PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 30 July 2008

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

Standing Committee on Finance and Public Administration — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
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Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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WEDNESDAY, 30 JULY 2008

Wednesday, 30 July 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.34 a.m. and read the prayer.

ROYAL ASSENT

Messages read advising royal assent to:

27 June

Appropriation (2008/2009) Act
Appropriation (Parliament 2008/2009) Act

1 July

Police Integrity Act.

PETITIONS

Following petitions presented to house:

Wind energy: planning guidelines

To the Legislative Council of Victoria:

The humble petition of the residents in the state of Victoria draws to the attention of the house the detrimental impact on the residents of Inverleigh, Buckley, Winchelsea and Gnarwarre surrounding the Mount Pollock/Winchelsea wind farm development with regard to noise, shadow flicker and CASA required lighting. Current policy and planning guidelines for development of wind energy facilities in Victoria are vague and provide ample opportunity for exploitation leaving residents suppressed of their rights to be protected by the laws of the land.

The petitioners request that the Brumby government immediately reviews the current policy and planning guidelines for development of wind energy facilities based on new data, new science, environmental, social and economic viability.

By Mr KOCH (Western Victoria) (345 signatures)

Laid on table.

Beach Road, Beaumaris: bicycle path

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposal by Bayside City Council to extend its existing concrete bicycle road along Beach Road, Beaumaris, to Charman Road. Citizens want the government to save the natural foreshore reserve from any concreting or surfacing, and its indigenous coastal bushland from clearing, by extending the two-lane motor traffic safety section of Beach Road by 350 metres to the junction of Cromer and Beach roads, Beaumaris, to provide room for the bicycle road on Beach Road.

The petitioners therefore request that the Minister for Roads and Ports moves to ensure that the current two-lane safety section of Beach Road is extended to include the section of Beach Road up to Cromer Road, Beaumaris.

By Mrs COOTE (Southern Metropolitan) (599 signatures)

Laid on table.

Water: north–south pipeline

To the Legislative Council of Victoria:

We call on the Legislative Council to stop Mr Brumby building the north–south pipeline which will steal water from country Victorian farmers and communities and pipe this water to Melbourne, because there are better alternatives to increase Melbourne's water supply such as recycled water and storm water capture for industry, parks and gardens.

By Mr DRUM (Northern Victoria) (113 signatures)

Laid on table.

Water: north–south pipeline

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the proposed building of the north–south pipeline by the Brumby Labor government which will steal water from country Victorian farmers and communities and pipe this water to Melbourne. We believe there are better alternatives to increase Melbourne's water supply such as recycled water and storm water capture for industry, parks and gardens, and therefore call on the Legislative Council to oppose the construction of the proposed pipeline.

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

By Ms LOVELL (Northern Victoria) (149 signatures)

Laid on table.

Water: north–south pipeline

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council of Victoria the proposal to develop a pipeline which would take water from the Goulburn River and pump it to Melbourne.

The petitioners are opposed to this project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the basin.

Your petitioners therefore request that the state government abandons its proposal to pipe water from the Goulburn River to Melbourne and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Ms LOVELL (Northern Victoria) (144 signatures)

Laid on table.

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

Water Ways — Inquiry into Reform of the Metropolitan Retail Water Sector

Mr LENDERS (Treasurer), by leave, presented final report, February 2008, and government response.

Laid on table.

RURAL AND REGIONAL COMMITTEE

Rural and regional tourism

Mr DRUM (Northern Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr DRUM (Northern Victoria) — I move:

That the Council take note of the report.

In doing so, I start by thanking the other members of the committee. The deputy chair, Gayle Tierney, offered the committee tremendous service and gave me, as chair, great support. The members for Forest Hill and Morwell in the other house, Kirstie Marshall and Russell Northe, as well as Kaye Darveniza, Wendy Lovell and John Vogels, served on the committee and I thank them very much for the work and commitment they showed to this inquiry into rural and regional tourism.

It certainly was a demanding schedule of over 24 regional hearings. Most of the trips away which we undertook were for at least two days and we travelled across the vast majority of the area of Victoria. Indeed, we made the decision early on that if we were to conduct a credible inquiry into rural and regional tourism effectively we would have to go to nearly every part of the state. In doing so, it was a very demanding schedule.

It was equally demanding for our executive. I take this opportunity to thank also the committee's executive officer, Lilian Topic, and Cheryl Hercus, our research officer, along with Jason Ngam, the committee's administrative officer. We were given some assistance late in the inquiry by Yan Zhang. We thank them all for their assistance to the committee throughout the entire investigation and the completion of this report.

The overriding sentiments which came through and are expressed in the report are that Melbourne is a well-established destination for Victorian, interstate and international tourists and that it is very well promoted. The report shows that the inquiry unearthed some very clear deficiencies in promotion of the amazing array of products and the absolute gems of tourism destinations in regional Victoria. We need to do more to help promote rural and regional Victorian tourism destinations.

There is a whole range of issues. The key recommendation in the report goes to the point that we need to have greater representation by Tourism Victoria and well-paid and well-credentialled administrators to work within the tourism sector, either inside Tourism Victoria or outside that organisation but with a conduit straight through to the decision makers, creating a pathway for local-based decision making within the tourism sector.

Tourism, as the report states, is a wide-ranging industry. It is not an industry but a system, because whether it be the local electrician, local cafe or the local plumber, every industry is very much involved in tourism. When tourism aspects in certain regional towns and cities go well, all the attendant businesses in that community also gain benefit. In fact tourism is a system of other businesses and industries that come together to service the tourism sector. The entire Victorian community needs to understand just how important it is that the tourism sector be given every opportunity to advance and to develop its full potential.

The committee heard an amazing array of case studies, which are detailed in the report. I thank not only the people who submitted their case studies for the report but also all the witnesses who gave up their time. Some of the businesses that we spoke to are doing it tough. They are feeling the pinch of high petrol prices at the moment. During the inquiry petrol prices were in the range of about $1.20 per litre. While they were at $1.20 to $1.30 per litre we heard about the amount of pain that those high petrol prices were having on many rural

and regional tourism businesses. The petrol price now sitting at around $1.65 per litre has been the result of quite a significant rise. We understand that these high petrol prices have caused an inordinate amount of pain to many of our tourism businesses throughout rural and regional Victoria. We only hope that this current respite, whenever we receive it, can be long and significant if we are going to help some of our businesses further.

We heard that the drought has affected many of our industries. We need to ensure that governments put measures in place to support those affected by the drought. We received some fantastic reports about assistance that was given after bushfires. We also heard some other reports that were not quite as flattering in relation to the support that was given after the floods. We had some other reports about some assistance that should have been given that was not given to alleviate the pressure on businesses and help them through the drought. Nevertheless, the case studies give a very real and direct insight into the issues, problems, challenges and opportunities faced by people who are operating businesses throughout regional and rural Australia.

The committee was especially taken by a system that is in place in the Gippsland region. We visited the region and were able to benefit from a program that is up and running. It is a shared program between six local governments that have been able to pool their funds and introduce a chap by the name of Chris Buckingham. His expertise and abilities were able to bring various local governments and tourism organisations together and stop them competing against each other and start working with each other. It certainly acted as a template for the committee and gave committee members a vision of how we should be trying to emulate that situation right across the state. We need well-paid, highly credentialled, driven managers in the tourism sector who have the necessary skills to further upskill people working in the tourism sector in local government, to upskill those little communities that rely on event tourism and to upskill all the other participants and volunteers who are currently driving small tourism information centres.

Quality assistance needs to be given to regional Victoria. We need to make sure that the government hears this message loud and clear. The single most important recommendation in the report is to spend some serious money on getting the assistance that these communities need out into the regions. Certainly we heard right across the state that work is needed in relation to signage. VicRoads needs to hear this report very clearly, because signage was an issue right across the state. Many small businesses need assistance to enable them to make sure that the average tourist is more easily able to find their way to their destination.

We heard issues in relation to planning, which are listed in the report. One is where holiday cabins and caravan parks are officially recognised as farms. That planning classification and zoning effectively limits the ability of those businesses to develop themselves to anywhere near their full potential. A whole range of challenges and limitations are outlined in the report.

It is also worth noting that the Minister for Tourism and Major Events gave this committee inquiry his blessing. He asked us to do a thorough investigation of the Jigsaw promotional program. It is worth reporting that the vast majority of people within the tourism sector acknowledge that the Jigsaw marketing and promotional program with the slogan 'You'll love every piece of Victoria' is still relevant and working.

There are a number of destinations within Victoria where communities do not feel as though they belong to Jigsaw, but again we as a committee believe that in the main the Jigsaw promotional program is an outstanding idea in the first instance and one that has been promoted reasonably well. Yet we also acknowledge that there are continual improvements that can be made to that. It is worth noting that those recommendations have in fact been handed down.

I would like to finish by thanking the committee. It has been a very harmonious committee to work on. I want to thank all of the members, because they really did commit themselves to this inquiry. There was a genuine understanding that if we were going to produce a worthwhile and credible report for the Parliament we all had to get to as many of the regional hearings as we possibly could. We had to listen to what the local experts had to tell us, collate that information and put it back to the government in the form of recommendations that were going to have the best chance of being picked up by this government. We have prepared this report with a minimum influence of politics and a maximum effort to create the best outcome we can for all the small businesses throughout regional and rural Victoria that rely on tourists coming from Melbourne, other parts of regional Victoria and interstate as well as on what we hope is the growing number of tourists coming from international destinations.

It is with much pride that on behalf of the committee I table the report. We think it is going to be a significant help to the industry, and we hope the government picks up on the recommendations and comes forward with as

much support as it can for regional and regional Victoria and tourism businesses.

Ms TIERNEY (Western Victoria) — I rise to also comment on this report. As an introductory comment, I will say that overall this report highlights a number of issues and challenges in the tourist industry. I think there is unanimous support for the contention that tourism in regional Victoria is well and truly alive and kicking. Many of the recommendations in this report underpin and provide add-ons to the government's strategy in terms of tourism, particularly in rural and regional Victoria.

The statistics we have seen in relation to tourism in Victoria underpin the fact that we are in a stage of good growth in this area. There has been a significant increase in international visitation — in fact a 30 per cent increase — over the life of this Labor government. International visitation expenditure has increased by over 55 per cent since 1999. We have also seen figures that show domestic overnight visitor expenditure in regional Victoria increasing to 49 per cent. All of that tells us that we are moving in the right direction and that Victoria is and continues to be a popular destination for tourists, whether from interstate, within Victoria or overseas.

The committee received a significant number of submissions, and each of them played a major role in its deliberations. As committee chair Damian Drum has mentioned already, there were extensive public hearings throughout Victoria. In my electorate alone there were consultations in Dunkeld, Horsham, Port Campbell, Ballarat, Geelong, Daylesford and Lorne.

We had witnesses who came from all the surrounding communities to give evidence on the state of tourism and its impact on local communities. It is fair to say that Victoria has a range of iconic attractions. It has an unusually high number of tourist attractions in a whole range of areas — from geographic formations to iconic industrial areas, as well as indigenous cultural spaces. I believe there is a growing acceptance that all of these need to be nurtured and protected so that not just the visual aspects of these attractions can be enjoyed but that this generation and future generations can gain greater education.

We also need to be very mindful of having a balance of tourist options whilst ensuring that there are affordable family holidays for young Australian families and that, at the same time, we are very mindful of our carbon footprint.

Having said that, one of our terms of reference was to look at the impact of floods and bushfires on tourism in rural and regional communities. There is wide acknowledgement that the packages that were put in place by this government were very important interventions. It is also important to state for the record that there is general acceptance that a timely injection of money is very important, but the targeted nature of those packages is also incredibly important.

When the Parliament last sat, the report into the bushfires was tabled, so I will not go through the details of that, but it is important when looking at the flood and bushfire recovery packages that there be targeted areas that have an impact on the tourism industry.

A statement by the Premier on 10 July 2007 announced a number of interventions that included: over $30 million to rebuild flood-damaged roads and bridges; $20 million to enable the Department of Sustainability and Environment and local catchment authorities to undertake clean-up works such as repair of roads and tracks, removal of debris, repair of fences et cetera; and $545 000 in tourism packages to encourage tourists back to the region. There was also $100 000 for additional financial counselling and another $100 000 for community wellbeing initiatives.

