, Assisted Reproductive Technology and Adoption: Final Report, March 2007, page 176). There is a direct and rational connection between protecting young women from exploitation and the age restriction imposed.

(e) any less restrictive means reasonably available to achieve its purpose

In relation to clause 26, 58 and 59 there is no less restrictive means available to achieve the purpose of the provisions.

In relation to clause 40, a less restrictive means would have been a broader test than the exceptional circumstances test in clause 41, one that enables assessment of the maturity of the

potential surrogate on a case-by-case basis. However, it was determined that this would not ensure sufficient protection of young women from possible coercion, exploitation and psychosocial difficulties potentially arising from entering into a surrogacy arrangement.

(f) any other relevant factors

Victorian courts may follow European courts in affording a 'wide margin of appreciation' when interpreting legislation of sensitive moral and ethical matters, as is certainly the case with this bill (see *Evans v. UK*, ECHR, application no 6339/05, 10 April 2007).

Section 10(c): right not to be subject to medical or scientific treatment without full, free and informed consent

Section 10(c) provides that a person has the right not to be subjected to medical or scientific treatment without full, free and informed consent.

Divisions 2 and 3 of part 2 set out the pre-treatment requirements for persons who may undergo treatment and persons who are contemplating gamete or embryo donation. Before consent to treatment is obtained these persons must undertake counselling on prescribed matters, which ensures they have all relevant information and fully understand the implications of the treatment. This is consistent with and gives effect to the requirements of section 10(c) of the charter.

Section 13: right to privacy

Section 13(a) of the charter recognises a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right to privacy encompasses the right to information privacy and bodily privacy. The requirement that any interference with a person's privacy must not be 'unlawful' imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the precise circumstances in which interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any interference with a person's privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the charter.

Presumption against treatment

Clause 14 of the bill provides that a clinic cannot treat a woman where the woman or her partner have had charges proven against them for a sexual offence, been convicted of a violent offence or had a child protection order made in respect of a child in their care unless the Patient Review Panel determines that there is no barrier to the person undergoing treatment.

In practice this will be brought to effect by a woman and her partner, if any, each producing a criminal record check for consideration by an ART clinic counsellor and providing consent for the counsellor to obtain a child protection order check from the Department of Human Services (pursuant to the requirements as to consent in clause 11). If either of the checks is positive, that is, there are relevant charges or offences or orders disclosed, the clinic will not be able to provide treatment and the woman and her partner may seek a decision from the Patient Review Panel to determine if there is a barrier to the clinic providing treatment.

The requirement to provide a criminal record check and consent to a child protection order check engage the right of the woman or her partner to information privacy. The child protection order check will only produce a statement indicating whether relevant orders have been made under the Children, Youth and Families Act 2005. The requirement to provide a full criminal history may disclose personal and sensitive information not relevant to the eligibility requirements for ART. However, a criminal record check is the only available objective mechanism to identify the existence of offences pertinent to determining potential risk of abuse or harm to the child to be born from ART. While the counsellor will sight the criminal record check(s) as part of the counselling process, he or she will only have regard to the relevant offences for the purposes of establishing whether a presumption against treatment applies. The bill seeks to limit the extent of the disclosure of the contents of the criminal record check by ensuring that it is available in the pre-treatment counselling only and that the consent to treatment records evidence that the check was considered by the counsellor. Further, the information disclosed in counselling is protected by professional confidentiality provisions. The requirements to provide a criminal records check and consent to a child protection order are reasonable given the important purpose of protecting the child to be born from ART. The interference with privacy is proportionate to the purpose, and is not arbitrary or unlawful.

The presumption against treatment also engages the right not to have one's family unlawfully or arbitrarily interfered with, because it may bar certain persons from constituting or enlarging their family. However, the right in section 13 of the charter does not extend to requiring the state to permit unconditional access to ART. The presumption against treatment does not amount to discrimination under the Equal Opportunity Act 1995 (EO Act) and is therefore not discriminatory, arbitrary or unlawful. The purpose of the presumption is to protect children born through ART, which is a clear and reasonable purpose consistent with the principles of the charter, in particular, the best interests of the child protected in section 17 of the charter. The presumption against treatment therefore does not amount to an unlawful or arbitrary interference with the family.

Requirements to undergo counselling

The bill makes numerous provisions for persons to undergo counselling, such as:

a person who wishes to undergo a treatment procedure and her partner, if any (clause 13);

donors (clause 18);

persons wishing to enter into a surrogacy arrangement and her partner, if any (clause 43);

a woman wishing to undergo a treatment procedure involving posthumous use of gametes or embryos (clause 48);

a donor-conceived child who wishes to access information on the central register which may identify another person (clause 59);

all applicants to the central register (clause 61) or voluntary register (clause 73) prior to release of identifying information.

The requirements to undergo counselling are to ensure that the person understands the full implications of their decision, including the social, psychological and legal implications, so that full and informed consent may be provided. The requirement is therefore for an important purpose and is reasonable. Further, the requirement to undergo counselling occurs in a context where a person has volunteered for a particular procedure or applied to obtain certain information. All information disclosed in the counselling process is confidential. The counselling requirements therefore do not constitute an arbitrary or unlawful interference with a person's privacy.

Accessing information on ART provider registers and the central register

The regulation of access to information on ART provider registers and the central register engages the right to privacy in a number of respects. It affects the interests of the donor-conceived person in obtaining information regarding their identity and genetic history, as well as their interests in not having their personal information disclosed. It also affects the interests of a donor in respect of accessing information regarding their genetic offspring and their interests in keeping personal information confidential.

The bill seeks to achieve an appropriate balance between those competing interests.

Part 6 of the bill makes provision for ART providers to maintain a register of prescribed information including information about donors and treatment procedures, and for the registrar of births, deaths and marriages to keep a central register of prescribed information. The central register is comprised of records from two distinct periods: 1 July 1988 to 31 December 1997 when identifying information was recorded about donors who donated gametes in this period and could specify whether their identity could be released; and 1 January 1998 to the current day where donors consented to the donation of gametes knowing that their identity may be revealed to the donor-conceived child. Prior to 1 July 1988 donations were anonymous and records were not kept centrally. However, a voluntary register applies in respect of such donations.

Part 6 carefully regulates how information from the central register may be accessed and when information which discloses personal information about another person may be disclosed. Consent is required in relation to the disclosure of information to donors (clause 55 and clause 58). The circumstances in which disclosure of information will occur to persons born as a result of a donor treatment procedure are provided for in clause 59.

The different rules for disclosure of information depending upon the date of the donation, reflects the different conditions under which donations were given. While it is recognised that refusing access to donor information prior to 1 January 1998 may involve an interference with the right of a donor-conceived child to access information regarding their identity and genetic history, this reflects the fact that donations prior to this time could be or were made anonymously and to change those conditions would amount to an unreasonable interference with the donors' rights to privacy.

To the extent that a donor's personal information is disclosed, the disclosure of information is not arbitrary as it is for the purpose of giving effect to the right of the donor-conceived person to access information about their identity and will occur in accordance with the understanding of the donor at the time the donation was made.

The bill enhances the rights of children to obtain such information through enabling access either with parental or guardian consent or the advice of a counsellor that the child is sufficiently mature to understand the consequences of the disclosure. To the extent that access is limited where a person is not certified as sufficiently mature, this is to ensure the best interests of the child are protected and does not amount to an unlawful or arbitrary interference.

Part 7 of the bill provides that the registrar of births, deaths and marriages must keep a voluntary register that contains information about donor treatment procedures. However, the information that is recorded on the voluntary register is not prescribed and is given voluntarily. The registrar may only release information from the Voluntary Register in accordance with the wishes of the person entered in this Register therefore the disclosure of information is not arbitrary. There is therefore no interference with the right in section 13 of the charter.

Right to be told

The information in relation to donor conception will not be recorded on the birth certificate and there is no mandatory requirement on parents to tell donor-conceived children of the manner in which they were conceived. On the one hand, recording such information on the birth certificate would interfere with privacy rights because it would involve public disclosure of personal information. On the other hand, it may be argued to be a reasonable interference as it gives effect to a child's right to access information about their identity-genetic information.

While there is no requirement to tell a child they are donor conceived, where the donation was made after 1 January 1998, once the child turns 18 it is possible for Victorian Assisted Reproductive Treatment Authority (VARTA) to write directly to the child at a donor's request and advise that the donor wishes to make contact. This provides a strong incentive for parents to tell a donor-conceived child about the manner in which they were conceived. In addition, VARTA provides significant support and encouragement for parents to tell, through the 'Time to tell' campaign.

Placing such information in a public document such as a birth certificate is a significant interference with the right to privacy and does not have the same protections for ensuring that children have access to such information only when they are sufficiently mature to deal with it. In the circumstances, it is considered that it is not appropriate to record such information on a birth certificate or mandate telling children of the manner of their conception. This is better achieved through non-legislative means.

***S**urrogate must be 25 years old*

It is arguable that the right to privacy also encompasses a right to autonomy with regard to decisions made by a person about their own body. In *Pretty v. UK* (ECHR, 29 March 2002), the court accepted that preventing a terminally ill woman from obtaining assistance from a third party to commit suicide — by refusing to guarantee immunity from prosecution for that third party — could constitute an

interference with her right to respect for private life, as protected by Article 8 of the European Convention on Human Rights. The court went on to consider whether the possible limitation of Article 8 rights was justified and decided this question in the affirmative on the basis that the limitation was "necessary in a democratic society". Thus, the court undertook a balancing of competing interests similar to the one which arises with respect to this proposed bill.

It is arguable that clause 40, which imposes an age restraint of 25 years on surrogate mothers, could be construed as limiting a woman's autonomy to decide when she is ready to participate in a surrogacy arrangement. However, any interference with the woman's privacy on this basis is reasonable for the same reasons as set out above in relation to section 8 of the charter, namely, to protect the surrogate mother from possible coercion, exploitation and psychosocial difficulties potentially arising from entering into a surrogacy arrangement.

Withdrawal of consent

Clause 17 requires that embryos be used only if each of the persons who donated gametes has consented to their use. Pursuant to clause 20, such consent can be withdrawn at any time prior to the use of the embryo. This achieves an appropriate balance between the rights of each donor to privacy, including the ability to choose when to become and when not to become a parent. While withdrawal of consent can result in a person not being able use the embryo, this possibility is best dealt with through the counselling procedure, rather than any ability to override the consent requirement which would be a significant interference with the rights of non-consenting donors.

Section 17: protection of families and children

Section 17(1) of the charter provides that families are the fundamental unit of society and are entitled to be protected by society and the state. Section 17(2) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. The promotion of these rights underpins the objectives of the bill to recognise the realities of Victorian families and to ensure that the best interests of children born through ART continue to be protected through measures including enhanced screening provisions and the clarification of parentage laws.

A number of provisions in the bill which engage the right in section 17 of the charter are discussed below.

Recognition of non-birth mothers

Clause 147 of the bill inserts a new part III into the Status of Children Act 1974 which provides that if a woman conceives following a procedure of assisted reproductive treatment or artificial insemination, the woman's female partner is presumed for all purposes to be a legal parent of the child born if certain criteria are met. This affords to non-birth mothers the same status currently afforded to male partners of women who give birth following a treatment procedure for the purpose of Victorian laws. This amendment recognises the realities of Victorian families, ensures that the best interests of children born through ART are protected, and clarifies parentage laws and the status of donors. These provisions therefore promote the rights in section 17 of the charter.

Child conceived posthumously to be regarded as child of the deceased for the purpose of birth registration but not for any other purpose under Victorian law

Clause 147 of the bill inserts a new part V into the Status of Children Act 1974 which provides that any child conceived posthumously should be regarded as the child of the deceased for the purpose of birth registration, but not for any other purpose under Victorian law. This limits the right under section 17 of the charter of the posthumously conceived child because the child will not have all of the benefits which would normally flow from the identification of a parent on a birth registration.

(a) the nature of the right

The protection of families and children is an important right which may be subject only to reasonable limitations under section 7 of the charter.

(b) the importance of the purpose of the limitation

New part V of the Status of Children Act 1974 implements the recommendation of the VLRC that the deceased should be recorded as the child's parent on his or her birth certificate, however, the legal consequences flowing from the deceased's parental status should be limited in order to provide certainty for the administration of deceased estates. (VLRC, Assisted Reproductive Technology and Adoption: Final Report, March 2007, page 102). There is no time limitation on the posthumous storage of gametes, and it is important to ensure that the estate of the deceased can be finalised and that the estate can be administered according to the deceased's intentions expressed prior to death within a reasonable time after death.

(c) the nature and extent of the limitation

The effect of the new part V of the Status of Children Act 1974 is that the posthumously conceived child will only be regarded as the child of the deceased for the purpose of birth registration, but for no other purpose under Victorian law. However, a person would still be able to make provision for a posthumously conceived child in his or her will under the new part V.

(d) the relationship between the limitation and its purpose

The restriction on the purposes for which a child is to be regarded as the child of a deceased recognises the rights of the posthumously conceived child to the accurate recording of their biological identity and strikes an appropriate balance between the rights of the posthumously conceived child and the rights of other family members and other children to legal certainty in the administration of the estate.

(e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

There is no less restrictive means reasonably available to achieve the purpose of the limitation.

Section 24: right to a fair hearing

Section 24 guarantees the right to a fair and public hearing. The right to a fair hearing applies in both civil and criminal proceedings and in courts and tribunals.

Clause 147 of the bill inserts a new part IV into the Status of Children Act 1974, sections 30 and 32 of which provide that appeal proceedings in the Court of Appeal against an order of the Supreme Court or County Court must be heard in a closed court, and publication of such proceedings is to be restricted. Sections 24 (2) and (3) of the charter enable a court or tribunal to exclude persons or the general public from a hearing if permitted to do so by a law other than the charter, and to prohibit the publication of judgements or decisions made by a court if that is in the best interests of a child or a law other than the charter permits it. Therefore, these provisions fall within a lawful restriction on the right to a public hearing in sections 24(2) and (3) of the charter and do not limit the right.

Conclusion

I consider that the bill is compatible with the charter because to the extent that some provisions may limit human rights those limitations are reasonable and justified in the circumstances.

The Hon. Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In 1980 the first Australian IVF baby was born in Victoria. Victoria was the first Australian jurisdiction to provide legislative safeguards for the women undertaking these assisted reproductive treatments through the Infertility (Medical Procedures) Act 1984. This legislation was based on the recommendations and report of the Waller committee, established to investigate the social, ethical and legal implications of in-vitro fertilisation. The 1984 legislation was updated in 1995 to reflect the advances in IVF treatment procedures and the resulting Infertility Treatment Act 1995 was introduced into this house on 4 May 1995 by the Honourable Marie Tehan MP. The 1984 and the 1995 Acts were passed by both houses of Parliament with bipartisan support.

We are now facing a new stage in the development of legislation to match the needs and challenges presented by Victoria's pluralistic society. In 2001 the Federal Court of Australia found that the requirement that a woman be married or in a heterosexual de facto relationship to access assisted reproductive treatment, or ART, in a Victorian clinic was invalid because it was inconsistent with the Commonwealth Sex Discrimination Act 1986. In addition, the current legislation has not kept pace with rapid developments in reproductive technology.

Victorian Law Reform Commission Review

In 2002, the government provided a reference to the Victorian Law Reform Commission (VLRC) to:

> inquire into the desirability and feasibility of changes to the Infertility Treatment Act 1995 and the Adoption Act 1984 to expand eligibility criteria in respect of all or any forms of ART and adoption;
>
> make recommendations for any consequential amendment to relevant Victorian legislation;
>
> consider whether amendments should be made to reflect rapidly changing technology in the area of assisted reproduction; and
>
> consider how certain provisions of the Infertility Treatment Act apply to the practice of altruistic surrogacy and make recommendations for clarification of the legal status of any child born of such an arrangement.

After an extensive process of consultation and research conducted over four and a half years, the VLRC report was tabled in the Victorian Parliament in June 2007. The VLRC made 130 recommendations for reform, designed to meet the needs of all children born through ART, and to provide a robust framework capable of accommodating future social and technological change.

Overview of the commission's findings in relation to the limitations of the current law

Before outlining the provisions of this bill, it is worth reviewing the limitations of the current legislation as identified by VLRC.

Limitations of previous act

As previously stated the current law contains invalid eligibility requirements for access to treatment. The requirement that a woman be 'unlikely to become pregnant' is currently applied inconsistently. If a woman has a male partner, her inability to become pregnant may be the result of a number of factors, including her partner's infertility or an unidentifiable cause. If she does not have a male partner, she must be clinically infertile to be eligible for treatment.

The VLRC reviewed relevant research and was satisfied that parents' sexuality or marital status are not key determinants of children's best interests. Rather, it is the quality of relationships and processes within families that determine outcomes for children.

Restrictions in the legislation also prevent people from pursuing surrogacy arrangements in Victoria. Altruistic

surrogacy is legal, but potential surrogate mothers must be infertile in order to be eligible for treatment in a clinic.

Some people who cannot access treatment in Victoria choose to travel interstate or overseas to places where the law does not prevent them obtaining treatment in a clinic. This leads to unnecessary expense and inconvenience for the parents concerned and may affect the child's opportunity to make contact with their donor in the future. Others elect to self-inseminate. This means that they do not have access to the benefits of medical checks and mandatory counselling that the clinic system provides.

The current legislation specifies that the welfare and interests of the child to be born should be the paramount consideration in the delivery of ART. However, the legislation does not give doctors and counsellors any guidance about how to deal with cases where they are concerned that a future child may be at risk of harm. Decisions about whether to provide treatment in such cases are made privately and are not transparent. Decisions have not been consistently open for review.

The current laws fail to recognise as parents all people who have children in their care.

In surrogacy arrangements, the surrogate mother and her partner, if any, are the legal parents of the child even if the child is being raised by the commissioning parents. The female partner of a woman who gives birth is not recognised as the legal parent of those children, even though she takes joint responsibility for raising the child. Children raised in these families lack many of the rights and protections afforded to other children.

Although for many years treatments have been provided using gametes donated by men and women, the legal status of donors is uncertain in some circumstances.

Overview of bill

The bill's name, the Assisted Reproductive Treatment Bill, reflects the change in focus from treatment of infertility to a broader purpose of regulating assisted human fertilisation procedures. The bill seeks to repeal the Infertility Treatment Act and create a legislative framework that provides access and security for many Victorians who, for a variety of reasons, need assisted reproductive treatment procedures to create a family.

The ART bill proposes guiding principles that will direct the administration of the act and the functions carried out or regulated by the act. These include that the welfare and interests of persons born, or to be born as a result of ART, are paramount; that children born as the result of the use of donated gametes have a right to information about their genetic parents and the health and wellbeing of persons undergoing ART must be protected at all times. At no time should the use of ART be for exploiting the reproductive capabilities of men, women or children, and persons seeking to undergo ART must not be discriminated against on the basis of their sexual orientation, marital status, race or religion.

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

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I acknowledge in the gallery former Premier Joan Kirner and former minister Kay Setches. Welcome!

QUESTIONS WITHOUT NOTICE

ANZ Bank: jobs

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. When was the Premier first advised of job losses at the ANZ Bank, and how many Victorian-based jobs will be lost?

Mr BRUMBY (Premier) — I certainly have not been personally advised in relation to the ANZ Bank matters. I am not aware of whether my office has been advised. What I understand is that the announcements refer to national job changes, and if you look at the history of the ANZ, I am sure you will see that over the years, and particularly of course during the period of the 1990s, there were many job changes at the ANZ, including job losses. I have answered the Leader of the Opposition's question.

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast will stop interjecting in that manner. The Premier has finished his answer.

Water: infrastructure

Ms BARKER (Oakleigh) — My question is to the Premier. I refer him to the government's commitment to invest in water infrastructure upgrades for the benefit of all Victorians, and I ask the Premier to update the house on recent examples of the government honouring this commitment.

Mr BRUMBY (Premier) — I thank the honourable member for Oakleigh for her question. As the house is aware, our government is taking action to secure water supplies throughout regional Victoria. We are taking action to see record investment that will provide more water for our farmers, more water for regional cities and towns and of course more water for our rivers.

It is worth pointing out that our government has completed the goldfields super-pipe. This is a project which we initiated, constructed and completed and of which we are proud but which was opposed vigorously by the Liberal-Nationals coalition. We are building the food bowl modernisation project, which is again a project opposed by the Liberals and The Nationals. We are building the Sugarloaf pipeline, we are building the Wimmera–Mallee pipeline and we are building the Hamilton–Grampians pipeline. All of these initiatives — which will achieve in a decade Victoria's water security for the next 100 years — are Labor initiatives but all of them were opposed by The Nationals and the Liberal Party.

Mr Baillieu interjected.

Mr BRUMBY — The Leader of the Opposition interjects about the Wimmera–Mallee pipeline.

The SPEAKER — Order! I ask the Premier to ignore interjections, and I ask members of the opposition at the table to cease interjecting across the table.

Mr BRUMBY — Year after year community leaders and councils in that area begged the former Liberal-Nationals government for funding for that project, and the only answer they ever got was a big fat no. Our government is delivering that project.

Stages 1 and 2 of our food bowl modernisation project will save up to 425 billion litres of water, and over 80 per cent of the water savings will go to farmers and rivers in the north. As I have said before, this is a $2 billion vote of confidence in northern Victoria. Early works have started on the food bowl project, 400 mostly local contractors have been employed and 1000 new regulator gates have already been installed. This project is good for the north, it is good for jobs and it is good for farmers, who are saying it publicly.

Honourable members might have seen the article in the *Age* of 30 August headed 'No water plan, no future, says berated farmer'. This is Goulburn Valley farmer Russell Pell, who is reported as saying:

> You can't have an irrigation scheme that leaks a third of its water.

Commenting on seeing the improvements already made, he said:

> This offers us a future … We could give up and leave. I could leave now. But that's not my game — I want to leave something for the next generation.

The *Country News* is circulated right throughout northern Victoria. On 26 August there was a — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals will cease — —

Mr Brumby — Who publishes that?

The SPEAKER — Order! The Premier and the Leader of The Nationals will cease their private conversation across the table. I ask for some cooperation from the member for Benalla and the member for Rodney in ceasing to interject in that manner.

Mr BRUMBY — The *Age* article is headed 'No water plan, no future, says berated farmer' — because he has been berated by The Nationals.

I have another article out of *Country News*. It includes a photo of Katunga farmer Peter Sprunt, and it states:

> By any standards, the weed-infested irrigation channel that once served Peter Sprunt's dairy farm is a mess.
>
> Peter calls it a nightmare.
>
> It took about 14 hours for the water to travel from the main irrigation trunk only 800 metres away.
>
> However, Peter has become one of a number of Murray Valley irrigators who have signed up to a reconfiguration deal which will see the channel bulldozed and the five waterwheels removed, replaced with a system delivering water onto his paddocks in half the time and through only one metered outlet.

You would have to say that that is a success story. That is a vindication of our investment in this region. But I also mentioned the goldfields super-pipe, which is securing water for Ballarat and Bendigo, securing water two years ahead of schedule, and again a project vehemently opposed by the opposition and delivered by our government, a Labor government.

I turned on the first leg of that super-pipe in May this year. I was told at the time by a community leader that it was one of the most important projects in that city's history — on a par with the first railway line in 1862. The billboard from the Ballarat *Courier* today reads 'Water levels rising — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Premier. Using props is not acceptable parliamentary behaviour in this chamber.

Mr Burgess — On a point of order, Speaker, I remember that not long ago I used a prop like that and I was excluded from the house. I ask the Speaker to do the same to the Premier.

The SPEAKER — Order! I will not take the inference of the member for Hastings in the point of order that he is questioning my rulings. I ask for some cooperation to allow question time to continue. I ask for the Premier's cooperation. He has now been speaking, given interruptions, for 8 minutes. I ask the Premier to conclude his answer.

Mr BRUMBY — The front page of today's Ballarat *Courier* says:

> Ballarat's water storage level climbs to 12.5 per cent.

And the front-page headline is:

> Going up, and up …

The first paragraph reads:

> Without the goldfields super-pipe, Ballarat's water supply would be sitting about 9.4 per cent, going into a long hot summer.
>
> But yesterday's weekly figures from Central Highlands Water show Ballarat's storage level has risen to 12.5 per cent with 8124 megalitres.

This is another successful project delivered by our government, and without this project Ballarat would be at a critical water shortage level. Because of this project it now has 12 per cent capacity compared with just 8 per cent some months ago.

It just goes to show all of the investments that we are making across the state — the Wimmera–Mallee pipeline, the goldfields super-pipe, in the Grampians Wimmera Mallee area, the Gippsland Water Factory, the foodbowl project, the north–south connect and the super-pipe — all of them involve a huge investment in our state over this decade. These investments will secure the water supplies for our state for decades to come, and all of these projects were at every stage opposed by those opposite.

Manufacturing: government performance

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the thousands of recent job losses from manufacturing businesses across Victoria, and to his comment on Monday:

> I am satisfied that we have done everything that we can to help these industries.

I ask: why has the Premier given up on workers in Victoria's manufacturing industries and their families?

Mr BRUMBY (Premier) — If you look at the facts of this matter, as I have indicated to the house before, and you look at the environment for investment and manufacturing in our state, you see it is a much, much better environment today than it was a decade ago. If you look at the payroll tax rate — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Scoresby for some cooperation. The Premier has been speaking for less than a minute and is being howled down.

Mr BRUMBY — If you look at the payroll tax rate, you see it is now 4.95 per cent; it was at more than 6 per cent. If you look at the land tax rate, you see it was at 5 per cent; it is now 2.25 per cent. If you look at the WorkCover rate, it is now 45 per cent lower than it was when we won government in 1999. I mention those figures because if you are a manufacturing company, it is self-evident that from a state perspective the major taxes that those companies will pay are payroll tax, land tax and WorkCover premiums, and in all those areas we have dramatically reduced the costs on business.

Mr Wells interjected.

The SPEAKER — Order! I warn the member for Scoresby!

Ms Munt interjected.

The SPEAKER — Order! And I warn the member for Mordialloc!

Mr BRUMBY — We are also the state which has provided over recent years more support for our technical training system than any other state in Australia. Last year I was proud of the fact that we trained in Victoria more apprentices and more trainees than any other state in Australia.

In addition to that we have supported manufacturing investment throughout regional Victoria through things like our Regional Infrastructure Development Fund, which has been significant in bringing thousands of new jobs to regional Victorian manufacturing. Our manufacturing sector today employs 346 500 people —

that is, 13 per cent of the state's workforce — and since 1999 we have facilitated something like $11.3 billion worth of investment in manufacturing, which has created more than 24 000 new jobs.

We have also in areas that are not within our purview — for example, tariffs — made submissions to the federal government. For example, we have made submissions in relation to the motor vehicle industry, the textile, clothing and footwear review, and the water review. I make the point that in all of these areas, while we have made submissions about more investment, more jobs and more activity in the manufacturing sector, the state Liberal and National parties have not made a single written submission to any of those inquiries.

In terms of our job performance, Victoria secured 52 400 new jobs in 2007–08, a higher number than in the resource states of Queensland and Western Australia. As I said yesterday, we have given unprecedented support to the motor vehicle industry also. If you look more recently at major job announcements in our state, whether you look at the ones made in the energy sector, at the announcements which have been made in the regional rail freight area or at the investment occurring through our infrastructure programs in water, you see significant new investment across our state in all of these areas.

We will continue to ensure that we get the fundamentals right. We will continue to ensure that we do everything we can to create the right environment for investment and jobs in our state, and that is exactly what we are doing. If you look at our record to date and the policies we have put in place, I believe we are creating the right framework for economic growth and investment and jobs for many years to come.

Education: early childhood development and school reform

Mr BROOKS (Bundoora) — My question is to the Minister for Education. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house how the recently announced *Blueprint for Education and Early Childhood Development* will work towards giving every child every opportunity to reach their full potential and succeed in life?

Ms PIKE (Minister for Education) — I thank the member for Bundoora for his question. Last week the government released the *Blueprint for Education and Early Childhood Development*. It is our five-year education reform agenda, and it is designed to ensure that every child, wherever they are in Victoria, has even more opportunities to reach their full potential and succeed in life.

Mr Hodgett interjected.

The SPEAKER — Order! I ask the member for Kilsyth to cease interjecting in that manner. I will not warn him again.

Ms PIKE — This blueprint builds on our collective achievements in school reform over recent years. It is worth reminding the house that since 1999 this government has spent an additional $7.3 billion on education. We have been opening schools, we have not been closing them. We have hired 8000 extra teachers. In fact — —

Honourable members interjecting.

The SPEAKER — Order! Just because some members do not like the minister's answer is no reason to try to shout her down. The level of interjection is far too high. The level of interjection from the opposition benches should not be matched with interjections from the government benches.

Ms PIKE — There are 8000 more teachers teaching in our schools than there were in 1999. In 2003 the *Blueprint for Government Schools* listed a range of initiatives to strengthen leadership within our schools, to further create a culture of excellence and to improve results for students within our school system. This new blueprint not only builds on those achievements but also extends the reform agenda to non-government schools and early childhood services.

The blueprint articulates a very clear vision that every Victorian child should thrive, learn and grow in order to enjoy a productive, rewarding and fulfilling life whilst contributing to the local and global communities. It is also one of the key planks in the national reform agenda which Victoria spearheaded, which seeks to boost Australia's long-term productivity. Making sure that every child is engaged in education is a key plank of that. This blueprint outlines three core strategies for reform: first of all, system improvement; secondly, workplace reform; and thirdly, partnerships with parents and community. Under those three key themes there are 20 specific initiatives.

When we come to improving our system we know that we have a very strong government school system in this state but that we need to continue through cooperative regional approaches to strengthen that system to help bridge the gap between the areas that are performing best and those that are not performing as well as they

should. We have already provided funding to support and intervene to strengthen schools, particularly those in areas of greatest need and in rural and regional Victoria.

There are many good examples of collaboration between government and non-government schools, and we are keen to strengthen and broaden those arrangements because we know that they can benefit students in all sectors. We acknowledge that we have very dedicated principals, teachers and school-based staff in our education system but also that we need to provide them with greater opportunities for professional development and to further enhance strong and effective leadership.

The other dimension of the blueprint is the recognition that education is a shared responsibility, not just the responsibility of our schools. The more parents are engaged in the education of their children and the more the broader community and its range of organisations — non-government, business, not-for-profit — are engaged in education, the stronger our education system will be and the greater the benefits will be for individual students in our schools. There are also broader social and economic benefits.

Victorian schools are performing incredibly well against national and international standards, but we know that our world is constantly changing. We know that there are new challenges that the school community faces, and we know that there are some areas that are in great need. This blueprint puts education front and centre in this government's priorities. It provides the resources and the policy grunt to drive further reform, because we know that education is the no. 1 priority. This government has a strong record of investing in and supporting education, and we intend to build on that record.

Public drunkenness: decriminalisation

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to the Attorney-General's submission to the Victorian alcohol action plan in 2007 advocating the decriminalisation of public drunkenness, and I ask: is it the minister's policy to support the Attorney-General's position?

Mr CAMERON (Minister for Police and Emergency Services) — We work together as a government, we are not some mishmash. As you are aware, there are laws in place and the government has not moved to change them.

Small business: Energise Enterprise festival

Mr FOLEY (Albert Park) — I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask the Minister for Small Business to explain to the house how the Brumby government is taking action to provide the skills to help small businesses prosper in Victoria through the Energise Enterprise small business festival?

Mr HELPER (Minister for Small Business) — I thank the member for Albert Park for his question and for his commitment to small business in his electorate, and I will come to that in more detail in a moment. I firstly indicate to the house the incredible success that Energise Enterprise 08 was this year. As members would be aware from a previous answer I gave in the house, Energise Enterprise 08 takes place during the month of August. There were over 360 events, many of them with sell-out crowds. There was an inability to accommodate the demand for attendance at those events. The 360 events were supported by 150 different organisations, and all were aimed at increasing the skills, job opportunities and income opportunities for the small business sector in Victoria.

I am informed that attendance at those 360 events is likely to exceed 30 000 this year and is well on track to reach our target of 50 000 attendances by 2011. The government has committed $5.5 million over four years towards this festival because we recognise what a great way it is to deliver services to the small business sector.

I come to the terrific impact the festival has had in the Albert Park electorate. With the indulgence of the house, I will go through the 77 events that were held in there. To speed up my response, the first three events were on the subject of debunking marketing. Three events were about computers for businesses and solving the risks and problems. Three events were on productivity tips for small business, and the list goes on.

I get the sense that members may not wish to share the detail of every one of these events. I could give opening times and venues for each and every one of these events. Suffice it to say, Energise Enterprise was a fabulous success this year, with over 30 000 in attendance and over 360 events held, many of which were in regional Victoria.

Many events occurred in my electorate but nowhere near as many as were held in the electorate of the member for Albert Park. There was a focus to ensure small businesses right across the state, whether in metropolitan Melbourne or in regional Victoria, were

able to benefit from Energise Enterprise, which is just one example of the terrific support the Brumby government gives to the small business sector, a sector that we recognise is experiencing difficult circumstances as a result of a number of external factors. The Brumby government stands by the small business sector as opposed to the opposition which, when last in government, did very little for the sector.

VicForests: harvesting and haulage contracts

Mr INGRAM (Gippsland East) — My question without notice is to the Premier. During the 2006 election the state government promised no net job losses in the East Gippsland timber industry in protecting old-growth forests, yet through the VicForests competitive tendering process both sawlogs and harvest haulage jobs have been transferred interstate and the government has not implemented the recommendations of the Industry Transition Taskforce.

The government has not yet delivered on its commitment to assisting the industry to shift to lower quality sawlogs and has not delivered security or confidence in this important industry. I ask: when will the government honour its commitment to the East Gippsland timber industry and communities about no net job losses?

Mr K. Smith interjected.

The SPEAKER — Order! I suggest to the member for Bass that if he has a question to ask, he should stand in his place and he will be given the call. I warn the member for Bass.

Mr Baillieu interjected.

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

Mr BRUMBY (Premier) — I thank the honourable member for his question. As the member indicated in the preface to his question, the government made a commitment to no net loss of resource and no job losses in East Gippsland as a result of the implementation of the reserve system in East Gippsland.

I have been advised that VicForests is in the process of an allocation in terms of the harvesting work that is undertaken in the East Gippsland and Tambo areas, and it is doing that by way of a formal tender process. That process is still under way and contractors who were unsuccessful in the first round will have opportunities going through in the second round. There will of course be some contractors who will be unsuccessful for some tenders either because their prices were not competitive or because of non-price factors, which may be, for example, the occupational health and safety systems not being up to scratch. I understand contractors will be asked to work in different areas. I understand that employment in some areas may actually increase due to changes in the VicForests harvesting schedule.

Any sensible analysis of the government's commitment would lead to the conclusion that not every single individual will be in the same job. It would not be tenable, for example, for the government to prevent individuals from retiring or from changing occupation. However, I am confident that the implementation of the government's reserve system, along with the measures to be released in the government's timber industry strategy, will provide the climate for growth in investment and employment in the East Gippsland timber industry.

Women: return-to-work initiatives

Ms RICHARDSON (Northcote) — My question is to the Minister for Women's Affairs. I refer to Labor's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house how the Brumby Labor government is helping women to re-enter the workforce following time off to care for their children?

Ms MORAND (Minister for Women's Affairs) — I thank the member for Northcote for her question and for her well-known commitment to women's issues. More women than ever before are wanting to participate in the paid workforce. The latest Australian Bureau of Statistics data from this year indicates that 60 per cent of women aged between 15 and 64 participate in the labour market. This participation has grown significantly over the last 20 years, with 60 per cent of mothers with dependent children now in paid jobs compared with 40 per cent in 1985. Women wanting to return to paid employment after time caring for their children represent a vital source of skills that are important to the government's strategy for increasing workforce participation and productivity. There are many women who are not working who do want to work and who may want to return to the paid workforce but do not have the support or the confidence or the practical skills to assist them to get back into the paid economy. The Brumby government is responding to that need by putting in place practical measures designed to help women seek that opportunity.

Last week the Premier's women's summit was held at the RACV Club in the city. It was a very successful event and hundreds of women participated. I was pleased that the shadow Minister for Women's Affairs

also attended. At that summit the Premier launched a new initiative to help women get back into work called ways2work. It is a comprehensive web-based tool designed to help parents, carers and prospective employers and to smooth the way for women getting back into work. It contains helpful, straightforward and practical information on things like child care, the sort of occupations that women may want to get into and their legal rights. It is another example of what we are doing on top of the $13.2 million Returning to Earning program, which is providing practical support for parents and funding for job-related activities, such as training and even things like child care. This initiative is building on the Returning to Earning program, which has helped more than 9000 parents, mainly women, get back into the workforce.

These practical measures will be supported by legislative changes introduced by the Attorney-General, which will help employers consider parental and carer responsibilities. Amendments to the Equal Opportunity Act which took effect from 1 September mean that employers must not unreasonably refuse to accommodate a person's parental and carer responsibilities. This might include things like parents starting work later, having a morning off if they need to care for a child and so on and so forth. All of these sorts of things give practical effect to the need to balance work and family life. That is the sort of balance that women need, and a lack of that balance is the one thing that stops women being able to go back into the paid workforce. All of these measures are designed to ensure that we are helping women participate in the paid economy. We are building the economy and supporting women's participation in that economy.