That package was a recognition that these sorts of infrastructure moneys are needed to assist in getting tourists back, to have proper roads and access to tourist areas, and that there are targeted areas for local operators to feed into so as to restore financial and community wellbeing; then they can continue to operate their businesses. In terms of the bushfires, similar initiatives were taken: infrastructure, financial support, rebuilding, making sure that fences were put in place and a whole range of other measures.

I would like to thank the witnesses who had direct experience of those natural disasters for giving us the privilege to hear firsthand what they, their families and their local communities went through. Some of the people who gave evidence not only gave up their time but essentially had to relive their experiences, some of which were occurred or two years ago; we could feel and almost touch their experiences, pain and agony. Some of them, quite frankly, did break down, because the scars of those experiences are still with them today.

That is why it is very important that recommendation 22, dealing with financial and other counselling, becomes a priority. It is absolutely imperative that it be included in any blueprint for an intervention package. Again I make it clear that

committee members thank the people who were brave enough to share their experiences with us.

The case studies that the committee's chair, Damian Drum, mentioned were another good example of people being able to bring a variety of experiences to the committee. They brought the issue alive not only for us but hopefully for all readers of this report into the future.

There are some really serious but exciting opportunities for tourism in Victoria. Ecotourism is one. A number of amazing international standard examples are occurring; one that comes to mind is what is happening at Cape Otway. Lizzie Corke gave us a wonderful example of how we can educate tourists while attracting huge numbers of overseas tourists.

Recently we have heard about the geopark in western Victoria, which is a United Nations Educational Scientific and Cultural Organisation listing. That will also feed into the unique ecotourism experience that we will be able to offer in Victoria. The need for sustainable tourism and the maintenance of our pristine natural environment were at the core of many of the submissions, and it was heartening to see that such submissions came from a whole range of people who directly or indirectly are involved with the industry.

I am pleased also that the government in the most recent budget announced $13.3 million specifically for the tourism sector in regional Victoria, which will lead to the creation of more jobs; also it will inject millions of dollars into local regional economies. These funds will help Victoria's 10 tourism regions to market themselves domestically and facilitate the involvement of local tourism operators and local councils in marketing campaigns. That is going to be of enormous importance, because it will provide the mechanism for the local leadership that Mr Drum was talking about. Then those local leaders can determine how best that mechanism can be implemented and how effective it will be in bringing the parties together.

I would like to take this opportunity to thank all members of the committee. I agree with its chair that we worked very cooperatively. There was a sense of comradeship. Indeed it was quite fascinating at times because we heard of some very raw experiences, as well as experiences that were well developed and sophisticated. All in all, all committee members were pleasantly surprised to see so many people in rural and regional Victoria working together for the common good to bring about the very best in tourism.

I thank the secretariat staff: Lilian Topic, our executive officer; Cheryl Hercus, our research officer; Jason Ngam, our secretariat officer; and several other people who came to the committee at various times to assist. Again I very much thank the people who took the time to make submissions and who appeared before the committee.

I thank the members of the general population who were involved in this exercise, as well as the tourist operators. I also thank members of the regional media, both print and TV. They were very supportive and cooperative and made sure that information was out in all areas of regional Victoria and that people knew when we were about to come into town, when we were in town, and what our views and opinions were afterwards. Local councils throughout rural and regional Victoria were also very supportive. They assisted on the ground and facilitated at a number of venues. I commend this report.

Ms LOVELL (Northern Victoria) — It is a pleasure, as a member of the committee that produced it, to rise and speak on this report into rural and regional tourism. As a member of the committee and as a former shadow minister for tourism I was very pleased to receive the reference to conduct this inquiry into rural and regional tourism in Victoria. As the shadow minister I travelled around Victoria and I had already heard many of the problems and proposals that were put to the committee during our inquiry stage — which was quite extensive and took us to all tourism areas within regional Victoria.

Some of the problems and proposals put to the committee were things such as a dissatisfaction with Tourism Victoria's top-down approach to tourism in this state and the need for better support for regional Victoria. Dissatisfaction was also expressed with VicRoads tourism signage policy and the inconsistency of tourism signage across this state. The operators expressed a need for better research and data to assist tourism operators in regional Victoria. They also expressed problems with planning regulations and the length of leases on Crown lands, and the impact that these have on tourism businesses. The need for greater investment in infrastructure and improving infrastructure in regional Victoria was something that came across very strongly during this inquiry, as of course did the impact of the drought and bushfires on tourism in regional Victoria.

A number of our recommendations focus on these issues, and I would encourage the government to adopt the recommendations, in particular recommendation 6 — that the state government plan

for safer, improved local roads and bridges in rural and regional Victoria by matching the federal government's Roads to Recovery funding. It is probably one of the key recommendations of this report and is one that I would strongly suggest the government adopt. I will be very disappointed if a recommendation that has been made by an all-party parliamentary committee is not taken into account.

Recommendation 17 talks of the need to consider increasing the duration of leases on Crown land in Victoria. Certainly in my own electorate I know that this matter has come up a number of times and is a real issue for tourism operators. The Mount Buffalo Chalet is closed at the moment because the current lessee wants to invest a significant amount of money into improvements for it but cannot do so on the length of lease that is available to him as part of a Crown land lease. I have also fought very hard for the Colac Colac caravan park at Corryong to be subject to a more streamlined process for renewing Crown land leases, given that there is a very good operator whom the local council and the community are very happy with and who wants to invest in a caravan park on Crown land but is reluctant to do so when there are such hurdles to overcome when it comes to having a Crown land lease renewed.

There are a number of other very good recommendations in the report which I would encourage the government to take up. In particular recommendations 33 and 34 are very pertinent. They talk of the need to develop and improve Tourism Victoria's website from being just an information website to being a website that would link to the existing regional destinations and create a single integrated internet booking system for the state. It is most important that we do not just have information available, but that we use our website as a marketing tool and that we can close deals by having a booking established on that website when people are seeking information.

Ms Tierney spoke of the impact on her of tourism operators telling her of their personal experiences of trying to survive after natural events such as bushfires and drought. These are stories that I have heard many times, believe me, but they never become any easier to listen to. The personal experiences of those in regional Victoria who go through horrific natural disasters are always difficult to hear, but because of our report, I hope that government responses to natural disasters will become more flexible and immediate.

I would like to thank all the people who gave of their time to make a submission to the inquiry or to appear before the committee in person. I know many people find it a rather daunting experience to appear before a parliamentary committee, so I congratulate those who took the opportunity to make presentations to our committee.

I would also like to thank our committee staff for the time they put in. The quality of this report is due largely to the dedication of the committee staff. I thank everyone for their time and dedication to this inquiry. I think we have produced a very high quality and valuable report for the government.

In particular I would like to thank those operators who appeared as case studies in the report, and there were a number of good case studies. I would like to highlight one of them — that is, case study no. 6, which concerns Cheryl Hammer of Shepparton. Cheryl was having problems with a planning issue. She has two lavender farms, one at Cosgrove and one at Orrvale. Because of the new state government planning zones, Cheryl found the local government authority in her area difficult to deal with. She was not able to sell lavender products that were produced from lavender grown on one of her properties through the retail outlet located on the other property.

I assisted Cheryl and spoke with the Minister for Planning about this particular issue. I thank him for his assistance in having that issue sorted out for Cheryl. We now have a far more realistic approach from local government. Cheryl is able to have lavender produced on both her properties sold at her retail location. That is a wonderful outcome for her. I thank all members of the committee, the committee staff and all those who presented to the inquiry for their contributions towards this high-quality report.

Ms DARVENIZA (Northern Victoria) — I am pleased to make a contribution to this debate, although it is not really a debate; I am pleased to make some comments on the *Inquiry into Rural and Regional Tourism — Final Report, July 2008*.

It was great to have this reference on tourism, because it gave us the opportunity to travel around regional Victoria, to talk to tourism operators and hear what they had to say about how things were going for them. As a government member of this committee, it was great to hear how our government's partnership with tourism operators and with local government is working and how we can build on the achievements that have already been made.

We travelled far and wide, as previous speakers have already said. I take this opportunity to thank the people

who took the opportunity to come and speak to the committee and tell us about their circumstances, how they think things could be improved, what is working, what is working well and how we might be able to build on that in the future.

It was a very rewarding and pleasing task. It was also quite difficult at times when we had people talking to us about their experiences of the tragedy of bushfires and floods and the impact they had on their communities. As Ms Lovell said, often people were reliving those experiences which for many of them were quite traumatic and have had a lasting impact on them.

The thing that we really learnt is that tourism in regional Victoria is performing well. As I said, the partnership that our government has with the tourism operators and local government is also working. To see that, you have only to look at the international visitations in regional Victoria, which have increased by 30 per cent over the life of the Labor government, and the international visitor expenditure in regional Victoria, which has increased by a whopping 55 per cent over the same period. The latest figures similarly show that since the government was elected domestic overnight visitor expenditure in regional Victoria has increased by 49 per cent. They are fantastic results and demonstrate the hard work that our tourism operators are doing out there and, as I said, how the partnership is working.

Committee members also heard about and saw the impact of the significant increase in expenditure on tourism event support for regional Victoria, with more than 50 per cent of the $1.5 million allocated by Tourism Victoria being spent in regional Victoria. That compares well with the 32 per cent of expenditure by the previous government of the tourism budget for events in regional Victoria. We saw and heard evidence about the Rip Curl Pro Surfing competition, the world superbike races and the Moto GP at Phillip Island, as well as the Jayco Herald Sun Tour.

There are a couple of other elements raised in the report that I would also like to mention. One is the Jigsaw campaign, 'You'll love every piece of Victoria', that was launched back in 1993. That campaign has won over 46 awards. In fact, the managing director of the peak industry body, the Tourism and Transport Forum, Christopher Brown, recently called it 'the most successful domestic tourism campaign the country has ever seen'. There were other views put to us about the Jigsaw campaign, but we certainly heard evidence that the overall view is that the broad campaign has been absolutely critical to the success of the state's regional tourism.

We also heard some evidence about the visitvictoria.com website. For more than four years it has outperformed all other state tourism websites in terms of share of the Australian internet audience, and over the past 12 months the site has received over 5 million visits from consumers.

The committee, as I said, went far and wide to take evidence. It was a real pleasure to have the opportunity to hear evidence from people and to seek their submissions. The government will use this body of very important evidence that has been given to the committee to build on the work we have already done. It will be vital to us seeing what has worked and how we can improve on that in the future. I want to take this opportunity to thank everybody who took the time to provide input into the committee reference by either making a submission or speaking to the committee directly. It was a pleasure to be able to speak on the report today.

Mr VOGELS (Western Victoria) — I would also like to make a few comments on the committee inquiry into regional and rural tourism. Most of what I could say has probably already been said by other members of the committee. However, the first thing I need to do is thank staff members Ms Lilian Topic, Dr Cheryl Hercus and Mr Jason Ngam for the excellent way they have led us over the past 18 months or so as the committee has travelled around country and regional Victoria seeking evidence to help us improve the development of tourism in country Victoria.

The first paragraph of the foreword by the chairman explains it very well. He says:

> Regional Victoria has everything a tourist from anywhere on the globe might want. The most beautiful beaches in the world, pristine bush and rainforests, lakes and rivers, vineyards, idyllic country towns, romantic guesthouses and restaurants, cultural events and festivals, racing carnivals, an abundance of options for adventure, bike riding, relaxation, golf, walking. The list … goes on.

That was a very good opening comment. Our terms of reference asked us to identify the major impediments to growth of the tourism industry at this stage. We made 39 recommendations, with three key recommendations.

Key recommendation 1 is:

> That the state government, through Tourism Victoria, provide rural and regional tourism leadership by supporting the development of peak tourism bodies.

We have asked the state government to look at putting senior managers into each of the 10 regional campaign areas, which would help local government and tourism

people in those regions to work towards a better outcome.

Key recommendation 2 was about one of the biggest issues raised: wherever you go there is VicRoads signage. Most tourist operators believe there is an opportunity to get more directional signage to where their tourist facilities are. The committee understands that this must be done without compromising the principal priority of VicRoads — that is, road safety.

Key recommendation 3 is:

> That, as a matter of urgency, the state government investigate the impact of current planning laws on the development of tourism infrastructure.

I do not think there was one meeting anywhere right across Victoria where planning issues were not also at the forefront. They need to be looked at.

The other recommendations, and they are all very important, included addressing the lack of data. There is not enough data out there, and what is there is not up to scratch, making it difficult for developers to make informed decisions on how to spend future money.

Recommendation 6 is also very important, and that is to improve local roads and bridges in rural and regional areas. Many tourist attractions are off the beaten track and you have to go down local roads or across local bridges that are run by local government, and there is just not enough money to maintain the local road and bridge infrastructure. We recommend that the state government match the federal government's Roads to Recovery funding, which would inject approximately $62 million a year into the councils — approximately $1 million a council — to help meet the needs of these upgrades.

We also recommend that the state government extend the current Star 6 program of subsidised coach travel to not only bring young people from the regions into Melbourne, but vice versa. Anybody who has watched television in the last couple of weeks would have seen that not only were the youth of the world attracted to Sydney, but that tens of thousands came through and visited Melbourne. What a fantastic job they did. We need to encourage young people to get together and intermingle, and the best way of doing that is by increasing the use of the Star 6 program.

Recommendation 17 is also very important. It is:

> That the government in producing a nature-based tourism strategy … for implementation, and in light of practice in other jurisdictions, consider increasing the duration of leases on Crown land in Victoria.

We heard that quite a few times. The developers are not very interested in spending millions of dollars on a development when the Crown lease is for only 21 years. We asked the government to look at what other state jurisdictions are doing in their areas which could help alleviate this problem.

We have already talked about disasters and natural disasters and how the government could and should be more involved with Tourism Victoria to make sure that when there is a disaster the right information goes out and that people know there has been a bushfire or other disaster that but it is now safe to get out there, and that just because there is a drought in certain areas it does not mean there is no water anywhere in the Murray River so there is no point in going to Mildura or somewhere else, because there is still water in many parts of the state. That information needs to be put out there and highlighted.

I conclude by saying that Tourism Victoria is a major economic driver in rural and regional Victoria and is very important. The committee discovered that on the whole the industry is basically satisfied with what is happening and with Tourism Victoria. But there are improvements that could and should be made. I hope the government does not shelve this report somewhere but picks it up, especially the key recommendations, and moves forward with it.

I would also like to thank all the people who took the time to travel hundreds of kilometres to meetings right across rural and regional Victoria. Once again I thank the members of the committee and most of all the staff. As I have now worked out, the staff do most of the hard work and we just go along. We listen carefully and put some common sense into the deliberations, but the staff are the drivers of this inquiry.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 9 of 2008, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

PAPERS

Laid on table by Clerk:

Auditor-General —

Report on Investing Smarter in Public Sector ICT: Turning Principles into Practice, July 2008.

Report on Managing Complaints against Ticket Inspectors, July 2008.

Report on Records Management Checklist, July 2008.

Crown Land (Reserves) Act 1978 —

Minister's Order of 27 June 2008 giving approval to the granting of a lease and licence at Phillip Island Nature Park Reserve.

Minister's Order of 4 July 2008 giving approval to the granting of a lease at Fennell Reserve.

Minister's Order of 4 July 2008 giving approval to the granting of a lease at Kennett River Caravan Park Reserve.

Minister's Order of 17 July 2008 giving approval to the granting of a lease at Geelong Botanical Gardens and Eastern Park Reserve.

Minister's Order of 18 July 2008 giving approval to the granting of licences at Anglesea Foreshore Reserve, Lorne Foreshore Reserve and Torquay and Jan Juc Foreshore Reserve.

EastLink Project Act 2004 — Variation Statement Nos. 29 to 39, pursuant to section 21(3) of the Act (11 papers).

Environment Protection Act 1970 — Order in Council of 23 July 2008 varying the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories).

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 48.

Notice pursuant to section 32(3)(a)(iii) in relation to State Environment Protection Policy (Air Quality Management).

Notice pursuant to section 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water).

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ararat Planning Scheme — Amendment C21.

Ballarat Planning Scheme — Amendment C88 Part 2.

Banyule Planning Scheme — Amendment C56.

Bass Coast Planning Scheme — Amendment C75.

Baw Baw Planning Scheme — Amendment C62.

Bayside Planning Scheme — Amendments C56 (Part 1) and C70.

Boroondara Planning Scheme — Amendments C77 and C81.

Brimbank Planning Scheme — Amendment C100.

Campaspe Planning Scheme — Amendment C63.

Cardinia Planning Scheme — Amendments C105 (Part 1) and C116.

Colac Otway Planning Scheme — Amendment C48.

Glen Eira Planning Scheme — Amendment C61.

Greater Bendigo Planning Scheme — Amendment C113.

Greater Geelong Planning Scheme — Amendments C86 Part 2, C116 and C128.

Knox Planning Scheme — Amendment C68.

Maribyrnong Planning Scheme — Amendment C44.

Maroondah Planning Scheme — Amendments C58 and C80.

Melbourne Planning Scheme — Amendments C131 and C134.

Melton Planning Scheme — Amendments C74 and C79.

Monash Planning Scheme — Amendments C75 and C76.

Moonee Valley Planning Scheme — Amendments C66, C73 and C87.

Moreland Planning Scheme — Amendments C88 and C91.

Mornington Peninsula Planning Scheme — Amendments C102, C104 and C110.

Northern Grampians Planning Scheme — Amendments C24, C25, C26 and C27.

Stonnington Planning Scheme — Amendment C74.

Surf Coast Planning Scheme — Amendments C32, C39 (Part 1) and C40.

Warrnambool Planning Scheme — Amendment C44 (Part 1).

Wellington Planning Scheme — Amendments C26 Part 1, C37 and C44.

West Wimmera Planning Scheme — Amendment C15.

Whittlesea Planning Scheme — Amendments C81 (Part 1), C101 and C103.

Wodonga Planning Scheme — Amendments C40 and C60.

Wyndham Planning Scheme — Amendments C98, C100 and C117.

Yarra Ranges Planning Scheme — Amendments C70 and C72.

Special Investigations Monitor's Office — Report for the period ended 30 June 2008, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Catchment and Land Protection Act 1994 — No. 91.

City of Melbourne Act 2001 — Local Government Act 1989 — No. 70.

Country Fire Authority Act 1958 — No. 89.

Domestic (Feral and Nuisance) Animals Act 1994 — No. 67.

Drugs, Poisons and Controlled Substances Act 1981 — No. 71.

Eastlink Project Act 2004 — No. 81.

Fair Trading Act 1999 — Nos. 86 and 88.

Impounding of Livestock Act 1994 — No. 66.

Infringements Act 2006 — No. 85.

Magistrates' Court Act 1989 — Nos. 83 and 84.

Prevention of Cruelty to Animals Act 1986 — No. 68.

Professional Boxing and Combat Sports Act 1985 — No. 82.

Road Safety Act 1986 — Nos. 77, 78, 79 and 80.

State Superannuation Act 1988 — No. 69.

Subordinate Legislation Act 1994 — No. 90.

Transport Act 1983 — Nos. 72, 73, 74, 75 and 76.

Zoological Parks and Gardens Act 1995 — No. 87.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 62, 63, 64, 83, 84, 87 and 89.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 59, 60, 61, 70, 71, 77, 79, 80, 85, 86, 88 and 91.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Education and Training Reform Amendment Act 2008 — remaining provisions — 1 July 2008 *(Gazette No. S186, 1 July 2008).*

Energy Legislation Further Amendment Act 2007 — sections 23, 25(1) and 33 — 25 July 2008 *(Gazette No. G30, 24 July 2008).*

Essential Services Commission Amendment Act 2008 — 1 July 2008 *(Gazette No. G26, 26 June 2008).*

Firearms Amendment Act 2007 — other than sections 3(1)(b), 3(3), 9 to 11, 13, 20 to 24, 28, 29, 31, 36 to 39, 54 and 56 — 30 June 2008 *(Gazette No. G26, 26 June 2008).*

Infringements and Other Acts Amendment Act 2008 — except for section 11 — 1 July 2008 *(Gazette No. S172, 27 June 2008).*

National Gas (Victoria) Act 2008 — 1 July 2008 *(Gazette No. S184, 1 July 2008).*

MEMBERS STATEMENTS

VicForests: harvesting and haulage contracts

Mr P. DAVIS (Eastern Victoria) — I would like to draw the attention of the house to the shambles which is disrupting the timber supply in East Gippsland to the extent that mills will run out of timber and the industry will have to go on hold. We have an amazing problem with VicForests' tendering processes which is having an extraordinary impact.

VicForests was unable to manage its harvesting and haulage tender process effectively. It was supposed to close on 16 July for the year commencing 1 October. VicForests was unable to manage this process and in fact extended the tender date by one week to 23 July. When decisions were announced it became clear that VicForests had awarded only 65 per cent of the total harvesting allocation and is now re-tendering 35 per cent with a closing date of mid-September, giving operators only two weeks to gear up for commencement on 1 October.

Further, VicForests has botched the announcement of those tenders that were awarded. Contractors were told they had not been successful, then that they had won tenders, and later that their bids had been successful only in part. They have had to face up to their crews with the message, 'Sorry, there are no jobs for you', and they are facing tough decisions about putting all of their harvesting equipment up for sale. Clearly it is impossible to imagine that in the long term contractors are going to line up for contracts in this industry. It is causing incredible stress and has led to a contractor having a stroke at a meeting of contractors last Friday.

Water: desalination plant

Mr HALL (Eastern Victoria) — On 3 July I spent a pleasant Thursday morning attending a public meeting in the Lang Lang hall. The meeting was well attended by members of Parliament because alongside me were my colleagues for Eastern Victoria Region including

Edward O'Donohue, Johann Scheffer and Matthew Viney. Also present were Ken Smith, the member for Bass in the Assembly, and Greg Hunt, the local federal member.

The meeting was called for the purposes of objecting to the proposed alignment of an overhead transmission line from Tynong North to the proposed desalination plant close to Wonthaggi. People have some strong concerns about the government's proposal with respect to that particular project. The actual transmission line taking the power to the desalination plant is 75 kilometres long and will have a 40-metre-wide easement attached to it. It will run through something like 220 privately owned properties and of course many other properties bordering that alignment.

I very clearly say I am strongly opposed to the desalination plant on both environmental and economic grounds, and people well know my views in respect of that project. Now the government is proposing to have an overhead transmission line carrying something like 90 megawatts of electricity to that site.

Today I call on the government to ensure that all other options are fully explored, including the cost of undergrounding. Undergrounding would at least alleviate one component of the environmental effects this project will have on Victoria.

Member for Kororoit: election

Mr ELASMAR (Northern Metropolitan) — During the last sittings of Parliament I had the pleasure of congratulating Marlene Kairouz on her candidacy for the state seat of Kororoit. I said then that she would be a terrific member of Parliament for the constituents of Kororoit, and I meant it. I have already kept my promise and welcomed her in person to this Parliament as the newly elected member for Kororoit. Well done, and congratulations to Marlene Kairouz.

World Youth Day: visitors

Mr ELASMAR — On another matter I was very proud and humbled to meet with the Patriarch of Lebanon and the whole of the Middle East, Nasrallah Sfeir, during his visit to Melbourne on 8 July. The patriarch's visit coincided with World Youth Day and the visit of His Holiness Pope Benedict XVI to Australia. In today's fast world of technology and massive personal debt, it was gratifying to see young people enjoying the simplicity of moral and family values.

Mackenzie Gregory

Mrs COOTE (Southern Metropolitan) — Every so often you come across a wonderful character. A constituent whose name is Mackenzie Gregory called in to see me the other day. He was a lieutenant commander in the Royal Australian Navy. He started his career as a 13-year-old and retired in 1954.

Since that time he has been very active in all things naval. He has been very busy organising and constructing a number of terrific memorials. He has worked very hard. He is a super, most enthusiastic man, and I feel particularly pleased that we now have a nice working relationship and are working towards building a new memorial in Port Melbourne.