Roads: regional and rural Victoria

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Roads and Ports. I refer to Australian Bureau of Statistics data which is based on VicRoads inputs and shows that the length of distressed roads in rural and regional Victoria has increased by 177 per cent in four years. I ask: why is the minister placing the lives of Victorian families at risk by allowing country Victorian roads to deteriorate to this chronic state?

Mr PALLAS (Minister for Roads and Ports) — I thank the Leader of The Nationals for his question. It is important for us to recognise that quite a substantial investment is being made within this state towards building roads throughout Victoria. We have 53 000 lane kilometres of road as part of the arterial road network, an amount that has grown by about 5 per cent since this government came to power. We have made substantial improvements to the arterial road network in country Victoria, not only through the $2.5 billion we have committed but also through the 1100 major road safety projects at a cost of $377 million.

But that is not all. When it comes to road safety, duplicated roads are safer roads, so the government is making an investment in improving major rural road projects right across Victoria. At this very moment we have 10 major road projects under way — $872 million worth of projects — and 11 projects that are in the process of being delivered at a cost of $437 million. We have delivered — completed — 50 projects totalling $1.2 billion.

There has been a reduction in the number of road fatalities overall in country Victoria. When those opposite were last in government the fatality rate per 100 000 country people — —

The SPEAKER — Order! I ask the minister not to debate the question.

Mr PALLAS — This government has overseen a reduction in the number of fatalities on country roads by 16 per cent per 100 000 road users. More than that, we have seen 69 lives effectively saved through the Arrive Alive strategy.

Many people have advocated for road safety, and the Leader of The Nationals is one of them. In May 1999 he did not draw a distinction between road safety in the context of country Victorians and Victorians generally.

Honourable members interjecting.

The SPEAKER — Order! I asked the minister not to debate the question.

Mr PALLAS — The road toll has continued to be reduced, which has meant we have effectively seen something like 45 lives saved on our roads since the Leader of The Nationals called the road toll an extraordinary achievement. The work goes on and the investment continues, and this government continues to make a commitment right throughout this state to ensure that we have the best possible roads available for all Victorians.

The Leader of The Nationals should bear in mind that a substantial proportion of the road network is not the arterial road network; it is in fact a network that is oversighted by local government. Might I also say that, as a consequence of funding by the previous conservative federal government, its share of total

commonwealth outlays have dropped from 1 per cent of total outlays to 0.76 per cent of total outlays.

Let me be clear: this government is undoing the damage, and we know that the federal government is joining with us to rectify the shortfalls that have been meted out on country Victoria by those opposite and the previous government in Canberra.

Skills training: government initiatives

Mr LANGDON (Ivanhoe) — My question is to the Minister for Skills and Workforce Participation. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house what the Brumby government is doing to boost investment in schools and to address skills shortages?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Ivanhoe for his question and for the great support he gives to skills training, particularly in the electorate of Ivanhoe. Like the member for Ivanhoe, all members of this government are very proud that from day one we have made education and training our no. 1 priority. There is no better evidence of this than the launch two weeks ago by the Premier and me of our new $316 million skills action plan Securing Jobs for Your Future. This $316 million plan is the single biggest investment ever that a government has made in Victoria's skills sector. This brings the additional investment that this Labor government has made in Victoria's training since 1999 to just under $1.5 billion.

Securing Jobs for Your Future is the most significant reform of Victoria's skills sector in decades. Once again we are also seeing how Victoria is leading the nation and delivering the right policies so that they are in place to secure future economic and jobs growth for Victoria and Victorians.

The Brumby government's new skills package will include the creation of more than 170 000 new training places in Victoria, and it also going to provide better access and more choices for individuals and businesses accessing the training system. In a landmark deal with our federal colleagues, Victoria is going to be the first state that is going to offer TAFE students the same access that university students have to a government loan scheme.

For the first time TAFE students in this state are going to be on an equal footing with students going to university. This is something that has been welcomed by TAFE students. To quote Box Hill TAFE Student Association president Luke Axelby, the majority of students would welcome the higher education contribution scheme option. Also, under this significant reform package, in an Australian first, we will see how this package will implement the Victorian training guarantee — a guarantee for all eligible Victorians to access to government-supported training. This groundbreaking initiative will ensure that all Victorians have the opportunity to get the skills they need to get the job they want. This is going to help Victorian businesses and industries as well. Not only will it help them get access to skilled workers, it will also in particular help them get the highly skilled workforce that they need to grow their businesses and compete in the global marketplace.

These are reforms have been widely welcomed. The Victorian Employers Chamber of Commerce and Industry has said:

> The Victorian government's skills reforms are a significant microeconomic reform that will help address the skills shortages that are holding back the state economy

We know that these reforms will also give a massive boost to our TAFE institutes, and this will see them remain as the pre-eminent provider of vocational education and training in Victoria.

This was also supported in an article which appeared in the Ballarat *Courier* under the heading 'TAFE given boost of $316 million'. I will not show the members on our side the clipping. The University of Ballarat's vice-chancellor is quoted in the article as having said:

> We think this is a bold reform package from the state government and one which seeks to position our TAFE system both nationally and internationally.

Regional Victorians are also big winners under this new skills plan, and this is something that the Victorian Farmers Federation also recognised. The VFF has said:

> … education would become more accessible.

It has also said:

> Being able to train people who are working on farms will give agriculture a stronger and more skilled workforce.

These reforms are vital to meet the challenges that this state faces and the challenges that we need to meet to continue to ensure that the Victorian economy continues to grow. We are tackling these challenges through this $316 million plan, and we are doing this in partnership with students, with training providers, with businesses and with industry.

We consulted widely on these reforms. Indeed we received submissions on our discussion paper from more than 150 individuals and organisations. But I must inform the house that there was one notable absence from the contribution to this policy debate. There was no submission — no surprise! — from people opposite, who do not stand for anything. They stand for nothing; they did not even bother to put in a submission to this significant reform package.

The Brumby government, though, is going to continue to work hard — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to debate the question. I suggest that the minister has been speaking for 5 minutes and should conclude her answer.

Ms ALLAN — This $316 million skills reform package is going to ensure that Victoria remains the best place to live, to work, to learn and to raise a family.

Mr Hulls — On a point of order, Speaker, I seek your guidance in relation to the first question that was asked by the Leader of the Opposition to the Premier in relation to, I think, ANZ Bank jobs losses and whether the Premier was alerted by ANZ in relation to these matters.

In relation to that question I refer you to the MPs register of interests, particularly section 3(d), which says:

> (d) A member shall make full disclosure to the Parliament of —
>
> (i) any direct pecuniary interest that he has;
>
> (ii) the name of any trade or professional organisation of which he is a member which has an interest;
>
> (iii) any other material interest whether of a pecuniary nature or not that he has —
>
> in or in relation to any matter upon which he speaks in the Parliament;

In the *Cumulative Summary of Returns* as at 30 September 2007 — and I well acknowledge that it is somewhat out of date, but nonetheless! — the Leader of the Opposition declared that he had ANZ shares.

My understanding of the Clerk's advice to members of Parliament is that they ought to declare an interest to Parliament at the time they speak on a matter on which they have an interest. It may well be that this is superfluous because since 2007 the Leader of the Opposition has sold his ANZ shares, but if not, Speaker, I seek your declaration as to whether there has been a breach of the Members of Parliament (Register of Interests) Act, and I ask you to investigate that.

The SPEAKER — Order! For the information of all members, the advice regarding the declaration of pecuniary interest relates to matters to do with legislation, not questions at question time. The time set aside for questions has expired.

Honourable members interjecting.

The SPEAKER — Order! I remind the members for Polwarth and South-West Coast that they have both been warned. The time set aside for questions has expired.

Mr Mulder interjected.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, the member for Polwarth is suspended from the chamber for the next 30 minutes.

Honourable member for Polwarth withdrew from chamber.

Mr K. Smith interjected.

The SPEAKER — Order! I ask the member for Bass to cease further interjection across the table as he departs the chamber.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte was warned during question time. To stand in the walkway in that bullying manner and call across the table is not acceptable.

ASSISTED REPRODUCTIVE TREATMENT BILL

Second reading

Debate resumed.

The SPEAKER — Order! The Attorney-General has the call to continue his second-reading speech.

Mr HULLS (Attorney-General) — I would now like to provide an overview of the parts of the bill.

Treatment procedures

ART is defined as a medical treatment or procedure that procures or attempts to procure pregnancy in a woman by means other than sexual intercourse. It is an offence for a person to carry out ART unless the person is a doctor performing the treatment on behalf of a registered ART provider, or a doctor performing artificial insemination.

The treatment eligibility provisions provide that a woman may undergo a treatment procedure if, in the woman's circumstances, she is unlikely to become pregnant, or carry a pregnancy, or give birth to a child, other than by a treatment procedure, or she is at risk of producing a child with a genetic abnormality or disease without a treatment procedure. There is no reference to the relationship status of the woman. This means that a woman without a male partner will be eligible for treatment.

A new provision has been added to the treatment eligibility requirements. A presumption against treatment applies to a woman when a criminal record check provided by the woman, or her partner, if any, shows charges have been proven for a sexual offence or convictions for a violent offence. The presumption also applies if a child protection order check reveals that a relevant order has been made to remove a child from the care of the woman or her partner. An ART clinic must not treat a woman to whom a presumption against treatment applies.

Where a presumption against treatment applies, or in circumstances where the ART clinic is concerned about a risk of abuse or neglect of the prospective child, the application for treatment may be considered by the newly established Patient Review Panel. I will outline the functions and the process of the Patient Review Panel shortly. The Patient Review Panel may decide, on reviewing the matter, there is no barrier to treatment, or no barrier if particular conditions are met, and the ART provider may then provide the treatment. If the Patient Review Panel decides that there is a barrier to treatment, the ART provider cannot treat the woman. The decision of the Patient Review Panel can be reviewed by VCAT.

The presumption against treatment provides a system whereby the background of persons seeking ART can be carefully investigated before treatment is provided. It establishes a fair, transparent and consistent process that enables a clinic to investigate concerns about risks to children on a case-by-case basis and according to identifiable and established risk factors.

Other established pre-treatment procedures for the woman and her partner, if any, and the donor continue to apply. These include provision of prescribed pre-treatment information, pre-treatment counselling conducted by ART counsellors and recording of informed consent. Consistent with the National Health and Medical Research Council's *Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research* (2007), donors will now explicitly provide consent for the maximum number of women by whom their gametes may be used in a treatment procedure.

The VLRC recommended that donors should not be permitted to specify the qualities or characteristics of the unknown recipients of their donated gametes or embryos. This is referred to as providing a directed donation. The NHMRC ethical guidelines require ART clinics to respect the wishes of gamete donors. The practice of gamete donation will be evaluated.

The VLRC noted that self-insemination is a highly personal matter and recommended that it be distinguished from other artificial insemination and that a woman, or friend or relative assisting with a self-insemination, not be subject to legal penalty. The bill clarifies that it is not an offence for a woman to carry out self-insemination using sperm from a donor or for the woman's partner, or a relative or friend of the woman assisting the woman, to carry out the self-insemination.

Patient Review Panel

The bill provides for the establishment of a Patient Review Panel, a statewide panel appointed by the Minister for Health, with the primary role being to determine particular applications for ART. These applications include:

where a presumption against treatment applies to one or both of the prospective parents, or where the doctor or counsellor in the clinic is concerned that there may be a risk of abuse or neglect of the prospective child to be born through ART;

applications for surrogacy arrangements or to use the gametes of a deceased person;

applications for ART that fall outside the standard eligibility requirements, such as using ART to create a saviour sibling to provide compatible tissue for an existing child or relative who is seriously ill; and

determine periods of storage for gametes and embryos, when the maximum storage time has been met or when there is a dispute about the storage.

The Patient Review Panel will consist of five members, with the chairperson and deputy chairperson participating in each hearing and three other members appointed by the chairperson, from a list of Governor in Council-appointed persons. The three members will be chosen on the basis of their expertise in relation to the matters to be heard by the panel and will always include a person with expertise in child protection matters.

Within 14 days after hearing the application the Patient Review Panel must give written reasons for its decisions. All decisions of the panel are reviewable by VCAT.

This panel provides for an expert mechanism for complex decision making that is independent of the operation of any ART provider. A single panel will ensure the consistency of decision making and if the decision is to exclude a person from treatment, then that decision is subject to independent administrative review.

Offences

Continuing offences

The ART bill continues its ban on prohibited procedures. These include:

1. sex selection except where this is to prevent transmission of a severe genetic abnormality;

2. treatment procedures where the genetic material from more than two people is used; and

3. the conduct of any destructive research on ART embryos created for treatment purposes.

Use of gametes from a child

Also included within the bill are the requirements attaching to the circumstances under which a gamete may be obtained from a child. The current regulations provide that this is not an offence if a doctor certifies there is a reasonable risk that the child will become infertile before becoming an adult. The bill elevates this matter into the legislation and adds the extra requirement that gametes obtained from a child may only be used in a treatment procedure involving the child once the child becomes an adult — not for research and not for donation to another person and not at all if the child subsequently dies. This is consistent with the purpose of obtaining the gamete in the first place which was to preserve the fertility of that child.

Limiting the number of families from one donor

This bill elevates a current condition of licence into legislation and creates a new offence for an ART provider to carry out a treatment procedure using gametes or an embryo formed from gametes produced by a donor if the person knows the treatment procedure may result in more than 10 women having children who are genetic siblings. This includes the donor and any current or former partner of the donor. This provision is important from both the perspective of the child to be born who may have to negotiate relationships with siblings and half-siblings in many other families and the donor who may be sought out by his or her donor-conceived offspring. It aims to limit the pool of people who are closely related to each other and the bewilderment that donor-conceived persons experience in trying to come to grips with multiple genetically linked siblings in a number of different families. This provision will be monitored by the Victorian Assisted Reproductive Treatment Authority (VARTA), the renamed Infertility Treatment Authority.

No offence will apply, however, where an ART clinic provides treatment to create a genetic sibling for the children in one of those families already created.

Storage

This bill includes a provision which limits the ART provider to storing embryos for a period of five years with the consent of both persons who provided the gametes which formed the embryo, or a lesser period as defined in their consents. There is provision to extend this period for a further five years with the consent of both parties who provided the gametes. This provision is consistent with the NHMRC ethical guidelines, which state it is not desirable to leave embryos in storage indefinitely.

The bill provides for extension of storage past this time upon the approval of the Patient Review Panel. Also, where there is a dispute between the persons whose gametes formed the embryo about how long it should be stored, the Patient Review Panel will determine whether it should continue to remain in storage or not.

Surrogacy

While altruistic surrogacy is currently legal in Victoria, the law applies to surrogate mothers as if they are women seeking treatment on their own behalf. This means that the surrogate must be unlikely to become pregnant to have treatment, or if she is to gestate an embryo produced by the commissioning couple, both the surrogate and her partner must be infertile. In

addition, the surrogate mother is presumed to be the legal mother of any child born.

The bill removes the requirement that the surrogate mother must be unlikely to become pregnant or be able to carry a pregnancy. Instead, the commissioning parent or couple must be unlikely to become pregnant, be able to carry a pregnancy or give birth.

All parties involved in any surrogacy arrangement, including the surrogate mother and her partner, if any, will be subject to the standard access to treatment process and must provide a police check and consent to a child protection check. This is because the surrogate mother will carry the child during the pregnancy and may have some role in the parenting of the child.

The bill will provide protections for the woman commissioned to become a surrogate mother, for the child to be born and the commissioning parents.

The bill provides that the Patient Review Panel must approve all surrogate arrangements. In considering the approval, the panel must give consideration to a number of facts: the surrogate mother must be at least 25 years of age, and with her partner, if any, have undertaken prescribed counselling and received prescribed information including information about the legal consequences of entering the surrogacy arrangement. These prescribed matters will be included in regulations to be made after this bill has passed.

The minimum age restriction for a woman to act as a surrogate mother is included to remove the capacity for very young women to be approached to participate in such an arrangement and to reduce the risk of coercion. No limitation is placed on the surrogate mother using her own egg as part of the treatment procedures, though she must be specifically counselled in relation to issues arising from relinquishing a child to whom she is genetically related. The Patient Review Panel will need to ensure that these matters have been addressed before approving the surrogacy arrangement. After counselling and information provision is completed the counsellor must prepare a report for the consideration of the Patient Review Panel before treatment may commence.

Surrogacy will be available regardless of a person's marital or relationship status or sexual orientation.

While surrogacy will remain altruistic in Victoria, the bill provides that the costs actually incurred by the surrogate mother in participating in a surrogacy arrangement may be reimbursed. These costs will be prescribed in regulations. Commercial surrogacy will be a prohibited offence.

Posthumous use of gametes

The current legislation is inconsistent in relation to the conduct of treatment procedures where the person who has provided the gametes has died. For example, gametes of a deceased man may not be used in an insemination procedure, but the embryo created by the gametes produced by this man may be implanted. Further it is possible under other legislation (Human Tissue Act) to retrieve gametes from a person who has died, without them providing prior consent to do this.

The potential impact on a child who is born in the circumstances of posthumous use of gametes or embryos must be the highest consideration. The bill, therefore, proposes a number of stringent controls:

First, the person must have consented to the use of their gametes and this use may only be by the deceased person's partner in the context of a pre-existing relationship. In all cases, applications for posthumous use are to be approved by the Patient Review Panel, and a woman receiving the gamete or embryo created from the gamete of a person who has died must receive counselling in the prescribed matters. Before approving such use the Patient Review Panel must have regard to any research on outcomes for a child conceived after the death of one of the child's parents.

In the case where a woman has consented to an ART provider using her egg posthumously, her male partner may use it to create an embryo for use in a surrogacy arrangement, only if approved by the Patient Review Panel.

Records and access to information

Victoria was the first jurisdiction in the country to recognise and address the needs of donor-conceived persons to have access to information regarding their genetic heritage. The 1984 and 1995 acts required that prescribed information in relation to treatment procedures using donor gametes be recorded on a central register. This register was established and maintained by the Department of Health under the 1984 act and the Infertility Treatment Authority under the 1995 legislation. The authority has been diligent in ensuring the accuracy and completeness of the information on the registers and their commitment and assistance in ensuring the smooth transfer of the registers to births, deaths and marriages is much appreciated.

All Australian ART providers are required as a condition of the Reproductive Technology Accreditation Committee (RTAC) registration to maintain a comprehensive register of information

within the clinic regarding treatment procedures, donors, recipients and the outcomes of treatment procedures, including pregnancies and births of children.

A 2001 amendment to the 1995 legislation established the voluntary register, which records information about donors and donor-conceived children who voluntarily submit their information and any wishes in relation to contact. The voluntary register is the only vehicle available to persons conceived with gametes donated before 1 July 1988 to exchange information with donors who were permitted to remain anonymous before this date.

The VLRC recommended moving the management of the central and voluntary registers to a service with specialist expertise in information management. This bill provides that the registrar of births, deaths and marriages will be responsible for these registers. Counselling associated with applications to the registers will be provided by Adoption Family Records Services or by ART clinic counsellors. This expands the number of counsellors available to provide the counselling, thus providing greater choice and access.

The movement of responsibility for the registers to the registrar of births, deaths and marriages is consistent with government policy of, wherever possible, centralising records that relate to parentage with one agency. The registry has extensive expertise in data collection and records management. In this way, any person seeking information about their identity will approach births, deaths and marriages thus normalising the process for donor-conceived persons and separating their genetic identity from the treatments received by their parents.

Both ART providers and doctors performing artificial insemination services will be obliged to submit the prescribed information to the registrar annually. This information includes births resulting from treatment procedures. As all birth registrations are already recorded by the registry this will allow data to be matched internally, thus resulting in further efficiencies in the management of the central register and enhanced protection of privacy for those persons named in the registers.

The donor registers play an important role in capturing information for the benefit of donor-conceived persons. For persons who donated gametes before 1 January 1998, information may only be released from the registers in line with their wishes. Since the current legislation took effect on 1 January 1998, donors have not been permitted to be anonymous. This is very important in meeting the needs of donor-conceived persons to know about their genetic history. This bill enhances the current system of access to information by enabling a donor-conceived child to obtain information about their donor before the child turns 18 years of age, if assessed by an ART counsellor as being sufficiently mature. Women who self-inseminate have an avenue to record the details of the sperm donor on the registers. This will enable those children born of a self-insemination procedure to gain information about their genetic background.

Deemed registration

The government is committed to reducing regulatory duplication and the burdens imposed on Victorian businesses.

Currently ART in Victoria is highly regulated. All ART clinics must:

be registered as a private hospital or day procedure centre under the Victorian Health Services Act 1988;

be accredited by the Reproductive Technology Accreditation Committee of the Fertility Society of Australia (RTAC) and the Australian Council on Healthcare Standards;

comply with NHMRC ethical guidelines, which I have referred to several times; and

have laboratory facilities which must be accredited by the National Association of Testing Authorities.

The bill before the house seeks to reduce regulatory burden on ART providers where appropriate.

The current situation of applying separately to the authority for a licence to operate will no longer apply. ART clinics wishing to provide treatments will need to submit proof of RTAC accreditation status to achieve deemed registration from the authority. If RTAC accreditation is lost or withdrawn, then deemed registration ceases. Deemed registration has been provided for within new NSW legislation — Assisted Reproductive Technology Act 2007 — and is consistent with ART practice across Australia.

The authority will retain the power to impose conditions on the registration or suspend operation of the registered ART provider where it is of the opinion that there is an overriding public interest to do so.

A regulated clinic system offers important safeguards both for persons participating in treatment (medical screening and registration of donor details; mandatory

pre-treatment counselling for all parties) and the children who may be born of treatment (assessment of parental risk factors; access to records providing genetic history; access to counselling as an adult).

VARTA

The Infertility Treatment Authority will be renamed the Victorian Assisted Reproductive Treatment Authority (VARTA). The new authority will take on a more focused role that expands its responsibility for community consultation and community education on matters relevant to assisted reproductive treatments. This will include the continued development of resources that support parents who have children born through the use of donated gametes to tell their children of their genetic origins. It will also include information resources for people who use self-insemination to conceive.

VARTA will continue to regulate the import or export of donated gametes, or embryos formed from donated gametes to ensure protections for the child to be born. This includes ensuring the gametes or embryos will be used in a way that is consistent with the Victorian legislation and that prescribed information about the donor and the child arising from the ART treatment is provided to the central register.

VARTA will also have an expanded role in promoting research into the causes and prevention of infertility. Explicit provision has been made in the bill for the release of information from the registers maintained by births, deaths and marriages to VARTA so that it may continue to meet its reporting and research functions as prescribed by the bill.

Status of Children Act amendments

The Status of Children Act 1974 abolished the previous law that children born outside marriage were illegitimate and unable to inherit from their parents. The act was subsequently amended to include a new part II which outlines the status of children born through donor-conception procedures.

The bill adds three new parts to the Status of Children Act to clarify the status of children born as a result of the use of donated gametes. The first contains provisions in relation to the status of children born to women with a female partner or without a male partner. The next establishes a scheme to transfer the parentage of children from a surrogate mother to the commissioning parents in surrogacy arrangements and the third part clarifies the status of children born through the posthumous use of gametes.

Status of children born to women with a female partner or without a male partner

Recognition of female partner of woman who gives birth

Part II of the Status of Children Act currently provides that a married or heterosexual de facto couple who have a child through ART are the legal parents of the child, even if the child was conceived with the use of donor sperm or eggs.

The Status of Children Act does not currently contain any provisions that recognise a woman as the legal parent of a child born to her female partner. The woman's female partner can seek a parenting order in the Family Court of Australia but this will only give her limited rights and responsibilities in respect of the child. The Family Court cannot order that the woman be recognised as the child's legal parent.

This creates legal, practical and social difficulties. The non-birth mother cannot be named on the child's birth certificate. If the non-birth mother dies without a will, any children born to her female partner are not automatically entitled to a share of her estate even if she has been responsible for their care. Non-birth mothers cannot always consent to medical treatment for the child. This lack of recognition may diminish the non-birth mother's role as a parent in the eyes of the community, create uncertainty within their families and means that children raised in these families do not have the legal protections available to other children.

The Status of Children Act will now provide that the woman who gives birth is presumed to be the mother of any child born as a result of the pregnancy. Her partner will be presumed to be a legal parent of any child born as a result of the pregnancy if she and the woman who gave birth were living together as a couple on a genuine domestic basis when the woman underwent the procedure as a result of which she became pregnant. She must have consented to the procedure as a result of which her partner became pregnant. The consent of the woman's partner is presumed but rebuttable.

The presumption will apply whether or not the woman conceived the child with the assistance of an ART clinic. If the woman conceived the child with clinic assistance, the signed consent form required will be clear evidence that the non-birth mother consented to the treatment procedure. If she conceived the child without clinic assistance, evidence that the non-birth mother consented could be provided in different ways, including registration as a parent of the child on the register of births.

The presumption will apply retrospectively to children born in Victoria to a woman with a female partner before the act commenced. The retrospective operation of these provisions will not affect the vesting in possession or in interest of any property that occurred before the commencement of the act.

This is consistent with the approach to these matters in the past. When the presumption that applies to the non-biological parent of a donor-conceived child born to a heterosexual couple was introduced in 1984, it applied in respect of all children born before the commencement of the new provisions.

These new provisions will mean that the female partners of women who give birth are treated no differently to the male partners of women who give birth using ART for the purpose of Victorian law. However, the presumption in favour of female partners will not be directly recognised for the purposes of federal law, in particular the Child Support (Assessment) Act 1989. This is because the definition of parent in that act does not recognise the statutory recognition of non-birth mothers in any state legislation. I am hopeful that the commonwealth government will consider these reforms shortly. The Standing Committee of Attorneys-General has asked the commonwealth to consider amending section 60H of the Family Law Act 1975 to allow children of same-sex relationships to be recognised as a child of the relationship for the purposes of the section.

Consequential amendments will be made to other Victorian legislation in a subsequent bill to recognise that children may have two parents of the same sex.

Status of donor

Currently, the Status of Children Act is clear that a person who donates sperm or eggs to a married or de facto heterosexual couple is presumed not to be a parent of the child. The donor's parental status is extinguished.

However, the status of a donor whose sperm is used to help a woman without a male partner conceive is unclear in the current Status of Children Act. Section 10F currently provides that where a man donates sperm to a woman without a male partner he has no rights and incurs no liabilities in respect of any child born to that woman but is silent as to whether he is the child's father. The current legislation does not extinguish the donor's parental status.

This leads to confusion and uncertainty for donors, recipients and their families.

The bill rectifies this situation by repealing current section 10F of the Status of Children Act. The bill includes new provisions to clarify that a man who produces semen used by a woman without a male partner is presumed for all purposes not to be the father of any child born as a result of the pregnancy, whether or not the man is known to the woman or her female partner.

Similarly, the bill provides that if a woman with a female partner uses a donor ovum to conceive a child, the woman who produced the ovum is presumed not to be the mother of any child born as a result of the pregnancy.

These changes are an important complement to the changes to the eligibility criteria in the ART act. They reflect the realities of Victorian families and ensure that the best interests of the child are protected, regardless of their family structure. Children, donors and their parents will have security in their relationships and entitlements under Victorian law.

Status of children born through surrogacy arrangements

The bill adds a new part to the Status of Children Act in relation to the status of children born through surrogacy arrangements.

Currently in Victoria, a surrogate mother and her partner are the legal parents of a child born through a surrogacy arrangement, even if the child is living with the commissioning parents.

This leads to problems. The people who care for the child do not have legal responsibility and do not have many of the powers necessary to make decisions for the benefit of the child. For example, the commissioning parents cannot obtain a passport without the surrogate mother's consent. A surrogate mother and her partner, but not the commissioning parents, can claim social security and taxation allowances.

The commissioning parents could apply to the Family Court for a parenting order but this only gives limited parenting responsibilities. The Family Court cannot confer full legal parental status on the commissioning parents.

The new part introduces a scheme to transfer parentage in surrogacy arrangements similar to those operating in the ACT and the UK.

Commissioning parents will be able to apply to the Supreme or County Court for a substitute parentage order which will transfer legal parentage from the

surrogate mother and her partner (if she has one) to the commissioning parents. The court must be satisfied of various matters before making a substitute parentage order. These include that the order is in the best interests of the child, the surrogate mother received no material advantage as a result of the arrangement, the child is living with the commissioning parents at the time of the application and the surrogate mother freely consents to the making of the order.

The bill provides that the court must consider whether the surrogate mother's partner at the time of conception consents to the making of the substitute parentage order. The consent of the surrogate mother to the order is critical, but in some exceptional circumstances as outlined in the bill, the court may dispense with the requirement that the surrogate mother must consent to the making of the order, including where the applicants cannot find the surrogate mother or if she has died.

The court will be able to make substitute parentage orders retrospectively if certain criteria are met including that the commissioning parents are ordinarily resident in Victoria. These provisions will allow people who had children through surrogacy before the act commences to apply to be the child's legal parents.

Once the order has been made, a new birth certificate will be issued showing the commissioning parents as the parents of the child.

These new provisions represent a considered and sensible approach to the transfer of parentage in surrogacy arrangements. It ensures that the best interests of the child, the surrogate mother and the commissioning parents are considered and protected.

Status of children born through the posthumous use of gametes

The bill inserts a new part to clarify the status of children born through the posthumous use of gametes and complements the new provisions in the ART act which clarify Victoria's laws in this area.

The new provisions in the Status of Children Act provide that where the gametes of a deceased person are used posthumously, the deceased person will be named on the child's birth certificate but the child will not be regarded as the child of the deceased for any other purpose under Victorian law, in particular in relation to the laws of succession. This will allow recognition of the deceased as the child's parent, in accordance with their express consent. It will also provide certainty in the administration of estates. This is particularly important because it could be some years after a person's death that their gametes are used to conceive a child.

A person will be able to make provision for a posthumously conceived child in his or her will. If no such disposition is made, the child should have no claim to the deceased's estate. Counsellors at the ART providers will advise people contemplating using their gametes posthumously to seek legal advice about making appropriate provision for any children conceived posthumously in their wills.

Births, Deaths and Marriages Registration Act

Amendments are made to the Births, Deaths and Marriages Registration Act to reflect changes to the ART and status of children legislation. As I have already mentioned, registers containing information about donors in ART which are currently held by the Infertility Treatment Authority will be transferred to the Registry of Births, Deaths and Marriages and managed by it. The securities and privacy provisions applied to adoption records which are retained by the registry will also be attached to the donor registers. Access to such information will only be available to eligible parties such as the child and his/her parents.

Provision is also made for the registry to release information from the donor registers to the Adoption and Family Records Service for the purpose of counselling the children born as a result of ART and their families.

Provision is made for same-sex couples to be recorded on the birth certificate of their donor-conceived child. The woman who gave birth will be named 'mother' and her partner will appear as 'parent'. In addition provision is made for the retrospective amendment of birth certificates to capture information about the female partner of a woman who has given birth.

Consequential amendments will be made to the Births, Deaths and Marriages Act to allow for the original birth certificates recording a child's surrogate mother to be released to relevant parties after a substitute parentage order has been made.

Birth certificates issued to children born as a result of donor conception or surrogacy will be identical to the certificates issued to any other child. However by maintaining details of donors and surrogate mothers at the registry, a child will be able to access information about his/her biological origins when they are sufficiently mature and prepared.

Conclusion

The revision of the law in this area has been a major task. Monitoring and controlling the provision of ART is challenged by rapid technological change and diversity of community opinion. Such law making involves making choices and balancing the interests of children born as a result of such procedures, women who undergo the procedures, donors, doctors engaged in treatment procedures and the expectations of the general community.

Assisted reproductive treatment facilitates the conception of children in circumstances which, not long ago, were unimaginable. It is time for the law to be modernised to reflect the current social realities, in much the same way as the law was reformed in the 1970s to recognise the parentage of 'illegitimate' children. Allowing equal access to ART services regardless of relationship status and sexual orientation will contribute to making Victoria a fairer place to live. Legal recognition of social parenting arrangements will strengthen families and provide equal protections for all Victorian children.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 24 September.

COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL

Second reading

Debate resumed from 20 August; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Courts Legislation Amendment (Costs Court and Other Matters) Bill is a bill to establish what is referred to as a Costs Court within the Supreme Court with the capacity to decide matters regarding the assessment of legal costs. Legal costs, as many members will know, can become an issue, firstly, when there has been litigation and an order of the court has been made awarding costs against one party and in favour of another party, and secondly, when there is a dispute between a solicitor and a client about the amount of the costs that are payable. There may be some other miscellaneous circumstances as well.

The bill proposes to establish a Costs Court to deal with a wide range of costs issues, certainly covering those two principal instances that I referred to. The proposal is to establish what is referred to as a Costs Court as part of the trial division of the Supreme Court. It will give the Costs Court jurisdiction to hear and determine the assessment, settling, taxation or review of costs not only in the Supreme Court but also in the County Court, the Magistrates Court and the Victorian Civil and Administrative Tribunal where that is required by any act, rule or order of a court or tribunal or where there is an entitlement to costs but the amount of those costs has not been fixed by the court or by VCAT. The bill will also require the Costs Court to hear and determine reviews of a law firm's legal costs in circumstances where a client or a third party is liable to pay those costs and requires that a review be undertaken.

The bill will require the Chief Justice of Victoria to allocate an associate judge to be known as the costs judge and will also allow the chief justice to allocate additional associate judges as other costs judges. The bill also provides for costs registrars, appeals against decisions and the transfer of files to the Costs Court in relation to any assessment of costs that the Costs Court is undertaking. The bill provides for the making of rules, and it also changes various existing references to the taxing master, which is the office that up until now has had responsibility for various costs matters.

The bill also contains some additional provisions relating to associate judges, which is a topic that, as many honourable members will recall, this house dealt with not long ago. Those changes include allowing the making of regulations with retrospective effect back to the commencement of the associate judges legislation. Those amendments also provide for the clarification or confirmation of the pension entitlements of certain former court office-holders.

The bill requires that all costs matters in the County Court, the Magistrates Court and VCAT that were pending but not heard at the time of the commencement of the amendments are to be decided by the Costs Court in addition to unresolved costs matters in the Supreme Court itself.

Furthermore the bill expands the membership of the Legal Costs Committee, which was created under the Legal Profession Act 2004. That committee has the role of setting the scale of fees which law firms are entitled to charge their clients in non-litigious matters. The membership of that committee will be expanded to include the chief judge, the chief magistrate and the president of VCAT or their respective nominees.

Last but certainly not least, the bill empowers the Attorney-General to direct the Legal Services Board to pay an amount out of the Public Purpose Fund each year to the Legal Costs Committee and to the Costs Court for the purpose of each of them carrying out their respective functions.

The issue of the establishment of a Costs Court is one that has been on the public agenda for some time. It is one that has been raised by the Law Institute of Victoria, amongst others. The argument in favour of establishing a Costs Court is that there is a single, centralised and specialist body devoted to the task of carrying out assessments of legal costs, and that involves avoiding a multiplicity of different costs assessment functions in each of the respective jurisdictions. You will not, for example, need to have separate registrars or other officials in the County Court, in the Magistrates Court and in VCAT carrying out assessments of costs in relation to those particular jurisdictions, and there is a deal of merit in that.

There are two aspects of this centralisation process provided for by the bill that are worth remarking on. The first is that it is not clear whether it is going to be obligatory for other jurisdictions to refer all of their costing matters to the Costs Court on an ongoing basis or whether they are going to retain some capacity to undertake assessments of costs for themselves if they see fit.

I mentioned earlier that costing matters that were unresolved at the commencement of the proposed legislation will be, by virtue of the legislation itself, transferred to the Costs Court, but it appears to me from a reading of the bill that in the future there will remain within the discretion of each jurisdiction to undertake within its own parameters the assessment of costs in matters, if that is what it decides to do.

There are competing arguments about that consideration. You can say on the one hand that it undermines the strength and advantages of having a single jurisdiction if individual jurisdictions still have the capacity to go their own way, but on the other hand if individual jurisdictions do have some remaining capacity to handle costs determination themselves in respect of their own matters then that will keep the Costs Court on its toes. It will no longer be entirely a monopoly service provider to the other jurisdictions, and if it fails to provide the service it should and the service that the court and its users — that is, litigants in other courts and in the Victorian Civil and Administrative Tribunal — are entitled to expect, there is another way of having these matters dealt with.

On balance we are inclined to think that that is the better way to go, that there is benefit in the potential for competition by comparison and potential for these other jurisdictions to still do some or all of their costs matters in house if they are not getting the service they are entitled to expect from this new Costs Court. Of course we hope that the Costs Court will be successful and that the economies of scale and expertise and other advantages will mean that the other jurisdictions will in fact be very pleased and probably relieved to be able to refer their cost matters to the Costs Court, but that safety mechanism will remain.

The other observation I would make in relation to the way the Costs Court is established by the bill is that it is a furtherance of what you might call an upward escalation of titles that the Attorney-General has been undertaking under the associate judges legislation, to be having the head of the Costs Court designated as a costs judge, just as indeed it was to have what were formerly referred to as masters now designated as associate judges. I expressed some reservations from this side of the house about the choice and use of titles in relation to the creation of associate judges, and I express a similar point here — that the person who will be entitled to be known in future as the costs judge is the person who in effect has previously held the office known as the taxing master. That person has fulfilled a very important and valuable role in the court system but has not to date been regarded as a judge, whereas now and in the future they will be designated as a judge.