Many people in the navy left Australia from Port Melbourne, and it is important to have a proper memorial at that point. I think a local businessman is going to put up considerable funding, and I am hoping the government might see fit to put in some additional funding, to commemorate the number of ordinary sailors who left our shores from Port Melbourne during the war.

As a matter of interest, another thing that Mackenzie Gregory has done is in relation to the heavy cruiser HMAS *Canberra*, on which he served, which sank in Solomon Islands waters. The Americans named one of their warships after the *Canberra*, and when it was decommissioned its bell was supposed to stay in America. But Mackenzie followed the bell and found it in Virginia; he was able to organise for it to go to the Australian Maritime Museum at Darling Harbour in Sydney. That is the first time anything like that has ever been done.

Kerry Nettle

Ms PENNICUIK (Southern Metropolitan) — Senator Kerry Nettle was elected to the Australian Senate in 2001 along with Bob Brown, who was at that time re-elected for a second term. In 2004, Kerry and Bob were joined by Christine Milne and Rachel Siewert. Sarah Hanson-Young and Scott Ludlam have just begun their Senate terms. On behalf of the Greens, Kerry held the shadow portfolios of Attorney-General, education, refugees, women, young people, aged care and gay, lesbian, bisexual, transgender and intersex (GLBTI) people.

Kerry commanded the respect of her fellow senators for her conscientious hard work and good humour. She was a tireless advocate for refugees and against mandatory detention, the forced deportation of asylum seekers and

the so-called Pacific solution, which marks a shameful episode in Australia's history.

She visited refugees in detention places like Baxter and Villawood, and worked on their behalf inside and outside Parliament. Kerry Nettle worked hard to end discrimination against GLBTI people and introduced the Marriage (Relationships Equality) Amendment Bill into the federal Parliament. The bill aimed to remove discrimination and permit marriage regardless of sexuality or gender identity.

Kerry has been a strong voice for public education and a fierce opponent of voluntary student unionism. She campaigned for justice in East Timor and West Papua. Kerry has made a fabulous contribution to the Australian Senate. This contribution will be remembered with great pride by Greens all over Australia.

We wish Kerry the very best for her future endeavours, which I am sure will continue to involve fighting for peace, social justice and a sustainable future for Australia and the planet.

Partner rape: study

Ms DARVENIZA (Northern Victoria) — I take this opportunity to let the Parliament know about an important report that was launched in Benalla on 15 July. The report, *Raped by a Partner*, is a qualitative research study, which many members may well have read reports about in the metropolitan media.

In the study that contributed to this report more than 70 people were interviewed, including police, health professionals and 21 women from the Goulburn Valley in north-eastern Victoria. It showed that the perpetrators, like their victims, come from all walks of life.

Partner rape has been a crime in Australia since 1985, yet the report found that women continue to be sexually abused within relationships. All the women interviewed for the study felt traumatised and ashamed, and all but one said that their partners would not recognise their action as rape. The report found that women were reluctant to report that their husbands had raped them for many reasons including shame, fear of not being believed, and lack of faith in the legal system to provide a satisfactory outcome.

I congratulate the researchers, Debra Parkinson of Women's Health Goulburn North East, and Kerry Burns of Upper Murray Centre Against Sexual Assault. The report recommends a new strategy to help police, health professionals and concerned community members to reach out and help rape victims.

Dartmoor sawmill: closure

Mr VOGELS (Western Victoria) — I raise an issue for the Premier, John Brumby. It concerns the loss of 130 sawmill jobs axed due to the closure of the Dartmoor sawmill. Dartmoor is in far south-western Victoria. It has a population of only 300 people and unless quick action is taken, the future of the town looks very grim indeed. The sawmill processes pine for building purposes and has been the town's major employer for more than 50 years. The timber product harvested in Victoria and presently processed in Dartmoor will now be transported to South Australia.

We all understand there is an expanding blue gum industry in the region and we need quick action to ensure that both state and federal governments offer those workers more redundancy support and training packages to enable them to take advantage of those new opportunities. Once the workers have moved to another location from Dartmoor, it will be very difficult to entice them back. The effect on the local school, shops, sporting clubs et cetera will be devastating. Unless quick, decisive action is taken, this closure could sound the death knell for the town. Victoria needs small local communities like Dartmoor to survive, and it is up to the government of the day to ensure that this occurs.

The people of Dartmoor remember that in the 1990s the Kennett government stepped in when similar action was proposed by the then owners to close the mill. I call on the Brumby government to work with the Glenelg shire and local stakeholders to provide the leadership needed to ensure the future of this town.

Mental health: employment strategy

Mr TEE (Eastern Metropolitan) — In February this year I raised in this place my concern that some 71 per cent of the one in five people who suffer a mental illness are unemployed. This means that the approximately 100 000 people in my electorate with a mental illness suffer the additional trauma of unemployment and, as we know, unemployment has a devastating impact on a person's self-esteem and may contribute to mental illness.

During a period of economic growth and skills shortages people with mental illnesses are being left behind and they are not able to make a contribution to our economy. As I said in February, the Howard government's welfare-to-work policy hindered rather than helped people with a mental illness, so I welcome

the Rudd government's announcement that a significant barrier to finding employment is to be removed.

Disability support pension recipients looking for work will no longer automatically have their benefits reviewed. People on a disability support pension will now be supported in looking for work, with the threat of losing their entitlements having been removed. I welcome this change, which is a huge benefit for those in my electorate with a mental illness struggling to enter the workforce.

This progressive approach is in stark contrast to the more backward-looking or mean-spirited approach of the federal opposition leader, who is reported as saying that people with mental illnesses should be returned to institutions.

Cr Bill Bowie

Mr ATKINSON (Eastern Metropolitan) — Sadly, I wish to bring to the notice of the house news of the death of Cr Bill Bowie of the City of Whitehorse this past week. Cr Bowie served on the City of Whitehorse council for 15 years and was involved in many organisations within the Whitehorse community and more broadly in the eastern suburbs. Perhaps his greatest passion was the East Burwood Football Club and the associated sporting organisations around that club. He was very committed to the community and its advancement. He served the community very well as a councillor, both in terms of his primary responsibilities to the City of Whitehorse and in a broader number of committees representing that city.

Cr Bowie served a term as mayor and was popular in this role for the city. His contribution, as indicated by his staff and colleagues at the City of Whitehorse and echoed by the community of Whitehorse, will be sorely be missed by all those people. Cr Bowie was a businessman in Ferntree Gully, which is also in my electorate. He leaves behind some family members who I trust will understand that he was very highly regarded and admired for his work, and hopefully the circumstances of his business will ensure that they continue to do well.

Hamilton Performing Arts Centre: redevelopment

Ms TIERNEY (Western Victoria) — Recently the Minister for Regional and Rural Development, Jacinta Allan, announced funding of $950 000 for major upgrades and refurbishments of the Hamilton arts precinct, bringing the total amount for the Hamilton Performing Arts Centre redevelopment to $1.7 million. The funding will result in the building of a new forecourt area; upgrades to the box office, foyer and public amenities; new seating in the auditorium; and safety upgrades and improvements to lighting and interior design.

Cr Marcus Rentsch, Southern Grampians shire mayor, joined the minister at the announcement and was quoted on the front page of the Hamilton *Spectator* as saying:

> The announcement of this $950 000 funding in conjunction with the funds the council has made available for this project will ensure that the Hamilton arts precinct continues to be one of the premier cultural destinations in south-western Victoria.

It is plain to see the dedication of the Brumby government to regional arts, with its commitment to arts in Hamilton, as well as earlier this year with its commitment of $570 000 to Glenelg shire for improvements to the Portland Arts Centre, Portland Civic Hall, Casterton town hall and the Heywood community hall. As well as this, the Brumby Labor government has recently committed $25 000 to Regional Arts Victoria to support its network of development officers, who have helped shape the south-west's cultural scene. The seven regional arts development officers continue to play an important role in promoting and strengthening regional arts in Victoria. I thank and congratulate them on their fantastic work.

Planning: Warrnambool

Mr GUY (Northern Metropolitan) — I wish to bring to the attention of the house the terrible state of planning in Victoria and note how a slow and inflexible state government, by its chronic inaction, is hurting some of our major regional population centres.

The abandoning of Warrnambool City Council's Allansford industrial park project has been noted with concern in many circles. It was a project that would have significantly increased the amount of industrial land in the Warrnambool area. It is a project that is at least five years in the making. Warrnambool needed this park to proceed. The city's population is growing rapidly, and has been growing for some time. The city is now the major centre in Victoria's south-west and is becoming an increasingly popular destination for many Victorians who seek a sea-change lifestyle, but it is desperately short of industrial land.

What stopped this park proceeding? According to Warrnambool councillor and former Labor Party preselection candidate Jacinta Ermacora, red tape and complex planning laws are to blame. The councillor,

who is a former ALP preselection candidate, said, as reported in the Warrnambool *Standard* of 15 July:

> We are almost being punished for complying with all the rules.
>
> …
>
> We can't wait another five years, the way planning laws are, it's too complex.

How right Ms Ermacora is! The Bracks and Brumby Labor governments have been and are too slow to act, particularly when it comes to rural and regional Victoria. Then again, we should not be surprised about Labor's failure to move on urgent issues in the south-west: after all, this is the area that Premier Brumby declared was 'too far from Melbourne' to be taken seriously by his government.

Cadel Evans

Ms PULFORD (Western Victoria) — I would like to congratulate an Australian champion and sometime resident of my electorate, Cadel Evans, who rode a distance of 3500 kilometres over 21 stages in the 95th Tour de France, including 5 on mountains that would be challenging for some cars. The 2008 Tour de France had many highs and lows and much drama, but it was a wonderful moment when we first watched Cadel don the maillot jaune.

There were tense moments on Saturday night during the time trials that would determine the line-up for the final stage run into Paris. The tour was exhausting to watch. I can only wonder at the strength and stamina required to complete the race, let alone finish on the podium in Paris, albeit with injuries sustained earlier in the tour from a crash. For Cadel to finish this race second for the second year in a row is an amazing feat and one that every Australian should be proud of.

Cadel has cemented his place as an Australian sporting legend and was clearly the strongest individual cyclist in this year's tour. I am very pleased to hear reports that Cadel feels he has his best yet to come. I am confident we can all look forward to more thrilling chases in the Alps and that one day this proud Australian will win road cycling's most coveted prize. I wish Cadel Evans well in his preparations for 2009's tour.

Hamilton: community events

Mr KOCH (Western Victoria) — Next week government upper house members representing Western Victoria Region will be reopening two existing facilities in the Hamilton district. The Hamilton visitor information centre, which has been of valuable assistance to visitors over many years, received a small Southern Grampians shire and state government funding allocation earlier this year for an internal refurbishment. It will undergo an official opening on Monday.

On Tuesday the residential redevelopment at St Joseph's Court aged-care facility in Coleraine will be opened. Due recognition will also be given to the Wishart family's bequest. St Joseph's Court has been looking after Coleraine and district's elderly since the mid-1990s. Unfortunately, as both of these events coincide with Hamilton's Sheepvention, which is western Victoria's largest field day, community attendance at these official ceremonies will attract only those immediately involved. Meanwhile more than 25 000 visitors will be attending Sheepvention, and no doubt some of them will be keen to discuss matters of concern with local and state MPs, particularly the Minister for Agriculture.

Acknowledging that western Victoria makes an enormous contribution to state revenue, there has been no publicity promoting a government or ministerial presence at Sheepvention. The Brumby government should be embarrassed that while official openings that unfortunately will go largely unnoticed by the community are being provided for junior MPs, the Minister for Agriculture has not seen fit to promote his presence during this major two-day event.

Mullum Mullum Indigenous Gathering Place

Mr LEANE (Eastern Metropolitan) — Recently I was very pleased to attend a launch of a fundraiser by the indigenous community in the east that was organised to purchase a residence they are currently leasing from the Ringwood East Anglican church for the purposes of the Mullum Mullum Indigenous Gathering Place, which is a very important place that runs a lot of fantastic programs for the indigenous community and the rest of the community in that area. The government was very pleased when the Minister for Aboriginal Affairs granted a substantial sum of money towards the community to enable it to buy this residence, which is its end goal.