This has the potential to cause some confusion and potentially adverse consequences in future because it will be creating this suggestion that the Costs Court judge is someone who has a similar status, capacity and functions as what is now known as a judge of the court. There may well be good arguments for changing the title ‘taxing master’, although you could also pose the question, ‘If something is not broken, why try to fix it?’. However, I express some concern about the status that this bill and the associate judges bill are purporting to confer.

In a way, a similar point applies to the describing of this function as a Costs Court rather than as a function within the trial division of the Supreme Court. That is not to say of course that we do not have the utmost respect for the very important role that the people who take on positions within this body perform, because the fair, accurate and timely and efficient assessment of legal costs is an important element of the dispensing of justice. It is well known and much regretted going back hundreds of years that legal costs can very rapidly mount up in the course of litigation, indeed even to the point where the amount of money involved in the

question of who pays the costs ends up being greater than the amount that was originally in dispute.

That can operate and has operated to the benefit of lawyers, but for the rest of the community it is a cost that the community wants to minimise in the extent to which costs need to be paid. Because costs are properly being incurred there needs to be an efficient and effective mechanism for the assessment of those costs, because one does not want to add to the cost by virtue of the cost of assessing the costs that have previously been incurred. So the people who take on this function perform a very valuable role in the public interest, and we hope that they will perform their role well to the public benefit.

There are some other aspects of the bill that cause us concern, and in one case in particular very considerable concern. I refer to the fact that there are amendments following on from the legislation we previously passed relating to associate judges, which are amendments to try to fix up some of the flaws in that legislation previously brought to the Parliament by the Attorney-General. One provision deals with an omission from the original legislation. Clause 22 inserts the following provision:

> (4) If an office of Associate Judge becomes vacant, the Governor in Council may appoint another Associate Judge to act in that office.

This was an issue about which opposition members raised some specific questions with the officers of the department who briefed us, seeking an assurance and confirmation that what this provision refers to is the designation of a person who already holds an appointment as an associate judge to hold another office which an associate judge is capable of holding. In other words, it is not the appointment of a person who is not an associate judge in an acting capacity to the role of associate judge; it is the assignment of a person who is already an associate judge to an office such as costs judge or registrar of the Court of Appeal.

We were given that assurance. We were pleased to receive that assurance, because as many members will know, the issue of the way the Attorney-General is seeking to debase the independence of the judiciary through the appointment of acting judges has been the subject of considerable controversy in recent times, and we would not like to see an attempt to extend the powers that he has already procured for himself in that regard.

The other amendments relating to associate judges are contained in clauses 23 and 24 of the bill. As I referred to earlier, the regulation-making power in clause 23 provides for regulations to have retrospective effect to the day on which the Courts Legislation Amendment (Associate Judges) Act received royal assent. Clearly the government omitted this regulation-making power in the original bill and is now seeking to provide for that power with retrospective effect.

It is also interesting to note, particularly given the fact that the Attorney-General talks long and loud about the so-called virtues of his Charter of Human Rights and Responsibilities, that proposed section 142A(3) to be inserted into the Supreme Court Act 1986 says:

> Regulations under this section have effect despite anything to the contrary in any act (other than this act, the Charter of Human Rights and Responsibilities Act 2006 or the Courts Legislation Amendment (Associate Judges) Act 2008) or in any subordinate instrument.

Already he is seeking to override other legislation and is recognising that there are potential charter issues raised by these regulations.

Clause 24 contains a range of other miscellaneous provisions on transitional matters relating to associate judges, including clarifying certain pension rights.

Last but definitely not least, I turn to a provision that causes the opposition considerable concern — that is, an amendment to the Legal Profession Act 2004 which proposes to give the Attorney-General the power to direct the Legal Services Board to pay amounts out of the Public Purpose Fund to the Legal Costs Committee and to the proposed Costs Court for the purpose of them carrying out their functions.

This causes members of the opposition great concern because it is yet another raid by the government on a fund that was initially set up for a specific and dedicated public purpose. It is a raid to seize some of the funds that were supposed to be set aside for those public purposes and to divert them to meeting the general expenses of government. We have seen it previously in relation to various real estate agent moneys. We have seen it in relation to the Community Support Fund that was created by the Kennett government and which is increasingly being diverted from special projects towards the general running costs of government.

We are seeing it again with this bill. The Attorney-General is using these moneys out of the Public Purpose Fund to pay for part of the court system and to pay for the whole of the Legal Services Committee's functions, which up until now have been paid for by government. The thought that part of the core operation of the courts, which up until now has been funded through the budget in the normal means,

should now be funded through this raid on the Public Purpose Fund is anathema.

The Public Purpose Fund was set up for a range of purposes. After meeting the costs of the regulation of the legal profession itself, the surplus funds were supposed to be used for matters such as legal aid, law reform, legal research and other purposes relating to the legal profession. They were not supposed to be used for meeting the core functions of government. The net result of the Attorney-General raiding the Public Purpose Fund in the way that is being done under this bill is that there is going to be less money available out of the Public Purpose Fund for all of those various purposes and, certainly not least of all, less money available for legal aid.

I do not need to remind honourable members that there is always a very strong demand for legal aid funds. Victoria Legal Aid performs its duties with very limited resources and the amount of litigation that can be funded from legal aid is very confined. Victoria Legal Aid has to impose very stringent means tests even in those cases that it does fund in order to try to make the limited funds that are available to it go as far as possible.

We have heard the Attorney-General on other occasions berating the previous Victorian government and the previous federal government about alleged lack of support for legal aid. We have heard the Attorney-General waxing eloquent about access to justice, his reform agenda, legal statements and other reforms designed to improve access to justice. And yet this very same Attorney-General, through this bill, is going to diminish the funds that are available for legal aid. He is going to grab hold of a slice of the funds that would otherwise be available for legal aid and divert those funds to meet court running costs that have to date been paid for by the government itself.

What I would very much like the Attorney-General to do is to tell this house and the public how it is that this provision came to be in the bill before us. Was it his bright idea? Or was it something that was imposed on him by Treasury? Was he rolled in cabinet and had this provision imposed upon him by the Treasurer? Or was he simply casting around within his own department to look for ways to make up some of the shortfalls and overcome some of the strains that have been imposed on the departmental budget by the enormous growth in bureaucracy that has taken place under his administration or by the enormous strains on the resources of his department that have been created by the introduction of the Charter of Human Rights and Responsibilities?

I referred in this house yesterday to the huge increase of 30 lawyers in the Victorian Government Solicitor's Office that the Victorian Government Solicitor was boasting about as being a result of the Charter of Human Rights and Responsibilities. That increase in lawyers in the Victorian Government Solicitor's Office is likely to be the tip of the iceberg because every department is under strain to put on additional bureaucratic resources to cope with the demands of the charter and to put more lawyers on their in-house staff and to seek further external legal advice. I would expect the Department of Justice would be under a particular strain because other departments would be looking at it and saying, 'How on earth can we comply with these charter obligations? What on earth do these charter obligations mean, and what do you want us to do?'. The Department of Justice would have had to put a lot of additional people onto the payroll just to deal with this function, which is contributing little, if anything, to the improvement of human rights but is proving a huge drain on the taxpayer.

Perhaps it was this that led the Attorney-General to say he could ease some of that pressure by raiding the Public Purpose Fund to free up some money from the courts budget and divert it to these other ends. I doubt if we will ever get an explanation from the Attorney-General as to what the true reasons are for these amendments, so we will have to draw our own conclusions. Whatever those conclusions may be, the proposal remains just as bad. The fund that was set up for legal aid, legal research, law reform and other specific public purposes should not be diverted into paying and supplementing the general running costs of government. This side of the house will oppose the proposal in clause 15 of the bill. We always hope the government will see the light and agree with our opposition to that clause and agree to its deletion.

If the government does so agree we will be pleased to support the remainder of the bill. If the government insists on clause 15 of the bill we will reluctantly be forced to oppose the bill as a whole, because we believe this is an important matter of principle and the government should not be allowed to undertake that raid on the Public Purpose Fund — both on the merits of the issue itself and because this forms part of a continuing trend of the current government to be raiding special purpose funds and diverting them towards the general purposes of government.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008. This side of politics is absolutely committed to modernising and reforming our justice system. With

this Attorney-General we have seen that every year he has held that position. This bill is another example of that.

This bill is designed to create greater efficiencies in our courts and in the Victorian Civil and Administrative Tribunal (VCAT). This bill includes time savings and more consistency and uniformity around the way costs are taxed. It also involves greater clarity in resolving costs disputes. Following the Attorney-General's referral of the issue to Crown counsel and Crown counsel's subsequent review, finalised in 2007, we have developed this model of a single Costs Court.

The bill will also assist in unifying our courts and creating a more integrated court system, which is a key theme in the forthcoming Department of Justice statement to be released in the near future. Along with the Victorian Costs Court the revamp of the Legal Costs Committee will allow for advice on alternative cost structures and inconsistencies in cost scales.

These initiatives are important steps in tackling the costs demon. It is anticipated that the new Victorian Costs Court will assist in reducing costs through time savings and more certainty and uniformity in procedures. The Costs Court model in the legislation is the first of its kind in Australia. Our problem-solving and therapeutic approaches, our interest in alternative dispute resolution, judicial education and emphasis on judicial case management, our quality judicial appointments and our law reforms, including the creation of current jurisdictions, contribute to a modern, flexible, efficient and responsive court system. That is what we on this side of the house stand for.

The reform train has well and truly left the station in Victoria and everyone should get on board. I am extremely disappointed in following the member for Box Hill, who unfortunately meandered around components of the bill that are not central to it. At the end of his contribution he indicated that the opposition will not support the bill and referred to clause 15. Everyone in this place knows that if a member has a difficulty with a particular part of the bill he has the opportunity to propose a reasoned amendment. I do not understand why the member for Box Hill did not take that opportunity. The opposition is not committed to reform, but we on this side of the house certainly are.

An article by Alex Boxsell in the *Australian Financial Review* of 22 August entitled 'Victoria considers costs arbiter' states:

> The Victorian government is seeking to form a specialist Costs Court as the sole venue to determine costs disputes between lawyers and their clients in an effort to increase court efficiency and improve consistency across jurisdictions.
>
> Legislation … if passed, will create Australia's first Costs Court …

The article is very supportive of this initiative.

It continues:

> Law Institute of Victoria president Tony Burke said the court would increase efficiency and assist in reducing costs complaints against lawyers, while magistrates would be freed from the burden of taxing costs.
>
> 'Instead of having people multitasking they would have specialists doing the work, and that's likely to lead to consistency and better outcomes', he said. 'It would make for a more businesslike, predictable and specialised approach and that's what people look for when they are choosing forums in which to pursue commercial litigation'.

It is quite obvious that the legal profession in this state, the leading advocates of that in the Law Institute of Victoria, are very much on board the reform train. It is a shame that the opposition is not so doing as well.

The bill completes the legislative implementation of the recommendation in the Crown counsel's report to the Attorney-General in relation to the Office of Master and Costs Office of March 2007. The Courts Legislation Amendment (Association Judges) Act, as people in this place would recall, was passed in May 2008. Also the Attorney-General commissioned a review of the Office of Master and Costs Office in 2005.

An issues paper was prepared by Crown counsel Dr John Lynch, published in May 2006 and circulated to each of the courts, the Victorian Civil and Administrative Tribunal, the Law Institute of Victoria, and the Victorian Bar Council; and it was published on the Department of Justice website. There was strong support by the courts, VCAT and major legal stakeholders for the proposal to establish a single costs office. Generally it was agreed that a single costs office would facilitate the application of uniform principles of taxation costs across all jurisdictions. If this bill is passed Victoria will be the first jurisdiction to implement this system, but there is an example in the UK where this model is functioning well.

In conclusion, this is another piece of progressive legislation by a very progressive and forward-looking Attorney-General. I wish the bill a speedy passage.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

MEDICAL RESEARCH INSTITUTES REPEAL BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The ACTING SPEAKER (Ms Munt) — Order! The Speaker has examined the Medical Research Institutes Repeal Bill and is of the opinion that it is a private bill.

Ms PIKE (Minister for Education) — I move:

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Debate resumed from 20 August; motion of Ms ALLAN (Minister for Regional and Rural Development).

Mrs FYFFE (Evelyn) — I am pleased to speak on the Medical Research Institutes Repeal Bill, which calls for the repeal of the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988; and for the transfer to new bodies of all property, rights, liabilities and staff of the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research.

The Baker Medical Research Institute Act 1980 was enacted to establish a body corporate known as the Baker Medical Research Institute. The Prince Henry's Institute of Medical Research Act 1988 was enacted to establish a body corporate known as the Prince Henry's Institute of Medical Research. Both acts are to be repealed and all property, rights, liabilities and staff to be transferred to new companies limited by guarantee and incorporated under the Corporations Act 2001.

Baker IDI Heart and Diabetes Institute Holdings Ltd, ACN 131 762 948, and Prince Henry's Institute of Medical Research, ACN 132 025 024, have been registered with the Australian Securities and Investments Commission for that purpose. The Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 are the last two remaining Victorian acts governing medical research institutes.

Being incorporated under their own acts, as opposed to incorporation under Corporations Law, provides no apparent advantage for the institutes in pursuit of their operational research or commercial activities. The Medical Research Institutes Repeal Bill will assist in reducing regulatory burden in Victoria and facilitate the continued operations of the institutes in the fields of medical research. The Baker Medical Research Institute and the Prince Henry's Institute of Medical Research have been fully consulted and are supportive of the repeals.

The Baker Medical Research Institute can trace its history back to 1926, when qualified pharmacist, Thomas Baker, made a large donation to the Alfred hospital for the building of a biochemistry laboratory. Its first grant was £20 500. Under the wills of Thomas and Alice Baker and Eleanor Shaw a trust was set up to underwrite the research work of the institute, which by 1974 had received nearly $4 million.

In 1975 the institute began to focus solely on cardiovascular research. The institute has affiliations with the Alfred hospital and Monash University. The Baker IDI Heart and Diabetes Institute was established following a merger of the Baker Heart Research Institute and the International Diabetes Institute. They share a joint commitment to combating obesity and its main complications, diabetes and cardiovascular disease, which are two diseases considered to be in epidemic proportions among Western populations. The merger will allow the institute to open new facilities that will develop methods for early detection of individuals at risk of the diabetic and cardiovascular complications of obesity. The merger will also allow the new institute to house a new metabolic laboratory to develop and evaluate the most effective lifestyle intervention strategies and to develop and evaluate the most effective drug therapies for obesity, type-2 diabetes and cardiovascular disease when lifestyle interventions fail.

The merger will allow the Baker Medical Research Institute to continue the outstanding work of its unit in Alice Springs, which exists to reduce the appalling rates of premature mortality in Aboriginal communities. The Baker Medical Research Institute's research encompasses molecular and cellular biology, basic research, community education and disease prevention, clinical services, research into life-saving and life-enhancing activities, therapies and the training of the next generation of scientists.

The Prince Henry's Institute of Medical Research has been a significant contributor to world health for over 30 years. Its work has a global impact and concentrates on endocrinology — the study of hormones and their effect on all body functions, health and disease. It is also one of the few major research institutes that combines basic and clinical research. Following the

closure of Prince Henry's Hospital in South Melbourne, the hospital's research division became a separate entity following incorporation under its own act of Parliament in May 1988, and is now known as the Prince Henry's institute. Facilities were transferred to Monash Medical Centre to enable integration of the institute into the Southern Health Care Network, which is now Southern Health. The institute is staffed by over 100 scientists, who are acknowledged internationally as leaders in their field, and is recognised by the World Health Organisation as a WHO-collaborating centre for research in human reproduction. Research by this institute has contributed significantly to solving health disorders related to male and female infertility, breast and ovarian cancer, cardiovascular disease, obesity, diabetes, complications of menopause, high blood pressure, stress and tumours of the pituitary gland.

The research programs for diabetes and kidney disease also need to be highlighted. The Baker Medical Research Institute's merger with the International Diabetes Institute has increased the emphasis on diabetes research. Ongoing research projects, many conducted in collaboration with pharmaceutical companies, include the study of a new application of the hormone endothelin, which constricts blood vessels in diabetic kidney disease. The laboratory has conducted research into the controversial notion of reducing cholesterol and the incidence of artherosclerosis, which is the accumulation of fatty deposits in the blood vessels, by boosting cow's milk with a specific oil. Their findings of the effects on disease were unremarkable; however, their work will add to the body of information on this topic and encourage researchers to pursue new avenues of possibility to increase knowledge on the matter. Research is now under way and conducted in collaboration with the Australian Centre for Blood Diseases that will look at the relationship between changes in platelets manufactured in the bone marrow and associated with the blood's ability to clot.

The study of vascular pharmacology also needs highlighting. What these institutes are doing is amazing. This study involves examining the relationship between blood vessels and cardiovascular disease, and in particular the innermost layer of blood vessels known as the endothelium. Jaye Chin-Dusting from the vascular pharmacology laboratory has built on the discovery more than 25 years ago that the endothelium is not a passive barrier but rather a very active structure that separates the blood from the muscle. From this starting point the vascular pharmacology team has investigated cellular mechanisms in a range of cardiovascular diseases. It was the work of this laboratory that established a new form of treatment for people with cirrhosis or scarring of the liver. This laboratory was the first to look at the role of nitric oxide in patient groups, which was responsible for lower blood pressure and other complications for cirrhotic patients.

Work on the study of ovarian cancer at the institute also needs to be highlighted. It is projected that over 1500 women across Australia will be diagnosed with ovarian cancer in 2008. Most women affected are only diagnosed at a late stage, with the disease being well advanced, meaning that treatment options are limited. On average one woman in Australia dies every 10 hours from ovarian cancer — a frightening figure. Researchers at the Prince Henry's institute in Melbourne have already developed a blood test for the detection of specific forms of ovarian cancer in post-menopausal women. A major goal of their work is to discover new markers for the early detection of ovarian cancer in women of all ages. This present focus is generously supported by the Ovarian Cancer Research Foundation and has enabled a state-of-the-art facility to be set up at the Prince Henry's institute. I think all of us here wish those scientists good luck as they do this very important research to try to reduce the incidence of and the fatalities caused by this terrible cancer.

Endometriosis is also being researched at the Prince Henry's institute in Melbourne, in collaboration with the Monash IVF unit. Scientists have studied the structure of proteins in the tissue to identify new biological markers of the disease which can cause infertility in about 30 per cent of cases. This is very relevant and very topical, because today we have second readings of bills coming into this place to deal with infertility and its various forms and aspects and dealing with such matters as who is entitled to infertility treatment and who is not. I am advised that a lot of infertility issues are caused by this endometriosis. Perhaps along the way, maybe in the very near future, we will be able to reduce its incidence. Using an analytical technique called mass spectrometry, researchers have identified 60 proteins that are expressed at lower levels in the tissue. The research is at an early stage, but it does provide encouragement that it may enable the development of new diagnostic tools, or even better, therapeutic approaches to the disease.

Like all businesses — and this is a business — the issue of funding takes up a lot of time. I would like to highlight where the funding comes from. Funding for the Prince Henry's Institute of Medical Research comes from a number of different sources. Some 42 per cent is derived from Australian government grants; 10 per cent

is derived from Victorian government grants; 11 per cent from Australian grants and fellowships; 13 per cent from overseas grants and fellowships; 1 per cent from commercial contracts; 4 per cent from transfers from other institutions; 3 per cent from private donations; and 6 per cent from other revenue. The total income for the Prince Henry's institute was $11.5 million for the financial year ending 30 June 2007.

As a snapshot comparison, the institute's expenditure is $11.2 million — a budget tightrope that is carefully balanced and managed. Fifty per cent of the institute's income is absorbed by research staff salaries; 17 per cent is for scientific-related consumables and expenses; 7 per cent is for research support services; 12 per cent for administration; 2 per cent for public relations; 3 per cent for occupancy and repairs; and 5 per cent for depreciation.

I could not find a breakdown of funding for the Baker Medical Research Institute to compare this with, but from looking at its reports I would say it also walks a very tight budget tightrope in balancing expenditure with income.

The quality of these research institutes is recognised nationally, as is evidenced by the fact that in 2007 the National Health and Medical Research Council awarded the Baker Heart Research Institute $196 254 and the Prince Henry's Institute of Medical Research $85 492. These funds are awarded as a result of competitive peer review processes, and only the best science, the best health research, is funded. In this process no consideration is given to distributing funding proportionally across the states. It is not like most grants, where this state gets so much percentage, and this other state gets so much percentage; it is allocated very much on the basis of the work that will be undertaken. In 2008 Victoria topped the list for funding allocations, indicating the quality of the research projects that our research institutes are undertaking. Victoria received $249 660 760, with New South Wales being its closest rival for funding. In 2008 the Baker Heart Research Institute was awarded over $14 million in funding, while the Prince Henry's Institute of Medical Research received $6 million.

The competition for funding is tough and based on many factors, as is highlighted by the case of Tracey Wickham's daughter Hannah, who passed away last year at the age of 19 from a rare form of cancer called sarcoma. About 1000 Australians a year between the ages of 12 and 25 are diagnosed with sarcoma, and only 50 per cent survive. Supporters of sarcoma research are frustrated because it is a rare form of cancer and much of the research funding goes into things like breast cancer, prostate cancer and colon cancer. It is understandable that those diseases receive more funding as they have a higher incidence, but the continual fight for funding is something that all research institutes have to cope with.

On 5 March 2008 the Minister for Sport, Recreation and Youth Affairs announced a $500 000 funding boost for Victorian Olympians, which went towards airfares, accommodation, uniforms, food and transport. This is on top of the $1 million Project Beijing initiative for the Victorian Institute of Sport to deliver a range of projects in the lead-up to the Beijing Olympic Games. Of course the Olympic Games are important and a lot of people enjoy them, but it is time we also started talking about funding boosts for our champion medical researchers. Prime Minister Kevin Rudd suggested that the federal government would look at following the British model of using the lottery system to fund sports programs. The government is funding a large slab of investment in community-level sports, school sports and indigenous sports, yet there is no discussion of any additional funding being directed towards medical research, which is surely far more important than a gold medal tally at the Olympics.

In May this year Prime Minister Rudd forced the CSIRO into cutting around 100 jobs due to reductions in science research funding. The effect of this decision is the demoralisation of researchers, many of whom will be driven offshore in search of countries that take research more seriously. We are bleeding talent because of inadequate funding. Governments cannot just expect the accolades when our scientists make breakthroughs; they must also provide adequate funding.

Under the previous Kennett state government medical research was highlighted. Early in 1999 the Kennett government committed $310 million to knowledge and innovation creation programs to drive Victorian businesses into the new millennium. This was the largest single allocation of funding ever invested in the state's science, engineering and technology sector. The Alfred medical research and education precinct was made possible through this funding, an excellent initiative of the Kennett government.

One issue regarding medical research is the commercialisation of the results of the research. The ability of research institutes to translate their laboratory findings into benefits for patients hinges on the commercialisation of research activities. A hierarchy of principles informs the way the Baker IDI Heart and Diabetes Institute enters into technology transfer initiatives, and these are considered in every

commercialisation venture. They include the generation of new ideas that are applied and taken up in the commercial world in a way which ensures they are used to improve health, the mitigation of risk associated with commercialisation pursuits, the attraction of funding to support basic research and development at the institute, the profit from the commercialisation of technology developed at the institute being directly returned to support future research, and the provision of an appropriate level of personal reward and incentive to individual researchers involved in the development of new technologies.

Before I finish, I highlight how research will affect my own electorate. On 1 August this year the long-anticipated super-clinic — Yarra Ranges Health — opened in Lilydale offering a range of specialist day, rehabilitation and outreach services. Eastern Health regional manager, Robyn Trebilco, said that while there was much discussion about the decision to remove dialysis from the services provided by the clinic, the organisation's studies found that more people were in need of oncology services. The super-clinic has six oncology chairs, which will help prevent the need for people to travel to the Box Hill Hospital or the William Angliss Hospital for treatment.

In an online article in *WA Today* of 17 August Melbourne research scientists were praised for having developed a drug that could mark an end to dialysis. This drug has the potential to rival Ian Frazer's cervical cancer vaccine in putting Australia on the map of medical discoveries. The drug, FT-11, has generated such international excitement that the US government has pledged up to $3 million to accelerate the drug to market. I campaigned for dialysis services to be offered by the Lilydale super-clinic, but I was unsuccessful in that attempt, although eight chairs will be provided by Maroondah Hospital as a result of the campaign. In lieu of the dialysis service at the Lilydale super-clinic, this government must be eagerly awaiting the next budget, as I am sure it wants to provide additional funding for such a worthwhile project as research into the treatment of diabetes. I am happy to support the bill and I commend it to the house.

Mr STENSHOLT (Burwood) — I rise to support the Medical Research Institutes Repeal Bill, and I should advise the house at the outset that I am a member of the board of the Prince Henry's Institute of Medical Research appointed by the Minister for Health. The bill seeks to repeal the two remaining Victorian acts governing medical research institutes in this state and transfer all property, rights, liabilities and staff of the two institutes to new entities independent of government. This is a path we have travelled down before. It will not have a material effect on the operations of either the Baker Heart Research Institute or Prince Henry's Institute of Medical Research. Repealing the acts under which these otherwise independent medical research institutes are governed will have the immediate effect of facilitating a voluntary merger of the Baker Heart Research Institute and the International Diabetes Institute, forming the Baker IDI Heart and Diabetes Institute. The merger of these institutes to form a strong research corpus should have a very high priority. This would have been a good opportunity for Prince Henry's to do a similar thing. That is not possible, but hopefully independent status will enable the vigorous pursuit of such opportunities in order to enhance the research corpus.

We have been quite successful in Victoria in developing our research corpus. I am sure members would realise that we are one of only three cities around the world to have two universities — Monash University and the University of Melbourne — named in the top 20 of biomedical rankings. The other cities are Boston and London. There are very strong links between these two universities and the various independent medical research institutes we have in Melbourne. I remember quite vividly several years ago going to a dinner for biomedical researchers. They had a dinner in Brisbane, a dinner in Sydney and one in Melbourne. Probably 60 per cent of the researchers were in Melbourne, about 25 per cent were in Brisbane and the rest were in Sydney, so Melbourne was clearly the centre for biomedical research in Australia. We should be very proud of that, because these institutes are very closely involved in the development of Victoria's medical research base and build on our leadership in biomedicine.

The government is a very strong supporter of medical research in biomedicine. Since 2000 the Bracks and Brumby governments have invested over $750 million in one-off infrastructure projects for medical research. Our government also provides $50 million in ongoing annual funding for medical research. The Baker and Prince Henry's institutes get operational infrastructure support to the value of $25.7 million and will receive support into the future notwithstanding the outcome of this bill.

This funding, particularly for operational infrastructure, supports these institutes so they can secure the lion's share of national medical research grants. We got 43 per cent of the National Health and Medical Research Council funding in 2007, which was $226 million of the $520 million available. There are virtuous circles going on here. We provide the support to the institutes and make sure they are strong, and the

institutes then get research grants, not just from Australia but also from overseas.

Our support for medical research is highlighted by our 2006 Healthy Futures life sciences statement, which invested $230 million in our state's medical research and life sciences sectors. It included $50 million for the expansion of Victoria's premier medical research institute, the Walter and Eliza Hall Institute for Medical Research, creating an institute to rival the world's best. There was $53 million to develop one of the world's largest neurosciences mental health centres, integrating four leading institutes.

Going back to my point about the Baker institute, you integrate to form a strong corpus and become a leading institute in the world. There was also $35 million to maintain Victoria's leadership in stem cell research by creating a new Australian Regenerative Medicine Institute in partnership with Monash University. Another $16 million went to facilitating the merger of the Austin Research Institute and the Burnet Institute to create a new Victorian super-institute for infectious diseases.

There was also $9.2 million for new research infrastructure at Austin Health to ensure that the research institutes and groups in the Austin Biomedical Alliance were able to maintain their research. I could go on with a lot more grants, including $15 million for a new Victorian Cancer Agency, $11 million to establish the Australian Cancer Grid project, $10 million to create new e-research centres and $1 million to support an industry partnership to establish a new bioprocessing facility in Victoria.

This leverages significant additional funding from non-state government sources, meaning that as a whole $713 million is being invested towards important projects and infrastructure that will support our scientists into the future.

There is more this year. The innovation statement, *Innovation — Victoria's Future*, which was released recently, continues our strong record of investment and support of the state's biomedical research capabilities. The goals of the statement are to make sure we are healthy as the population ages, sustainable as our climate changes, and productive in a highly competitive global economy, which we need to pay a lot of attention to. How much is this statement investing? There is $300 million in new innovation-related initiatives, including $50 million towards a $100 million project at the University of Melbourne to build the world's largest supercomputing facility and a program dedicated to life sciences. The statement also includes $20 million to implement a Biotechnology Bridges program linking us with the $3 billion California Institute for Regenerative Medicine.

In addition we have committed $145 million to build on the achievements of two previous generations of science and technology innovation initiatives through the Victorian Science Agenda, which includes funds for projects which will be determined on a competitive basis. I am sure these new institutes will have a great interest in competing for those funds.

These are two great institutes, and the previous speaker, the member for Evelyn, has already given the house a picture of what these institutes do. There are marvellous researchers at Prince Henry's, which has a reputation for excellence in the field of endocrinology — the study of hormones. There has been some marvellous work done by Professor Evan Simpson, Professor Jock Findlay and Professor Henry Burger. They are legends in their own lifetimes in the fields in which they work. I am pleased to see there are some young scientists coming along at these institutes — for example, PhD student Natalie Hannan was the only Australian of 20 researchers worldwide to earn a place in the Frontiers in Reproduction Training program in Massachusetts, in the United States of America.

Some marvellous achievements have been made by these research institutes in, for example, breast cancer. I went to a presentation recently by the researchers at Prince Henry's who are working on new treatments for breast cancer which block oestrogen in the breast while still allowing oestrogen action in other important parts of the body such as the brain and bones. They are also doing work on ovarian cancer, fertility and contraception, including testing of male contraceptives. They have done research and discovered molecules which are critical factors in embryo implantation. I will not go into great detail, but the Baker institute has done similar work, which has already been described, in diabetes.

I remember quite a number of years ago Professor Paul Zimmet and Professor Linnane doing some work on diabetes in the South Pacific which was supported by the federal government. John Funder was director of the Baker institute from 1990 to 2001. All these people seem to be officers of the Order of Australia as well. They are very famous researchers, as are Professor Garry Jennings, Paul Nestel and Murray Esler, as well as young scientists also at the Baker institute.

This is an excellent bill which will ensure the independent future of these institutes. It shows great

leadership by the Victorian government in support of Victorian biomedicine in our medical research institutes. We have led legislative reform in this regard in areas such as stem cells and venture capital support pioneering work. This bill furthers this work with regard to the Baker and Prince Henry's medical institutes, and I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Medical Research Institutes Repeal Bill 2008. The main purpose of this bill is to repeal the Baker Medical Research Institute Act 1980 and provide for the transfer to Baker IDI Heart and Diabetes Institute Holdings Ltd of all property, rights, liabilities and staff of the Baker Medical Research Institute; and to repeal the Prince Henry's Institute of Medical Research Act 1988 and provide for the transfer to Prince Henry's Institute of Medical Research of all property, rights, liabilities and staff of the Prince Henry's Institute of Medical Research.

It is true that Victoria needs to decide on its priorities in innovation and key areas of strength. This is something that I think this government has failed to do. Both the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research are well respected and have national and international reputations for their pre-eminent research in their respective areas. But having institutes is not enough. The government needs to establish an environment that will ensure research in this state will continue to receive world recognition. This is vital if we want to maintain our living standards in this state. Unfortunately, this Victorian government has dropped the ball. It has now become more interested in spin than in substance. Victoria is in danger of being referred to as the idle state unless something is done quickly and immediately.

The first point that I wish to make is that a successful Australian research and innovation sector is important to maintain our standard of living. Therefore any change to legislation that enables research in this state to grow should be commended. Research not only provides the fundamental platform for a robust and growing economy, but also delivers increasing levels of quality of life and health. You cannot predict with certainty what the next wave of scientific and technological progress will be until it is almost upon you. Already the new frontier has moved from information technology to biomedical technology. Further down the track nanotechnology has enormous potential, although the current hysteria around this technology may still be a little premature or speculative.

The second point is that the Australian science and technology sectors are facing a myriad of pressures and threats. It has not necessarily been an easy time for Australian and Victorian science-based companies. Competition is truly international, whether it is competition for capital, competition for staff or competition for markets. Victoria has excellent assets in the field of research and biotechnology. We have excellent universities and research facilities such as the Baker institute. However, the pace of global development and change in this field is rapid, and competition is fierce. America alone has nearly 1400 biotechnology companies which employ 174 000 people. America spends $24 billion on research into biotechnology. Can we say today that Melbourne, for instance, ranks with other global research centres such as Boston and Cambridge?

If Victoria and indeed every other state is to survive in a competitive, globalised world, we have to work harder and smarter, with each state capitalising on its strengths while working as one nation. Duplication, unnecessary competition and poaching must end. States must complement, not duplicate, each other's work. The relationships between state and federal governments must be improved and strengthened. This is the only way to ensure we develop a national innovation map to assist in designing a strategic plan for the future.

There also needs to be close collaboration and linkages between the different participants in the innovation value chain. What is disheartening is that so many academics, research institutions and companies have no idea where and how to collaborate. There are many programs, but few are talking to each other, and this leads to confusion and uncertainty. Inventors are afraid that their ideas will be stolen while institutions look at the bottom line to see whether they should cooperate.

Exchange of information is two way, and very few successful innovations can be achieved without collaboration. Cluster theory and practical examples show that the value of collaboration far exceeds any risks of intellectual property leakage. So a closer working relationship needs to be established between the states, the commonwealth and research institutions if Victoria is to continue to lead the other states. Unfortunately, at the present moment this is not occurring. A simple solution is for the state governments to sit down with the federal government to work out their shared strengths and advantages.

Each state needs to work out what its niche market is or, more correctly, the states need to allow their researchers to discover and develop their niches. Unfortunately, this has not happened under this

government and this Minister for Innovation. I think the Minister for Innovation is happy to travel and there is nothing wrong with going overseas. But the minister seems to travel overseas for photo opportunities — he has recently been over to the United States and was happy to have a photo taken with Arnie — but once he returned he was not able to come into the Parliament and advise us what his plans for the future are.

So while this bill attempts to reduce the burden on research institutes in Victoria, more needs to be done. While this is the catch phrase of this government — there is always more to be done — one has to remember that it has been in government for nine long and dark years. Nine years of missed opportunities. Initially when the government was elected in 1999 it had no minister for innovation and no minister for information technology. It has taken the government nine years and yet we are still waiting for a great plan for the next 10 to 20 years.

As I said, the bill repeals the Baker Medical Research Institute Act and the Prince Henry's Institute of Medical Research Act, and transfers all the property and staff to the new institutes. Both research institutes become public corporations and are brought into line with the Corporations Act 2001. The Baker institute merges with the Heart and Diabetes Institute.

Previously the Parliament supported a similar bill for Howard Florey Institute and while I support this legislation I call upon this government to do more. I call upon it to sit down with the other states and with the federal government to work out a plan, to work out what Victoria is good at and to work together as one nation. Often, representatives from each state go overseas and try to encourage investment in their states, but they are speaking as separate states. They should be speaking as one nation, each state with its own strengths. That is where the government has failed. That is where this minister has failed. There is no plan, there is no vision for 2020, 2030 or 2040. All the minister can think of is the 2010 election. Unfortunately this is short sighted and of no benefit to Victoria in ensuring that we maintain our living standards in the years to come.

I support this legislation but I urge the minister and the government to do more. I urge the minister to come up with a plan for the future to ensure that Victoria, once again, leads the other states in innovation.

Mr HERBERT (Eltham) — It is a pleasure to speak on this bill after the member for Bulleen. I felt sorry for him whilst he was making his contribution because it must be hard for an opposition to try and drag up anti-government sentiment or to score points when it knows full well, as everyone else in this country does, that Victoria leads the way and has led the way for quite some time as the state that is at the pinnacle of medical and biomedical research in this country — in fact, in the whole of the Southern Hemisphere. It is a small state which is leading the way against huge nations with millions more people than Victoria and far more research facilities and which is doing it in a smart, efficient manner.

As I said, I forgive the member for Bulleen for his rather feeble criticism of the government, because I guess there is not much you can say in the face of overwhelming evidence of what is clearly a well-thought-out and well-researched plan to bring Victoria to the pinnacle of research.

This bill repeals the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988. It is part of the government's commitment to regulatory reform and more efficient government. As I said, it is not just about money, it is not just about programs and policies, it is about being smart and making sure that our regulatory and legislative program will really facilitate good research outcomes.

The Baker Medical Research Institute and the Prince Henry's Institute of Medical Research will continue as new corporate entities established under the Corporations Act 2001. As I said, the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 are to be repealed. All property rights and liabilities held and staff employed by those institutes are to be transferred to new companies limited by a guarantee incorporated under the Corporations Act 2001, and they will be the successors of those institutes.

Importantly, while this is a technical piece of legislation, a lot of the staff involved might have some concern about their future. This bill preserves the entitlements of employees transferred from the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research to the new bodies, so staff need not fear for their superannuation or other entitlements when the transfer happens.

This is a simple bill, but it is part of an overarching program that puts us at the forefront of medical research. That is important because the issues that these world-class institutes deal with are at the centre of many of the health problems that are facing this state and this country. They are at the centre of a multimillion-dollar expenditure of taxpayer funds on

health care. Whether that be heart care, or diabetes in particular, if we can develop good research outcomes, if we can get new products, and if we can reduce the incidence of these debilitating illnesses, that research will have paid off well.

The bill will not materially affect the operations of either the Baker Medical Research Institute or the Prince Henry's Institute of Medical Research. That is pretty important. They are doing a great job as it is, and we want to make them do an even better job rather than in any way impact on the research they do. Repealing the acts will have the immediate effect of facilitating the voluntary merger of the Baker Medical Research Institute with the International Diabetes Institute, forming the Baker IDI Heart and Diabetes Institute.

The development of this new institute will result in expanded research and clinical capacity which will focus on serious problems such as obesity, diabetes and heart disease, the big three diseases that are impacting so much on so many people's lives in this country and across the entire Western world. The new institute will further bolster Victoria's medical research base and build on our already strong Australian leadership in biomedicine. I am told that both institutes have been consulted on this bill and are very supportive.

The merger with the International Diabetes Institute is a great thing. Last year I did a substantial diabetes health campaign in my electorate, and I must say that it was an eye-opener to see just how many people at a local level suffer from diabetes. We probably all know the statistics: 1.5 million people in Australia suffer from diabetes, and half of them are not tested, but when you open up the issue to the community the number of people who come forward with tales of how diabetes has impacted on their lives is really quite astounding.

It is important research, and we should be able to do something to eliminate the disease and make people better. We can be quite callous nowadays in looking at these sorts of illnesses and saying 'Well, they happen; they are a product of fast food, a product of this century'. But the proper attitude should be how we have looked at other diseases in times past — for example, eliminating cholera and eliminating some of the major diseases that have impacted on earlier civilisations. I hope that the amalgamation proposed by this bill will go some way towards achieving that aim.

The member for Bulleen said there was no plan. There is a comprehensive plan, and it fits within the government's plan that it has been articulating for several years. It is a plan that looks at legislation and regulation, it is a plan that funds important and critical infrastructure, it is a plan that puts in place programs that support our researchers, it is a plan that works with the current federal government to make sure we can leverage larger sums of money from the federal government to multiply the impact of the funding that we put in, and it is a plan that basically positions Victoria where it should be.

We are a smart state. We are a highly intensive and specialised manufacturing state; we do not have huge agrarian industries like the others. We are the smart state of Australia, and that is why we are the medical research and biomedical and bioscience centre. Our plan positions us to get more of that funding, to get a lot more philanthropic money and to attract international funds both from private industry and other bodies into Victoria, and it is a plan that is clearly working. It is a plan that has made us a driving force in research in these areas.

It is worth spending a bit of time discussing some of the aspects of that plan — a plan that has seen something like $750 million spent on one-off infrastructure projects for medical research facilities since 2000. I noticed the Minister for Education was nodding her head at the mention of that substantial investment that she, in a previous life, played a large part in, and she is to be congratulated on that investment in medical research and biomedicine.

The $750 million of course goes with a $50 million annual investment in ongoing medical research from the state government, not from the federal government. Some $50 million annually goes into our medical research institutes. It is a plan that has been substantially supplemented recently by the announcement of the Healthy Futures program that will see a $50 million investment to support the expansion of the Walter and Eliza Hall Institute of Medical Research. That will create an institute that will rival the world's best. Forget California and forget a lot of the European countries, here in Victoria we will have the world's best medical research institute.

The government's plan is one that sees $53 million to develop neurosciences and maternal health centres. It is a plan that sees $35 million to keep us in the lead and at the absolute cutting edge of stem cell research. It is a plan that sees $16 million — I notice the member for Ivanhoe is in the house — to merge the Austin Research Institute and the Burnett Institute to create Victoria's super-institute for infectious diseases at the Alfred medical research and education precinct. The list goes on.

This bill is a fairly simple bill, but it is one that fits in with the major investments that we have made and the major plan we have for making sure Victoria leads not just Australia but also the world in research. It is part of our plan to ensure that we have world-best infrastructure to support world-best science and research. It is a bill that I think should be supported as part of the government's plan to place Victoria at the leading edge of science.

Mr WELLS (Scoresby) — I rise to speak on the Medical Research Institutes Repeal Bill 2008, and I will be giving a shorter version of my contribution than I anticipated. I will not go into the specifics of the bill as they have already been dealt with by previous speakers, but I will speak from a Treasury and financial perspective.

Firstly, all property, rights and liabilities held by and staff employed by the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research respectively are to be transferred to newly created companies — the Baker IDI Heart and Diabetes Institute Holdings Ltd and the Prince Henry's Institute of Medical Research — that are limited by guarantee and incorporated under the Corporations Act 2001. The existing corporate bodies will cease to exist, and their statutory authority will be repealed.

Secondly, the financial accounts of the former bodies are to be prepared and managed by the new bodies, and the requirements of the Corporations Law will fully apply to both bodies from the commencement date of 1 January 2009.

Thirdly, existing employees and students undertaking studies at the former institutes will not be affected. Existing terms, conditions, recognition of service and entitlements will be carried across to the newly incorporated bodies.

Fourthly, it is my understanding that the bill will alleviate a currently significant administrative burden on Prince Henry's Institute of Medical Research. Under the Financial Management Act 1994 Prince Henry's is currently required to prepare a report on its operations and must also prepare a report for the Auditor-General. The financial report is to be tabled in Parliament before 31 October. Prince Henry's is also required to provide mid-year and end-of-year financial reports to the finance minister.

Fifthly, the bill will provide both new companies with greater autonomy and place them on a more equal footing from an operational, financial and managerial perspective with other private and public sector medical and scientific research organisations which have not been restricted by the regulatory requirements of direct statutory governance. It is my understanding that under their new corporate structures both institutes should retain the same taxation status, operating as not-for-profit organisations.

Lastly, the bill also completes the final step in acknowledging the recent amalgamation of the Baker Heart Research Institute with the International Diabetes Institute. The government has stated that the bill is furthering efforts to reduce regulatory burden in Victoria.

In closing, I again acknowledge the outstanding contribution that Victoria's medical research institutes have made over many years to improving health outcomes not just in Victoria but in Australia and all over the world, and I reiterate the opposition's support for the bill.

Debate adjourned on motion of Ms NEVILLE (Minister for Mental Health).

Debate adjourned until later this day.

ABORTION LAW REFORM BILL

Second reading

Debate resumed from 9 September; motion of Ms MORAND (Minister for Women's Affairs).

Amendments circulated by Ms KAIROUZ (Kororoit) pursuant to standing orders.

Amendment circulated by Mr THOMPSON (Sandringham) pursuant to standing orders.

Substituted amendments circulated by Mr STENSHOLT (Burwood) pursuant to standing orders.

Substituted amendments circulated by Ms CAMPBELL (Pascoe Vale) pursuant to standing orders.

Mr McINTOSH (Kew) — I wish to make a very brief contribution in relation to this bill. I said in discussion about the government business program, and I say again, that debate in relation to this bill represents a significant milestone in the time I have been a member of Parliament. In my view this has been one of the most mature and rational debates I have had the privilege of being able to participate in. In the course of the debate many members have articulated very clearly their own views on both sides of the argument, and it

now falls to me to articulate my views in relation to this bill.

I should say that I take a rather jurisprudential view of this bill. One of the things that troubles me is that the law in our legal system has always been about protecting life, and while there are exceptions to the preservation of life, of course, they are accepted as part of the body of the law. Indeed when you get to the most heinous of offences, murder, that can be justified on a number of levels. We have examples where people can take up arms in defence of their country or alternatively in defence of themselves or others and kill another human being and it does not amount to murder. But there is still an underlying fabric in our criminal law that talks about preserving life.

I listened to some very interesting contributions in this place, and one I took on board was the one made by the Leader of The Nationals. He identified quite clearly something that I have articulated previously as well, which is that a foetus has a specific relationship in the law, and the relationship between a woman and a foetus is protected under Victorian law in a number of different ways. I do not propose to go into the same degree of detail as he did, but I note that the Accident Compensation Act — and I was present when that act was passed here — provides an exemption from the cap of damages in relation to the injury that may be occasioned to a woman by the loss of a foetus. Likewise under the Crimes Act we have a provision designed to protect a foetus and preserve life.

A fundamental premise upon which we have to operate is that notion of protecting life, but we do make an exception that is manifested in the so-called Menhennitt ruling. Over a number of years the Menhennitt ruling has provided to me as a politician a great defence. When you are asked about abortion law reform you talk about the Menhennitt ruling in support of your position. I had the privilege as a young man of meeting Cliff Menhennitt, and I think he would find it quite perverse that his decision, made nearly 40 years ago, forms a fundamental defence to me as a politician — a defence that is rattled out and which has reached its use-by date.

My preferred option in relation to abortion law reform here in Victoria would be to preserve the notion of life, to protect a foetus as completely as we possibly could and to provide a codified defence which could update the Menhennitt ruling for a modern world. I would go so far as to say that in many respects and for a large part of the duration of a pregnancy I would be quite happy to accept the proposal that is being set out in model C, which is that it is a matter entirely for a woman to decide when it is necessary and that consent, as long as it was informed consent, would then provide the absolute defence to any sort of notion of committing a crime under the Crimes Act.

I dislike the term ‘abortion’ being in the Crimes Act, and whether it was an amalgam of the offence against child destruction or otherwise, it certainly needs to be overhauled. I also understand in order that women are provided with the dignity of control over their own bodies and the preservation of their own wellbeing, and for a variety of other reasons, they should be entitled to make that choice. The problem I have is, again, whether it should be a justification for or a defence to a criminal act. The criminal law, as I said briefly in relation to murder, provides a number of defences where it is permissible to take life. Likewise I think there would be a position in relation to the criminal law where the taking of a life in these circumstances was permissible — it is long overdue for an overhaul.

The real problem I have had to grapple with in relation to this debate is whether I should marry my personal views with the intent of the bill in front of me. Should I accept something that I think is second best? Should I reject it on the basis that it is second best and indeed run the risk that we could be taken back a number of years in relation to abortion reform? Abortion law needs to be reformed. Whether or not this is the right reform is the key issue for me. There are significant tensions in relation to all of this. If this bill does not pass it may put abortion law reform on the backburner for a number of years.

I would like to thank all of those people, not only in this place but also outside, who have made a contribution to my making up my mind. Certainly I thank deeply the large number of constituents who have seen fit to make representations to me in writing or, in many cases, in person. I have reflected on those contributions personally, and they are an extension of what we are doing here, which is to debate the bill rationally and sensibly. I am very grateful for the input of all of those people.

I now turn to whether or not I am prepared to accept a bill which is second best and which is not what I would like to see in relation to abortion law reform, or whether I accept the status quo with the possibility that it goes off the agenda for a significant amount of time. All I can say is that at the end of the day, while I respect what people have said in support of the bill, I personally cannot make a decision in favour of it at the present time and to accept second best. Accordingly, I must vote against the bill.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — Under standing orders I wish to advise the house of amendments to the bill in substitution of amendments circulated previously, and I request that they be circulated.

Substituted amendments circulated by Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) pursuant to standing orders.

Ms MORAND (Minister for Children and Early Childhood Development) — I want to start by thanking all members for their thoughtful and considered contributions to this important debate. Conscience vote contributions are made when we truly get to know each other and understand better the values and beliefs that motivate and guide us in our thinking, and some members have also spoken around personal experience. I am sure that members' contributions will also allow constituents better insight into the members who represent them in the Parliament.

I am also grateful for the input of all those people outside the Parliament who have contributed in any way to this debate. In some contributions members have put forward that they are not supporting the bill because, of the people who contacted their offices regarding the bill, the number of people opposed to the bill outweighed the number of people who support it. I need to inform those members that that is not in any way a valid method of assessing their constituents' views, and therefore it is not a valid justification for not supporting the bill. The only member of Parliament who actually surveyed his constituents was the member for Gippsland East. As he said in his contribution, his electorate is conservative and yet his survey indicated support for abortion law reform.

Some members have said they support a woman's right to choose or they support decriminalisation but do not support the bill. This view is entirely inconsistent. You cannot present yourself as someone who supports choice for women but finds it unacceptable that abortion should be removed from the Crimes Act. Other members have contended that this law will increase the rate of abortion. This premise is put without any evidence whatsoever. This is based on a personal assessment and not on any experience or empirical evidence. On the contrary, the Victorian Law Reform Commission found no evidence whatsoever that abortion laws affect the rate of abortion. The commission found that abortion is related to the lack of contraception or a failure of contraception. This finding was based on broad research. No woman wants to find herself with an unplanned pregnancy or one she cannot proceed with for whatever reason. No woman wants to receive results at any stage, whether it be at 12, 16, 20 or 24 weeks gestation, that indicate she is not able to proceed with the pregnancy.

Many members have spoken about their experiences of joy upon seeing the images of the first ultrasound, but we are all speaking about experience from the position of our comfortable lives in happy, secure relationships. Unfortunately this is not the reality for every woman. Many women would desire a happy, comfortable future for themselves and their unborn with someone who loves them, but they are not all in this fortunate situation. Many women desperately want and love the image on that ultrasound but cannot proceed with the pregnancy because of many reasons including their own ill health or abnormalities that may be detected. Other members spoke of their desire for fewer unwanted pregnancies. Nobody disagrees with this desire, but that is not what this bill is about.

Mandatory counselling will be considered in detail, as will the gestational limit, but I will limit myself to making a few comments to the effect that the notion that all women must undergo counselling before undergoing treatment is an insult to women. Counselling is offered to women, but women should not be required by law to undergo counselling. The case with any other procedure is that medical practitioners cannot treat a patient without informed consent.

Members who want to support reform that is long overdue — reform that reflects current clinical practice and the realities of what occurs every single day in Victoria and across Australia and takes abortion out of the Crimes Act — should support this bill.

In summary, I say that this bill has been carefully considered and carefully drafted based on the best possible advice at the disposal of government. It has been drafted based on the comprehensive work undertaken by the Victorian Law Reform Commission, and I believe this bill will not be improved by any amendments that have been circulated. Indeed, many of the amendments are designed to restrict current practice and pose a significant risk in restricting access that currently occurs. It is my hope that this bill will pass through this house and through Parliament without amendment. I commend the bill to the house.

The SPEAKER — Order! Members will divide on the question that the bill be read a second time. As I received prior notice of a conscience vote, the division will be conducted as a personal vote.

House divided on motion:

Ayes, 47

Allan, Ms	Langdon, Mr (*Teller*)
Andrews, Mr	Lim, Mr
Asher, Ms	Lupton, Mr
Baillieu, Mr	Maddigan, Mrs
Barker, Ms	Morand, Ms
Batchelor, Mr	Morris, Mr
Beattie, Ms	Munt, Ms
Brooks, Mr (*Teller*)	Nardella, Mr
Brumby, Mr	Neville, Ms
Carli, Mr	Noonan, Mr
Crutchfield, Mr	Overington, Ms
D'Ambrosio, Ms	Pallas, Mr
Duncan, Ms	Pandazopoulos, Mr
Eren, Mr	Perera, Mr
Foley, Mr	Pike, Ms
Green, Ms	Powell, Mrs
Hardman, Mr	Richardson, Ms
Helper, Mr	Scott, Mr
Herbert, Mr	Shardey, Mrs
Holding, Mr	Thomson, Ms
Howard, Mr	Trezise, Mr
Hudson, Mr	Wooldridge, Ms
Kosky, Ms	Wynne, Mr
Ingram, Mr	

Noes, 35

Blackwood, Mr	Mulder, Mr
Burgess, Mr	Napthine, Dr
Cameron, Mr	Northe, Mr
Campbell, Ms	O'Brien, Mr
Clark, Mr	Ryan, Mr
Crisp, Mr	Seitz, Mr
Delahunty, Mr (*Teller*)	Smith, Mr K.
Dixon, Mr	Smith, Mr R.
Donnellan, Mr	Stensholt, Mr
Fyffe, Mrs	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Hulls, Mr	Tilley, Mr
Kairouz, Ms	Victoria, Mrs
Kotsiras, Mr (*Teller*)	Wakeling, Mr
Lobato, Ms	Walsh, Mr
McIntosh, Mr	Weller, Mr
Marshall, Ms	Wells, Mr
Merlino, Mr	

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr CLARK (Box Hill) — I move:

1. Clause 1, page 2, line 4, after "destruction of" insert "or serious injury to".

This amendment relates to the issue of whether or not the definition of 'serious injury' that the bill is inserting into the Crimes Act should be amended so that serious injury as defined in the act will include a reference to serious injury to a foetus as well as destruction of a foetus. We are debating it in relation to clause 1, even though the main provision is at the end of the bill, because clause 1 is on for debate in any event.

The issue to be decided by the house is whether we believe that when we are creating an offence of serious injury when a woman is attacked and that does damage to the foetus, in that context should the definition of 'serious injury' include serious injury to the foetus or include only destruction of the foetus. Needless to say this is an issue that is completely separate to the issue of what we might think about the subject of abortion. It is a question about how we want to phrase this protection that we are proposing to provide to women when they are assaulted and that affects their foetus.

The way the bill has been drafted, the serious injury definition will apply only in respect of a foetus where the serious injury causes the destruction of the foetus, presumably meaning the death of the foetus. It seems to me that if we want to create proper protection for women in that circumstance, then if they are assaulted and as a result their foetus suffers a serious injury, that ought to be deemed a serious injury for the purposes of the Crimes Act. Accordingly I put forward this amendment.

Mr STENSHOLT (Burwood) — In regard to the clause as a whole, my main issue is that I would like to see more family planning and pregnancy support services. I have provided some amendments in that regard. These amendments, particularly the new one, require a message from the Governor, because I believe this is a unique opportunity for Parliament to support the provision of more services to provide family planning information to women — that is, before they get pregnant, of course — as well as extended pregnancy and maternity support services. I regard this as a very important issue. It is a unique opportunity that has come only once in 40 years for Victoria to take the lead as a Parliament and as a whole in providing more family planning and pregnancy support services. I understand the government is considering this, and no doubt when we come to the relevant clauses it will be obvious whether there is a message from the Governor forthcoming, which I understand was being considered in good faith.

I am looking for a positive response to the proposal I am making that we put more emphasis on family planning and pregnancy support services. I will also seek to move some other amendments, which I will do as we go through the debate, but that is the main issue that I wish to raise overall. I regard it as highly

significant that here in Victoria we have not just adequate but good family planning services. We need more of them. We should have not just adequate pregnancy and maternity support services; we should have good ones here in Victoria for all women.

Clause 1 sets out the intentions of the bill in terms of reforming the law. My amendments as drafted go somewhat beyond the scope of the current law, and that is why I will be using the words in model B as in the Victorian Law Reform Commission's report and making the wording of my later amendment in line with that.

I notice there is also a provision to regulate medical practitioners. We are a bit close to the lowest standards in this regard in picking up on clinical practices. I think we should have a higher standard in regard to abortion performed after 24 weeks of pregnancy, and I will be moving some amendments on that.

My main emphasis is to call for more family planning and pregnancy support services here in Victoria.

Mr INGRAM (Gippsland East) — I rise to speak briefly on the amendments put forward by the member for Box Hill and to make a clear statement from the outset. This is a reasonably simple bill overall, and there are probably more pages of amendments being put forward than the detailed pages that are contained in the bill.

It is important that those who support the bill make sure that the amendments do not get up, and I encourage other members not to support them. I will not be supporting the amendment put forward by the member for Box Hill. Drafting legislation is a very complex issue, and I know the challenges that face the clerks and the members of this Parliament to make substantial changes to legislation on the run. We have seen a large number of amendments brought in by a number of people. We could potentially undermine the actual details of the bill through this process, and we would have to come back here and fix up the problems we have created.

That is why as a member, having indicated my support for the bill, I cannot support this amendment or any of the other amendments that have been put forward.

Dr NAPTHINE (South-West Coast) — I wish to speak on clause 1 and make a general comment on the way we are now proceeding with what is very important legislation. We have had a good debate on the bill and people have spoken with passion, vigour and considerable understanding of the legislation. The member for Gippsland East has outlined some of the issues that I am concerned about. I am concerned about them also as we are now going to consider in detail this legislation with a raft of amendments from a range of different members who have every right to put those amendments and every right to have them considered carefully. I do not think it is possible for any member of Parliament to consider the complexity of those amendments within the framework we are now setting ourselves.

A number of amendments were tabled yesterday. Some of them were withdrawn, other amendments were tabled today, and other amendments also have been produced today just before the closing of the second-reading debate. We have seen, as the member for Gippsland East said, time and again in this house that amendments have been brought in and have been thought to have been understood by the house and by members speaking for or against them, and subsequently it has been found that there has been a misunderstanding or a misinterpretation because the amendments had been rushed through. This legislation is too important for that to happen.

The only reasonable and sensible thing for the house to do is to now report progress, adjourn consideration of the bill and bring it back to the house when the house next sits in three or four weeks, so the community, the individual members of Parliament and the Clerk of the Parliaments can consider the amendments, parliamentary counsel can give advice on them and Parliament can be guided on the best way forward. To rush this bill through now and consider these amendments, which have been drafted and redrafted over the last 24 to 48 hours, is absolutely a recipe for disaster.

I have been in this house nearly 20 years. This is one of the most important pieces of legislation we have dealt with. The house is now being asked to adopt a conscience vote situation, so each member is weighing up their personal votes on a whole raft of these amendments, trying to understand the amendments and the repercussions of an amendment that could be made to clause 1 as it might affect something in clause 10 or proposed new section 6, 8 or 9, and vote on it accordingly. I think it is beyond the capacity of any of us — and I speak as somebody with 20 years experience in this Parliament. I think it is inappropriate and wrong for us to be heading down this path.

This path we have undertaken has been a long one with consideration by the Victorian Law Reform Commission and with legislation which has been tabled and has been out for consideration by the wider

community. Now we are fundamentally proposing to rewrite the legislation with raft upon raft of amendments from a number of different members of Parliament. That is their absolute right, but I think it is equally fair and reasonable for other members of Parliament to say, 'Give us time to consider and understand those amendments. Give us time to consult with our community on those amendments. Give us time to consult with medical, legal and technical experts on those amendments so we can make a considered decision with our conscience vote'.

That is what I am calling for. I think it is the reasonable, fair and proper way forward. Anything less is rushing the process and will put at risk all the good work that has been done before. Therefore, I desire to move:

That progress be reported.

The DEPUTY SPEAKER — Order! The member for South-West Coast is unable to move that progress be reported; he can move that debate be adjourned.

Dr NAPTHINE — I move:

That the debate be adjourned.

Mr ANDREWS (Minister for Health) — I wish to speak against the proposition that debate on these important matters be adjourned at this time. Notwithstanding that the member for South-West Coast has much experience in this place and I fully acknowledge that, I do not concur with his conclusion that after 10 or 15 minutes of consideration in detail, we ought to — —

An honourable member interjected.

Mr ANDREWS — The tone of this debate has been a very respectful one, and none of these comments is intended to alter that.

An honourable member interjected.

Mr ANDREWS — Excellent.

I would say to the member for South-West Coast and all honourable members that after 10 or 15 minutes of consideration in detail of what are without doubt complex issues in the bill, I do not think it is appropriate that we give up at this point. The member for Box Hill has moved an important amendment. The member for Burwood has foreshadowed a range of amendments that he seeks to move; I think the debate has been conducted well so far. I do not think any of the amendments that have been circulated come as a surprise to honourable members. I think these issues have been well canvassed during the second-reading debate, and what is more there has been a degree of cooperation between those who have moved the bulk of those amendments and others who perhaps take a different view.

It would be my view that we should move to properly consider these detailed matters now, but I would say that this part of the debate, the consideration-in-detail stage involving these amendments, ought to be conducted in the same spirit in which the second-reading debate was conducted. I think that no purpose is served in us, in effect, giving up on the consideration in detail of these matters after just 10 or 15 minutes. I would therefore say to all honourable members that we should push on, and we should in a careful and considered way deal with these important concepts so that we can move to reform this law and deliver the certainty that is central to it.

The DEPUTY SPEAKER — Order! The Leader of The Nationals, to speak on the procedural motion.

Mr RYAN (Leader of The Nationals) — I support the motion which has been moved by the member for South-West Coast. I have been handed seven sets of amendments. Some of these amendments replace amendments that were distributed yesterday. I have just gone through the process of sorting out yesterday's amendments that are now redundant and getting today's amendments before me. Now that I have done that, I can start to turn my mind to the actual content of what these seven sets of amendments actually intend. I agree with the minister that the fundamentals of the debate are well and truly before the house and have been canvassed at length.

But the difficulty about now considering these amendments in this way is that if you consider the way in which those who have participated in this debate have given careful consideration to some of the terminology within the bill, which has been the subject of the debate — a bill which has been in this place since 19 August — that in itself is demonstrative of the fact that you can spend a lot of time looking at a word or words with a view to getting a better understanding of its implications in terms of its effect.

Now we have had placed before us these sets of amendments on behalf of seven members, all of whom are of course entitled to put their point of view, and we are asked to debate these in a manner which does justice to this absolutely critical issue. I do not think that we are going to achieve the best outcome which this Parliament wants to see happen and which thus far, I am proud to say, we have all participated in achieving in a very constructive manner.

There might be one school of thought that says, 'Let us try this on the basis that at some stage the motion moved by the member for South-West Coast is renewed'. But as a matter of first principle and as a matter of choice, it would be my preference that we stand aside from this for the present time until we all have had the opportunity to consider these seven sets of amendments, encompassing on my rough estimate about 20 pages. They will need detailed consideration if we are to ensure the continuance of what has been an excellent process so that we can do proper justice to what these amendments actually contain.

Ms CAMPBELL (Pascoe Vale) — We are a few minutes into this debate. I understand exactly where the member for South-West Coast and the Leader of The Nationals are coming from. I have been one of the people who has been working on these amendments over the last many weeks, and I can understand that a number of them have not long been in the house. I want this Parliament to continue to try to work through the amendments that we have before us. I state now from my perspective that I might change my mind. If we are in this position in 24 hours I might have a different opinion, but at this point in time I think it is incumbent upon us to continue to try to progress this legislation.

The DEPUTY SPEAKER — Order! Is the member for Sandringham speaking for the motion?

Mr THOMPSON (Sandringham) — I am speaking in support of the motion moved by the member for South-West Coast. The legislation before the house is significant legislation and will have far-reaching implications. On current statistics it will have an impact on the welfare and wellbeing of some 20 000 Victorians a year. Some seven sets of amendments have recently been introduced in the chamber, and I think it is important that members approach each proposed amendment with an open mind rather than with a vacant mind.

With respect to the deliberative processes of the Parliament, when votes are conducted on the basis of a party vote the responsibility for the carriage of each bill is borne by the responsible minister or the responsible shadow minister together with members who have worked on that particular piece of legislation and each party room will have been briefed. I venture to suggest that there has not been a party-room briefing on each of the seven sets of amendments that have been introduced to this chamber today, so members would be making decisions on amendments which they had not had prior opportunity to reflect upon, consider or consult with their constituencies on. There may be some meritorious amendments which, rather than being voted down in ignorance, may actually serve to improve the operation of the legislation — and the legislation will have a fundamental and significant effect on, in some cases, the wellbeing of future mothers and the wellbeing of children who may not have had the chance to enter this world.

In the debate that has proceeded in this chamber today there have been many powerful and poignant stories told. We have a responsibility not just to the members of the chamber and to proficiently and urgently transact the bill before the house but also to enable each and every member with a clear conscience to say, 'I have considered this amendment, and on the basis of my clear understanding of it and on the basis of my clear insight into the intent of it, I choose to support it" or 'I choose to reject it'. I venture to suggest that there are very few members in this chamber who could honestly say that they understand the intent of each amendment that has been brought into the chamber today. Therefore I think it is meritorious that the debate be adjourned. There may be a chance of improving a bill that has won the support of the chamber. To date many people have indicated they will vote against the bill, but the views of those people may improve the final legislation that goes to the other place.

Mr NARDELLA (Melton) — I rise to oppose the motion before the house. The consideration-in-detail stage is the appropriate process for honourable members to consider each amendment. Each amendment will be moved by its proposer. It is absolutely incumbent upon each honourable member to consider the debate that ensues with on the clause that is being proposed, including the opposition, if in fact there is any opposition, to that clause, and then to vote on that matter according to his or her conscience. The process is appropriate; it is what the Westminster system is about. It is also appropriate that that occur tonight and into the wee hours of the morning. This process is one of the best ways in which this Parliament can operate to get the best outcome. The intent of each amendment is part of this debate, and the consideration-in-detail stage is structured in such a way that members can engage in in-depth analysis and think about what the amendment will do to a clause and the bill, and then vote accordingly. Now is the time to have this debate and consider the bill rather than reporting back and being back in this position in two, three or four weeks time. I oppose the motion before the house.

Dr Napthine's motion defeated.

The DEPUTY SPEAKER — Order! The member for Box Hill has moved amendment 1 standing in his name.

Mr CLARK (Box Hill) — In relation to the amendment, I have to comment in particular on the remarks made by the member for Gippsland East. I must say I was surprised and disappointed at the approach he took in suggesting that this Parliament should be a cipher for whatever the proponents of the bill put forward. I was pleased to see that members speaking on all sides of the debate we have just had on the motion for the adjournment of the debate emphasised that individual members of this house should address themselves to the amendments before the house and should decide on those amendments on their merits rather than refusing to consider them on the grounds that it is all too complicated. I understand and indeed agree with the argument of the member for South-West Coast that it would have been far better for more time to have been taken for members to get to understand each amendment, but given that it is the will of the house that we proceed to address the amendments, I urge members to consider each amendment on its merits and to cast their votes accordingly.

In relation to this particular amendment I reiterate that surely we want to provide the best possible protection for pregnant women who are the victims of assault and surely we ought to consider it to be a serious injury of that woman if she is subjected to an assault which causes serious injury to her foetus. Accordingly I ask honourable members to support this amendment.

Mr ANDREWS (Minister for Health) — I will make some brief comments in relation to the matters raised by the member for Burwood, not the matters raised in the amendment moved by the member for Box Hill. Consideration is still being given to the broader question of whether the relevant approvals will be given in relation to the amendment foreshadowed and circulated by the member for Burwood that would need money to make it work. I will make some broader comments in relation to family planning and pregnancy support services, and in the event that approval is not given it may give some comfort to the member for Burwood that I, and more broadly the government, take seriously the matters that he has raised in his amendment around family planning and pregnancy support services. Currently the government provides substantial support to these services.

The member for Burwood is seeking to expand those services, I think with the best of motives. That is a worthy aim, but it is my judgement that it is not a function of this bill; it is a matter of policy and funding as we go forward. The amendment relating to those services does not need to be included in the bill, and it is not desirable for it to be included. That is not in any way to detract from the merit, worth, value and importance of those services or from the member's appeal to us as a community to better support women in their sexual and reproductive health choices in terms of their pregnancies in a range of ways. I commend him for raising these women's health issues.

By way of perhaps giving the member for Burwood some comfort on this question, I point out that it is my intention in my capacity as Minister for Health to seek further advice about where we might seek to expand and provide better pregnancy support and family planning services and, in so doing, better support women across the state. There will be a number of different mechanisms to achieve that, whether it be through ministerial advisory councils or a range of other measures, and I commit to the member for Burwood and to anyone else who seeks to make representations to me on the important matter of improving the support programs and services available to Victorian women that I will deal in good faith with those matters.

Ms MORAND (Minister for Women's Affairs) — In response to the member for Box Hill's amendment, while it may be well intentioned, it might have unintended consequences that would undermine its purpose.

Dr Napthine interjected.

Ms MORAND — That is why we are having the debate now — I would have thought we are having that discussion now.

The amendment proposes including the term 'serious injury'. This would require quantifying what 'serious injury' is. It is currently defined in the Crimes Act, and being in the Crimes Act the assumption is that it relates to — and it is drafted to relate to — a living person. The member would not necessarily achieve the objective he seeks. I do not support the amendment.

Dr NAPTHINE (South-West Coast) — I think the minister has just demonstrated why we need the time to consider these issues.

Mr Andrews interjected.

Dr NAPTHINE — I am not going to reiterate the debate; don't lose your cool.

I am attracted to the amendment proposed by the member for Box Hill. I am inclined to support it because on the surface it sounds fair and reasonable. The Minister for Women's Affairs suggested that there are potential flaws in the proposed amendment. With

due respect to the minister, I would prefer to have the opportunity to seek the advice of medical and legal experts — as well as the advice of the minister and the considered views of the member for Box Hill — on whether the amendment has potential flaws or benefits. What are the precedents in other jurisdictions? What is the situation in other states? What is the precedent in the Westminster system? What should be brought to bear in making the decision, as a member of Parliament, about whether to support what appears to be a logical and sensible amendment, when the minister has said it has some potential downsides and risks? That is exactly the reason, I suggest, that we as members of Parliament with a minimum amount of time to look at this issue — without the opportunity to get the expert advice that we have had on other aspects of the bill — are not in a position to make these changes. We should not make these changes on the run; that is what I am concerned about.

I reiterate my view that this is not a good way to make law, and it is a particularly poor way to make legislation on such an important issue.

Mr STENSHOLT (Burwood) — I thank the Minister for Health for his statement that family planning and pregnancy and maternity support services have priority. I look forward to working with him on these initiatives, whether it be by way of some kind of ministerial council or the provision of additional support for family planning and pregnancy support services throughout Victoria.

Dr SYKES (Benalla) — I wish to endorse the remarks made by the member for South-West Coast on both occasions he has spoken in the debate this afternoon. As shown by the example of the amendment moved by the member for Box Hill, there is a need to consider the implications — as indicated by the minister in her response — and I suggest it will be extremely difficult to work it through in the time frame we will have available in this debate. By way of example, I have had people come to me with their comments on each of the amendments that were proposed prior to late this afternoon. As the Leader of The Nationals said, those amendments have already been superseded. In spite of that there are a number of discussions I would like to have with my constituents about the comments they have made, because they prompt me to inquire further, and that will simply not be possible. I reiterate my endorsement of the comments made by the member for South-West Coast.

Ms CAMPBELL (Pascoe Vale) — I wish to support the amendment moved by the member for Box Hill. The very core of this debate goes to removing section 65 of the Crimes Act and a range of other consequential amendments to the Crimes Act.

The member for Box Hill has outlined why it is important that we have a provision not only for the destruction of a foetus but also for serious injury to that foetus. It is not unreasonable, given the debates we have had in this house on family violence, child protection, child homicide and the vulnerability of fragile life, to insist that when we are considering this legislation we say, 'We are concerned not only if a physical act causes your death, but we are also concerned if the actions cause serious injury'. That is utterly logical. It is also humane and would testify to the fact that we as a Parliament are seriously considering each and every one of the amendments that are being proposed.

If you are 110 per cent in support of the decriminalisation of abortion, there is absolutely no logical reason why you could not support the amendment moved by the member for Box Hill. It will be with pride that I vote on this amendment, and I will be standing beside the member for Box Hill and all others who want to be conscious not only of unborn human life and its destruction outside of the abortion arrangement but of serious injury to it.

Mr MULDER (Polwarth) — I also find myself in a position where I would perhaps like to support the amendment that has been moved, but I also have concerns in terms of the comments made by the minister that there may be some flaws in the amendment.

I find myself with a series of amendments here that are more detailed and complex than the bill itself. Members of Parliament left here at 4.00 a.m. today, yet we have these dumped in our laps at the last minute and are asked to consider them in detail and try to understand their complexities, which I suggest would test the resolve of parliamentary counsel. It may well be that some of these amendments, and this amendment in particular, improve what has been in my view a poor outcome for the day.

However, I find myself in a position where I will have to abstain from voting on these amendments because one cannot simply expect us to be able to understand the complexities and implications of some of the amendments that have been now circulated.

House divided on amendment:

Ayes, 25

Blackwood, Mr	Northe, Mr
Burgess, Mr	O'Brien, Mr

Campbell, Ms
Clark, Mr
Crisp, Mr
Delahunty, Mr (*Teller*)
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Kairouz, Ms
Kotsiras, Mr (*Teller*)
Lobato, Ms
Merlino, Mr
Ryan, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr

Noes, 51

Allan, Ms
Andrews, Mr
Asher, Ms
Baillieu, Mr
Batchelor, Mr
Beattie, Ms
Brooks, Mr (*Teller*)
Brumby, Mr
Cameron, Mr
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Green, Ms
Hardman, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Lim, Mr
Lupton, Mr
McIntosh, Mr
Maddigan, Mrs
Morand, Ms
Morris, Mr
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Powell, Mrs
Richardson, Ms
Robinson, Mr
Scott, Mr
Shardey, Mrs
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wooldridge, Ms
Wynne, Mr

Amendment defeated.

The DEPUTY SPEAKER — Order! As the house has not agreed to the amendment, the member for Box Hill will not be able to move amendment 8 as it is consequential.