EastLink: opening

Mr LEANE — On another matter I would like to congratulate the Premier and the Minister for Roads and Ports on the successful opening of EastLink. This road has already made a huge difference in the east not only in the travel times but also in promoting a renewed potential for industrial and commercial investment in the east. Just to touch on one investment confirmed in

the last couple of weeks, QIC put in a permit application for $500 million worth of work on Eastland shopping precinct. This will include a new library and civic centre for the community. This has been confirmed recently despite the member for Warrandyte in the Assembly trying to talk down the project and lying that the government is not committed to putting money in to be part of this project.

Burwood East: graffiti

Mr DALLA-RIVA (Eastern Metropolitan) — I rise to express my deep concern over the wave of graffiti attacks recently reported in the Burwood East area, which is in the lower house seat of Forest Hill and within the Eastern Metropolitan Region. Graffiti attacks in Burwood East have become particularly brazen around Hawthorn Road and Burwood East shopping centre, with shops, homes, bus stops, park furniture and street signs all having been severely vandalised.

These attacks are generating fear in the community. Residents have expressed significant concern that if this wave of graffiti is not stopped it will escalate even further, with windows and doors being smashed. They are fearful about walking down local streets, using local parks, catching public transport and even visiting local shops. It is damaging the fabric of the local community and must be dealt with immediately.

There is a recognition in the community that the police are doing a great job, but they are being hampered by a severe lack of resources. Whilst local police are doing the best they can, graffiti attacks are continuing and are getting worse in the Burwood East area. Graffiti marking is a significant crime that needs to be dealt with immediately. The people of Forest Hill should not have to suffer the burden of this wanton vandalism that occurs almost on a daily basis.

LOCAL GOVERNMENT AMENDMENT (DISCLOSURE) BILL

Statement of compatibility

Mr BARBER (Northern Metropolitan) 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 Local Government Amendment (Disclosure) Bill 2008.

In my opinion, the Local Government Amendment (Disclosure) Bill 2008, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinions on the reasons outlined in this statement.

Overview of the bill

This bill improves transparency in local government and minimises issues relating to conflict of interest, which will in turn safeguard public confidence in local government. In particular, the bill will:

create a system of full and continuous disclosure during an election campaign;

strengthen conflict of interest provisions;

ensure that the public has full access to councillors' interests and potential conflicts of interests by requiring the chief executive officer to publish all returns on an internet website maintained by the council;

provide voters in local council elections with information pertaining to candidates' political party membership since the previous election in their local government area.

Human rights issues

The bill may engage section 18 of the charter, which protects the rights of all eligible Victorians to participate in the conduct of public affairs and to be elected at municipal elections. This is because new section 62(2A), proposed in clause 3 of the bill, imposes disclosure requirements on candidates in municipal elections.

It is considered that clause 3 of the bill, which proposes new section 62(2A), does not unlawfully or arbitrarily interfere with the right to take part in public life and is therefore compatible with the charter for the following reasons:

The election campaign disclosure regulations and political party membership disclosure requirements apply uniformly to all candidates, and as such do not discriminate against any person wishing to participate in the conduct of public affairs, or wishing to be elected in municipal elections.

The continuous and full disclosure of any gifts received or promised to candidates, and the statement of recent membership of any registered political party to the chief executive officer, is necessary in ensuring transparency and maintaining public confidence in local government.

The information requirements under proposed clauses 3 and 7 are therefore not unreasonable, unlawful or arbitrary and are consistent with the charter.

Further, this bill may engage section 13 of the charter, which protects the right of a person not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked. An interference with privacy will not be unlawful provided it is permitted by law, is certain, and is appropriately circumscribed. As long as the restrictions on privacy are reasonable in particular circumstances and are in accordance with the provisions, aims and objective of the charter, an interference with privacy will not be arbitrary.

While there are certain provisions of this bill which may engage the right to privacy, the interference with privacy is neither unlawful nor arbitrary as outlined below:

Clause 3 amends section 62 of the Local Government Act, requiring candidates in local government elections to provide details of campaign-related gifts or promised gifts to the value of $200 or more in a system of continuous disclosure after nomination day. While this bill requires candidates to provide more frequent disclosures, the information that they must disclose remains the same as that already required under the Local Government Act, and as such does not unlawfully interfere with the right to privacy.

Clauses 4 and 6(2) require that election campaign disclosure returns and a register of councillors' interests are published on an internet website maintained by the council. Under the current Local Government Act, returns are available for inspection at the office of the council during normal office hours. In order to view the register of interests, a person must make a written application to the chief executive officer, providing their name, address, phone number and information regarding which councillor's interests he or she wishes to inspect. While access to this information will be unregulated under the proposed bill, the information that councillors and candidates are required to provide remains unchanged. Further, it will allow for greater transparency in local government. The interference with privacy is therefore reasonable in the particular circumstances and limited to information that is already lawfully available to the public.

Clauses 4 and 6(2) fall within the scope of the Information Privacy Act 2000. The register of councillors' interests and the election campaign disclosure return are public registers as defined under section 3 of the Information Privacy Act. As such, the council administering the register must not contravene an information privacy principle, so far as is reasonably practicable. As the provisions in this bill do not contravene any information privacy principles, the interference with privacy is not unlawful.

Clause 7 of the bill requires a candidate in a local government election to state on their nomination form submitted to the chief executive officer of a local government whether or not he or she has been a member of a registered political party since the last council election in his or her local government area. While information regarding an individual's political opinions or membership of a political association is deemed to be 'sensitive information' by the Information Privacy Act, by nominating as a candidate in a local government election, a person consents to providing 'sensitive information'. Further, declaring recent membership of a registered political party is reasonable in order to ensure transparency and public faith in local government.

The information requirements in clauses 3, 4, 6 and 7 are therefore not unreasonable, unlawful or arbitrary and are consistent with the charter.

The bill does not otherwise affect any human rights protected by the charter.

Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right, and therefore it is not necessary to consider 7(2) of the charter.

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Mr GREG BARBER, MLC

Second reading

Mr BARBER (Northern Metropolitan) — I move:

That the bill be now read a second time.

This bill will amend the Local Government Act of 1989. The purpose of this bill is to improve transparency in local government, to strengthen conflict of interest provisions and to allow the public greater access to information regarding election campaign donations. It will also require local government candidates to disclose their recent membership of political parties.

Local government is an important and unique tier in Australia's governing structure. Before I move to discuss the specific clauses in this bill, it is worthwhile bearing in mind the unique nature of local government and its election process. There have been a number of important inquiries into corruption in local government in other states. These include the *Report on the Investigation of Alleged Public Sector Misconduct Linked to the Smiths Beach Development at Yallingup*, by Western Australia's Corruption and Crime Commission, part II of the report on the WA Inc. royal commission, the second report of the Tweed Shire Council public inquiry by the New South Wales Independent Commission Against Corruption, and the Queensland Crime and Misconduct Commission's report *Independence, Influence and Integrity in Local Government — A CMC inquiry into the 2004 Gold Coast City Council Election*.

These reports highlight some significant differences between local government and the state and federal government spheres. Perhaps most importantly, as the Tweed Shire Council public inquiry pointed out, the executive and legislative arms of local government are not separated. Local governments make the rules and then make decisions on the application of those rules. Further, local government is not scrutinised by an identified opposition, as is the case in the state and federal parliaments. Often it is up to members of the local community and the media to scrutinise decisions made by local governments. For these reasons, it is of

the utmost importance that local government decisions and procedures are transparent and that the potential for conflicts of interest, and perceived conflicts of interest, are minimised.

In framing its provisions, this bill draws on the recommendations made in the aforementioned corruption inquiries in New South Wales, Queensland and Western Australia. Further, certain provisions in the bill bring Victoria into line with conflict of interest and disclosure provisions in Western Australia's Local Government Act 1995, and with 2007 amendments to Queensland's Local Government Act 1993.

The bill creates a system of continuous disclosure, where local government candidates must, within three days of nomination day, disclose to the chief executive officer of their local government any campaign-related gift to the value of $200 or more. This disclosure includes any gift received or promised in the period from 30 days after the previous election day up to nomination day. After the initial disclosure and throughout the election period candidates must disclose details of any further gifts received within three days of their receipt or promise. The continuous disclosure system is maintained until 30 days after the election.

This provision will bring Victoria into line with the more robust campaign gift disclosure provisions in Western Australia's Local Government Act. It follows from recommendations made in part II of the report on the WA Inc. royal commission, which found that disclosure should be made in a timely fashion. It allows the public to make an informed choice at the ballot box, with full knowledge of any interests and potential conflicts of interest that councillors might have.

The bill amends the requirements for the publication of candidates' election campaign donation returns and the register of interests of councillors. Under the current legislation, election campaign donation returns and the register of interests can only be viewed at council offices during normal business hours. Furthermore, if a member of the public wishes to view any councillor's register of interests, he or she must make a written application to the chief executive officer beforehand. Melbourne University law school senior lecturer Dr Joo-Cheong Tham, a specialist in election disclosure, was quoted in the *Age* newspaper of 25 July stating that the lack of public accessibility in the current act renders the system at best symbolic, and at worst a sham.

By requiring the chief executive officer of a local government to publish election campaign donation returns and the register of councillors' interests on its website, this bill significantly improves accessibility. It subjects councillors and candidates to greater scrutiny by allowing the public to monitor potential conflicts of interest. It also brings local government disclosure publication provisions up to the same standard as those of the Australian Electoral Commission, which makes candidates' federal election disclosure returns available for public inspection on its website. Since 2007, when it amended its Local Government Act, Queensland has had similar provisions, which require certain information regarding councillors' interests to be published on a council's website, if one exists.

The bill strengthens and clarifies conflict of interest provisions, which were identified as a source of confusion for councillors in the Victorian Ombudsman's March 2008 report entitled *Conflict of Interest in Local Government*. It imposes an obligation on elected members to declare a conflict of interest if they have received an election campaign-related gift from a person, company or body that has an interest in a matter or contract under the consideration of the local government. Having disclosed a conflict of interest, the councillor cannot move or second a motion on any question relating to the contract or matter, and must leave the room during voting procedures. Western Australia already has similar provisions in its Local Government Act.

This amendment provides an assurance to members of the public that property developers and other interested parties cannot influence a vote on a local government matter through campaign donations. It minimises the opportunity for vested interests to purchase political favour.

The bill will insert a new requirement in the Local Government Act requiring a candidate to declare any membership of a registered political party in the period since the previous election of the relevant local government. Local government candidates do not necessarily run on a party platform but are on occasion affiliated with a political party. This amendment provides the public with an opportunity to be aware of the recent political associations of local government candidates.

This bill encourages high ethical standards and strengthens transparency in local government. It follows best practice in other states, and its provisions will safeguard public confidence in local government.

I commend the bill to the house.

Debate adjourned on motion of Ms MIKAKOS (Northern Metropolitan).

Debate adjourned until Wednesday, 13 August.

SCHOOLS: CATHOLIC SECTOR

Mr HALL (Eastern Victoria) — By leave, I move:

> That this house calls on the Brumby Labor government to increase the funding provided for Victorian students in Catholic schools using a needs-based formula from the lowest per student funding of any state in Australia to funding at around 25 per cent of the costs of educating a government school student.

It was on 16 April this year, seemingly just yesterday, that I moved a motion urging that the government increase teacher salaries in public schools to a level well above the Australian average, to become the best in Australia. During the course of my contribution to that debate I was criticised by government members who said it was a stunt, that I was just being popularist and that it was too expensive to pay teachers at the same rate as interstate teachers. All of that led to the government not supporting my motion.

It was rather ironic that within two weeks of that debate the government joined the Liberal-National coalition and the Greens on what we had advocated for in that debate by signing a new enterprise bargaining agreement with the Australian Education Union that delivered almost exactly what was asked for by the Liberal-National coalition in Victoria.

During the course of that debate I said that only part of the work was done and that we needed to do more. We needed to have a look at the other sectors of education and see whether they were being appropriately funded by state governments. I indicated in my contribution then that the Liberal-National coalition in Victoria intended to look at other education sectors. In particular I mentioned Catholic education, non-government, independent schools education and particularly the lot of TAFE teachers, for example. We needed to look at their salary levels and some associated issues. So it was that I foreshadowed we would be taking a good look at other sectors of education as well.

This motion addresses issues associated with funding arrangements for Catholic schools in Victoria. I make it very clear for the record that this is just a step and that there are others to come. In time to come the coalition will be looking at the ways in which the state can best support other independent schools and at the issues associated with TAFE institutes, and particularly at TAFE teachers. As I said, today's is a narrow debate on funding Catholic education in Victoria.

I probably need to set the context of this debate and make the house understand the important role that Catholic education plays in the structure of education in this state. Amongst the number of full-time equivalent students attending schools in this state from preparatory year right through to year 12 there are 538 857 students attending government schools. The comparative figure for Catholic schools is 184 064, and the figure for independent schools is 114 020. More particularly it is easier to understand the percentage of students attending various school structures in this state. Of the total number of students attending school in Victoria, a rounded-off figure of 65 per cent attend government schools, 22 per cent attend Catholic schools and around 13 per cent attend other independent, non-government schools. Of all schools in Victoria, 1587 are government schools, another 486 are Catholic schools and 221 are independent schools.

Those figures alone clearly outline the importance of Catholic education in the schooling and education structure in Victoria. It is also interesting to note that Victoria has the highest percentage of students in Catholic education of any state. I admit that the Australian Capital Territory has a greater percentage, but compared with every other state Victoria has the highest percentage of students in Catholic education. Since 2000 the number of students in Catholic schools has remained fairly constant, with just a 2.2 per cent increase over that period. In its schools Catholic education employs about 12 224 teachers and 3649 non-teaching staff, so significant employment is generated by the Catholic education sector.

Those stats alone highlight the importance of the Catholic system to the education structure in Victoria. The fact that more than one in five young people attend Catholic schools is something we should all consider, and I am sure we do in a bipartisan way. How much assistance we give those students, their families and schools is the issue for debate today.

As to the present funding arrangements, Catholic schools receive grants from the commonwealth and state governments and charge fees for students attending those schools. It is interesting that state grants given by the Victorian government to the Catholic education sector are at the lowest rate of any state in Australia. While the Victorian government funds students in Catholic schools to the tune of $1283 per student, the comparative figure in New South Wales is $1515; in Queensland, $1851; in Western Australia, $1878; in South Australia, $1406; and in Tasmania, $1708. The Australian average is $1666, but the Victorian government's contribution is well below that; it is only $1283.

In terms of the total revenue collected by Catholic schools to run Catholic education, 15.1 per cent comes from state government grants. Again that is the lowest

figure by far of any state in Australia. Comparatively the New South Wales state government provides 20.3 per cent of funding; Queensland, 20.8 per cent; Western Australia, 22.1 per cent; South Australia, 20.8 per cent; and Tasmania, 20 per cent. Victoria is coming a distant last in terms of assistance provided by the state government to Catholic education. The figures I have quoted come from the national report on schooling 2006.

I hope this does not turn into a debate which concentrates on government schools versus non-government schools and simply divides the beliefs that most reasonable Victorians have. Let me say quite clearly that I reckon we have a good balance between public and private education in Victoria, and I think that has been illustrated by the figures I have given the house. I repeat: 65 per cent of young people in Victoria attend government schools and around 35 per cent attend non-government schools. About 22 per cent of that 35 per cent are in the Catholic sector. I reckon we have a pretty good balance. The government has a very clear policy that there be no compulsory school fees in public education, in government schools, so it is important to note that while government school students, in theory at least, pay no school fees, non-government school students pay substantial fees. The non-government fees amount to about 23 per cent of the cost of educating the children in Catholic schools, which equates to several thousand dollars per head per year, although that varies across the schools.

In the current economic climate of rising costs associated with the cost of living — particularly things like mortgage rates and the cost of petrol, water, electricity and basic food items, all of which have increased significantly — there are people out there in the community who are doing it tough, which should be recognised. A parent or a family should have the right to choose to send their child to a Catholic school. Both sides of politics concede that they have that right of choice between government and non-government schooling.

It seems to me that it boils down to what is the appropriate amount of funding that the state government should be giving to non-government schools. I say to the government on this issue that the fact that parents are paying significant components of education fees for students in non-government schools is an enormous saving for the state government, which would otherwise have to provide education places for the students who attend Catholic or other non-government schools.

I would have thought that it was in the government's best interests to ensure that the other school systems to which parents send their children, apart from the public education system, remain strong, viable and legitimate alternative choices for parents. It should also be acknowledged that Catholic families pay the same taxes as every other Victorian family, and they are entitled to make reasonable claims on the return comparable to their fellow Victorians.

Obviously the question will be: what level of support by the state government is appropriate? The Liberal-Nationals coalition has clearly indicated its views with respect to what is reasonable and fair to all Victorians, and in particular having regard to the needs of the Catholic education sector. So it was that on 2 July this year the Leader of the Opposition in the Assembly, Ted Baillieu, in conjunction with the Leader of The Nationals in the Assembly, Peter Ryan, released the coalition's Catholic education plan under the press release heading 'Restoring the balance — reforming and reviving Catholic school funding'. I am sure members who will participate in this debate have had a look at that release and will have some idea of the contents of it. I want to clearly enunciate to the house this morning exactly what the commitment is of the Liberal-Nationals coalition in Victoria.

We have titled that document 'Restoring the balance' because it commits the coalition to investing $390 million over four years in Victorian Catholic schools to ensure that they remain as a strong and viable system that will enable that choice by parents. Specifically what we have done is suggest that the $390 million be spent on increasing state government grants to Catholic schools using a needs-based formula tied to the cost of educating a government school student.

In particular what that commitment of $390 million over four years will do is provide funding to ensure that Catholic school teachers are paid more in line with the recent enterprise bargaining agreement with government school teachers. It will also increase funding for students with a disability who currently receive only one-third of the funding that a student with a disability in a government school receives — and I am sure many members would have dealt with tragic cases where children with disabilities are unable to get the same level of assistance in a non-government school as they would in a government school. That is a severe anomaly which needs to be addressed, and the coalition's commitment to that issue will lead to it being addressed.

The $390 million over four years will also boost funding for needy schools in disadvantaged areas. It will also allow capital works and maintenance programs to repair existing classrooms and improve facilities. It will also be used to improve internet access and bandwidth to the same level as that in government schools, and it will cover the cost of complying with state government accountability requirements and improve teacher and principal professional development.

They are issues about which the coalition has sat down with the Catholic education sector and talked through. We understand their needs. We believe that the commitment I have just outlined will go totally — or at least go a long way — towards meeting the needs that the Catholic education sector has expressed to government and also expressed to opposition parties in Victoria.

I read the last submission that the Catholic education sector made to the budgetary process in Victoria and can confirm to the house that what is outlined in the 'Restoring the balance' commitment provided by the opposition comes very close to what was asked for by the Catholic education sector when it made submissions to the government. The coalition is talking to the Catholic education sector about this, and I sincerely hope the government is doing likewise.

I thank Mr Viney, the government whip in this chamber, for telling me that the government is aiming to amend this motion. I cannot talk about it in full but that has been considered. Certainly a courtesy has been extended to me, and I have had a look at the proposal.

The only comment I would make with respect to that, and I may need to make further comments in summing up in this debate, is that the points made in the amendment are all good and well except that there are no figures attached to them. What I see — as the government may well propose and as other members will soon see — is an amendment which commits the government to no more or no less than what it is currently providing for Catholic education in this state. We say that is not good enough.

The families whose children attend Catholic schools are entitled to get some assistance in the education of their children. Just because they have chosen to send their children to a religious-based education system should not mean that they disqualify themselves for substantial assistance from the state government. As citizens of Victoria they have every right to receive assistance in this regard. The government, in its claims of educating all Victorians as its no. 1 priority, should be giving greater levels of assistance to the Catholic education sector.

I could go on and talk in detail about some of the issues which Catholic schools face, but essentially it is a pretty narrow sort of debate that we should be having — that is, simply about the welfare and viability of Catholic schools. Their existence saves the government a lot of money, and the government can well afford to increase payments to assist them in their endeavours. The allocation of $390 million over a period of four years within a state budget of somewhere around $35 billion to $36 billion is not a big commitment. I would hope that in responding to this motion today the government can give us some further indication of what it is prepared to do for the Catholic education sector — whether it is prepared to increase funding in the various areas and particularly to match the proposals that have been put on the table by the coalition in respect of funding arrangements for Catholic education.

Finally, the commitment policy that was announced by Ted Baillieu and Peter Ryan on behalf of the Liberal and National parties is our policy, which will be extended through to the next election and will only be reviewed if there are significant changes in needs or in what the government does in respect of those issues. The commitment of $390 million over four years has been extremely well received by the people in the education sector. As I said, I do not think that would be a great impost on the state government. I think those dollars could be found to ensure that Catholic education continues to play the vital role that it currently does in the state education system.

Today I challenge the government to support this motion and to indicate that it is prepared to work with the Catholic education sector and ensure that it is treated fairly in terms of funding arrangements for education. I commend the motion to the house.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a contribution to this debate. I have an amendment to the motion that I want to move, and I will do that now, at the beginning of my contribution. I move:

> That all the words after 'That this house' be omitted with the view of inserting in their place 'acknowledges the important contribution which the Catholic education sector provides in the state of Victoria and calls on the government to continue to support this contribution through —
>
> (1) the non-government schools financial assistance model;
>
> (2) the needs-based capital assistance funding for non-government schools;

(3) providing access for teachers to professional development and curriculum planning materials;

(4) access for low-income parents to the education maintenance allowance; and

(5) assistance to families through the School Start bonus.

I would like to speak in support of that amendment and against the motion.

I am the product of a Catholic education — I am the product of both a state and a Catholic education, but I think the Catholics had me for more years than the state system did. I went to a number of Catholic schools: St Mel's and St Brendan's, and later to Sacred Heart College, all in Shepparton. I had a little stint at the high school and then went off to boarding school. I came down to Melbourne to Star of the Sea College in Gardenvale, which is famous for being the school where Germaine Greer was educated. I finished my education at the high school in Shepparton. So the bulk of my education was provided in Catholic schools, and in the days when I attended school it was predominately nuns who taught us. My memories of my time at Catholic schools are very positive and very good ones, and I think I received a very fine education from those schools.

The Victorian government certainly supports Catholic education. We do not just do it with rhetoric; we put our money where our mouth is. Since coming to government in 1999 the Victorian Labor government has increased funding to non-government schools by 72 per cent. We have made a very significant contribution to the non-government sector of education. Education is a priority for our government. We have spent an enormous amount of money on education, not just in government schools but also in non-government schools.

In 2008–09 our government will contribute approximately $420 million in recurrent and specific-purpose funding to assist non-government schools to meet their operating costs as well as supporting students who have special needs. Approximately $290 million of that funding will be provided to the Catholic school system, which in turn distributes the funding to the Catholic schools according to its own funding model. The Catholic school system has its own model of funding and distribution of funds, and whilst the government provides funding, it is up to the Catholic sector to determine how best to distribute those funds. In addition, $15 million in capital grants will be provided for upgrades in education facilities to support needy non-government schools. Of that approximately $11 million is going to be available to Catholic schools.

Mr Hall talked about the need for the government to support a strong and vibrant Catholic sector and for people to have a legitimate choice — for mums and dads to have a legitimate choice about whether they send their children to a Catholic school or to a private school or some other non-government school. The Brumby government supports choice in education. We have demonstrated that through significant funding, as I have already outlined, and other benefits to non-government schools, including Catholic schools. Funding is going to enable students to learn and undertake their classes in better classrooms. Let's face it: if we have a better building that is not hot in summer nor freezing in winter, then our children will be able to learn better. If there is a nice-looking building and a pleasant environment to be in, then children want to go there and will be able to learn better.