Clause agreed to; clause 2 agreed to.

Clause 3 postponed.

The DEPUTY SPEAKER — Order! I understand it is the will of the house for the member for Box Hill's new clauses and the member for Kororoit's new clause A to be considered before clause 4. Is leave granted to proceed in this way?

Leave granted.

New clauses A and B

Mr CLARK (Box Hill) — I move:

9. Insert the following new clauses to follow clause 7 —

"A Additional requirements on medical practitioners in respect of women under the age of 17 years

A registered medical practitioner must not perform an abortion on, or give a direction under section 7 in respect of, a woman who is under the age of 17 years unless —

(a) a custodial parent of the woman has given written consent to the abortion; or

(b) the registered medical practitioner has notified a custodial parent of the woman of the intention to perform the abortion and 72 hours have elapsed since the notification was given; or

(c) the Children's Court has ordered that the consent or notification of a custodial parent of the woman is not required.

B Additional requirements on pharmacists and nurses in respect of women under 17 years

A registered pharmacist or registered nurse must not administer or supply a drug or drugs under section 6 to a woman who is under the age of 17 years unless —

(a) a custodial parent of the woman has given written consent to the abortion; or

(b) the registered pharmacist or registered nurse has notified a custodial parent of the woman of the intention to administer or supply the drug and 72 hours have elapsed since the notification was given; or

(c) the Children's Court has ordered that the consent or notification of a custodial parent of the woman is not required.".

These two new clauses deal with notifying a parent of a person aged 16 years or under prior to an abortion taking place. Proposed new clause A deals with the situation of an abortion involving a registered medical practitioner and proposed new clause B deals with the situation of a registered pharmacist or registered nurse administering or supplying a drug to induce an abortion. But in other respects the two proposed clauses are the same; they provide that an abortion must not be carried out unless a custodial parent has given written consent or the relevant person has notified a custodial parent of the intention to perform the abortion and 72 hours have elapsed, or the Children's Court has ordered that consent or notification of a custodial parent of the woman is not required.

It will be apparent to honourable members that the principle underlying these two proposed clauses is that ordinarily a parent should know when it is proposed that their daughter aged 16 or under is to undergo an abortion. We rightly say a lot about expecting parents to assume a degree of responsibility for their children. Indeed most parents want to exercise responsibility for their children, and I think most parents would be aghast

if it transpired that their child aged 16 or under had undergone an abortion and they did not even know about it.

We had an analogous situation just recently in relation to a teenage girl who was taken by a school nurse for the purpose of being prescribed contraceptives and the parents did not know about that. In relation to that issue, the Premier quite rightly observed that ordinarily he would have expected that the parents should have been notified when it was intended that that happen, and I think the same situation applies probably even more so if it is intended that a child aged 16 or under should be having an abortion.

Clearly a responsible parent will want to be there to support their child, to counsel their child and to discuss the ramifications with their child. It may well be to overcome the concerns of a child who feels that she must undergo an abortion for whatever reason — because her parents would not approve or the family could not cope if a child were born. In such a situation the parents would want to assure their daughter that that was not the case and that if their daughter proceeded with the pregnancy she would have every care, support and assistance from her parents. There also may well be situations; there may be those of rape or other sexual assault where the child does not know how to respond to what has occurred and is fearful and really needs the support and assistance of her parents.

So in the vast majority of cases where a child is in a loving and supportive relationship with her family the parents ought to be notified, but the amendment also provides for the possibility of a situation where that would not be appropriate, and in that instance the Children's Court can order that consent or notification is not required. Regardless of the merits of how it would transpire, in practice what would happen is that the child concerned would very easily be able to make contact with the Children's Court to seek such an application, and there would be plenty of people willing to tell her about and assist her with that option.

Ms CAMPBELL (Pascoe Vale) — This is another good amendment and another improvement to this bill. Again I make the point that even if you were 110 per cent in support of the decriminalisation of abortion, this is an amendment for which any member could confidently vote. It is not about the provision of abortion, it is about how abortion is provided. It is about making sure that young people who are having an abortion have the support of the very people they need most. Because of our age, most of us can probably think of people we know who had abortions at a very young age, and it was only later that they felt they could have the support of their family. If a young person is having an abortion, it is one of the times when it is most important for them to have parental support afterwards. This is a good amendment that would improve the legislation for the decriminalisation of abortion.

People know my views on the importance of family relationships. They know very well my views on the importance of a parent-child relationship. There is one thing that fractures a parent-child relationship more than anything else and that is if a young woman has an abortion and then is not able to have the support of those she needs most, not only for the days, the hours and the weeks ahead but for the years beyond the abortion.

The member for Box Hill will later be moving amendments that relate to ensuring that provisions addressing the situation of a child being the victim of incest will now be included in a better way in the bill. In this amendment we are talking about 95 per cent of the relationships between a minor and their parental guardian. I reinforce the point that of all the times when a young woman needs the support of a parent or parents, the most important is immediately post an abortion and in the weeks and months afterwards.

Mr CRISP (Mildura) — I rise to speak briefly in support of the amendments proposed by the member for Box Hill and reinforce the words of the member for Pascoe Vale. In this house over time we have debated bills about parental consent, in particular the very recent bill on body piercing and tattoos. We are not seeking parental consent with this amendment, but we are seeking that parents be notified within the safeguards that are offered from the Children's Court. This gives an opportunity for support. Someone of a young age and at a vulnerable time may not realise the support that a family can offer.

I urge members to give the opportunity for families to support people who perhaps do not think that support is there.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The definition of a woman in the bill before us is that 'woman' means a female person of any age; therefore, a female person of child-bearing age. That could be an 11-year-old, a 12-year-old or a 13-year-old. I support the amendments before the house in terms of parental consent, provided that parents are informed for at least a minimum period of time prior to an abortion taking place. I ask any member of this

place, particularly parents: if your child of 11, 12, 13 or 14 was pregnant, was thinking about an abortion and went to a medical practitioner, would you not want to be at least informed and for a period of time before an abortion takes place provide counsel and support to your daughter?

Ms MORAND (Minister for Women's Affairs) — I say at the outset that all these issues were canvassed in great detail by the Victorian Law Reform Commission. Central to this amendment is the notion that people under 17 are not capable of providing informed or real consent to a procedure. The current law provides, and the courts have upheld, that provided a young person can fully understand the nature of the treatment and its effect — that is, the consequence of having the procedure and the consequence of not having the procedure — they are able to give consent.

For a practitioner to perform an abortion on a woman who was not able to consent or had not consented would amount to professional misconduct under the Health Practitioners Registration Act, potentially exposing the practitioner to ineligibility to continue practising in their profession. To agree to these amendments would be to alter what is current clinical practice. I have not heard any evidence to the contrary or any examples of where issues have arisen, so I do not support the amendments.

Mr STENSHOLT (Burwood) — I have concerns particularly about new clause B in regard to waiting 72 hours to administer or supply a drug or drugs. This would effectively mean that the morning-after pill would not be able to be used by somebody under 17.

Dr NAPTHINE (South-West Coast) — Again, this is a complex range of amendments. We have had a number of speakers in favour of the amendments, and there have been a number of fairly passionate points raised about the role of parents and the vulnerability of young people. The minister has made the point about young people having the opportunity to make their own decisions: as she said in her commentary, this may reflect current practice. Whether current practice is best practice is another matter, but this may reflect current practice.

We have also had points raised with respect to legislation that recently passed this house when members, with a fair degree of unanimity, voted strongly to say that it was inappropriate for under-age people to have intimate body piercing without parental consent. It was seen as absolutely vital that parents were involved in those decisions, and now, if the minister's view is reflected by the majority, we seem to be saying that parents do not have a role in assisting under-age people in making decisions about an abortion.

Again, what I would like to be able to do rather than make a decision on the run is take this away, make some genuine comparison between the points that were raised by the member for Box Hill and the minister, and ask, 'How does this tally up with what happens in reality? How does this tally up with other jurisdictions? How does this tally up with what happens in jurisdictions not only in other states and other territories within Australia but overseas? How does this tally up with other laws within the Victorian jurisdiction with regard to the rights and responsibilities of people who are under age and the role of their parents?'.

I would like to examine why the member for Box Hill has chosen the age of 17 rather than, perhaps, the age of 16. The age of 16 is considered the age of consent, yet this amendment is proposing 17; why is that so? These are the sorts of things that I as a member of Parliament would like to seek further advice and expertise on so that I can develop a considered view before I cast my vote.

Members may have noticed that a number of members, including me, abstained from voting on the previous amendment. I feel ashamed and embarrassed that I have abstained from voting on an important amendment to an important piece of legislation, but at the same time I could not bring myself to vote on an amendment that I was not fully conversant with and not fully confident about voting on.

It is a disgraceful position that I as a member of Parliament have been put in in relation to the previous amendment and the amendments before us now. I am going to be forced to abstain from voting simply because I have not had the opportunity to properly consider those amendments. Other members of Parliament may say it is appropriate that we participate in this debate. I must say that we had three or four speakers in favour of the amendment before the minister got to her feet to even suggest there might be an alternate view.

How can we, as members of Parliament, with limited debate and — with due respect to each and every one of us in this house — with a limited understanding of the technical and legal issues involved here, let alone the precedents, make considered decisions on these complex amendments? It is a ludicrous proposition and fraught with danger, and I once again move:

> That the debate be adjourned.

Mr ANDREWS (Minister for Health) — I just reiterate the comments I made when this motion was last before the house. We have now had 35 or 40 minutes of consideration in detail, and with respect to the member for South-West Coast, it does strike me as odd that, rather than continuing — in good faith and. I think, with a good understanding of the implications — to consider the amendments put forward by the member for Box Hill, we would consider shutting down debate on these important matters.

I say that with respect, and I simply renew the commentary I made when this motion was last before us. We ought to work through these issues in a considered and measured way, and I have confidence that all honourable members in this chamber have the capacity to work through these complex issues, whether it be tonight or tomorrow, and to deal with them.

Dr Napthine interjected.

Mr ANDREWS — The member for South-West Coast has had an opportunity to be heard on this matter. I am putting my view now, and I am at odds with his view. I have perhaps a greater faith in the ability of my colleagues and the collective ability of this chamber, so I am opposed to the notion of adjourning this bill. I think we should continue in good faith to consider the amendments moved by the member for Box Hill and indeed all amendments moved by all honourable members.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Mr RYAN (Leader of The Nationals) — I rise to support the motion which has been moved by the member for South-West Coast. As I have already indicated, we have numerous pages — 20-odd pages — of amendments which apply to the vast proportion of this critical legislation. Those amendments encompass some subtleties which lend themselves to a proper consideration over a more protracted period of time.

One of the other elements of all of this is that, in a period of uncertainty about the import of these amendments, what may well eventuate is that members are inclined to support the amendments simply because of the deficiency in the process and in the opportunity of considering what the amendments actually mean.

That will happen because members will reason that if they support a particular amendment it will form part of the amended bill, which will then go before the other place for the purposes of debate, and that in turn will mean that when the amended bill is circulated to the public at large it will contain the amendments that are passed and the public at large will have a much better opportunity to review them in the context of the legislation.

That is as against the circumstance that otherwise threatens here, whereby if amendments are not passed during this stage of the debate we will be left with an ad hoc, higgledy-piggledy arrangement in which people who wish to see both the legislation that is passed in here tonight and the amendments that are not passed risk not getting the total package that was intended to result from tonight's debate. On the other hand, if the amendments are passed, they will become part of the amended bill. The bill will then go out to the public at large and people will get the opportunity to comment on it in its amended form before the debate takes place in the upper house.

That is not to say of course that when the legislation reaches the other place further amendments will not be moved, but one would have thought, having regard to the nature of the conscience vote that is being exercised here, members in whichever of the two chambers wanting to make amendments to the legislation would have had a conversation, and what we now have before us tonight is the outcome of the arrangements that have been struck. The member for South-West Coast is right: we ought to step away from this bill now and have a good, proper look at it at a future point in time.

Ms MORAND (Minister for Women's Affairs) — In response to the member for South-West Coast, again I am taking up the time that we could be dedicating to the debate on this bill. The reason the member asked for a division at this stage related to the new clause that the member for Box Hill proposed. The member for South-West Coast asked what happens in other states. I invite him to read the report which was tabled three months ago and which has in detail — —

Dr Napthine — I have read it.

Ms MORAND — Then the member for South-West Coast does not remember the report, because it answered every question he posed. He asked, 'What about other states? What about the courts?'. All that information is in the report.

Mr Tilley — Tell us!

Ms MORAND — At the moment we are debating whether to have another division about whether we can continue with the debate. I would be happy to talk about that when we go back to the clause. But I invite the member for South-West Coast to again read the report, which provides a lot of information that would help him.

Dr Napthine — When am I going to do that?

Ms MORAND — You have had three months.

Dr Napthine — I have read it.

Ms MORAND — Read it again, because it responds to all the issues you raised.

Mrs VICTORIA (Bayswater) — I rise to support my colleague the member for South-West Coast in this procedural motion to have debate on the matter adjourned until the next sitting week. I do that because I chose to abstain from voting on the first division. I chose to abstain because I did not feel I had a total grasp of what we were dividing on. I chose to sit outside.

When the bells were ringing, I was sitting on the red couch out in the hallway, and three members walked past. I will quote directly what they said, because I wrote it down as I heard it:

> What are we voting on?
>
> Is this an amendment?
>
> Does anyone know what we are voting on?

That absolutely comes back to the heart of what the member for South-West Coast has been talking about and what I stand here to support. The members of this house have not had time to consider these amendments and they do not know what the amendments are that they are voting on. I acknowledge that some members are not in the house — perhaps they would be if they agreed with the amendments — but they would need to spend time studying them first, so I commend what the member for South-West Coast put forward, and I fully endorse it.

Mr WALSH (Swan Hill) — I rise to support the member for South-West Coast's motion. I must admit I am disappointed in the way the debate on this motion has gone, considering the maturity of the debate which continued all yesterday and last night. We are now finding a level of frustration from some government members who believe we just have to get on and do this.

The Menhennitt ruling was made in 1969. I do not see why another couple of weeks are going to make any difference to people considering this bill in detail. It is all very well to be lectured by the minister, who has the resources of the department at hand to give her all the advice and all the cheat sheets she needs — all those sorts of things — to say that all the paperwork is out there is not entirely true. We have had the paperwork for three months, but we have had these amendments for probably 2 hours. There is a substantial difference.

Ms Duncan — They're your amendments!

Mr WALSH — I take exception to the comment that they are our amendments. This is an individual conscience vote and people have put forward amendments as individuals. What the member is suggesting is that those submitting amendments have caucused with everyone and have shown everybody a copy of those amendments. To say they are our amendments or your amendments when we have had the level of debate so far — —

Ms Richardson interjected.

Mr WALSH — I was here at 2.30 this morning, too, so we were all here for a fair while. People have had a long debate on this bill and have respected other people's views on it. Views are being put forward on amendments that we have had put in front of us only 2 hours ago.

We may have had all the other paperwork for the last three months, but I believe we need time to go back and read that paperwork alongside the amendments that are in front of us, to seek counsel and views from other groups within the community. We have all been bombarded by a plethora of information about this particular legislation, but it was based around the three models that came out of the law reform commission report. It was not based around the amendments that are now before the house or the amendments that will be before the house as we work through this tonight.

I urge all members to support the member for South-West Coast's motion and adjourn this debate until the next sitting week so that we can all have time to read the amendments in the context of the information we have had for a number of months now and get extra advice from the various groups which will no doubt send us the emails and the letters that we have been receiving so far on this issue, so that we can make an informed and conscious decision about what we are supporting and not supporting.

The DEPUTY SPEAKER — Order! The question is:

> That the debate be now adjourned.

All those in favour say aye. All those against say no. I think the noes have it. A division is required. I ask the Clerk to ring the bells. I remind members that, as in previous instances, the prior advice is that this is a conscience vote. The division will therefore be conducted as a personal vote.

Bells rung.

The DEPUTY SPEAKER — Order! As the bells were rung, the member for South-West Coast indicated that he wished to take a point of order which he would normally take once the bells had stopped ringing. However, the member for South-West Coast is no longer in his place. I therefore wish to clarify — —

Dr Napthine — I will move to my place.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Let us get on with this. I can perhaps clarify what I understand the member for South-West Coast was going to raise anyway. I indicated that I understand this vote, which is a procedural vote, will be a conscience vote. In normal terms a procedural vote would not be considered a conscience vote. It would probably be determined to be a party vote. However, the Chair has been advised that this bill is subject to a conscience vote. As the Chair, I have determined that the votes will be taken as a conscience vote, otherwise we do not know whether we will be chopping and changing and how we will be going.

Therefore, because this bill we are considering has been determined to be the subject of a conscience vote, we are taking the votes as a conscience vote. The member for South-West Coast is not in his place and cannot take a point of order.

Dr Napthine — Surely I must be able to take a point of order?

The DEPUTY SPEAKER — Order! I indicate to the member for South-West Coast that he is not in his place and cannot take a point of order. Perhaps if he would allow this vote to proceed — —

Dr Napthine interjected.

The DEPUTY SPEAKER — Order! I ask the member for South-West Coast for some cooperation.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I direct the member for South-West Coast to seek leave where he is standing, and I will ask if leave is granted.

Leave granted.

Dr Napthine — On a point of order, Deputy Speaker, you did declare prior to the vote being called and the bells being rung that it would be a conscience vote and would be treated as a conscience vote. I understand from a conversation with the Government Whip that it is considered by the Labor Party to be a procedural motion and not a conscience vote.

An honourable member — It is a procedural motion.

Dr Napthine — It is; I am not arguing that view. I am suggesting that we need to record the vote, even if it is a very quick formality, so members are very clear that it is not being considered by the Labor Party as a conscience vote on this issue.

The DEPUTY SPEAKER — As I indicated previously the Chair has declared this to be a conscience vote. It is up to individual members as to how they vote. I do not uphold the point of order. I therefore will take the vote. A division has been called on the question that the debate be now adjourned.

House divided on Dr Napthine's motion:

Ayes, 22

Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Ryan, Mr
Clark, Mr	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr (*Teller*)	Sykes, Dr
Dixon, Mr	Thompson, Mr
Fyffe, Mrs	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Kotsiras, Mr (*Teller*)	Wakeling, Mr
Napthine, Dr	Walsh, Mr
Northe, Mr	Weller, Mr

Noes, 52

Allan, Ms	Langdon, Mr (*Teller*)
Andrews, Mr	Lobato, Ms
Asher, Ms	Lupton, Mr
Baillieu, Mr	Maddigan, Mrs
Batchelor, Mr	Merlino, Mr
Beattie, Ms	Morand, Ms
Brooks, Mr (*Teller*)	Morris, Mr
Cameron, Mr	Munt, Ms
Campbell, Ms	Nardella, Mr
Carli, Mr	Neville, Ms
Crutchfield, Mr	Noonan, Mr
D'Ambrosio, Ms	Overington, Ms
Donnellan, Mr	Pallas, Mr
Duncan, Ms	Pandazopoulos, Mr
Eren, Mr	Perera, Mr
Foley, Mr	Pike, Ms
Green, Ms	Powell, Mrs
Hardman, Mr	Richardson, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hulls, Mr	Thomson, Ms
Ingram, Mr	Trezise, Mr
Kairouz, Ms	Wooldridge, Ms
Kosky, Ms	Wynne, Mr

Motion defeated.

Mr ANDREWS (Minister for Health) — I want to make some brief comments around the amendment that the member for Box Hill has moved, but in so doing I indicate that I think there is a broader theme here. It may assist members if we discuss things in detail but also in terms of what the broad theme and what the amendments as a group are seeking to do.

With the greatest respect to the member for Box Hill, I would say that at the centre of this amendment and these issues is, intentionally or otherwise. the notion that the current law that relates to the way in which a person can or cannot provide consent or can or cannot be deemed to be able to provide consent does not work. Whether in effect or not, that is what I take from not just this amendment but a group of amendments that the member for Box Hill has put forward.

I am satisfied, and I urge other members to draw the same conclusion, that the current arrangements at common law and practice appropriately protect those involved. It is important to acknowledge that whether it is at *re Gillick* or at other parts of either statute or common law, there are well-adopted and longstanding tests that a clinician must satisfy him or herself of in order to deem that a patient has provided informed consent. That is not a function of age. That is a function of the person's ability — in this case the woman — to grasp the outcome both of proceeding and not proceeding. These are well-established tests, and they have served us well.

I am not in any way criticising the member for Box Hill for bringing the amendment. I am simply saying that I am satisfied that the Victorian Law Reform Commission (VLRC) has looked at these matters in great detail and has come back not only with a recommendation on issues in relation to consent and the broader concepts that the member for Box Hill sees us consider in this amendment, it has come back with the clear conclusion that no change is needed and has also confirmed that in its view it would be undesirable to change the way arrangements work now.

On that basis I am not supportive of the amendment moved by the member for Box Hill. That in no way is a reflection on him, and I make the point that we are moving forward in a good spirit.

I also remind the member for Box Hill and all honourable members that from a consent point of view, if a clinician were to perform an abortion on a woman who was not able to consent, or who had not consented against that well-established framework that has existed and continues to exist and is at the centre of the examination the VLRC has made of these issues, then that clinician potentially faces very substantial penalties in relation to his or her ability to continue to practise, issues of professional misconduct. I perhaps do not need to labour the point.

On that basis of the current practice, the commission's extensive examination of these issues and its recommendation that no change was needed, that it was not desirable to change those arrangements, I cannot support the detailed amendment or in a broader sense what the member for Box Hill in these and other amendments to come is trying to achieve.

Mr RYAN (Leader of The Nationals) — I respond in kind to the minister in the sense of everybody wanting to advance the position constructively.

I acknowledge the current state of the law, particularly the state of the common law, and the burden which is upon medical practitioners at large. I also acknowledge that within the provisions of clause 7, which the member's amendment seeks to amend, there is in a sense a provision that goes part way to accommodate what this amendment intends — that is, in clause 7(2) which states:

> In considering whether the abortion is appropriate in all the circumstances, a registered medical practitioner must have regard to —
>
> (a) all relevant medical circumstances; and
>
> (b) the woman's current and future physical, psychological and social circumstances.

It could be legitimately said that that combination of factors represents a codification in the statute of the common law to a degree and the requirements that are upon a registered practitioner and those elements of statute which cast similar obligations anyway.

I say quite freely that I have not had the opportunity to have a conversation with the member for Box Hill, but I have the following interpretation of the amendment. I do not want to risk trivialising the issue for one moment, but I will start with the bottom line first — that is, that having an abortion is an extraordinary and singularly momentous event in the life of a young woman.

To make the distinction very clear, we are not discussing buying a car, checking out a venue in which to get married or a lot of other things which are very important to a young lady, and which in a sense have a relevance or a relationship between a young lady and a custodial parent. This event sits alone. This is not necessarily a unique event, because circumstance may decree that a young lady may be in a similar situation at

some future time, but it is a highly unusual event. We all acknowledge, without having to describe it chapter and verse, that the young lady concerned would be a combination of being vulnerable, traumatised to a degree, worried and liable to influence of all sorts from friends, colleagues, the medical practitioners who are attending her — all those sorts of things, and other things.

I believe it is absolutely appropriate in this most extreme of circumstances that what is contemplated by this amendment should have application in this situation. I would not say it in a vast proportion of others, and I say it with no ill will intended toward the medical profession either. But I think when you look at the absolute basics of this matter and the way in which a young lady in this circumstance and in this environment is best able to have the support of a custodial parent — be it the mother or the father — I think the amendment is sensible in all the prevailing circumstances.

Mrs POWELL (Shepparton) — I will be speaking in support of amendment 9 moved by the member for Box Hill. About four years ago in this place I raised the issue of a parent who had come to see me. She was outraged because her young son had been to a body piercer and had had his tongue pierced; she was concerned about all the associated health risks. After four years and having consulted with many parents on the issue, yesterday the upper house passed a bill which makes it unlawful to pierce non-intimate body parts of a person aged under 16 years — a minor — without parental consent. I think this issue is much more serious than that.

As a parent myself, if I had a daughter who was under 17 years of age, I would want to make sure that I knew she was contemplating having on abortion and hopefully I could support her in any decision. We need to be consistent. If people are not allowed to have non-intimate parts of their body pierced without parental consent if they are under the age of 16 years, and if people are not allowed to have a tattoo on their body if they are under 18 without parental consent, surely we will not allow an abortion to be performed on one of our young daughters who is under the age of 17 years without parental consent.

I support the amendment moved by the member for Box Hill, which would make this legislation consistent with legislation we passed in this house a number of weeks ago and in the upper house just yesterday.

Ms THOMSON (Footscray) — This is the first opportunity I have had to get to my feet to make a contribution to this debate, because I was not present in the house yesterday. However, I read the debates in *Hansard*, and I recognise the seriousness with which we have all addressed this issue. Many of us have been trying to deal with abortion as a conscience issue for many years, not just with the legislation coming before us.

On the subject of this amendment, I would love this to be the best of all possible worlds in which parents care about the welfare of their children above and beyond all else, but that is not the circumstance that some of these girls find themselves in. To involve the parents in that situation can often mean they are ostracised from their families and that they may face issues of violence against them for putting themselves in that position and embarrassing the family. It is not necessarily the world that we would like it to be.

I know that all of us here who are parents would like to think that our children, when faced with the circumstance of pregnancy and any of those issues, would come to their parents and talk to us, and that we would be there to support them, no matter what, and help them through the decision-making process. But that is not the case for every girl who is faced with pregnancy, and I think the law cannot be written to take that into account.

We have to allow for a doctor to be able to read circumstances, to talk to the individual before them and try to deal with them as an individual. That is very important, and I stress the importance of properly training our doctors to be able to deal with those circumstances. Many doctors are very sensitive to that issue and do address it appropriately.

The member for Burwood also raised the issue of access to the morning-after pill and the delay of 72 hours before an abortion could be performed. The best thing we can do is leave it for people to make the decision about what is right for them in using the morning-after pill, and not to prescribe it in such a way that it does not allow for a person under the age of 17 to make that decision.

I do not support this amendment. I know of too many instances where young girls I have seen have been frightened of dealing with these sorts of issues in their family environment, and I would not like to see any of them take drastic action to deal with it. It is between the doctor and the patient.

Mr CLARK (Box Hill) — I turn briefly to some of the points that have been raised. The short answer to many of them is the answer that the member for

Shepparton and others have referred to — that is, if the consent of the young woman alone is decisive of this issue, why did we just recently pass legislation requiring parental consent in the case of certain body piercing carried out on minors? We did it because we believed that that consent alone was not enough. The reason for moving this amendment is not in substitution for the consent of the young woman herself. It is providing an additional protection for all the reasons that have already been canvassed.

Paragraph (c) of new clause A relating to the Children's Court has been included in the amendment specifically to deal with those cases to which the member for Footscray referred, where there is not the relationship between the young woman and parents that one would hope there would be.

In relation to this amendment and other amendments, the Minister for Health and the Minister for Water have both cited the Victorian Law Reform Commission report and recommendations. Perhaps we should start with the prima facie assumption that the law reform commission knows the law, but it is certainly not the font of all wisdom when it comes to matters of public policy. Indeed it is an abrogation of our responsibility as a Parliament to say, 'We are going to do it in such-and-such a way, because that is what the VLRC recommended'. These are policy issues, not issues of law, and the commission is certainly not the font of all wisdom.

More generally, the question we have to ask is: are the ministers saying that the current regime is satisfactory? Clearly it is not when young women can undergo abortions without their parents even knowing. I have made the point to the Minister for Health that if there are particular aspects of the amendments that I am putting forward that he believes can be improved, I am certainly open to whatever he might have to say on that score.

The other point I have made is that the member for South-West Coast is absolutely right — members other than the member moving a given amendment have to make decisions in a very constrained situation indeed. That is certainly not a constraint of my choosing as a mover; I have to work within the constraints that the introducers of the bill have imposed on the Parliament. At the end of the day, the question each member must weigh up is not, 'Am I absolutely satisfied that the amendment is right?' but, 'In the constrained circumstances we are facing in being forced to vote on the amendment now, is it more likely than not that this amendment will be an improvement?'. That is the criterion I urge honourable members to use in making judgements on each of the amendments before the house given that we do not have time, by virtue of what has been imposed on us, to do anything else.

For example, the member for South-West Coast very legitimately raised the question of why the amendment refers to women under the age of 17, rather than women under the age of 16. One could mount a good argument for saying it should be women under the age of 16, because 16 is the age at which people can have sex without a sexual offence being committed in many instances. This amendment refers to the age of 17 because that is the cut-off age that is provided in the Children, Youth and Families Act — the age under which children and young people can be in need of protection. The view I took is that, given that young people up to that age can be regarded as being in need of protection and that the act implicitly expects parents to exercise responsibility for young people up to that age, that is the appropriate age to refer to in the amendment.

I conclude by reiterating my point. If we had time, we could go into all these issues — these pros and cons, these various considerations. We do not have that time; we have to decide on the best option within the time available to us. I reiterate my point: the current situation, where young women can have abortions without their parents even knowing about it, is unsatisfactory, and the amendment I moved provides an improvement on that situation.

Ms MORAND (Minister for Women's Affairs) — I respect the intentions of the member for Box Hill. However, as the Minister for Health and I were just discussing in response to the comparison that both he and the member for Swan Hill made between medical practitioners and tattooists, they are not in the same category. Tattooists are not guided by the same professional or ethical standards as doctors. I do not think you can make that comparison. There is no registration board, no accreditation and no standards and so forth for tattooists. I also make the point that the Australian Medical Association does not have any problems with the bill as it stands in relation to this issue.

I refer the member for South-West Coast to chapter 8 of the Victorian Law Reform Commission report. That chapter talks about the current practice in Victoria and also in other jurisdictions, and I invite him to look at it.

To summarise what the Victorian Law Reform Commission said, the capacity of a young person below the age of 18 to legally consent to medical treatment is determined by applying the competency test laid down

in *re Gillick* and confirmed by the High Court in Marion's case.

Mr RYAN (Leader of The Nationals) — I make the point in response to a comment made by the member for Footscray that the amendment is in the alternative. The proposed new subclauses (a), (b) and (c) have the word 'or' between them, so that if a custodial parent gives written consent, the 72-hour delay would not be in play. The only time it would come in is when notice is given to a custodial parent but there is no response for 72 hours; however, in that circumstance there is the option — another 'or' — for the Children's Court to make an order so that the process can go ahead within a short time. The supposed 72-hour constraint is not a 72-hour constraint at all.

Ms GREEN (Yan Yean) — I rise to speak in opposition to the amendment moved by the member for Box Hill. As a parent I understand why members in this place would find this amendment attractive. When we examine our consciences, we probably think about what would happen in our own families, and most of us would really want to know what was happening with our children.

However, we need to recognise that not every family is ideal, as our families may be. Putting this imposition on a young woman may expose her to further harm from members of the family, and maybe even death. Because of the culture of some families, a young woman who has any sexual experience or performs any sexual activities outside marriage may be exposed to violence or even death — such killings do occur.

We need to think long and hard about the fact that the families we are talking about may not be our own families or the ideal families we know, where children are loved and supported; it does not always happen that way. We need to consider that if this amendment is passed, a child who has been sexually abused by a parent would be required under law to tell the parent who had committed the abuse, and that parent would then get to make the choice about what would happen as a result of that abuse. That is something that those considering supporting this amendment need to think about long and hard.

As I said at the outset, I understand the good intentions of the people proposing this amendment, but I reinforce my point that not all families are ideal. We know that the greatest threat to a woman's life — the highest level of morbidity — during her child-bearing years is intimate partner violence. I do not know the figures on violence from parents, but we should have a long and hard think about that issue. This amendment should be opposed because we have an obligation to protect all young women in this situation. The decision should be between that young woman and her medical practitioner.

Mrs FYFFE (Evelyn) — I rise to seek some clarification from the minister. I have no problem with a 16 or 17-year-old seeking an abortion because 16 is the age of consent. I have concerns about the 12, 13 and 14-year-olds who have terminations without their parents being informed. Whether they have become pregnant through incest or in whatever way, they are children. If this amendment fails, how does the minister see them being protected under this legislation?

Ms PIKE (Minister for Education) — The principle being enunciated here relates to the role of doctors in our society. The role of a doctor is to provide medical care to any human being irrespective of the relationships that they may or may not have with other people. If a baby is in a car accident and is brought into an emergency department of a hospital, under the Hippocratic oath a doctor has a fundamental obligation to provide medical care to that child, whether the parents like it or not and whether the parents are there or not. Similarly when it comes to any medical procedure, the relationship between the doctor and the patient is sacrosanct. Once we start to unravel that relationship, once we start to unravel that fundamental principle, the whole relationship between the health profession and society is brought into question. The issue of parental consent is not relevant to this particular situation. This is about the relationship between a doctor and a patient and a doctor's obligation to provide confidential and private medical care to their patient, whoever they are.

Mrs FYFFE (Evelyn) — I think the minister might have misunderstood what I was trying to say. I am not talking about an emergency situation where a child is taken into casualty for emergency treatment. I am talking about a child who is pregnant and needs help. I understand that by going to a larger hospital they will get that medical support. My concern is with the private clinics, and perhaps I should have said that beforehand. How will this help them? That is an area I am having great difficulty handling.

Ms MORAND (Minister for Women's Affairs) — In response to the member for Evelyn, this bill will not change the current arrangements in terms of that practice. We have to be guided by the professional standards and ethics of the medical professionals in terms of who they are treating, regardless of their age. They have duties and obligations in treating patients, and they have to make the decisions about when it is

appropriate to get parents involved. The Royal Australian and New Zealand College of Obstetricians and Gynaecologists and the AMA (Australian Medical Association) agreed that there was no need to change what is current clinical practice. This bill does not change what currently happens.

Mr CRISP (Mildura) — I would like to make a contribution to the debate, particularly in response to what the Minister for Education said. While I understand those professional relationships, what we are also trying to do here is promote better parenting in our community. We have to be very careful not to advocate that parents have no role beyond any age in any family matters, thus making our family structures even less relevant going forward. I support the member for Box Hill's amendment because families are important and we need to have a balanced message about the roles of parents and families compared to the roles of professionals. That is a very difficult balance to achieve, and that is why I will be supporting the members for Box Hill's amendment.

Ms CAMPBELL (Pascoe Vale) — In answer to the member for Evelyn's question in relation to young people of 12, 13 and so on and the care that would be provided to them post an abortion, the Minister for Women's Affairs responded that she had great faith in the medical profession's care for a patient. The very point that we are talking about in this particular amendment relates to post-abortion care as well. I have the greatest admiration for the ability of the medical profession to care for patients whilst they are with them, but the point that is at the heart of this particular amendment goes to what happens post an abortion in the hours, the days, the weeks, the months and the years beyond that abortion. I ask the minister how she, as Minister for Women's Affairs, and indeed Minister for Children and Early Childhood Development, proposes to ensure that we as a Parliament can have faith that a child will be looked after post an abortion, after they have left what is perhaps the best of medical care?

Ms MORAND (Minister for Women's Affairs) — I will respond briefly. The member for Pascoe Vale is again putting the view that things will somehow change once this legislation goes through the Parliament. She is asking what is going to happen when this bill gets through. I repeat again that we do not anticipate there will be any change to the way women are supported. Everything we are putting forward is very much to do with the concept of medical privacy, which is supported by the doctors. It is an issue around protecting a young woman's confidentiality. It is an issue around allowing her to make the decision about who she confides in and who she gets advice from in addition to the advice she is getting from her medical practitioner.

Mrs VICTORIA (Bayswater) — If we are talking about post-procedural care, as the member for Pascoe Vale was, I hear that nothing is going to change, but in my mind I see the scenario of a young girl perhaps taking a day off school with the consent or knowledge of the school nurse to have an abortion. Something may go wrong and perhaps she will have to spend two or three days in hospital. Do we say to the nurse, 'You now have to lie to the parents'? What do we tell those parents? Where do we say their child is? Who is the onus then on to tell the parents, 'We facilitated your daughter having an abortion. She is now in hospital, and she has been there for two days'? How are parents supposed to find out this sort of thing?

I have a real dilemma with this point, because I do not think it quite goes through the paces of all the different scenarios. We cannot legislate for the minority, which unfortunately I think we are doing on some of the points we are talking about. However, there are some really major flaws in this particular clause, and I fully and wholeheartedly support the member for Box Hill's amendment.

Ms MUNT (Mordialloc) — I would like to make a contribution. The intent of this amendment worries me, because in practice it might actually back young women under 17 years of age into a corner. If they believe that they are not going to have confidentiality in their dealings with their doctor, they may go in other directions that actually force them into much more dangerous situations. I recall when I worked at HBA young women aged under 17 would come to me to try to claim a health insurance rebate on these procedures. Their top consideration was that this remain confidential and their parents did not find out. They wanted to keep this strictly to themselves.

I am concerned that if this amendment is passed young women of 16 years who want that confidentiality and who want to undergo this procedure in privacy may actually be forced into more dangerous means of achieving that outcome.