Funding is also giving students the best educational opportunities so they can have the best start in life. We all want that for our children; we know that choosing the right school, having children in the right environment at an early age and having a good experience of school and of learning are vitally important in the formative years, because they set the pace and the scene for how children view education right throughout those years of learning.

Let's face it: kids these days spend a lot more time at school and a lot more time in education and training. We want to be able to keep them in education and training until they have reached their potential and found what they want to do so they can move out into the workforce and out into life. Getting a good start is vitally important. Having choice, as Mr Hall said, is important. The Brumby Labor government believes that is important; it is one of the reasons why we are putting funds into non-government schools, including Catholic schools — it is to give them the best start in life.

Across the state, program funding will go towards new play areas for children, particularly in drought-affected areas. We know the impact the drought has had in regional Victoria. My electorate is Northern Victoria Region and is in the north of the state. It follows the Murray River from Mildura to Corryong. My electorate includes areas that have been deeply affected by the drought. The drought does not just impact on the farmer, it impacts on the farmer's whole family, including the children. Making sure that children are able to go to school and that they have good play and recreational areas is vitally important everywhere, but

particularly in those areas. Our government has seen to the funding in those areas.

It is important that libraries and science labs, which are used more and more by schoolchildren and by the broader community, be refitted. We have put a lot of money into local government to support libraries, including school libraries where schoolchildren can go and read. We all know the importance of being able to read, to read well, and to be able to sit and read quietly. It is very important that we learn those skills, to learn that they are enjoyable and pleasurable at an early age. We all know that science is our future, and we want to make sure that our science labs in non-government schools and Catholic schools are equipped so that children who have that learning inclination in life, and particularly in their early life, are able to take advantage of those labs as early as possible.

Classrooms and multipurpose areas accommodate modern learning practices. Those multipurpose areas are particularly important; they can be used for a whole range of activities, like dance, drama, art and sport. To have those sorts of multipurpose larger area facilities that can be utilised to best meet the needs of the student community and population at any given time is particularly important; the Brumby Labor government has recognised that. We have significantly increased the funding that goes towards that issue and those important initiatives.

As I said, the 2008–09 Victorian budget for non-government schools included $420 million of recurrent and specific-purpose funding; $290 million of that funding is allocated to our Catholic schools. In 2006 — and Mr Hall may have mentioned this issue; if so, I missed it and did not hear him, but that is not to say he did not mention it — our government signed a historic agreement to provide a billion dollars to the Catholic school system. We are now in the mid-term of that agreement. The making of that agreement was a significant occasion. It was something that the Catholic education sector wanted. The agreement reached to provide educational support is something that we, as a government, are proud of.

I want to run through some of those schools we have supported, particularly in my electorate but also in others. In Northern Victoria Region, St Joseph's College in Mildura received $340 000 to refurbish its general learning area and student amenities; Our Lady of the Sacred Heart School in Merbein received $250 000 for multipurpose facilities, and St Mary's Primary School at Donald received $115 000 to refurbish its general area. They are just some of the myriad schools that received significant funding. Schools in Moe and other regional areas, like Horsham, received funding. St Brigid's College in Horsham received $250 000 to refurbish its science lab and economic facilities. St Pius X Primary School in Heidelberg West received $185 000 to upgrade playgrounds, install shade structures and create a reading recovery area; St Brendan's Primary School in Flemington received $280 000 to upgrade its general learning area and library; Sacred Heart School in Fitzroy received $100 000 to upgrade windows; and St Mark's Parish Primary School in Fawkner received $195 000 to replace windows and to provide some external shading. And so it goes on. Nagle College in Bairnsdale received $350 000 to develop information technology as well as an arts centre. That is to name just a few. I will not run through them all.

As I said, we have a really strong commitment to education. The Victorian Labor government's record is one of investment, with more than $7 billion being invested in our state's education system since 1999 when we came to government. We have employed an extra 8000 teachers and other staff during that time. Our commitment is well and truly tangible.

The non-government schools, including the Catholic schools, will have access to a whole range of resources as well as opportunities that are available to government schools. They include the professional development of teachers as well as curriculum planning material. That is vitally important. It does not matter which school you go to or which teachers you talk to, they are always continuing to reinforce to you how important that professional development is and how important it is to keep abreast of the changes that are being made to the new ways and styles of teaching so that we can keep abreast of those developments that are happening world wide and within Australia.

Curriculum development is important as well. Teachers need material and other resources to be able to develop their curriculum, to keep it interesting and to keep their students engaged as well as to make sure that the students are getting the information they require to learn at the optimum level.

The government negotiated pricing for broadband access, and again the non-government schools have access to that. As to the taxation concessions or exemptions, including land tax, payroll tax and fringe benefits tax, again non-government schools are all part of that, and that is something that has been very much welcomed by that sector.

I want to respond briefly to some of the things that Mr Hall had to say about the coalition's recent release

of its education policy document. Mr Hall said that it would be reviewed and that it will stand until the next election and that this is the policy that the coalition is taking into the next election unless there is some need for revision between now and then. Members opposite really need to revise it now and take a look at their figures because I think there has been a major mistake with this policy document that has been re-released. The Liberal-Nationals coalition policy document states that their funding will start in the middle of next year, but the election will not take place until 27 November 2010, which means that it is simply not possible to keep their promise. There is a mistake of at least $90 million in their calculations, so the calculations are wrong. If they are talking about a need for review, they should take a look at their calculations now, because this is a major economic blunder by the coalition and shows that they really cannot be trusted with money.

We know they cannot be trusted with education because we know how they behaved and the damage they did when they were in government. We know that now they want to be all things to all people but, trust me, we will keep on reminding people in Victoria, and particularly those in education — and, believe me, they have not forgotten how members of the coalition behaved when they were in power and what their record on education is. We still remember the damage that was done by the coalition, which closed 300 public schools and sacked 9000 teachers. As I said, the Victorian Labor government's record is one of investment, with more than $7 billion investment into the state's education system since 1999. As I said also, we have employed an extra 8000 teachers.

When you compare how the coalition behaved when it was in government and also look at its latest policy document and the calculations in it, which are wrong — they have a gaping $90 million hole in them — and you look at the Labor government's commitment to education and the investment that we have put into education, you can see how we compare and contrast.

The behaviour of members of the former Liberal-National Party coalition will not be forgotten. They certainly did close schools, but the thing that really sticks in my mind, and I think in the minds of many Victorians, and which is a bit hard to eradicate is the treatment of teachers and parents when they protested about the proposed closure of those schools. Mr Hall talked about the need for choice and a vibrant community, but we all recall how teachers and parents were treated. We all recall that news footage that had the police doing that special sort of funny neck hold — I forget what it is called — on teachers as they sat outside their schools, protesting against their schools closing. That was how members of the former coalition treated teachers. Not only did they treat them like that when they protested in a peaceful way about the proposed closure of their schools about which they wanted to have the choice that Mr Hall talked about, that they wanted to keep that vitality and vibrancy in, but what else did members of the then National-Liberal Party coalition do? For a start, they gagged teachers and principals and prevented them from speaking out about what was happening in their schools. Then if they did protest, they treated them in an appalling way.

You can contrast that with our government's commitment to the spending in schools, the additional $7 billion that we have invested in our state education system since coming to office in 1999. Again, as I said, that funding is available partly to the non-government school sector, including the Catholic sector, and not only for the maintenance and upkeep of schools but also for the important areas of professional development for teachers and curriculum planning. For all these reasons, it is very important that members support the amendments that I have put forward to the chamber today, and I commend those amendments to the house.

Mrs PEULICH (South Eastern Metropolitan) — I thank Ms Darveniza for winding up. I think there was a bit of a misunderstanding and she possibly did go for a little longer than she had planned.

First of all, let me say that I am pleased to speak in support of the motion brought to the chamber by Mr Hall. I do so for a range of reasons. I will speak against the amendments put forward in response by the Labor Party as its usual practice of public relations and spin. It is fudging and hiding behind this motion, basically talking about bureaucratic processes and programs without targets and costings, without mentioning the uncompromising principle enshrined in our notice of motion brought by Mr Hall:

> That this house calls on the Brumby Labor government to increase the funding provided to Victorian students in Catholic schools using a needs-based formula from the lowest per student funding of any state in Australia to funding at around 25 per cent of the costs of educating a government school student.

If the government were serious about wanting to respond positively and productively to our motion it would have picked up the last part of it as a sixth dot point in its motion.

I support the motion for a range of good reasons, some of which have already been enunciated by Mr Hall. First of all, having diversity, having a mixed system, gives vibrancy and produces the best outcomes and the

best opportunities. A vibrant, mixed system which supports the rights of students and their families — —

Mr Lenders interjected.

Mrs PEULICH — If the former Minister for Education and current Treasurer wishes to speak on this motion, I am sure his seniority would ensure his inclusion on the speaking list.

Mr Rich-Phillips — Maybe not.

Mrs PEULICH — Maybe not. I believe all students derive benefit from having a vibrant, mixed system that is well funded and well resourced. Mr Hall outlined the need to bolster that to make sure it is keeping pace with the community's expectations, and that the quality of education resources and teacher remuneration to ensure the best teachers are kept teaching in front of the classroom are sufficiently supported by the state. That is imperative to ensure the vibrancy of not only the Catholic education system but also the vibrancy and quality of education offered to students in the government sector.

Let me declare an interest: I am a Catholic. However, I was educated in the government system all the way through, and my son did not attend a Catholic school. Nonetheless, I believe it is a very important choice that many parents exercise: the right to send their children to Catholic schools. These schools provide a very good, solid education and they are right across the system, many of them in South Eastern Metropolitan Region. They promote the right of choice, and democracy is about the right of choice. Certainly our party is about the rights of parents, families and individuals to choose the sorts of educational institutions their children enrol in.

As Mr Hall mentioned, parents of children in Catholic schools are taxpayers. When I was a teacher in the government system for 15 years I heard many people say, 'But why should taxpayers be paying for students in the Catholic system?'. It is for that obvious reason: Catholic parents are also taxpayers. Making a contribution towards the education of a child in the Catholic system is cheaper than funding the entirety of a child's education in the government system, so the state derives a financial benefit. If the total number of places available in the Catholic system is reduced and parents and children are driven to the state system, not only will there be the lack of vibrancy as a result of that mixed system and a diminution of choice, but a greater cost will be imposed on the government sector. So I say to the Treasurer that it is good economics to support this motion, not only in terms of the quality of education that our children can derive but also in terms of the financial management of the state.

The motion supports students' right to an education, which, under the Education Act, is obligatory for all children under 16 and it is complementary to the culture of the Australian community that individual choice is supported and promoted. As I said, it will also save money. It costs approximately $13 000 a year to educate a child in the government system, and I understand the government contribution to the education of a child in the Catholic sector is about $5000 a year, so clearly there will be enormous financial saving. There are also moral and rational arguments for supporting children in the Catholic school sector.

As I have mentioned, if students are driven out of underresourced and underfunded schools in the Catholic system, schools will close and students will be forced into government schools, so funding them imposes additional benefit. But it also works the other way around. As I said by means of an interjection when Ms Darveniza was speaking, the government has closed more schools than it has opened. It calls it the schools renewal program. In a number of areas in my region a cluster of schools are going through processes managed very closely by the government. Basically it is reorganisation; it is school mergers. In Dandenong a couple of sites will be closed and in the Springvale area one or two schools will be closed, and I understand the government is broadening this agenda to include the rationalisation of primary school sites.

The government is interested in cashing in and selling off these sites, which will generate far more income than was generated under the former Kennett regime, when the surplus land that was freed by school closures or mergers was made available to local councils at half price to make sure that that asset stayed in community hands, where that interest was the strongest. Many councils took advantage of that and now have additional community facilities as a result of that program. However, this government is keen to close and often closes sites that will derive the best commercial return rather than having schools located where it is most logical to locate them. For example, it is intent later this year on closing the Springvale Secondary College, which is adjacent to a railway line. It makes perfectly good sense to keep that as an educational facility, but I suspect the government will flog it off. It will probably be flogged off to some developer mate who will possibly make significant contributions to Progressive Business. That is how it all works.