Mr WALSH (Swan Hill) — The Minister for Women's Affairs in her response to some of the questions that have been raised about this amendment — and I support the amendment moved by the member for Box Hill — has used the defence that the Australian Medical Association is very supportive of this issue and the rules that regulate the way doctors practise their profession. No doubt the minister, like me, would have received a range of letters from quite a

large cross-section of doctors who are opposed to this legislation. I suppose we are in a dilemma again in that those doctors who were opposed to the legislation may have liked to inform the members of this house how the amendment in front of us should potentially be dealt with from their point of view when it comes to the issue of abortion.

I am also in a dilemma because we are being very clinical about this, and I suppose that is something that we have to do. But we are talking about taking a life, and I really struggle with that. This is not just a clinical debate about abortion. We had the debate last night about when a foetus may be viable and when it may not. But we are talking about a young woman who is involved in a procedure that takes a life, and I think we need to be very careful about how we do it. I would be very disappointed if we pass legislation that excludes the family support of the vast majority of young women and their male partners who may be involved because there is a minority in the community that we want to protect who are at risk of having parental help in this whole process.

I support the amendments moved by the member for Box Hill. I urge all members of the house to dig deep into their consciences and consider how to give the right signals from this place that we believe the family unit is important and should not be excluded from the things we are talking about tonight. We are talking about some very momentous occasions in young people's lives.

Mrs MADDIGAN (Essendon) — In relation to this clause, there seems to be an assumption here that all families are dysfunctional. I would have thought a young girl, if she becomes pregnant and wants an abortion, is most likely to tell her mother. In most families if young children are in strife they go to their mother, their father, their aunty, their grandmother or someone else who is in a really close relationship with them. If they do not have a family member in that sort of relationship what would happen to them if they were left there without any support at all? I think there is an assumption behind the amendment and some of the statements here that there is not a strong relationship between children and their parents. Thankfully, in most families there is that strong relationship.

Mr THOMPSON (Sandringham) — As a member who is expected to vote on a clause shortly I find myself in something of a dilemma. We have not had the benefit of a briefing on the clause before the house, and we have had the Minister for Women's Affairs referring us to chapter 8 of the Victorian Law Reform Commission report, which provides some further elucidation of the matter. If these matters were being discussed in a bill briefing where we could seek expert clinical comment about what happens in practice, when we could take time to review the commentary of the VLRC, we would be well placed to adjudicate on these matters. But in the absence of any time to do so I ask whether the Minister for Women's Affairs could further delineate the principles outlined in the legal judgements to which she referred us a little while ago.

Ms MORAND (Minister for Women's Affairs) — I am just trying to respond to a few issues that have been raised by the previous speakers, and the member for Swan Hill in particular. Nobody is underestimating the importance or significance of the issues that we are discussing and the significance of those issues to the young women involved. I have a 15-year-old-daughter myself, and as others members have said, the first person you would hope your daughter would go to is their mother, and that would be the ideal situation. I would hope my daughter would come to me and I would support her.

But again, as other members have provided examples of, it is not always the right place to go. To mandate in the legislation that you have to have written consent from your parents is not the right way to go for every young girl who finds herself in this situation. That is the sad reality. It is a matter of whether or not to prescribe mandatory written consent, and we do not believe that is appropriate to do so. I say again, it is a very important matter of confidentiality.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I have a question for the Minister for Health in relation to new clause B moved by the member for Box Hill. Medical practices are changing quite rapidly, and my question is around RU486. My understanding is that the research undertaken with RU486 involved women over the age of 18 years. This amendment is dealing with drugs being provided to minors for the purpose of procuring an abortion, and I just wanted to ask the minister whether drugs such as RU486 could be prescribed to minors.

The DEPUTY SPEAKER — Order! I will call the member for Sandringham next but I will allow the Minister for Health to speak first.

Mr ANDREWS (Minister for Health) — RU486, or mifepristone, as it is known, is not available in the state of Victoria at this stage, but let us assume for a moment that it is. I can be used, as the Minister for Sport, Recreation and Youth Affairs indicated, for a termination under commonwealth law. No licence application has been made, but for a moment let us

assume that one does come forward and is granted by the Therapeutic Goods Administration and other relevant bodies. It is my understanding — and I am happy to seek some clarification for my honourable friend on this matter — that that would require a script. I believe a medical practitioner would be involved in the prescription of that drug.

I am not sure whether or not that answers the question, but to the extent that I and others in the debate on this suite of amendments value the role of the medical practitioner in terms of appropriately determining whether the person is able to consent, I believe a medical practitioner would be involved in the prescription of RU486 in the event that that drug was used. That would be the subject of Victorian legislation as well, but I am happy to get some further advice on that.

I hope that answers the question the member was asking.

The DEPUTY SPEAKER — Order! I am not sure that we can do it that way. The minister indicated a willingness to seek further advice, and that might be the best way to do it.

Mr ANDREWS — That is fine.

Mr THOMPSON (Sandringham) — I just reiterate that we are expected to vote shortly on a bill on which we have not had the benefit of a briefing. The minister suggested that we might find some comfort in chapter 8 of the Victorian Law Reform Commission report, in particular a couple of High Court judgements in another court case, and I was wondering whether she might be able to elaborate. I do not wish to place the minister in an awkward position, but if she is none the wiser and I am none the wiser it does not help us arrive at a constructive position on an important motion put seriously by the member for Box Hill.

I would also be interested in ascertaining the answer to the issue raised by the member for Bayswater regarding hospitalisation and consent and what happens in that particular case.

The DEPUTY SPEAKER — Order! The question is that new clauses A and B, moved by the member for Box Hill in his proposed amendment 9, be agreed to and added to the bill.

House divided on new clauses:

Ayes, 25

Blackwood, Mr	O'Brien, Mr
Burgess, Mr (*Teller*)	Powell, Mrs
Campbell, Ms	Ryan, Mr
Clark, Mr	Seitz, Mr
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Kairouz, Ms	Wakeling, Mr
Kotsiras, Mr (*Teller*)	Walsh, Mr
Lobato, Ms	Weller, Mr
Merlino, Mr	Wells, Mr
Northe, Mr	

Noes, 48

Allan, Ms	Lim, Mr
Andrews, Mr	Lupton, Mr
Asher, Ms	McIntosh, Mr
Baillieu, Mr	Maddigan, Mrs
Batchelor, Mr	Morand, Ms
Beattie, Ms	Morris, Mr (*Teller*)
Brooks, Mr	Munt, Ms
Cameron, Mr	Nardella, Mr
Carli, Mr	Neville, Ms
Crutchfield, Mr	Noonan, Mr
D'Ambrosio, Ms	Overington, Ms
Donnellan, Mr	Pallas, Mr
Duncan, Ms	Pandazopoulos, Mr
Eren, Mr	Perera, Mr
Foley, Mr	Pike, Ms
Green, Ms	Richardson, Ms
Hardman, Mr	Robinson, Mr
Helper, Mr	Scott, Mr
Herbert, Mr	Shardey, Mrs
Holding, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Ingram, Mr	Trezise, Mr
Kosky, Ms	Wooldridge, Ms
Langdon, Mr (*Teller*)	Wynne, Mr

New clauses defeated.

New clauses C, D and E

Mr CLARK (Box Hill) — I move:

10. Insert the following new clauses to precede clause 8 —

"**C Additional requirements on medical practitioner in respect of women under 17 years in need of protection**

A registered medical practitioner must not perform an abortion on, or give a direction under section 7 in respect of, a woman who is under the age of 17 years unless —

(a) the registered medical practitioner has considered whether the woman may have suffered sexual abuse or is otherwise a child in need of protection; and

(b) the registered medical practitioner either —

(i) does not believe on reasonable grounds that the woman is a child in need of protection and has included a statement, signed by the medical practitioner, to

that effect in the woman's medical file; or

(ii) has made a report under section 183 or 184 of the **Children, Youth and Families Act 2005** of the medical practitioner's belief that the woman is a child in need of protection and 72 hours have elapsed since the making of the report.

D Additional requirements on pharmacists and nurses in respect of women under 17 years in need of protection

A registered pharmacist or registered nurse must not administer or supply a drug or drugs under section 6 to a woman who is under the age of 17 years unless —

(a) the registered pharmacist or registered nurse has considered whether the woman may have suffered sexual abuse or is otherwise a child in need of protection; and

(b) the registered pharmacist or registered nurse does not believe on reasonable grounds that the woman is a child in need of protection and has included a statement, signed by the registered pharmacist or registered nurse, to that effect in the records relating to the administration or supply of the drug or drugs.

E Requirement to take tissue sample if abortion performed on woman under the age of 17 years in need of protection

(1) This section applies if —

(a) a registered medical practitioner performs an abortion on a woman who is under the age of 17 years; and

(b) the medical practitioner made a report referred to in section 10(b)(ii) in relation to the woman.

(2) The registered medical practitioner must, in accordance with any guidelines issued by the Minister for the purposes of this section —

(a) take a tissue sample from the foetus that is sufficient for the purposes of forensic testing to determine the identity of the father of the foetus; and

(b) keep the tissue sample until the earlier of the following —

(i) the day that is 6 months after the day the abortion is performed;

(ii) the sample is given to a member of the police force at the request of that member.".

These proposed new clauses all deal with the issue of improving the protection provided to young women under the age of 17 who are in need of protection. The term 'in need of protection' is the term used in the Children, Youth and Families Act which relates to what would more commonly be described as an obligation of mandatory reporting — in other words, if a person is in need of protection, there is an obligation placed on professionals to report their concerns to the child protection authorities. Each of these new clauses deals with a situation where a young woman is seeking an abortion and there are enough grounds for a report to be made of a possible need for child protection.

I need hardly say that it is a very regrettable fact that there is a high incidence of child abuse within our community, which is part of an unacceptably high level of family violence generally in our community. We debated the issue of family violence in this place some weeks ago, and across both sides of the house there was recognition of the extent and gravity of the problem and the need for us as a Parliament to do something about it.

All these proposed new clauses address a situation where a young woman presents seeking an abortion and there are grounds to believe that that young woman has been the victim of child abuse in circumstances that ought to be reported to the child protection authorities. What these new clauses propose in this situation is that a doctor must not perform an abortion or require the dispensing of drugs for an abortion unless they have turned their mind to the question of whether or not the woman concerned has suffered sexual abuse or other forms of abuse that ought to be reported and they have either formed the conclusion that that is not necessary or, most importantly of all, they have made a report about their concerns and then there has been sufficient time for the child protection authorities to respond to that report and to consider whether to take action and whether there needs to be an intervention in order to protect the young woman.

The new clauses further provide that a registered pharmacist or a registered nurse cannot simply proceed to supply drugs under clause 6 — that is, without the direction of a doctor under clause 7 — if they believe that the young woman concerned is in need of protection. In other words, if they think that, then the matter is sufficiently important that it should be referred to a medical practitioner for decision.

Finally, new clause E provides that if after the report has been made the 72 hours have elapsed and the abortion has then proceeded, a tissue sample should be taken sufficient to allow for forensic testing. That is for the obvious reason that if the pregnancy is the result of child abuse, incest or another sexual offence, it is desirable to have the evidence available to help identify

the perpetrator and stop that abuse continuing in future. It seems clear that at the moment there is not the level of reporting of suspected child abuse that one would expect, given the statistical evidence that there are indeed a number of abortions that take place that are the result of incest or other sexual abuse. There is very little reporting of suspected child abuse by medical practitioners in the context of abortion provision.

Mr RYAN (Leader of The Nationals) — I rise to support this further amendment. It is to be distinguished from proposed new clauses A and B within amendment 9 in that A and B deal simply with the circumstance of a woman under the age of 17 years whereas proposed new clauses C, D and E deal specifically with a woman under the age of 17 years who is 'in need of protection', which is the term that is specified. As the member for Box Hill has remarked, that is a term derived from the wording of the Children, Youth and Families Act 2005. This is an additional layer of protection for a young lady who, in the circumstances which the provision contemplates, will inevitably be vulnerable and in a very difficult environment. If these amendments are passed, it will serve the purpose of heightening the degree of awareness of a medical practitioner of the need to make the sorts of extensive inquiries that the legislation proposes.

Again I say that as a matter of general course the amendments taken in total, and these three in particular, would be being used in an unusual environment and in circumstances where the young lady concerned would be entitled, as a matter of public policy if nothing else, to the best protection which we in the community can give, and the three proposed new clauses contained in clause 10 and set out here as C, D and E serve that purpose, which I think is laudable in all the prevailing circumstances.

Ms MUNT (Mordialloc) — I would just like to say that we all believe in the protection of young people and children; I think that goes without saying. However, I believe that mandatory reporting is already part of an existing act of Parliament, so this amendment is simply not required. General practitioners currently are covered by mandatory reporting if they feel some sort of abuse has taken place.

Ms CAMPBELL (Pascoe Vale) — I rise to support this amendment. I refer to a *Herald Sun* article of 1 June 2008, which talks about abortions among girls of 14 years of age and younger and states that that number has increased by as much as 400 per cent in the past 5 years. It states:

> Up to 400 women have had multiple abortions and more than 30 have had up to 4.

I have a copy here of the Children, Youth and Families Act, and I think the points have been well made by the two previous speakers in support of the amendment. I ask the Minister for Women's Affairs if she could provide to the house figures on how many 12-year-olds, how many 13-year-olds, how many 14-year-olds and how many 15-year-olds have had abortions and advise whether under the terms of the Children, Youth and Families Act, particularly division 2, section 10, where there is a very clear outline of the 'best interests' principles for the child, how many of those people at that very young age have in her view had their safety and wellbeing put at risk or protected.

I know it is a very specific question, but I ask it because in considering this legislation I was prompted to think of my time as Minister for Community Services in relation to mandatory reporting and sexual abuse. Ministers get information on a daily basis on what are considered hot topics. I would have thought that if the department had had reports of numbers of young people who were having multiple abortions, there would have been some consideration by those performing the abortions of the provisions of what is now the Children, Youth and Families Act but which was previously the Children and Young Persons Act. To my recollection that was never, ever provided to me as minister. Quite frankly I cannot believe that in Victoria, if we have a situation where abortions among girls 14 years and younger have increased by as much as 400 per cent in the past five years, there have not been cases of mandatory reporting.

Let us presume that there have been some. The fact that an abortion has occurred would provide the courts with tangible forensic evidence if there had been abuse. Again, this might be being done, but in my experience in the time I was minister — and it would be interesting to know if others who have held this position have had such reports put to them — to my knowledge it did not occur on a single occasion that a young person going to an abortion clinic who had been abused or who was suspected of having been abused had reported it to the police and had had the forensic evidence maintained.

Probably it is an item that many of us would never have turned our minds to, but given that we are legalising abortion and it will be out there in the public arena, it seems to me that this is an ideal opportunity to ensure not only that the 'best interests' principles of the Children, Youth and Families Act are spoken about in this Parliament but that we actually insist they be

delivered. To me this is again a very good legislative amendment.

Mr STENSHOLT (Burwood) — I understand the member for Box Hill's intent and compassion in this regard, but once again we have three provisions here, and I am concerned about the practicability and applicability of some of the parts of these proposed new clauses. There are reporting requirements, for example, under other acts which have to be met, and this amendment provides an extra one. A pharmacist or registered nurse referred to in clause 6 is required to first of all determine whether the person is actually under the age of 17, so they will have to ask for proof of age, which is not an inconsiderable thing to do as we know from the experience of operators of licensed premises and others.

They then have to make a judgement in respect of whether the child may have suffered sexual abuse or is otherwise in need of protection on reasonable grounds. Of course there is some history as to what are reasonable grounds. But if the pharmacist or registered nurse does not do that, then clause 11 will come into play and they will be liable to be imprisoned for up to five years for not checking the age of the child. I wonder about the practicality of some of the measures suggested in the amendment.

Ms MORAND (Minister for Women's Affairs) — In response to the member for Pascoe Vale, I think she asked quite an extraordinary question because clearly I do not have the information she is seeking. As Minister for Children and Early Childhood Development, I am not provided with information on terminations conducted by age group. I agree with the Leader of The Nationals that the focus here is that women need the best possible protection and nobody in this house would disagree with that, but as the member for Mordialloc said, these matters are already appropriately dealt with in criminal legislation.

There is no need to replicate them in this bill, and in any event I understand that these amendments are an incomplete protection of evidentiary material and are undesirable to replicate. Finally, the Children, Youth and Families Act already makes doctors and nurses subject to mandatory reporting and so there is no need to replicate those provisions again in this bill.

Ms Campbell — On a point of order, Deputy Speaker, my question related to the age groups and the numbers, the number of reports and whether forensic evidence had been provided to police where there were concerns for the risk and welfare of that child. The minister had the opportunity to try to answer the first part of the question. I would like her to address the other two components.

The DEPUTY SPEAKER — Order! The member for Pascoe Vale raised this as a point of order, so I will rule on the point of order. I do not uphold it as a point of order and I think it was inappropriate as a point of order. The member is asking a question again in regards to what she has spoken about. I do not consider that to be a point of order. I do not uphold the point of order.

Mr CLARK (Box Hill) — I would like to respond to some of the issues that have been raised. The member for Mordialloc asked, 'What is new in these amendments?'. The main new thing is the requirement for a delay in the conducting of an abortion if there is a case of suspected child abuse. That is not something that is required by existing law at all. The member for Burwood questions the use of the term 'reasonable grounds'. The wording in that respect follows as closely as possible the wording that is in the existing Children, Youth and Families Act, so if there is a problem with the wording in the amendment, there is a problem with that act as it stands.

I can perhaps understand the minister not having at hand and in great detail the information referred to by the member for Pascoe Vale, but I would have thought there would be some of that information at hand if we are making decisions on this issue. If the minister herself is making decisions on this issue without information before her as to the standards of abortions on women under the age of 17 and the occasions on which abortion practitioners have notified authorities of abuse or concerns about possible abuse, then there is something wrong. This is the sort of information that the minister, and indeed the Parliament and the public, should have in order to make a fully informed decision on this issue. The evidence we do have from the member for Pascoe Vale and others is that there is very limited, if any, reporting by abortion practitioners in these circumstances.

Looking at it more broadly, what we are really addressing are situations where a perpetrator of family violence, a perpetrator of sexual abuse against a young woman, may be the very person who is taking a young woman to an abortion clinic under intimidation, under threat not to say anything about the abuse in order to procure an abortion to cover up the crime which they have perpetrated. Surely as a Parliament we should be seeking to put in place protections against that risk. We should be acting to protect young women. It is clear from all the available evidence that the current regime is not working to do so.

Firstly, there is nothing to put a hold on the performance of the abortion. Secondly, the operators of abortion clinics are not reporting suspected abuse when they jolly well ought to be recognising and reporting suspected sexual abuse. The other part of this amendment would force them to turn their minds to that issue. If they are going to say, 'No, there are not any grounds for suspecting abuse in this instance', then they have got to sign something to that effect, and they have got to put that on the file of the young woman concerned. In other words, they have got to show that they have turned their minds to that question. They are clearly not turning their minds to that question at present.

We talk about the confidence and faith we put in medical practitioners and their judgement. Clearly for the best medical practitioners — probably 99 per cent — that judgement and confidence may well be justified. But we have to deal not only with the best but the worst, and we have got to have protections in place to deal with those who are running high-volume, high-turnover abortion clinics where they have a clear conflict of interest in flagging any problems whatsoever with the clients who come through their doors.

The current regime is clearly deficient in that respect. I put it to the house that it is inappropriate and inadequate to say, 'Look, if this is what is happening at present and this law is not making it any worse, why should we do anything about it?'. Surely if we are debating legislation about abortion and introducing an entirely new regime, we should be taking this opportunity to make things better, not leaving a continued flawed situation to go unredressed when we have the opportunity before us to do something about it. That is why I call on members to support this amendment.

Mr ANDREWS (Minister for Health) — I make the point that in not supporting this amendment it is my judgement that it is not a necessary amendment. That is not to say there is not a need for a framework to protect those who need protection. The Leader of The Nationals made the point when he highlighted the fact that the words put forward by the member for Box Hill come from the Children, Youth and Families Act, an act of this Parliament. With the greatest of respect, to assert that there is no framework when these words are developed from a framework does not make sense.

There is a circular element to the argument, not from the member for Box Hill but from others, that if these arrangements are not working, to simply write them twice will somehow deal with the notion that they are not working. There is no evidence they are not working. Doctors and nurses are obliged to do certain things, they are obliged to turn their minds to certain things under the Children, Youth and Families Act.

What is more, those working in our health system and many others across the state are obliged in relation to evidence to keep samples, treat samples in certain ways and so on. This is not a space that is devoid of a framework; it is not an empty space. We have several acts and they currently guide practice in this area and ensure there are obligations on those involved in providing these services — indeed, in providing many other services.

I am content with the framework as it is now, and I see no argument to replicate it in this bill. This bill is important, and if it becomes law it will not be the only act in this state. There are many other statutes; they all work together and ought to be viewed in that context.

Dr NAPTHINE (South-West Coast) — I thank all members who have contributed to this amendment that covers proposed new clauses 10C, 10D and 10E. These are interesting proposals which on first reading would seem to have significant merit in terms of providing additional opportunities to provide protection for young women at risk, but also to provide a framework, to use the words of the Minister for Health — —

Mr Andrews — To replicate a framework.

Dr NAPTHINE — To provide assistance in reducing the level of sexual abuse and incest in our society. I appreciate the Minister for Health saying that this will replicate a framework. I would love the opportunity to look at the existing framework in detail to see whether this does merely replicate the framework or actually adds to the framework.

I particularly draw attention to the proposal outlined in proposed new clause 10E(2) regarding the requirement to collect tissue samples, which would seem to me a very valuable addition to the framework. From my recollection, that is not in any other piece of legislation but would be a very important tool to assist in our delivery of better services to prosecute sexual abuse, prosecute incest and to protect vulnerable young people. I think that provision has a lot of merit.

While I have concerns about the decriminalisation of abortion, and I am interested in following the debate, particularly the amendments — I have made comments before about not having sufficient time to consider them, and I will not go there again — one of the benefits which may derive from the decriminalisation of abortion, from a more open system where people seek an abortion or get an abortion without having to look over their shoulder or have the risk of offending

under the Crimes Act, is that we may get more valuable information to assist young people at risk, to protect those young people and to prosecute people who perpetrate abuse and incest against young women.

One of the benefits of decriminalisation of abortion may be that opportunity and perhaps the proposals in C, D and E may provide some additional methodologies to add to the existing framework to make sure that occurs.

I share with the member for Pascoe Vale the honour and privilege of having served this Parliament as a Minister for Community Services. I can attest that in my time as minister I cannot recall that evidence from abortions was ever presented in any form to me as a way to protect young women or prosecute people involved in sexual abuse or incest.

I have not expressed that as well as I would like, but the point made by the former minister and me is that logic, common sense and any analysis of the data would suggest that there is likely to be and there are a number of abortions that take place, particularly among vulnerable young women, that are a result of sexual abuse and incest. That data was not used as a way of identifying either women at risk or perpetrators. Perhaps now, with the decriminalisation of abortion, we will have a way of doing that. Perhaps this amendment provides that opportunity. I am still uncertain and still have questions I have not been able to have answered. I would like to have more time to seek those answers and get a more detailed understanding of these issues.

Mr RYAN (Leader of The Nationals) — I understand the minister's point that as a matter of principle we do not want to be replicating — to use the expression that I think he used before — existing legislation, and that if we have in place already in the statutory forms the protections which proposed new clauses C, D and E contemplate, I will feel easier about not incorporating them by way of this amendment.

I have a basic concern, which is reflected in the material to which the member for Pascoe Vale referred, and I take that on face value. I am sure it is gravely concerning to all of us to hear statistics of that order which focus around multiple abortions being carried out over relatively short periods of time upon young women who very obviously, or at least by implication, are extremely vulnerable. Without stretching the bow too far one can come to the conclusion that these are people within the ambit of what C, D and E are intended to accommodate.

Therefore I would put it to the Minister for Health this way: if the Minister for Health will guarantee this house that existing statutory provisions in Victoria are reflected in the same way as proposed new clauses C, D and E appear in this amendment, I for one would feel easier about the position, because this amendment truly would be a replication of what we now have in statutory provisions in Victoria. If the minister cannot guarantee that that is the case, I would strongly endorse that these amendments should be passed. If as a third alternative the minister is able to say that only components of C, D and E exist in a statutory form in Victoria, then given, as I understand it, that the minister is comfortable with the general thrust of what is intended here, I would invite him to adopt that part of the amendment which is not now covered by existing Victorian legislation.

Ms NEVILLE (Minister for Community Services) — I am sure everyone in this house is keen to ensure that any young person who is subject to any form of abuse, sexual or otherwise, within or outside of the family, is afforded a range of protections and supports in those situations. We have a number of provisions in legislation that afford protections to people who have been raped, which is really what we are talking about, whether as a young person or as an adult. Through the crimes provisions there are a range of measures in terms of prosecutions as well as the procedures that are required to be followed in the collection of evidence. Additional protections are afforded to children and young people under the Children, Youth and Families Act in terms of certain professionals in this state, including nurses and doctors, and beyond that, who must report those issues to child protection authorities for investigation.

I am very confident that the protections that the Leader of The Nationals is seeking are already afforded by current pieces of Victorian legislation, particularly in the case of the Children, Youth and Families Act, which has some strong provisions to ensure that professionals right across the board have obligations to report but also to support those children and young people in the process.

The other part of this question is that in any situation of sexual abuse we need to provide respect to choices that the victims make as well, and those choices and rights are also afforded in legislation. We need to make sure that our professionals have obligations placed on them, which the act provides for, but that we are sensitive also, as the legislation does provide, to the rights of those victims.

Ms CAMPBELL (Pascoe Vale) — It was terrific that we had the Minister for Community Services contribute in that way in the debate. When she walked

in I thought, 'Good, she will have the information that was worrying me'. The questions still remain unanswered in my mind, even though we have just had the benefit of the contribution by the Minister for Community Services.

We have unanswered questions when we are looking at this legislation. The unanswered questions are: how many children in this state aged 11, 12, 13 or 14 years are having abortions? Have any of the abortionists in performing those abortions, or the counsellors, in considering the options and the informed consent, come to the conclusion that there may be a risk for a 12, 13 or 14-year-old girl in the environment that she is constantly living in, or perhaps on a single occasion where she has been the subject of abuse? We still do not have the answers on whether forensic evidence is being kept. To my knowledge that is not occurring. It was really disappointing that the Parliament did not have the benefit of being enlightened on those questions when the Minister for Community Services was speaking.

Mr ANDREWS (Minister for Health) — The Leader of The Nationals sought from me an assurance about my confidence that the provisions in the amendments moved by the member for Box Hill in practical effect replicate existing obligations — or existing provisions, existing duties and existing functions — —

An honourable member — Legislative.

Mr ANDREWS — Legislative provisions, if you like, that are the subject of other acts of this Parliament. I am advised and confident that my assertion is an accurate one. The Leader of The Nationals invited me to hold the two of them up to the light and see whether they were exactly the same, word for word. I am not putting that to him.

What I am saying is that, from a definitional point of view and in practical effect, these amendments have the same outcome and would replicate the same duties and same obligations on all of those involved from a mandatory reporting sense or from a Children, Youth and Families Act point of view, or from an evidence point of view from the Evidence Act. That is the advice that I have. On that basis I am confident there is not a need to support these amendments, because they do nothing more than replicate provisions in other acts.

House divided on new clauses:

The DEPUTY SPEAKER — Order! Again I remind members that the division will be conducted as a personal vote because this is a conscience vote.

Ayes, 26

Blackwood, Mr	Northe, Mr
Burgess, Mr	Powell, Mrs
Campbell, Ms	Ryan, Mr
Clark, Mr	Seitz, Mr
Crisp, Mr	Smith, Mr K.
Delahunty, Mr (*Teller*)	Smith, Mr R. (*Teller*)
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Kairouz, Ms	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
Lobato, Ms	Weller, Mr
Merlino, Mr	Wells, Mr

Noes, 48

Allan, Ms	Langdon, Mr (*Teller*)
Andrews, Mr	Lim, Mr
Asher, Ms	Lupton, Mr
Baillieu, Mr	Maddigan, Mrs
Batchelor, Mr	Morand, Ms
Beattie, Ms	Morris, Mr
Brooks, Mr	Munt, Ms
Brumby, Mr	Nardella, Mr
Cameron, Mr	Neville, Ms
Carli, Mr	Noonan, Mr
Crutchfield, Mr	Overington, Ms
D'Ambrosio, Ms	Pallas, Mr
Donnellan, Mr	Pandazopoulos, Mr
Duncan, Ms	Perera, Mr
Eren, Mr	Pike, Ms
Foley, Mr (*Teller*)	Richardson, Ms
Green, Ms	Robinson, Mr
Hardman, Mr	Scott, Mr
Helper, Mr	Shardey, Mrs
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thomson, Ms
Hudson, Mr	Trezise, Mr
Ingram, Mr	Wooldridge, Ms
Kosky, Ms	Wynne, Mr

New clauses defeated.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr BATCHELOR (Minister for Community Development).

The DEPUTY SPEAKER — Order! I indicate that as the house has not agreed to the new clauses proposed by the member for Box Hill, he will not be able to move amendments 3, 4, 5 and 6 standing in his name, as they are consequential.

New clause A

Ms KAIROUZ (Kororoit) — I move:

12. Insert the following New Clause to follow clause 5 —

"**A Prohibition on partial birth abortion**

(1) A registered medical practitioner must not perform a partial birth abortion.

Penalty: 500 penalty units.

(2) In this section ***partial birth abortion*** means the intentional killing of a foetus during vaginal delivery.".

I take no pleasure in standing here discussing partial-birth abortions and the details surrounding the way that they are performed. I do not wish to cause discomfort to members; however, this is an issue that I feel strongly we must confront so that no mother or child is ever subjected to such a horrible and barbaric experience.

Late-term abortions are often performed as partial-birth abortions. When partial-birth abortions were first discussed in public many people refused to believe that they occurred. Partial-birth abortions are typically performed on healthy women with healthy unborn babies. A partial-birth abortion is a partial delivery of a living foetus for the purpose of destroying it outside the womb, either at the presentation of the head or alternatively at the presentation of the trunk up to the naval. A medical practitioner then uses a sharp instrument to stab a hole in the baby's skull and the brain is vacuumed out. This is something we would not inflict on animals, let alone on human beings. My understanding is that partial-birth abortions are currently conducted in a Croydon abortion clinic. I am told that they are not conducted in any public hospital in the state. A partial-birth abortion poses a serious health risk to the woman. The dilation of the cervix risks creating an incompetent cervix, which is a leading cause of future premature deliveries, infection or even subsequent infertility. The procedure is bad, explicit and destructive.

Women who undergo partial-birth abortions also suffer the psychological pain of being present at the destruction and disposal of their babies. That is suffering that cannot be understood by those who have not experienced it. What is more upsetting is that a partial-birth abortion creates a relationship between the mother and her dead child — a relationship that only a woman who has experienced it can understand.

A foetus clearly shows signs of pain, and the appropriate parts of the nervous system are developed. A foetus responds to light, sound, touch and taste, and it spontaneously moves in the womb. This must come to the fore of this debate. The practice of partial-birth abortion must end because it allows a healthy, living human being to experience torture right up until their death. Partial-birth abortions violate everything that is good and everything that is held dear by humans and the community. The legislation must protect against partial-birth abortions, as it currently does not do so. I therefore urge all members to support this amendment, as it will ensure that a partially born baby can never be aborted.

Mrs FYFFE (Evelyn) — I rise to support the member for Kororoit on this amendment. That our public hospitals do not, I believe, perform this kind of action — you cannot call it surgery, can you? — brings home the fact that it is not necessary and should be banned. We are not permitted to dock the tail of a dog under Victorian law, yet we are permitted to do this. While we are debating the Abortion Law Reform Bill we should use the opportunity to improve practices that are occurring. I ask members who are voting for the bill and who are not supporting many of the other amendments to think about this one. This does not prevent abortions; it is about looking at the baby — and it is a baby at that stage — and being more merciful in our treatment of it. I ask all members to seriously consider this amendment.

Ms CAMPBELL (Pascoe Vale) — I too support this amendment. It is really important that we take a second look at partial-birth abortion. It was an issue in government circles some time ago. This is a real chance for us as a Parliament to stand united on what must be among the most barbaric actions to occur in this state.

I refer to the fact that the Supreme Court of the United States has had the opportunity to look at partial-birth abortions. Around about seven years ago in *Stenberg v. Carhart* the US Supreme Court ruled that Nebraska's law against partial-birth abortion was unconstitutional. The lower courts then discussed this, and it ended in a federal law being passed by Congress to ensure that no partial-birth abortions occur in the US. There were a number of court cases, the US Supreme Court took a second look at it and now partial-birth abortions are banned in the United States of America.

The legal position is clear, but we have to have a good look, as the member for Kororoit said, at the actions that occur with regard to partial-birth abortions. She outlined it, and I do not intend to do so again. The government was so concerned about partial-birth abortions that there were additional conditions put on the private clinic in Croydon. Those conditions are a matter for the Minister for Health, and he may wish to comment on them later, but the fact remains that at Monash Medical Centre and the Royal Women's Hospital, late-term abortions are performed after medical panels have examined all the relevant information, medical and otherwise.

We do not need to go into how those abortions occur, but we need to consider that in future, after abortion is

legalised in this state, it will never ever be done by partial birth. No matter how many conditions we put on licences, for example, at the Croydon Day Surgery, no matter how outraged we say we are about such procedures, nothing will change the fact that tonight we have a wonderful opportunity collectively as a Parliament to say, 'No more; we will not allow any more partial-birth abortions to be performed'.

I know the government has to date stated that it will not be considering or accepting amendments, but that does not mean we as members of this place cannot vote for this very important amendment. For all the members who believe they want to support the government on the legislation before us, if there were one, two or three amendments they were going to vote for, I would be putting to them in a very strong way that this be the one they exercise their conscience vote on and insist that we include it in this new legislation.

Mr RYAN (Leader of The Nationals) — I rise to support this amendment and in so doing have regard to some correspondence that I referred to yesterday in the second-reading debate. This is a letter of 5 September 2008 signed by 39 obstetricians, gynaecologists and general practitioners drawn from Victoria and Sydney, all of them named, with their full particulars — an eminent group by any description. The letter they sent to me I believe has been sent to other members. Presumably it has been sent to all members, but certainly others have it. It says at page 8, paragraph (iv):

> The late-term abortion involves an additional procedure with additional risks that is performed in addition to expediting or inducing labour. Most commonly, this involves an ultrasound-guided needle inserted via the mother's womb and into the foetus's heart, injecting potassium chloride (KCL) to bring about its death. This is done separately and prior to the subsequent induced labour.

A little earlier in the course of the same correspondence, on page 7, under a heading '(b) Late-term abortion is never medically necessary', it states:

> In modern obstetrics, late-term abortion, properly defined, is never required to save the life or health of a pregnant woman. There are no medical or obstetric conditions that necessitate the intentional termination of the life of a viable post-24-week foetus in order to save the life or health of the mother. Attempting a live birth is always a safer option if the woman's life is in danger.

There are other references of a similar ilk. I believe this is an amendment which lends itself to being supported by all members of this house.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to support the amendment of the member for Kororoit. This is a most horrific and barbaric procedure that one could ever imagine. Partial-birth abortion is exactly that — the child is partially delivered and then is intentionally killed. Yesterday the member for Kororoit related an interview of which I will remind members. David Grundmann, who operates the private clinic in Croydon, was asked this question:

> Do you pierce the baby's head with a sharp instrument?
>
> … As I said, I'm not going to discuss details or specifics about procedures because I don't think that you or the public needs to know specifics about a very small number of procedures. If I'm talking to a medical audience I'll have no problem discussing procedures because they understand it.
>
> … Is that because the procedure is so bad and so explicit and destructive?
>
> … It's because the anti-choice people like to create hysteria about certain aspects of late abortion which I don't think that the public really needs to debate.

Let us go to what David Grundmann is prepared to say to a medical audience. In a paper he prepared, which I am quite happy to table, under 'Surgical methods' he writes that dilation and extraction, which is the terminology for partial-birth abortion, is 'my method of choice'. He then goes on to describe how a partial-birth abortion occurs, and it is in line with the description given by the member for Kororoit. In terms of the 'disadvantages of dilation and extraction', he says:

> … There is a need for greater technical skills.
>
> … The aesthetics of the procedure are difficult for some people; and therefore it may be difficult to get staff.
>
> … Although rare, complications can be serious and may include haemorrhage, disseminated intravascular coagulopathy —

I will table this so we can get the terminology correct —

> uterine perforation or cervical trauma. All require hospitalisation and surgery.

I want to finish by talking about my conversation with Professor Euan Wallace, head of obstetrics at Monash hospital. He was quite helpful in terms of my discussion around medical panels, but I also asked him about partial-birth abortions, and he said that partial-birth abortions are not practised at Monash hospital, nor are they practised in any other public hospital in this state. I asked him why, and he said because it is dangerous, it requires a much greater level of technical expertise and in Australia we do not provide the training necessary to conduct this procedure.

I repeat the comments of the member for Evelyn, that whether or not you support this legislation, with this amendment we are not going to be changing any practice in public hospitals. We will not be amending any current clinical practice in terms of late-term abortion other than that which is conducted at the private clinic in Croydon, which is, as far as I know, the only facility in Victoria that does this type of abortion.

So I urge members to support this amendment and I ask the Minister for Health to confirm the comments of Professor Wallace in regard to the training that is conducted for this type of procedure and his comments to me that that training is not provided in Australia.

Ms LOBATO (Gembrook) — As I said last night, I support decriminalisation of abortion but I cannot support this bill, as I demonstrated by my vote. I see this as a very historic occasion when we are seeking to decriminalise abortion. Why would we not make sure that every aspect of protection for women and fully-formed babies is considered? Why do we not implement every element that does not exist for their protection now to ensure that they are protected? Why do we not look now at some of the aspects that are appalling, like partial-birth deliveries, and discuss them?

It was not very long ago — in fact it was only while we were researching this topic — that I discovered what a partial-birth delivery was. I could not believe it. I could not believe that these procedures actually occur. This is 21st century Victoria and we are allowing this barbaric procedure to occur to fully-formed babies. What is going on? Why do we not admit that there is something wrong with this? Why do we not discuss this?

Did everybody here know what a partial-birth delivery is? I do not think so. The member for Kororoit explained what it is and you could hear sighs of discomfort. We feel uncomfortable with such confronting and disturbing information that we are voting on. We are meant to be the experts. We are the legislators. Why on earth do we not know what a partial-birth delivery is?

The DEPUTY SPEAKER — Order! I think the member means partial-birth abortion.

Ms LOBATO — Abortion. I am sorry. Why is it that we did not have that information? Why is that we feel so confronted, so shocked? If we find it appalling, let us ensure that this procedure does not continue. Therefore I support the amendment moved by the member for Kororoit.

Mr ANDREWS (Minister for Health) — I rise in respect of the question posed by my honourable friend, the Minister for Sport, Recreation and Youth Affairs, in relation to comments apparently made by Professor Euan Wallace, a man that I know well and someone for whom I have an abiding respect. He does great work at Monash Medical Centre supporting women, mums and bubs, and is a highly respected person.

I have not spoken to Professor Wallace about these matters and it may well be that he has views on training or risk or a range of other matters in terms of this area of clinical procedure and many others. It is not for me to provide a commentary on the views held by others about the adequacy or otherwise of training provided here or in any other place in the world. I do not determine those matters. Those matters are determined by our colleges, by medical practice boards and by individual medical practitioners in the context of a whole range of different and complex matters.

I am not in a position to confirm whether the view of Professor Wallace, as relayed by the Minister for Sport, Recreation and Youth Affairs, is accurate or not. That is the only answer I can provide to the honourable member.

Dr NAPTHINE (South-West Coast) — As members may be aware, I have abstained from voting on all the previous amendments because I did not have confidence in my knowledge and understanding of all the intricacies of some of those detailed amendments to make a considered vote. This issue seems to be much clearer, in my view, and I will most likely be voting on this proposed amendment and I would be most likely to support the amendment.

I think the concept and practice of partial-birth abortions is abhorrent. We should take this opportunity to make very explicit in the legislation that they should be prohibited and should incur significant penalties if people seek to practise this unacceptable procedure. Other members may say that is already the case, and it is implicit. But I say, let us take the proper belt-and-braces explicit approach and support this amendment and make it very clear.

I also wish to call on the ministers at the table to explain — because it seems black and white to me — that partial-birth abortion is a practice we should not condone or support; we should prohibit it. If there is any argument that the ministers at the table have which would suggest that we should not vote for this amendment, that we should vote against it, I would certainly appreciate them explaining to me and the

house why they would not support the amendment because it might add some illumination to my understanding of this issue.

To date we have had a number of speakers, and all of those speakers who indicated their views on this issues rather than just making commentary indicated that they would support the amendment. Therefore one would presume that the house as a whole would support the amendment. If there are other reasons that members should consider in making up their minds how to vote on this issue it is important that the people who have a different view with respect to the amendment make that view clear so that both sides of the argument are put and so that members can be fully informed and make a reasonable decision. At this stage it seems pretty clear to me. Therefore, while I have abstained from voting on previous amendments because of uncertainty with regard to the complexity and some of the issues, at this stage I expect I would vote for this amendment.

However, I would very much like to hear from other members who perhaps have a different view. I would like them to outline to me and to the house why they have a different view, what it is based on and whether there are other matters I have not considered or understood with respect to what seems to me to be a fairly clear black-and-white issue. Partial-birth abortion is not a practice we should condone or support; in fact it is a practice we should prohibit. It is a practice we should make clear that we do not accept in Victoria. Therefore I think I will be voting for this amendment.

Ms MORAND (Minister for Women's Affairs) — The Parliament does not prescribe how any clinical procedures are undertaken. This is rightly the domain of the professional colleges, and that is what the Minister for Health has outlined. Matters of professional conduct and the way clinical procedures are undertaken are all matters of a nature that is rightly the domain of the professional bodies. I do not think there is anybody present in the chamber tonight who is an obstetrician or a gynaecologist or who is trained in this procedure or any other surgical procedures who could make a technical assessment about what is the most appropriate way to conduct the procedure that has been described. I simply say to members that they should not support this amendment because it is not up to the Parliament to determine how clinical procedures should be undertaken. It is a matter that can be referred to and dealt with by the Medical Practice Board, if necessary.

Mrs POWELL (Shepparton) — I voted to decriminalise abortion, and I am on record as doing that, but I will be supporting the member for Kororoit's amendment. I understand and I have been advised that the practice of partial-birth abortion is not practised in Victoria, but I am a bit concerned about the answer we have just heard from the minister. The minister said that this is the domain of professionals. The concern I have is that we need to send a very strong message that we do not condone this practice. It is cruel and it is barbaric. I urge people to vote for this amendment to show that while it may or may not happen in Victoria, it will never happen in the future and none of us condones it. Matters like this are not just in the purview or domain of professionals; they are matters on which we in this Parliament can make laws. I want us to make it the law that that sort of procedure is not allowed in Victoria.

Mr NARDELLA (Melton) — I have been asked why I will not be supporting this amendment. Having listened to both of the ministers and the proponent, my friend the member for Kororoit, I make the point, firstly, that it is a woman's choice. What happens to a woman's body should be up to her. I am reiterating the position that I put to the house yesterday. The second point I make is that it is a medical procedure that is between the woman and the doctor or the gynaecologist — the authorised medical practitioner. That procedure would be discussed between the woman and her medical practitioner, which is appropriate. It is not for me to rule in or out procedures that are and would be overseen and reviewed by professional colleges or by practice boards under other legislation that has been passed by this house. That is the reason I will be supporting the bill before the house without an amendment to this clause. It is important for the house to consider that there are procedures and abortion techniques that are within the purview of the woman and her medical practitioner. That is the primary reason I will not be supporting the amendment.

Dr SYKES (Benalla) — I make the following contribution with great caution and wariness. As a veterinarian I am involved in the delivery of many calves and lambs, and there is no greater pleasure I get out of my life than to have live, healthy newborns on the ground and to see them go through the bonding with their mothers.

Unfortunately on some occasions I undertake the equivalent of partial-birth abortion. We refer to it as embryotomy. It is the most gut-wrenching task that I ever undertake. That is when the unborn is already dead. When the unborn animal is alive and I have to destroy it as part of the process, I am extremely stressed and distressed. If there is no medical need for this practice to continue, then I strongly endorse its being banned.

I reiterate the request of the member for South-West Coast for those who support the retention or the non-banning of this process to speak up now and say why this should be continued to allow to occur with humans.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — In relation to the response from the Minister for Women's Affairs, I ask the minister: is she aware that parliaments in numerous other jurisdictions across the globe have actually banned partial-birth abortions?

Ms MORAND (Minister for Women's Affairs) — I am not aware.

Mr BURGESS (Hastings) — I would like to bring the attention of the house to the fact that in Victoria we have passed a law whereby people are not allowed to dock the tail of a dog, but we are not vets. If it is the practice of this house that we do not impose our will on medical professionals in a circumstance as grotesque as this, then I think it is time we changed that practice.

Mr DELAHUNTY (Lowan) — I have been in this chamber during a majority of the debate on this bill yesterday and tonight. I was not going to make too many comments — I was going to declare my hand when I voted, as I have done on each occasion — but this is one aspect that really hits you very hard.

I commend the member for Kororoit for bringing forward this amendment, because I think we need to make it very clear in Victoria that this practice is barbaric and is something we do not want. We are ultimately the law-makers of this state — not professional bodies or other organisations. We have had advice from a lot of people and we have spoken to a lot of people, but we know this is wrong — it is wrong, wrong, wrong!

We must make sure that people who contemplate doing this are aware that it is illegal to do it in Victoria. We must as law-makers of this state not allow this barbaric practice to ever eventuate. I am not sure if it is a practice in this state; some people have said it is and some people have said it is not. We must speak for the unborn — those who cannot speak. That is who I am talking about: those who are about to be born. We must give them a chance in life.

Mr CRISP (Mildura) — I am going to make a very brief comment on this part of this difficult debate. I am supporting the amendment of the member for Kororoit, and I am expressing concern about the comments of the Minister for Women's Affairs, like many others have, and I want to echo their comments. The professionals are the technicians, but we have a different role, and that is a role to set the outer boundaries about what is and is not acceptable. I will be voting for the amendment.

Ms CAMPBELL (Pascoe Vale) — In preparation for this debate I examined a number of international jurisdictions in relation to partial-birth abortions. I highlighted in my earlier contribution, and I repeat it here, that the US Congress passed legislation in 2000 to ban partial-birth abortions. I ask the minister a very specific question: what advice was provided to the minister on the *Gonzales v. Carhart* case, and what kind of information was provided to her in relation to partial-birth abortions?

In relation to questions I would like answered by the Minister for Health, neither he nor the Minister for Women's Affairs has explained to us why we do not need to proceed with this amendment, why we should be reassured that things are fine here in Victoria in relation to partial-birth abortions. The fact is that very special conditions of licence were put on the Croydon Day Surgery. Obviously the Minister for Women's Affairs would not have to reply to this question, but I need the Minister for Health to reply to it. There were eight specific conditions.

The first condition was:

> 1. As a standard component of service delivery and at least one day prior to the procedure, women are to be involved in an 'information and support' session with trained staff and of an adequate duration according to the women's needs.

What has the department been able to identify in relation to whether that occurred? The second condition was:

> 2. That staff involved in providing the 'information and support' sessions have undertaken, as a minimum, a relevant qualification such as a clinical practice certificate in counselling or a diploma of counselling.

What monitoring has occurred in relation to that, and what information can the minister provide to the house? The third condition was:

> 3. That each staff member involved in providing 'information and support' sessions attend and document professional development relevant to the task of information provision and 'counselling' and equivalent to a minimum of two days per year.
>
> 4. That the clinical document guidelines for the issue to be covered and questions to be asked within the information support session that should include the following:

a. the woman's possible desire and need to talk further with a more formally trained practitioner (e.g. psychologist, psychiatrist) in relation to her decision regarding pregnancy termination …

This is very relevant given the nature of the termination that is about to occur:

b. other mitigating social factors or health issues which may have impacted on the woman's reasons for seeking a late termination;

c. if relevant, possible support services which may assist her in addressing these mitigating factors;

d. the options for post-procedure support and advice if required;

e. the woman's knowledge of and future needs in relation to contraception.

I am particularly interested in the options for post-procedure support and advice and whether we, through the Department of Human Services, have followed that up. The seventh condition was:

7. That the clinic include in its package of written information for women a list of national support services related to post-procedure support and advice if required and the issues likely to be identified by women …

There was one further condition.

In the time available to me I repeat the point that was made in the original contribution by the member for Kororoit. We are primarily looking at this amendment, in my view, in relation to the unborn and the barbaric nature of its disposal. But if we care to ignore that barbaric act, have we ensured that the Croydon Day Surgery has met its conditions of licence?

The Minister for Health was well aware, as was the Minister for Women's Affairs, of the amendments that were going to be provided tonight, and I find it absolutely astounding that the minister does not know about international practice.

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

Mr CLARK (Box Hill) — I support this amendment for the reasons so compellingly expressed by the member for Kororoit and other speakers. There seems to have been only one argument against this amendment put forward by the ministers or by the member for Melton — that is, in effect: we do not tell the doctors what to do; whatever the doctors do is okay. That is clearly not the policy position that this Parliament adopts in other contexts.

Just today the Attorney-General made a second-reading speech in relation to the Assisted Reproductive Treatment Bill 2008, which lists a substantial number of restrictions that the Attorney-General asks this Parliament to impose on doctors. He asks the Parliament to prohibit doctors from carrying out sex selection except where this is to prevent transmission of a severe genetic abnormality. He asks the Parliament to prohibit doctors from carrying out treatment procedures where the genetic material from more than two people is used.

The Attorney-General asks the Parliament to agree to create a new offence for an assisted reproductive treatment provider to carry out a treatment procedure using gametes or an embryo formed from gametes, produced by a donor, if the person knows the treatment procedure may result in more than 10 women having children who are genetic siblings. He proposes that this Parliament impose on doctors a minimum age restriction for a woman to act as a surrogate mother in order to remove the capacity for very young women to be approached to participate in such an arrangement, and to reduce the risk of coercion.

In each and every one of these instances in which a bill is introduced into Parliament by a member of the current government, this Parliament is being asked to restrict what doctors do, and it is being asked to restrict what doctors do for what presumably the minister and the government considers to be very good policy reasons. How then can the minister stand up here this evening and tell us not to agree to this amendment because we should not restrict what doctors do?

Last but certainly not least I put before the house what seems to me to be another very compelling analogy, and it involves the move by this house to pass legislation to ban the practice of female genital mutilation. As far as I am aware, when that practice was lawful it was carried out by medical practitioners. This house concluded for very good policy reasons that it ought to be banned for the protection of the young women, the young children involved.

We formed that policy judgement then on good public policy grounds. There is no good reason why we should not similarly, on public policy grounds, form the conclusion that partial-birth abortions should also be illegal.

Mr THOMPSON (Sandringham) — In the absence of any other clinical advice to the contrary, I will be supporting the amendment that has been proposed. I raise some concerns nevertheless that we have not had the opportunity to gain all the relevant or necessary

information. Sometimes, when balancing the original Menhennitt principles of necessity and proportion, I am not sure what deliberations doctors might need to calculate when such a procedure is to be undertaken, but I might also note in passing that a colleague, the member for Hastings, earlier pointed out to me with some sense of irony perhaps, that this week is Child Protection Week, and it is an issue that I do take into account. I originally thought the bill was second-read by the minister during the Olympic Games for a particular reason, but perhaps it is being timed for Child Protection Week.

Ms D'AMBROSIO (Mill Park) — I rise to speak against the amendment. I believe this is based on good policy which is very clear about the place of parliamentarians in knowing or presuming to know what is the best medical procedure to adopt in any given set of circumstances. I say that because we cannot presume to know what the circumstances are that are presented to a practitioner in the case of a woman who needs to undergo this type of procedure.

A number of considerations would need to be taken into account by the practitioner in reaching a conclusion that this may very well be the most appropriate medical procedure to adopt. These circumstances may include, for example, the actual life of the woman, or her fertility, so I want to make the point that sound policy is one that acknowledges the complexities of issues that confront a medical practitioner and a woman in situations as advanced by the amendment.

Mr RYAN (Leader of The Nationals) — In a sense there is a solution to this apparent impasse, which arises, so it is said, because of a lack of information as to why the necessity for this form of procedure purportedly exists in some way, shape or form in the face of the material I quoted from the 39 eminent obstetricians, gynaecologists and general practitioners who are involved in this field, all of whom have said this procedure was certainly not necessary. The solution is for the house to adopt the amendment. That would mean the bill would pass to the other place in an amended form, and in between here and the other place there would be the opportunity for consultation to be conducted communally. That would also enable the ministers who have the carriage of this legislation to provide the answers to the questions that remain unanswered on this particular matter. It is a means whereby what I at least sense to be the mood of the chamber — to support the preclusion of what on the face of it is a barbaric practice — can be given effect and we can move forward.

Ms KAIROUZ (Kororoit) — I will speak very briefly once again. This is a black and white issue. You either support partial-birth abortions — the barbaric and cruel practice — or you do not. I would like to remind all honourable members in this chamber that as legislators it is our responsibility to protect all human beings, including those who are most vulnerable. I urge members once again to support this amendment.

Mrs FYFFE (Evelyn) — I was not going to speak again, but having sat here and thought about what the member for Gembrook said, I would like to ask other members of the house to think about this question: before this debate started, were you aware what partial-birth abortion was? Were you aware of the practices that were carried out? We do control what happens via legislation; we do make decisions professionals have to abide by. This bill itself includes a clause providing that medical doctors must refer patients on. It also includes a clause providing that medical doctors must proceed with terminations in an emergency. We are telling professionals what to do there, and we have every right — and it is our obligation — to change it.

Yesterday I misquoted the *Serenity Prayer* — and I was saying it for myself, but I say it to all of you: God give you the courage to change the things you can, give you the serenity to accept the things you cannot and give you the wisdom to know the difference.

House divided on new clause:

Ayes, 33

Blackwood, Mr	Northe, Mr
Brooks, Mr	O'Brien, Mr
Burgess, Mr	Powell, Mrs
Campbell, Ms	Ryan, Mr
Clark, Mr	Seitz, Mr
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Stensholt, Mr
Fyffe, Mrs	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Kairouz, Ms	Tilley, Mr
Kotsiras, Mr (*Teller*)	Victoria, Mrs
Langdon, Mr	Wakeling, Mr (*Teller*)
Lobato, Ms	Walsh, Mr
Merlino, Mr	Weller, Mr
Napthine, Dr	Wells, Mr
Noonan, Mr	

Noes, 40

Allan, Ms	Ingram, Mr
Andrews, Mr	Kosky, Ms
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Morand, Ms
Carli, Mr	Munt, Ms

Crutchfield, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Overington, Ms
Duncan, Ms	Pallas, Mr
Eren, Mr	Pandazopoulos, Mr
Foley, Mr (*Teller*)	Perera, Mr
Green, Ms	Pike, Ms
Hardman, Mr	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr (*Teller*)
Herbert, Mr	Thomson, Ms
Holding, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr

New clause defeated.

The DEPUTY SPEAKER — Order! As the house has not agreed to the new clause, the member for Kororoit will not be able to move her amendments 2 and 5 as they are consequential.

Clause 4

Ms KAIROUZ (Kororoit) — I move:

1. Clause 4, line 4, omit "**24 weeks**" and insert "**20 weeks**".

The bill proposes to draw a distinction between abortions performed on a woman who is not more than 24 weeks pregnant, as set out in clause 4, and those on a woman who is more than 24 weeks pregnant, as set out in clause 5.

Clause 4 of the bill places no restrictions on abortion before 24 weeks gestation, with the exception that it must be performed by a registered medical practitioner or by using drugs supplied or administered by a registered pharmacist or nurse.

Abortion performed on a woman who is more than 24 weeks pregnant can be performed where the practitioner reasonably believes that the abortion is appropriate in all circumstances and the medical practitioner's belief is supported by at least one other medical practitioner. If a doctor performs an abortion on a woman who is more than 24 weeks pregnant, all the doctor has to do is say that they had the belief that the abortion was appropriate in the circumstances.

It is difficult to prove that the doctor did have that belief because there is nothing in the bill that requires the doctor to disclose or record the information that led them to that belief. This clause is effectively model C of the Victorian Law Reform Commission recommendation, which allows abortions up to the full term of the pregnancy. These qualifications mean little. There is no regulation to identify the other registered medical practitioner. They do not require specialist training, knowledge or any other expertise. Qualifications such as obstetrics and gynaecology or psychology and psychiatry are not required when seeking a second opinion. This clause, as I said, is effectively model C and allows abortions right up to the full term of the pregnancy.

As I have mentioned before, modern embryology textbooks tell us that the heart of the foetus begins to beat and pump blood by 24 days. Between 20 and 22 weeks of gestation a foetus is approximately 23 centimetres long. Its fingers and toe pads are continuing to develop and limbs have reached relative proportions with eyelashes and eyebrows visible. The baby starts producing their own hormones. The inner ear is now developed, and at this stage the foetus has its own sense of balance.

By 24 weeks the foetus weighs approximately 600 grams and measures up to 30 centimetres. The foetus has body fat and is well proportioned and clearly shows sign of pain and the appropriate parts of the nervous system are developed. The foetus responds to light, sound, touch and taste and as many mothers or pregnant women have experienced, it spontaneously moves in the womb and breathes independently in the womb.

Later-term abortions are rarely required to save the life or health of a pregnant woman. There are no medical conditions that require the intentional destruction of a viable post-24-week foetus in order to save the health of the mother. If the life of the mother is at risk, the health of the mother can be managed by attempting to deliver the baby alive. The management of a complicated late-term pregnancy and late-term abortion both involve the mother undergoing induced labour. They both carry the same risks but different outcomes: the outcome of an abortion is that of a dead child; an induced labour of a complicated pregnancy usually concludes with the birth of a viable and healthy baby.

We have seen many cases where a baby has been born at six months and survives and develops into a perfectly healthy child, just like the child that attended school for the first time this year at St Albans East; his name is Thomas Sharples.

The DEPUTY SPEAKER — Order! I need to clarify that the member's amendment changes the 24-week period to 20 weeks. That is what she is speaking on?

Ms KAIROUZ — That is right.

The DEPUTY SPEAKER — The member still has some time to complete her contribution.

Ms KAIROUZ — I have finished.

Mr WYNNE (Minister for Housing) — I rise to oppose the amendment moved by the member for Kororoit. In doing so, I would draw to the attention of the house that the very basis of the bill was framed under the broader landscape of current medical practice, and that is the key element that I would ask members to bear in mind in their deliberations on this particular amendment. Current medical practice was extensively covered by the Victorian Law Reform Commission in its report, and it is important that we bear in mind not only what the commission indicated in relation to 20 weeks versus 24 weeks, but indeed the broader body of medical opinion, which supports the proposition currently before the chamber in this substantive bill.

The Royal Australian and New Zealand College of Obstetricians Gynaecologists, indeed the two public hospitals that deal with abortion in the state of Victoria — the Royal Women's Hospital and the Monash Medical Centre — as well as the Australian Medical Association all contend that 24 weeks is the appropriate point.

I draw the house's attention to the excellent work done in the House of Commons Science and Technology Committee's inquiry, which is probably the most recent piece of scholarly work undertaken in relation to this issue. I repeat what I said last night in my contribution:

> Having considered the evidence set out above, we reach the conclusion, shared by the RCOG and the BMA —

the Royal College of Obstetricians and Gynaecologists and the British Medical Association —

> that while survival rates at 24 weeks and over have improved they have not done so below that gestational point. Put another way, we have seen no good evidence to suggest that foetal viability has improved significantly since the abortion time limit was last set, and seen some good evidence to suggest that it has not.

This is extremely important from the point of view of the process that is undertaken in the testing of children. As you know, Speaker, ultrasounds are taken, very routinely nowadays, at between 18 and 20 weeks gestation to scan for any foetal abnormalities that may appear at that stage. Obviously if an abnormality or potential abnormality is shown at that point, other interventions may well be required to provide a further and more precise diagnosis of the situation. Clearly that would take the woman past the 20-week point, and in fact in practical terms would probably not resolve in a clear diagnosis for the woman until potentially the 22nd, 23rd or in some cases even the 24th week. The other aspect of this it is important to bear in mind is that there are a number of abnormalities that manifest themselves post that 18 to 20-week gestation period, and I think it would be fraught for us in this Parliament to stand in the way of current clinical practice in the state of Victoria.

In making these comments tonight I rely very heavily on the expert advice that has been provided to me by senior practitioners at the Royal Women's Hospital. They would be horrified by the concept that a woman could find herself in the scenario that is being put before us tonight of a 20-week limit on abortion, when in fact matters pertaining to catastrophic foetal abnormality may not necessarily be picked up at the 18, 19 or 20-week stage but would certainly be picked up at a later point, at which time a woman should quite rightly have options available to her as to how she wanted to proceed. I think this is a very dangerous amendment. The proposition is a seriously retrograde step. It is in fact not current clinical practice to go to 20 weeks, and I strongly oppose the amendment.

Mrs FYFFE (Evelyn) — I rise to support the amendments of the member for Kororoit. If she had not been moving them, I would have moved them myself. I would like to make it very clear I am not anti-abortion. I think sometimes abortion is very necessary. The reason that I wanted to move this amendment is that the definition of a foetus, versus a child, is 20 weeks. If there is a death, whether stillborn or by abortion, of a child of 20-plus weeks, that death has to be recorded and the body disposed of either by burial or by cremation.

If there is any doubt about the actual length of gestation — uncertainty about whether it is 20 weeks — then the weight of the baby is taken into account. The weight of a 20-week-old foetus is 400 grams. At 12 weeks a foetus weighs on average — and these are average figures — 30 grams, at 16 weeks it is 120 grams, at 20 weeks it is 340 grams, and at 22 weeks it is 500 grams. It is perfectly possible that a baby can weigh 400 grams at 19 weeks. It is perfectly possible that a baby at 25 weeks can weigh only 340 grams.

An argument is put that a 20-week limit would make the situation very difficult because of the testing procedures, but we all know that science has improved so much that premature babies are surviving from 24 weeks and upwards. We know that with scientific improvements it could become possible that they survive from 22 weeks. We also know that the testing of a pregnant woman to find out if there is anything wrong with the foetus is probably done at 18 to

20 weeks. But we also know that over time premature babies have been able to survive from a younger age.

I respect with utmost sincerity what the Minister for Housing was saying, but the only difference to the requirement in the legislation is that two medical practitioners must agree there is an abortion and that the time will be brought back by four weeks. Is it so onerous that we put that time back four weeks and so that it is two doctors and not just one? My personal preference is to have a panel but, looking at how the voting is going, we are not going to get one. All this amendment proposes is bringing the time back from 24 weeks to 20 weeks and requiring that two doctors be involved.

I said yesterday that I wanted us to support women who have what will be termed late-term abortions so that, if they have regrets later, they will know and have certainty that, at that time, the advice they received — and what they thought and decided themselves — was the right decision. I see it as more support for the women, not as disadvantaging them.

Ms MUNT (Mordialloc) — I am afraid I cannot support this proposed amendment. In an ideal world where there is a normally developing foetus and a mother who is anxious to have a beautiful, normal child, 24 weeks gestation might be the point where, if the baby is born, every possible medical assistance is put in place to achieve that end. However, that is not the situation in a lot of these cases. We are talking about instances where there are defects with the child or catastrophic psychosocial problems for the mother.

I have a personal example that I would like to share with the house. Someone close to me was a young expectant mother, 24 weeks pregnant. She was rapt — absolutely rapt! Hers was a very much-wanted and much-loved pregnancy. This young woman went to have her scan and discovered that the baby was suffering from anencephaly — that is, there was no brain development in her child's skull. She was then presented with the reality of carrying that child for another 16 weeks to 9 months to have that birth, or having the birth of that child induced at 24 weeks knowing that the result would be the same, which would have been termed an abortion. In that situation I think it would be cruel and unfair to ask that woman to carry her child for 16 weeks when the child had no chance of survival. I believe that in the situation where there is a 24 week foetus with a catastrophic birth defect that decision, terrible as it can be, is between that young woman and her medical practitioners. Consequently I have to say that I cannot support this amendment. I believe that in these instances that decision is for a woman and, at 24 weeks, two medical practitioners, and not for us. Consequently I cannot support this amendment.

When things go perfectly well, having a child is a wonderful thing, but we are not talking about those situations. We are talking about other situations where the humane act is to allow the mother and the medical practitioners to make this choice.

Mr DIXON (Nepean) — I support the amendment of the member for Kororoit. I am and I always have been quite vehemently opposed to late-term abortions. I feel this legislation only loosens that definition and therefore I cannot agree with what is happening in this legislation. I do this for very personal reasons.

My wife and I have lost two very young children, one at 16 weeks, and even at 16 weeks our daughter made her presence felt in my wife's womb and had, we felt, a personality of her own. We lost her in quite horrific circumstances.

At 22½ weeks our daughter, Monique, was born and during the first day of her life she was really doing quite well. Perhaps ironically — she was born at the Royal Women's Hospital — because the hospital was undergoing renovations to the crowded conditions in the intensive care nursery after a day she had to be moved. After she had been moved she started to deteriorate and only lived for another day. In the two days of Monique's life she was a person. She was a daughter, she was a sister, she was a granddaughter and she was a niece. She reacted to us, she reacted to light, she reacted to touch, she held my finger and she was a person. Because of that experience I cannot understand how a baby of 22½ weeks can be treated as a foetus. In my situation and I think in all situations because of the development of the baby, and in my very practical example, she was a real person. I therefore cannot support this part of the legislation and therefore the whole legislation. I support the amendment.

Ms KOSKY (Minister for Public Transport) — The member for Nepean has provided the house with the very personal details of his own situation and I think all of us appreciate the fact that he has done that in the house.

Having said that, I cannot support this amendment because I believe it should be a decision for every parent to make. It should be their choice and not an imposition that is made by this house on whether they should have that choice or not. In framing the legislation the Victorian Law Reform Commission was quite clear about current clinical practice and in

maintaining that, but it also made additional requirements or impositions, you might say, for pregnancies at post 24 weeks. It did that for a range of reasons and it set those extra requirements or impositions for particular reasons.

It was based on the tests that can be conducted to actually provide additional information to women and parents, particularly where there might be a foetal abnormality. It was based on the fact that it is around 18 to 20 weeks that those tests can occur, but then you have to wait for a couple of weeks for the results of those tests. Then women and parents have to analyse the information they have got; they often get additional information and seek additional advice before they are in a position to make a decision. Often they have to deal with the devastation of the advice. For many of these women it is not information that they want to hear. When they have an amniocentesis they do so hoping that the results are actually going to be positive.

When the results are not positive it can be incredibly devastating. To deal with that devastation takes some time. People deal with that in different ways and they take different amounts of time to do that. I believe to worry about the extra focus, that extra imposition of having the scrutiny of a second doctor which is what occurs at the post 24-weeks period under this legislation, is deeply difficult and can be an extra burden to parents who are already struggling with a decision that they are trying to make about whether they can manage going forward or whether they want to make a decision about abortion. I do not believe it is an extra burden that they should have to endure prior to the 24-week period, and that is what this legislation does.

Many members have talked about the viability of the foetus at 24 weeks, but most women who make this decision are not doing so in the knowledge that the foetus would be viable if born at 24 weeks; in most circumstances the foetus is not viable. Such women are making a very difficult and, as I said yesterday, deeply personal decision about whether they want to continue their pregnancies. I believe the Victorian Law Reform Commission has set the right standard at 24 weeks. It is about reflecting current clinical practice. For those reasons I cannot support the amendment and I support the bill.

Mr CRISP (Mildura) — I rise to support the amendment of the member for Kororoit and echo some of the words of the member for Evelyn. I believe with survivals at 24 weeks it is wrong for us to allow abortion at this time on the basis of a single medical opinion. During this debate we have heard a lot of the abnormality argument. If there were an abnormality, I am quite sure there would be other professionals involved and other advice given, thus satisfying the post 24-week rule that is in the existing legislation. It is very likely that some of the suite of abnormalities that occur are correctable, and I am sure that would involve the provision of other advice. With modern practice and modern survival rates, the 20-week amendment is a reasonable one that will make the bill something we can work with in the future.

Mr ANDREWS (Minister for Health) — I will speak very briefly. In the second-reading debate yesterday I laid out my reasons for supporting the bill. Central to those reasons was the fact that the Victorian Law Reform Commission had been asked to provide advice on reform in this area against very clear tests, one of which — and arguably the most important — was that the options for new arrangements ought to reflect current clinical practice. This amendment asks that I approve arrangements that do not reflect current clinical practice, and I am not prepared to do that.

I am supported in my belief that the requirement for the decision to be made by multiple clinicians at 20 weeks is not consistent with current clinical practice by the exhaustive work of the Victorian Law Reform Commission, and also by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, the Australian Medical Association, very senior clinicians at the Royal Women's Hospital and Monash Medical Centre and a host of others. I do not pretend to be a clinical expert; that would be inappropriate. However, when I am confronted with very clear evidence and the very clear views of those who are clinical experts that a 24-week dividing line between two processes, if you like, represents current clinical practice, I am prepared to accept that and move forward.

I acknowledge that these are complex and deeply personal matters. We all know that, and we have just heard a deeply personal story from one member. However, my test throughout this process over the past 12 months was that the options for reform should give certainty to women and to those involved in this clinical practice in the context of current clinical practice, rather than altering that clinical practice, and this is also my test going forward. On that basis I support the bill and do not support the amendment proposed by the honourable member.

Mr STENSHOLT (Burwood) — I support the amendment. My understanding of current clinical practice comes from the Victorian Law Reform Commission report. The VLRC conducted surveys of this issue, and the report talks about the cut-off period

being 24 weeks for the Monash Medical Centre and 23 weeks at the Royal Women's Hospital, interestingly enough. Half the foetal abnormality abortions at the Royal Women's Hospital are performed before 20 weeks and the other half after 20 weeks.

On page 42 of the report there is a long discussion of current clinical practice worldwide. I would like to see Victoria being a leader in this. That is one of the reasons I have elected to put forward amendments in regard to improving services for pregnancy support.

I note, for example, the report, which says:

> … the first trimester screening tests are relatively new, having been available for less than 10 years, and that there is always a time lag between funding and new technology. The result is that in the public system women do not obtain abnormality testing until 18–22 weeks gestation …

as the Minister for Public Transport said. I would like to see additional funding go into this area so it is available in the first trimester, before 12 weeks. Later the report says:

> This has also been recognised as an issue in the UK.

A modest reduction in the number of abortions can be achieved through additional funding by providing access to this testing through the public system rather than doing it privately, which is very expensive. The report further refers to:

> … the situation for those women who, if they choose abortion, could do so at around 12 weeks gestation rather than 20.

I am also aware of the birth, deaths and marriages registration requirement. At 20 weeks onwards there is the requirement for a burial and the treatment of the foetus with the full sort of ritual we have in the case of a death. I am conscious of that. I would like to see us set a standard here and accept the best practice in terms of clinical practice and of what is available in technology, and that we put this amendment into the bill.

Mr RYAN (Leader of The Nationals) — The Minister for Health quite reasonably quoted one of the fundamental terms of reference by the Victorian Law Reform Commission to make recommendations which reflect current clinical practice. But in the terms of reference in the report clause 2D provides that the Law Reform Commission should have regard to the:

> D. Legislative and regulatory arrangements in other Australian jurisdictions.

On page 23 of the report by the Law Reform Commission it quotes the West Australian provisions:

> Abortion is a criminal offence in Western Australia unless authorised by section 334 of the Health Act. It is lawful for a medical practitioner to perform an abortion up to 20 weeks gestation in the following circumstances …

Those circumstances are set out. There is nothing at all extraordinary about 20 weeks; it is reflected in the Western Australian jurisdiction. The interstate experience is one of the terms of reference of the Victorian Law Reform Commission. Accordingly, I support this amendment.

Ms GREEN (Yan Yean) — In preparing myself for this debate I took advantage on a couple of occasions of the good quality briefings which were provided by the Victorian Law Reform Commission. I listened closely to the advice it provided members of Parliament in relation to the particular point of this amendment. I concluded that the Victorian Law Reform Commission had it right and this bill before the house has it right. So I am very supportive of the bill as it has been presented and I oppose this amendment.

The Leader of The Nationals referred to Western Australia. In preparation for this debate, I spoke to people who had been involved in the drafting of the legislation in Western Australia and a number of other people from that jurisdiction. They pointed to a particular set of circumstances and problems of that setting involving 20 weeks. There is some evidence. It is common practice now that in around 90 per cent of pregnancies there is a mid-second trimester ultrasound. When I had both of my children that was the case.

Obviously it is a social event to get a beautiful photo of the child you are expecting, but, sadly, too often a number of women carrying children will find at this time that there is a prospect of abnormalities. There is then set in train a series of decisions they have to make and a range of specialists that they need to talk to about what the prospects are for the child they are carrying — whether they are going to be able to carry the child to term and whether it will result in a live birth.

In Western Australian the 20-week restriction has meant that some women who have had to make the dreadful decision not to carry a live child to term or to have a severely disabled child have then had to travel to Victoria. Imagine the stress on women and families of having to do that and the additional restraint on dealing with this situation.

An honourable member interjected.

Ms GREEN — You were heard in silence. Give me the same — —

The DEPUTY SPEAKER — Order! I ask members to be silent and allow the member for Yan Yean to continue.

Ms GREEN — It is really important, Deputy Speaker, that we all respect each other in this debate. I know it is getting late, but we really need to do that for this debate to continue.

The evidence I was presented with from Western Australia was that not only were women having to travel across the country to access the service because of the restriction having been set at 20 weeks but that some women, rather than having to deal with that stress, were choosing to have a termination prior to 20 weeks — that is, before they had the results of the tests.

I am sure people were well-intentioned in proposing the lowering from 24 to 20 weeks, but it may lead to even more abortions that may not necessarily result if you allow the woman, her partner, her family, her friends and her practitioners to be involved in the decision. They may then proceed with the pregnancy. I understand that this is a well-meaning and well-intentioned amendment, I am sure, but we need to understand that it is quite a small number of terminations that happen under current clinical practice. Let us not ever sell a woman short and think that she does not make a very long and detailed decision about whenever it is that she may need to terminate a pregnancy. We need to respect that.

Mrs VICTORIA (Bayswater) — Quite a few people have brought up current medical practice, and it is certainly stated in the bill and the second-reading speech. Let me tell the house about current medical practice. In the UK they have just changed acceptable and current medical practice from 28 weeks to 24 weeks. They were practising 28 weeks abortion on demand but have now realised that that was far too late and that 24 weeks was where they wanted to be.

I wonder whether we are looking at current medical practice or whether we are looking at best medical practice. Just because something is practised around the world does not mean it is the be-all and end-all. I will give an example: in days gone by arsenic was often used as a medicine or tonic. We all know what arsenic can do; it ended up killing people. It was acceptable medical practice. It was the current medical practice at the time. I am sure we all remember the horrific ramifications of thalidomide, but at the time it was used by medical practitioners in certain circumstances. I want to bring up in people's minds what is current medical practice and what is best medical practice. We know from the EPICure 2 study which was released in the UK earlier this year that babies born at 24 weeks have a 47 per cent chance of survival if admitted to a neonatal ward.

That is a pretty high number, and I am just wondering whether 24 weeks gestation is far too late for a woman to be going through this type of thing — I will not say just at a whim, because I do not believe any woman does this at a whim — without extra medical and professional assistance and guidance. I think 20 weeks would be far more applicable. Just because something is common practice does not mean it is best practice, and I absolutely commend the amendment.

Ms LOBATO (Gembrook) — I also support the amendment and wish to refer to the topic of current clinical practice, as the member for Bayswater did. Just because it is current clinical practice does not mean that it is the best practice. As I said before, we have got this historic opportunity to decriminalise abortion, so why do we not look at what is wrong with it? Just because it is current practice does not mean it is the best practice. If there is something wrong with the current medical practice, let us fix it. Twenty-four weeks is certainly not in line with community acceptance or expectations; in fact it is probably the issue that I have received the most representations about — and not just from your very simplistically termed 'right-to-lifers', because it has been brought up with me probably on a daily basis over the last few weeks.

People support the decriminalisation. They understand the need for women in those situations to have abortions, but they do not accept that 24 weeks is the appropriate cut-off point. A couple of days ago even some of my neighbours approached me in regard to this. It is a widely held view that 24 weeks gestation is going too far. Some examples have been put forward in recent discussions that have given rise to the question of what happens when a woman is faced with the knowledge of foetal abnormalities at the stage of 24 weeks. What happens then? The woman will go to a second doctor, who will then have the opportunity to understand why it is that the woman requires the abortion. It does not mean that after 24 weeks the woman will not be able to have an abortion. Also, 20 weeks is closer to international standards.

We see in hospitals on a daily basis babies in humidicribs who are surviving at 24 weeks. I referred to one in my contribution last night. Baby Holly is now at home with her family — and she was 24 weeks old when that report was made. One per cent of abortions

occur after 20 weeks gestation. It is appropriate for all the cases that fall into this very small category to be carefully considered before the abortions are carried out. I do not think that is too much to ask. I therefore support the amendment.

Ms THOMSON (Footscray) — I think I might have supported this amendment a few years ago. I thought that 20 weeks gestation was a reasonable time for a doctor to be able to make the decision in conjunction with the woman, and I probably would have felt there should not be an ability for a woman to have an abortion after that time when you were talking about a viable life. But my views have changed for similar reasons to those given by the member for Mordialloc: that someone very close to me had to go through the trauma of finding out that a much-loved baby was severely deformed and that if it went full term, it would probably not live very long anyway — it might, but probably it would not. I know how traumatic that decision and the naming of the baby and the burial were for this mother. I do not want to see anyone have to go through more trauma than making that decision.

If a woman wants a second opinion she will get it. If she wants a third opinion she will get it. No woman at that stage in a pregnancy makes that decision lightly — none do. I think we are demeaning women if we believe we cannot leave it to them to make that decision as to how many opinions they need to get before they make that decision. So I cannot support the amendment before the house.

Mr CAMERON (Minister for Police and Emergency Services) — I cannot support this amendment. In setting out the reasons why, can I congratulate honourable members for the sensitivity and decency which has been brought to this debate and the way that it is proceeding this evening and hopefully will continue to proceed.

Over past elections I have stated that I support existing abortion arrangements and existing law, and this would be the way that I would use a conscience vote. As a supporter of the status quo I therefore have not supported a second reading of the bill and equally cannot support this amendment or any other amendment or a third reading of the bill.

Dr SYKES (Benalla) — I rise to support the amendment which is, as I understand it, lowering the cut-off between the stage where it is the mother's choice versus the mother being required to consult with two doctors. The period will be lowered from 24 to 20 weeks gestation. The reason I support this amendment is primarily based on the principle of the threshold of viability about which I have read the Law Reform Commission's work and other research. I note that the United Kingdom works on 24 weeks but I also note that Japan works on 22 weeks. I think it is reasonable to expect that with advances in medical technology the threshold of viability is likely to go down rather than remain at the current level.

The other reason that I support this amendment is for consistency with other legislation, in particular the births, death and marriages legislation. I would like to make it clear that it is my understanding — and it does not appear to have been the understanding of some earlier speakers — that in changing this threshold there is no precluding of abortions or late-term terminations, particularly when there are severe congenital abnormalities. This proposed change is about the need to consult with a couple of doctors, as proposed in the bill. I note that the member for Footscray said that was an additional stress and an additional imposition on the mother — and that may well be the case. I am very sympathetic to the situation where there are severe congenital abnormalities but I also have a strong view about the value of life, albeit unborn at that stage. I believe that for the psychosocial reasons for late-term terminations this lowering of the figure from 24 weeks to 20 weeks is particularly justified.

I should make it clear before sitting down that in making this statement of my position, I acknowledge and accept first trimester abortions as a fact of life and therefore the decriminalisation of those causes me no pain. My concern relates to late-term abortions and that is why I am supporting the amendment proposed by the member for Kororoit.

Ms CAMPBELL (Pascoe Vale) — People have outlined the importance of having consistency between this legislation and other legislation in relation to birth certificates, burials and the like. That has been well covered. One of the reasons I am particularly supportive of this amendment, as well as what has been raised by other speakers, is a consequential amendment to this amendment will go to clause 6 of the bill. If we pass the member for Kororoit's amendment 1 now, clause 6, which provides for the supply or administration of drugs by registered — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I am sorry to interrupt the member for Pascoe Vale: the conversation level is getting a tad high. I ask members to keep it down.

Ms CAMPBELL — Moving it back to 20 weeks, in addition to the points that have been raised about consistency with other legislation, advances in medical technology and viability is particularly relevant to clause 6 in relation to the supply and administration of drugs by a registered pharmacist or registered nurse at not more than 24 weeks, which would go back to 20 weeks.

Clause 6, and I am presuming this will get through, provides that any pharmacist or registered nurse who is authorised under the Drugs, Poisons and Controlled Substances Act to supply a drug may administer or supply the drug or drugs to cause an abortion in a woman who is not more than 24 weeks pregnant. If we permit this, we as a Parliament are allowing a person to go to a pharmacist or registered nurse to obtain a chemical abortion. We will be telling a woman that she can deliver a six-month-old baby — or she can deliver a five-month old one — at home, perhaps unsupported.

There is a profound difference in that foetus or child's development, and the birth process is considerably different. I would suggest it would need considerably more support. I go back to the point that I raised in my major contribution on this bill yesterday: if we are going to decriminalise abortion, we have to bring it into 21st-century, women-focused legislation. It is unreasonable, in fact I would suggest cruel, to be saying to a woman, 'Deliver a six-month-old at home using a drug'.

I ask the Minister for Women's Affairs, who is at the table, to answer the following three questions in relation to the 20 versus 24 weeks: how does a pharmacist or nurse determine whether a woman is 24 weeks pregnant and is therefore able to speak with that woman about what to expect in relation to the delivery of a baby who is either five or six months? How are we going to assure the Parliament and the Victorian community of the competency of the pharmacist or nurse to determine whether the pregnancy is five or six months along? Will there be scans that they have to interpret? Will there be some particular new pregnancy test to allow them to determine that?

The third question I would appreciate the minister answering is: do the nurses have the pharmaceutical knowledge and experience to not just deal with the drugs but to provide advice — they will not be supplying support — to a woman on what to expect in delivering a six-month-old baby using this method versus a five-month-old baby? If we endorse the amendment moved by the member for Kororoit, we will be having consequential amendments which are particularly relevant to pharmaceuticals supplied under the Drugs, Poisons and Controlled Substances Act in clause 6. If the minister could answer those three questions, I would be appreciative.

Ms DUNCAN (Macedon) — I rise to state why I will not be supporting this amendment. We have heard and we all know that late-term terminations after 24 weeks are relatively small in number. I suspect that the vast majority, if not almost 100 per cent of them, will be much-wanted pregnancies where a termination is only being contemplated because of a foetal abnormality.

I think the member for Mildura said there would be numerous clinicians involved in any sort of diagnosis that would cause a woman to terminate a much-wanted pregnancy, but if a woman, her partner and her family received that news, no doubt they would then need to consult; then she would need to be convinced that that foetal abnormality was something she could not proceed to carry.

We have heard from members here — and many of us have had experiences with them — about people who have needed to have late-term terminations. Because many of these are diagnosed at or just after the 20 weeks mark, if we were to reduce the prescribed 24 weeks to 20 weeks, we would be telling almost every woman who has been told she has a foetus with a major abnormality that, 'We are going to mandate for you at this very traumatic point in your pregnancy an additional hurdle that we do not even have in existence today'.

To reduce this 24 weeks to 20 weeks would place a burden on those most vulnerable of all women. They are the most traumatic cases that we can imagine. They are not small in number by coincidence; they are small in number because that is not when women choose to terminate a pregnancy. They do not wait 20 weeks and make that decision. In the case I have been involved with, that termination was not able to take place until about 23 weeks, and I know the trauma they went through over a whole range of things.

I do not know of too many pieces of legislation where we mandate, particularly in respect of medical professionals, on the basis that we think they are going to get it wrong. For the most part we assume they will get it right, and we have mechanisms to deal with those instances where they do get it wrong. These women, their doctors and their range of specialists — there is often a range of specialists — need to be convinced. In the instance I am thinking of, this woman needed to be convinced that this foetal abnormality was of such a magnitude that the child could not survive.

I would urge all members not to support this amendment, as seductive as it might sound. It sounds like a simple amendment, but we are placing a hurdle at the exact point in time where these things are going to be diagnosed. I urge all members not to support this amendment.

Mr THOMPSON (Sandringham) — The hour has just moved past 12 o'clock, and I want to raise my concern about the parliamentary staff who have been working here for over 14 hours, as well as parliamentary attendants and other staff members who keep the building running, not to mention the fourth estate. There are serious matters to be deliberated upon.

The Labor Party promised family friendly hours. That is not being delivered during this debate. People need to be able to turn their minds to the key matters at hand, and I wanted to ascertain how much longer we will be debating into the night, noting that the clerks at the table have been on duty for over 14 hours.

The DEPUTY SPEAKER — Order! I understand what the member is saying but I am not sure that is speaking to the amendment. If the member wishes to discuss those matters, I suggest he talks to his leaders and whips.

Mr HUDSON (Bentleigh) — I will not be supporting the amendment. The reason is that we have heard a lot of discussion about what best clinical practice is. The difficulty I have is that the cut-off point at both the Royal Women's Hospital and at Monash Medical Centre was determined by the specialists in those hospitals after giving a lot of consideration as to what was possible foetal viability.

These are the same hospitals that in many instances are responsible for dealing with premature births and with the whole question of when there is a viable foetus. At the Royal Women's Hospital the cut-off point is 23 weeks; at the Monash Medical Centre it is 24 weeks.

The fact of the matter is there has been a lot of talk about international best practice, but in terms of the Victorian Law Reform Commission report the only other evidence that has been presented to us is the scientific and medical work that was done by the UK Parliament. As a result of that most recent work, the 24-week limit was introduced in that country.

People have talked about international best practice but no-one has presented any other evidence based on scientific work that would show that there is in fact another cut-off point that we should be considering. They have urged us to consider setting a new benchmark for best practice, but there has been no evidence led, based on the work of medical and scientific specialists in this area, that would persuade me that we should move away from the work that has been put before us by the specialists at the Royal Women's Hospital, by the specialists at the Monash Medical Centre and by the specialists who did the work for the UK Parliament. That is why I will be supporting the cut-off limit in its current form.

Dr SYKES (Benalla) — I wish to raise a couple of issues. First of all, in relation to the last speaker's presentation, I would ask him to advise me what comment he has on the work done in Japan that led that country to move to a 22-week limit.

I also ask the Minister for Women's Affairs, who is at the table, a question in response to the issues raised by the member for Pascoe Vale about the increasing complexities of terminations as gestation progresses and therefore the need for increased support and increased expertise in the conduct of those terminations. Can the minister answer this specific question: what are the requirements to determine the stage of pregnancy prior to terminating a pregnancy?

Dr NAPTHINE (South-West Coast) — I wish to speak in a general sense in favour of the amendment. I wish to put it in the context that the amendment we are actually discussing is an amendment to clause 4, to change '24 weeks' pregnant to '20 weeks' pregnant. That does not mean that women who are post 20 weeks pregnant are denied access to the possibility of a termination. That termination can still be conducted with respect to clause 5. Some of the speeches that have been given seem to think that if there were a change from 24 weeks to 20 weeks that would preclude women seeking any terminations post 20 weeks of pregnancy, which is simply untrue.

With respect to the context, if we look at the Victorian Law Reform Commission report, it makes it clear that 0.07 per cent of terminations occurred after 20 weeks. Less than 1 per cent of terminations occurred post 20 weeks. They are the terminations that I would argue require special consideration as outlined in clause 5, and I would even suggest as outlined in clause 5 with some additional checks and balances.

People have referred to other jurisdictions. The law reform commission makes reference to other jurisdictions. One of the more recent jurisdictions that addressed this issue was the Western Australian Parliament. It set the step at 20 weeks, as was outlined by the Leader of The Nationals, and has determined that it is lawful for a medical practitioner to perform an

abortion up to 20 weeks in the circumstances that it lists.

The member for Yan Yean seemed to indicate that post 20 weeks women in Western Australia had to go interstate to have a termination if that was required, but in its report the Law Reform Commission makes it clear that abortion post 20 weeks is lawful when two medical practitioners drawn from a statutory panel determine that it is appropriate. If you look further at its report it talks about 24 weeks in the United Kingdom, but that was in relation to a 1990 act versus the 1998 act in Western Australia. In New Zealand it is 20 weeks; in New York it is 24 weeks and in Texas it is 16 weeks, so we have a wide variation in jurisdictions. Indeed on page 36 of the report it refers to what is determined to be current clinical practice. At the Royal Women's Hospital it is 23 weeks and at the Monash Medical Centre it is 24 weeks. But the Law Reform Commission makes it very clear that after that period there is a very different process that includes an ethical panel and it is a very serious situation.

There is a whole range of different limits, of which the most recent of 20 weeks was set under the Western Australia model. That happens to tie in nicely with our own legislation in Victoria which defines a 'stillborn child' as a child of at least 20 weeks, as is outlined on page 52 of the report. That ties in nicely with our current legislation under the Births Deaths and Marriages Registration Act. Page 66 of the report provides the results of surveys of community attitudes. Based on abortion after 20 weeks it reports that 81 per cent of people surveyed were concerned about late-term abortion after 20 weeks for non-medical reasons but in cases of financial or emotional stress.

I think there is a degree of evidence from the Law Reform Commission's own report that jurisdictions across the world have looked at different time limits for abortion fundamentally on request requiring a further check and balance. I would argue that 20 weeks is a better position for Victoria as it ties in with births, deaths and marriages legislation and is consistent with the Western Australian and New Zealand models. I believe that is the provision we ought to have, but it will not stop later-term abortions being carried out with further checks and balances.

Ms MORAND (Minister for Women's Affairs) — As the bill currently stands it does not suggest that a pregnancy of less than 24 weeks has any less significance than a pregnancy exceeding 24 weeks. What it does is set a threshold of 24 weeks based on the complexity of the decision making and the timing of the vital information from available screening procedures. A number of members, including the Minister for Transport, have articulated very eloquently the sort of information which is made available at various stages of the gestational period, but particularly about the second ultrasound which is not done generally until 18 to 20 weeks. It is not of any great use until that time because development has not progressed to a sufficient stage that you can detect the abnormalities you are searching for.

In my time in nursing I have seen many examples that I can think of where the information that can be provided to a woman is not definitive until a later stage of the gestational period. You simply do not have until later the information needed to be able to make an important and informed decision. In response to the member for Benalla, gestational age is not a determination of whether a termination takes place.

The gestational limit is set by the Monash Medical Centre as the gestational age when the decision is to be informed by more than one doctor. The decision is informed by a range of relevant specialists — relevant to the reason the pregnancy has reached the 24-week limit. It is a very late limit, and therefore it is an extremely complex case in terms of making the decision and in terms of the actual procedure that would need be to undertaken for the termination to take place. The people who are put onto the panel are really providing advice, and the advice is for the decision to be made. The gestational age limit is not about the termination age, it is about when the case gets to the point where the complexity is such that you need a greater range of expertise to provide the advice you need to make the decision.

The other point I wanted to make is that some members have said that the 24-week limit, although it does reflect current clinical practice — and I think most people agree that it does reflect current clinical practice — is not necessarily best practice. But the 24-week threshold is seen as an appropriate threshold by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, by the Australian Medical Association, by the Royal Women's Hospital and by the Monash Medical Centre — and as other members have said, it was recently confirmed by the Westminster Parliament.

To take up the point raised by the member for Bayswater, the UK was actually confirming the 24 weeks and not reducing it from 28 weeks. It has been 28, but it was reduced from 28 weeks in 1990. If members think that is not best practice, then I think that is something they may wish to challenge the Royal Australian and New Zealand College of Obstetricians

and Gynaecologists on, because it considers that it is best practice.

Many people have provided very personal stories and have very eloquently and very sensitively discussed this issue, but for all the reasons I have articulated I cannot support the amendment.

House divided on omission (members in favour vote no):

Ayes, 48

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr (*Teller*)
Asher, Ms	Lim, Mr
Baillieu, Mr	Lupton, Mr
Batchelor, Mr	Maddigan, Mrs
Beattie, Ms	Morand, Ms
Brooks, Mr	Morris, Mr
Brumby, Mr	Munt, Ms
Cameron, Mr	Nardella, Mr
Carli, Mr	Neville, Ms
Crutchfield, Mr	Noonan, Mr
D'Ambrosio, Ms	Overington, Ms
Donnellan, Mr	Pallas, Mr
Duncan, Ms	Pandazopoulos, Mr
Eren, Mr (*Teller*)	Perera, Mr
Foley, Mr	Pike, Ms
Green, Ms	Powell, Mrs
Hardman, Mr	Richardson, Ms
Harkness, Dr	Scott, Mr
Helper, Mr	Shardey, Mrs
Herbert, Mr	Thomson, Ms
Holding, Mr	Trezise, Mr
Hudson, Mr	Wooldridge, Ms
Ingram, Mr	Wynne, Mr

Noes, 30

Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Robinson, Mr
Campbell, Ms	Ryan, Mr
Clark, Mr	Seitz, Mr
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Stensholt, Mr
Fyffe, Mrs	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Kairouz, Ms	Tilley, Mr
Kotsiras, Mr (*Teller*)	Victoria, Mrs
Lobato, Ms	Wakeling, Mr
Merlino, Mr	Walsh, Mr
Napthine, Dr	Weller, Mr
Northe, Mr (*Teller*)	Wells, Mr

Amendment defeated.

The DEPUTY SPEAKER — Order! As the house has not agreed to the amendment, the member for Kororoit will not be able to move amendments 3, 4, 6, 7, 8, 9, 10 and 11 standing in her name, as they are consequential.

Debate adjourned on motion of Mr BATCHELOR (Minister for Community Development).

Debate adjourned until later this day.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Community Development).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Planning: Caulfield high-density development

Mrs SHARDEY (Caulfield) — The issue I raise is for the Minister for Planning, and it relates to the report which has been sitting on his desk for the past nine months from the priority development panel about the offcourse development by the Melbourne Racing Club (MRC) of private and public land near the Caulfield Racecourse in my electorate.

The action I seek is for the minister to immediately announce his decision in relation to this development and to refer any proposed amendment to the Glen Eira City Council so that it can conduct a proper consultation procession with the Caulfield community on any ministerial decision to allow the redevelopment of this land.

While the Caulfield Racecourse has a long history as being an integral part of the Caulfield community, there have been ongoing discussions and negotiations about public access to the course and the availability of open space for public use within the racecourse itself. However, the issue at stake relates to plans by the MRC for a high-density retail-commercial-residential development between the Caulfield Racecourse and the railway line. The land includes private land owned by the MRC and some Crown land. The concern is that the minister is waiting for the publication of the government response to the Eddington report, which would see Caulfield being developed as a transport hub with high-density developments near the railway and with the MRC high-density development linking to these to form an enormous development which would run the risk of being out of keeping with the residential nature of the Caulfield area.

The Caulfield community does not want to be locked out of the decision-making process and is seeking to be given an insight into the government's plans for Caulfield should the Eddington proposal for an

underground tunnel between Caulfield and Footscray be accepted. The government should not be about riding roughshod over local people, and I ask the minister to make an announcement.

Schools: bike sheds

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs. The action I seek is that the minister support the current applications made by the Woori Yallock Primary School and Yarra Junction Primary School for a bike shed seeding grant. Both schools have applied to the Go for Your Life program for $5000 to construct bike storage facilities that will encourage their students to ride to and from school and so participate in healthy active lifestyles. These Upper Yarra schools have applied for the second round of funding for the bike shed seeding grants, and this round will provide for 40 primary and secondary school bike shed projects.

I had the pleasure a couple of weeks ago of officially opening the new bike shed at Millwarra Primary School in Millgrove. Millwarra is another Upper Yarra primary school that very eagerly applied for and received a bike shed seeding grant — and it began utilising its most impressive bike shed recently. Millwarra also received a grant some time ago to purchase bikes and helmets for students, so the flash new bikes look even better in the big flash shed.

All the Upper Yarra schools are fortunate enough to have the Lilydale to Warburton rail trail alongside their schools, and many classes are conducted outside on the trail adjacent to the Warburton Ranges. The Woori Yallock and Yarra Junction primary schools will benefit greatly from this funding, and I therefore again request that the minister consider these projects favourably.

Rail: V/Line services

Mr WELLER (Rodney) — I wish to raise a matter for the attention of the Minister for Public Transport regarding the appalling lack of access to V/Line train services for students of country schools in my electorate. The action I seek from the minister is to conduct an immediate review into a recent situation which saw V/Line refuse to honour a booking for 120 students to travel to and from Geelong for a school camp.

In July this year I was contacted by a primary school in the Rodney electorate regarding its annual school camp to Anglesea for grade 6 students. The school had booked V/Line train tickets to and from Geelong for 120 children and 12 adults but was later advised by V/Line that it could not honour the booking because it could not accommodate the numbers. V/Line's position was that too many people were now using the service and therefore it could not accommodate the students. The company also was not prepared to arrange for additional carriages.

I was further advised by V/Line's public relations department that V/Line was not a charter service and that if it accepted the school's booking, other passengers would be prevented from using the service on those days. Even if it could accommodate the students, V/Line was not prepared to accept the booking on the grounds that it would set a precedent and it simply could not manage to provide such a service to all schools in country Victoria. This is an appalling situation, particularly when you consider the easy access that city students have to train services. I cannot help but wonder whether the decision was at all influenced by the fact that V/Line would obviously lose money by accepting the school's booking in preference to other passengers, because the students would be paying only concession rates for their tickets.

As a result of this situation the school was faced with a choice of either cancelling the camp or asking families of students to fork out more money to send their children by bus to Anglesea. Not wanting to disappoint the grade 6 students, the school decided to book buses for the trip, despite the fact that the bus fares are double that of the train. As a result, a number of families were forced to exclude their children from taking part in the camp due to the considerable expense.

Students at this primary school have been severely disadvantaged as a result of V/Line's policy in this instance, and I urge the minister to intervene to ensure that country students are not discriminated against in this way in the future. Country students deserve better access to public transport, particularly train services, and I urge the minister to conduct an immediate review of this matter.

Albert Park: sustainable transport forum

Mr FOLEY (Albert Park) — I rise with a specific matter for the attention of the Minister for Environment and Climate Change. The specific request is to consider the outcomes of the recent sustainable transport forum held in the electorate of Albert Park, which was called to debate the local transport challenges in the context of the government's foreshadowed Victorian transport policy announcement later this year.

The forum was held on 3 September and constructively engaged local government, the Port of Melbourne Corporation, local cycling groups, Yarra Trams, local schools, bus providers, traders, businesses and many others. The forum developed a series of proposals for sustainable transport outcomes that meet the local needs of my community. I look forward to the proposals from this ensuring that Melbourne's booming port is equally accommodated next to the equally booming residential community of Port Melbourne, to proposals for walking in the community to replace short car trips, to linking cycle tracks and safety programs for cycling, and for ensuring the priority of public transport in the forms of trams, buses and rail in and around the Albert Park community.

I look forward to the minister's response as part of the government's plans and for my community's transport needs, as well as those of the wider Victorian community, being accommodated in the forthcoming transport plan.

Police: working-with-children checks

Mrs FYFFE (Evelyn) — My request for action is to the Attorney-General. It is in regard to working-with-children checks. A local charitable organisation has been to see me with serious concerns about the ease with which individuals can get working-with-children check cards and the lack of rigour applied to the vetting of applicants.

In this instance a person applied for a permit, which was granted. This person had nominated the charitable organisation that had been to see me as the one they were going to be a volunteer at. The organisation was not contacted at any time. It only discovered the application had been made and granted when it was advised by another person that the person who had received the permit intended to be working as a volunteer at the organisation's children's camp.

The organisation has great concerns about this person as suspicions have been raised that his children have been subjected to abuse. However, no charges have yet been laid or convictions recorded against this person so of course the police computer check would have been negative. The organisation desperately called the Department of Justice asking that the issuing of a working-with-children permit be held back. It was told there was nothing that could be done; the police check had been clear.

Any person in possession of a working-with-children check would be welcome in many volunteer organisations. Nowhere on the application form is there a requirement for the organisation nominated by the applicant to sign and support the application. There is provision for details to be provided if the applicant nominates an organisation that they intend to work with. These details include a space for the contact name of the organisation and telephone numbers, but what use is this provision if no contact is made with the organisation by the Department of Justice?

I ask the Attorney-General to order an immediate review of the way these applications are processed in his department. What is the point of having a 16-page application guide and form? Section 3 states what happens when a person applies for a check. All the steps are relevant, and I support them, but the glaring anomaly is that the organisation nominated is not checked. Anyone walking the streets who does not have any criminal convictions or reports of abuse of young children can nominate any organisation, get their check card and then front up saying, 'I want to volunteer and I have my check card here which says I am safe to work around children'. I ask the Attorney-General to treat this as a matter of urgency.

Darebin: alcohol support services

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Community Services. The issue concerns services to assist those faced with alcohol-related illnesses and addictions. I ask what action the minister will take to ensure that appropriate services are available to assist those people in need of support and treatment in my area.

Darebin, which is the municipality that largely covers the electorate of Northcote, has the highest mortality rate due to alcohol-related causes in Victoria. We also have significantly higher hospital admission rates from alcohol-related events than the rest of Victoria.

The Darebin Drug and Alcohol Advisory Committee, which is chaired by Darebin mayor Peter Stephenson, has sought to address the needs of residents within the municipality, and a fellow member of this committee, Serena O'Meley, has spoken with me at length of the challenges facing those affected with this terrible addiction.

I would like to take this opportunity of congratulating the minister on the release of her report *Restoring the Balance — Victoria's Alcohol Action Plan 2008–2013* that builds on the past initiatives to ensure that we get the balance right between the benefits and risks of alcohol use.

I know we all share a concern for those who are afflicted with this terrible addiction, and I look forward to the minister taking action to ensure that residents living in the city of Darebin receive the appropriate amount of care.

Sport: uniform grants program

Mr WAKELING (Ferntree Gully) — I wish to raise a matter of concern with the Minister for Sport, Recreation and Youth Affairs. I call upon the minister to take action to reopen the sporting uniform grants program. The sporting uniform grants program which was run in 2007 has not been reopened for this year. The grants provided funding of up to $1000 for uniforms and footwear necessary for playing sport.

There are many sporting clubs in my electorate, some of which benefited from this grants program last year. There are hundreds of kids and adults who could benefit from these grants, allowing them to heighten their sense of involvement and belonging by having club uniforms of which they can be proud. Uniforms are essential in creating a team environment, and they contribute to the sense of camaraderie, achievement and skill that sport can instil in people of all ages.

With the downturn in the economy it is increasingly difficult for families to meet their household budgets. Unessential items such as sporting uniforms sometimes do not make the cut, and similarly contributing to fundraising efforts of clubs is at times unachievable. The grants make the availability of uniforms for sporting clubs an achievable goal, and help those disadvantaged in our community, especially the children who are always so enthusiastic and excited by their sport.

Historically the sporting uniform grants program was developed as part of the surplus from the 2006 Commonwealth Games. An amount of $1.5 million of the $25.9 million surplus was used to create this funding pool. It is great that the government has seen fit to invest this extra money back into Victorian sport. However, if the surplus has been expended, it is now necessary for funding to be made available to ensure the continued availability of the program. The government's expenditure is upwards of $34 billion, with a revenue of $77 million a day from state and federal taxes and charges. The Premier champions a record budget surplus, so surely the funds are available to reopen this grant program.

A number of clubs within my local area have contacted me about this grant and requested its reopening. A local bowls club has contacted me with a request for funding for uniforms so it can compete in a tournament. The majority of the club's members are pensioners and therefore are currently living on a very tight budget, making the grants for uniforms of great use to this club. What is more the club and the tournament provides an opportunity for both community involvement and social interaction, and it would be terrible if this section of society missed out because they could not afford uniforms. I have also been contacted by local Little Athletics clubs with similar requests. The Little Athletics clubs are integral to fostering talent and healthy lifestyles in children. However, many families struggle to cover the cost of membership fees, uniforms and footwear.

Social exclusion is often an unnoticed and unacknowledged problem in our society. I would hate for a child, teenager, adult or pensioner to be unable to be involved in their community through sport and club participation due to their inability to pay for the sporting uniforms. I therefore call upon the Minister for Sport, Recreation and Youth Affairs to take action to reopen the sporting uniform grants program.

Geelong East Primary School: bike shed

Mr TREZISE (Geelong) — I raise an issue for action on tonight's adjournment with the Minister for Sport, Recreation and Youth Affairs. The issue I raise with the minister relates to the pupils of Geelong East Primary School being encouraged to get out of their parents' cars as a means of getting to school and instead riding their bikes.

Geelong East Primary School is seeking funding to construct a new bike rack and shed at the school, thus encouraging students to ride their bikes to school. The action I therefore seek from the minister is for the minister to provide appropriate funding for the construction of the bike shed at Geelong East Primary School.

I have been delighted to work with the Geelong East Primary School over many years in renovating or rebuilding its school infrastructure. Only last year I had great pleasure in attending its 150th anniversary celebration, so members can see that the Geelong East Primary School has serviced the east of my electorate for many years.

It is very satisfying to see the school now compared to the way it was. Since the election of this government in 1999 it has been rebuilt. The school is proactive in ensuring its students are active, and of course, as members appreciate, schools play a pivotal role in ensuring their students remain active and thus minimise

the chances of obesity and other health issues. The riding of bikes or walking to school is a key component of this strategy. I urge the minister's action and assistance in providing a bike shed for the Geelong East Primary School.

Ambulance services: south-eastern suburbs

Mr MORRIS (Mornington) — The matter I raise this evening is for the Minister for Health and it relates to the proposed restructure of the Frankston mobile intensive care ambulance (MICA) service. The action I seek from the minister is that he abandon the plan to disband the current two-crew stretcher-carrying MICA unit based at Frankston, including the plan to replace it with a single responder unit. This is the latest in a long line of diminished health services in Frankston and on the Mornington Peninsula. Recently we have had the Peninsula Community Health Service swallowed by Peninsula Health, and it is fair to say that as yet there is no evidence that the service has not been significantly diminished.

In 2007 we had the closure of the hydrotherapy unit at the Mount Eliza centre, which was an annexe of Peninsula Health. At the time a promise was made that a new facility would be built at the Mornington centre. As far as I am aware that is still not operational, or perhaps not even yet constructed. I have said before that Peninsula Health does a terrific job. It is one of the busiest hospitals in the state. Despite some very belated redevelopment works currently under way, the hospital is still grossly underresourced. We again have to fight simply to keep the resources that, in many cases, have been there for years.

The government has made the claim that this move will expand the services available to the community, but the reality is that the existing two-person team will be split and turned into two single responder units, one based in Chelsea, which of course will be of interest to you, Speaker. What we need, and we can make common cause here, is additional services, not to be spreading the existing services even more thinly. It is not just me saying that. I refer to a couple of quotes from the *Frankston Standard Leader*. David Calladine, who manages cardiac services at Peninsula Private Hospital, said:

> By removing the MICA 'team' from the equation and implementing single responder units there is a very real threat for that best practice transfer time to an angioplasty facility to be compromised, resulting in a poorer clinical outcome …

Also in the same article Dr Charlie Last, vascular surgeon, said:

> These highly trained ambulance offers are attending critical situations which often require the same level of expertise from two adequately trained officers …
>
> …
>
> Decreasing the total skill set can only be seen as a retrograde step and I am certain that this will have consequences in the safe delivery of critically ill injured patients to Frankston Hospital.

We need these resources at least maintained and not spread more thinly across the community.

Rail: North Williamstown station

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek from the minister is that she take steps to enhance the parking and bike storage facilities at North Williamstown railway station. At present the parking that exists on the Power Street side of the station is unsurfaced and unmarked, meaning that cars are parked in a fairly haphazard way. The current conditions are probably not sustainable and are resulting in some commuters choosing to park in the nearby neighbouring residential streets. I might add that the general state of the landscaping in the current car parking area is subject to damage and would benefit from having a surfaced car park with well-planned spaces for new and more appealing vegetation. This should take into account that the car park is returned to an urban space on most weekends, when rail patronage is lower.

Cycling continues to grow in the west of Melbourne, as it seems to be in Geelong and elsewhere. At present there are eight bike lockers at the North Williamstown station and there appears to be a demand for more. This is evidenced by the many additional bikes that are seen each day chained to the fence. In terms of investment, additional bike storage facilities would be a practical step to encourage people to leave their cars at home.

North Williamstown station is the busiest station in Williamstown and services residents living not only in the older areas of Williamstown but also on the newer estates along Kororoit Creek Road — namely, the Rifle Range estate. The Williamstown line services are scheduled every 20 minutes between about 6.00 a.m. and 7.00 p.m. on each weekday, with 54 services travelling to and from the city. These services enjoy high patronage, particularly during the rush hours, when both workers and students from the nearby schools make use of them. By providing improved car parking and bicycle facilities, we can ensure that public transport and rail services in my electorate will continue to enjoy high levels of patronage.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I will try to be brief. The members for Gembrook and Geelong raised the matter of applications for Go for Your Life seeding grants, in the case of the member for Gembrook by the Woori Yallock Primary School and Yarra Junction Primary School and in the case of the member for Geelong by the Geelong East Primary School. They are all terrific schools.

I have spoken at length to the house about the Brumby government's tremendous support for the Ride2School program. It has committed $2.7 million over four years, $400 000 of which was set aside for the bike shed seeding grants program. It is all about greater participation of students in riding, walking or skating to school — just actively getting to school. It has been a very popular program, and I can assure both the member for Gembrook and the member for Geelong that I will take into strong consideration their support for these projects.

The member for Ferntree Gully raised the issue of the sporting uniform grants program and requested that that program be reopened. The Our Club Our Future sporting uniform grants program was one of the great legacies of the Commonwealth Games and, as the member for Ferntree Gully said, the savings from the Commonwealth Games were just under $26 million. All of that money was reinvested in grassroots sport. From that dividend $1.5 million was set aside for the Our Club Our Future sporting uniform grants program. The program enabled sporting clubs, including those from disadvantaged communities and junior clubs, to access grants of up to $1000 for the purchase of essential clothing and footwear. Over the life of the program 1519 applications from every part of the state were approved.

I thank the member for Ferntree Gully for raising this issue with me. I can assure him that the Brumby government's commitment to grassroots sport in this state is rock solid. Since coming to government we have invested record levels of funding and will continue to do so in the future, whether it be in facilities, in drought projects, in programs such as Victalent and the Country Action grant scheme or whether it be in other programs similar to the one the member mentioned.

The members for Rodney and Williamstown raised matters for the Minister for Public Transport.

The member for Caulfield raised a matter for the Minister for Planning.

The member for Albert Park raised a matter for the Minister for Environment and Climate Change.

The member for Evelyn raised a matter for the Attorney-General.

The member for Northcote raised a matter for the Minister for Community Services.

The member for Mornington raised a matter for the Minister for Health.

I will ensure those issues are raised with the respective ministers for their action.

The SPEAKER — Order! The house is now adjourned.

House adjourned 12.55 a.m. (Thursday).