When the government closes schools, children are displaced. Studies indicate that children do not necessarily follow through and go to the merged schools as planned, but choose other options. In many instances those in the non-government sector, because of factors like proximity, convenience to parents and so forth, pick up the slack. So there is a whole range of reasons why it makes absolute sense — economic, educational, community and moral — to support this motion rather than voting it down under the guise of supporting the motion the government has presented to the house, which has no targets, provides no funding and basically hides behind bureaucratic programs, procedures and processes rather than endorsing the central principle — that is, to increase funding.

At the moment, as Mr Hall pointed out, there are 185 000 students in nearly 500 Catholic schools across Victoria, and one in five students in Victoria is being taught in a Catholic school. Catholic schools derive a mix of state and federal government funding, but the Victorian contribution has diminished over time under the term of this government. The Catholic education sector relies heavily on government funding and the schools are being starved of that funding. If they cannot compete, if they cannot get resources and broadband access, and if they cannot provide for teachers' enterprise bargaining agreements (EBAs) and so forth, that sector will be diminished and weakened.

The Brumby Labor government record on Catholic schools is to be condemned. Parents of an average Victorian Catholic school student now pay the highest fees of those in any state. This affects students and families in Mount Waverley in South Eastern Metropolitan Region, and in Mordialloc, Carrum, Frankston and right across the city of Casey. It affects many people. As one of the representatives of South Eastern Metropolitan Region I know the outstanding job that many of those Catholic and other independent schools do. I believe their job needs to be supported adequately and the government contribution needs to be a fair one.

State grants to schools in Victoria are the second lowest in Australia. In New South Wales the figure is $1933 per student; in Victoria it is $1368; in Queensland, $2065; in Western Australia, $2030; in South Australia, $1526; in Tasmania, $1697; and Australia-wide it is $1776. The Australian average is, of course, far greater than the state grants to Victorian schools. It is 15.1 per cent in Victoria and 18.8 per cent Australia-wide. As a result of what I believe is a dereliction of this government's duty towards the sector, it provides the lowest level of funding of any state.

The erosion of Catholic school funding has had a significant effect on parents, students and families who are struggling in the current climate of increasing petrol, grocery, housing and other cost-of-living expenses. Families are doing it tough and the government is contributing to it first and foremost by failing to live up to its role of supporting this sector but also by indirectly contributing to various increases in the cost of living, including the annual indexation of fees and charges. There is failure on the federal front. The federal government has not done something about petrol prices, as was promised by the Prime Minister, Mr Rudd. Families are affected also by the mismanagement of water and the drought and the impact on grocery prices — in particular fruit and vegetable — as well as the price of meat. All these are additional costs that families have to endure. The failure to support non-government schools means that more financial pressure is placed on parents. There is less funding also for students with disabilities and special needs, and for school maintenance and capital works. This diminishes the quality of educational opportunities for children in Catholic schools. The government is to be condemned for that and for the amended motion it has brought before this chamber.

The pressure has been exposed by the enterprise bargaining agreement with government school teachers which will require Catholic schools to provide funds to match the increase in the salaries of government school teachers. The Premier has failed to guarantee funding to Catholic schools to meet the salary increases, and by this motion the state government has reaffirmed that position fairly loudly.

In closing, a Liberal-Nationals coalition government will commit to restoring the funding that has been stripped from Catholic schools, increase state government grants to Catholic schools using a needs-based formula to around 25 per cent of the cost of educating a government school student, invest $394 million over four years in Victorian Catholic schools to ensure a strong and diverse education system and support parents' choice. Ms Darveniza's comments about our funding figures being inaccurate because they would kick in in 2009 is an absolute and unmitigated admission that this government is not intending to do the right thing by this sector. It ought be condemned for that and its amendment ought be voted down.

I could speak ad infinitum. I note the filling up of the gallery; I am sure these people have not necessarily come in to listen to me but are here in readiness for question time. The funding that the coalition has committed to will ensure Catholic school teachers are paid in line with the recent enterprise bargaining

agreement with government school teachers, increase the funding for disabled students in Catholic schools who are currently receiving one-third of the funding for disabled students in a government school, provide increased funding for needy Catholic schools in disadvantaged and low socioeconomic areas, invest in capital works and maintenance funding so that Catholic schools can repair existing classrooms and have improved facilities, enable needy Catholic schools to have the same internet access and bandwidth as government schools, support Catholic schools to meet the cost of complying with state government accountability requirements and boost teacher and principal professional development — none of which Ms Darveniza spoke about.

The sort of environment that teachers need to work in compromises her ability to encourage her government to support this motion. I urge every single member of this chamber to vote against the amendment and for the motion which basically homes in on a key principle, which is that the state contribution to the costs of education of children in the Catholic school sector should be around 25 per cent. The government should not hide behind amendments which focus on bureaucratic processes and which fudge the issue. The government should do the right thing and support this motion.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Brimbank: councillors

Mr FINN (Western Metropolitan) — My question is to the Minister for Planning. I refer the minister to the call by five sitting Brimbank city councillors and two local state members of Parliament, one of them from his own party, for the immediate dismissal of the Brimbank City Council. Further I refer the minister to the internal machinations and public performance of the Brimbank council, including allegations of impropriety, out-of-control factional brawling, conflicts of interest and political payback and a total breakdown of good governance, and I ask: does the minister have concerns that this form of corruption is encroaching into the planning processes of the Brimbank City Council?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Finn for his question because it is always good to have a question from the opposition in relation to the western suburbs when we are outside a by-election period. I compliment Mr Finn on getting up a question about the western suburbs when we are not in by-election mode.

I am always interested in where the opposition sits in relation to local government and planning matters because as a government — and I have said it on many occasions — we are committed to the role of local government and we are committed to working collaboratively with local government. I have made that clear time and again.

The PRESIDENT — Order! I ask the two visitors in the top of the gallery to sit down, please. For safety reasons, we do not allow people to stand at the rail.

Hon. J. M. MADDEN — As I said, we have always been committed to working collaboratively with local government, to working in partnership with local government. That stands in stark contrast to the years prior to this government when we know that a previous government sacked local government right across the board.

Mr Finn — And this one deserves to be sacked, too!

Hon. J. M. MADDEN — I take up Mr Finn's interjection on wanting to sack the Brimbank council. No doubt that is a matter for the Minister for Local Government because that is the area for which he has authority and responsibility. I suggest that, if Mr Finn has a specific concern in relation to the performance of the Brimbank council, he should put that question to the Minister for Local Government.

There is a contradiction within the opposition in relation to planning matters and local government. On the one hand its members want local government to keep all controls, all powers and all decision making, but on the other hand as soon as they see something to be concerned about they want local government sacked, with its powers taken away and given to somebody else. I see it as particularly interesting that opposition members want to have it both ways. They are not clear on planning policy, they are not clear on process and they are not clear on the role of local government and its place in the planning sphere.

I welcome Mr Finn's question. No doubt issues in Brimbank will be monitored very carefully by the Minister for Local Government. No doubt he will monitor them very carefully, as he does the performance of all local governments. But can I say that our relationship with local government is very different from what we saw from the opposition when it was in government and took a sledgehammer — or more of a meat cleaver — to local government. We will continue to work collaboratively with local government

and, of course, if there are local governments which underperform, the Minister for Local Government will monitor them very carefully.

I look forward to working with my colleague the Minister for Local Government in relation to these matters, but I also look forward to working in partnership with local government to make sure that the planning process, and particularly the decision-making process, is clear and transparent and well defined by the appropriate planning controls.

Supplementary question

Mr FINN (Western Metropolitan) — I thank the minister for his almost answer. Noting that the Australian Turkish Cypriot Cultural and Welfare Association leases a property at 76 Biggs Street, St Albans, from the Brimbank City Council for the princely sum of $100 per month, can the minister inform the house about what knowledge he has of this organisation and in particular its contact person, Mr Hakki Suleyman, the father of former Brimbank mayor and factional warlord, Natalie Suleyman, and his electorate officer, who are using this property as the headquarters of the Maribyrnong North (Turkish) branch of the ALP as advertised on the Labor Party website? Is this further evidence of more corruption and political patronage in the Brimbank council?

Mr Viney — On a point of order, President, does the question relate to the minister's administrative duties as a minister of the Crown?

The PRESIDENT — Order! Given that the minister has already answered the original question, I will allow the supplementary question. However, the minister, as he knows, is entitled to answer in any way he sees fit on matters that are relevant to his portfolio.

The house is reminded that questions should not contain argument, and whilst I am allowing this supplementary question to continue I would like the house to be aware of my view about either provocation or argument in questions or supplementary questions in future.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Finn's supplementary question. As I said, it is always good to have questions from Mr Finn in relation to the western suburbs outside a by-election, so I am very pleased to have a supplementary question on this area.

I welcome the question because, having read through the local paper for the Essendon-Brimbank area last night, it is good to see that Mr Finn's questions are informed by the media coverage in the local paper. In relation to all these matters that Mr Finn presupposes his allegations in relation to either the council or officers of the council, it is good to see that his investigative work goes as far as reading the local paper. I am glad that Mr Finn has read the local paper and its comment on issues at Brimbank; so, firstly, I welcome Mr Finn's investigative work in relation to these matters.

As I stated in my previous answer, if there are allegations in relation to local government about any matters — whether they be planning matters or other government matters — that are major areas of concern, I suggest that Mr Finn write to the Minister for Local Government and raise those matters with the minister. There is an established process by which the Minister for Local Government will decide to intervene or not to intervene in such matters or have to those them investigated.

I welcome Mr Finn's question. I look forward to seeing these matters relayed to the Minister for Local Government if Mr Finn really feels strongly about them, and I look forward to the minister considering them and the due process that goes with them.

Planning: Melbourne 2030

Mr TEE (Eastern Metropolitan) — My question is also for the Minister for Planning, and I refer the minister to the Brumby government's commitment to protect Victoria's livability. What progress has been made over the past year to fulfil this commitment to ensure that we grow as a city and a state in the best possible way?

Hon. J. M. MADDEN (Minister for Planning) — No doubt Victoria — and Melbourne — is not only a great place to live but the best place to live. There is no better representation of that than the 1000 people per week who are coming to Melbourne to settle. In the order of 1200 people come into Victoria every week, and 1000 of the 1200 are coming to Melbourne to settle because of the livability of Melbourne: the jobs, the lifestyle, the affordability and all the elements that make it a very attractive place to settle if you are looking for the right place to live.

It is important that, whilst livability is an element that is particularly attractive, we manage and enhance it into the future. We have done that in a number of ways. I will list some of the measures we have taken to ensure that we maintain that livability going into the future. We have conducted the audit of Melbourne 2030 to make sure that we protect our green wedges, that we

maintain our livability, that we build up our activity centres and that we focus on new employment, housing, retailing and other opportunities in those locations.

As part of the overall planning system we also announced urban growth zones, and this will assist us in reducing the holding time for developers in releasing land to the market. We anticipate that this will save future home purchasers thousands of dollars, thereby maintaining and assisting affordability in the future.

We are also ensuring that we bring jobs closer to where people live so that they do not have to commute as far, so that those congestion issues which are prominent in people's minds are dealt with. We are also working with local government in collaboration, as I mentioned earlier, to establish development assessment committees and housing growth requirements in all municipalities. That will assist us in providing more housing in more locations and a diversity in the range of housing. As well as that, we have improved mechanisms for activity centres to make sure that the system is clearer, simpler and more effective in terms of future developments. As part of the development of the new Department of Planning and Community Development we have really made people the centre point of planning going into the future.

We look forward to building and developing communities and not just suburbs, which is certainly part of what we are committed to, and making local policies stronger so that we protect the things we love about Melbourne, with a priority action plan on top of that. As well as that, we have introduced an expert working group to go through many of the issues in the discussion papers around residential zones.

We have a plan, we have a program and we have policies. That stands in stark contrast to other parties in this chamber. We are committed not only through process, not only through program but in particular through policy to making sure that we enhance livability and that we make Victoria, and Melbourne, the best place to live, work and raise a family.

Schools: Catholic sector

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. I refer to the need to ensure that each Victorian child has the highest quality education. Will he match the coalition's promise to lift state government funding in the Catholic education system from the lowest level of funding by any state and restore the funding his government has stripped over time from Victorian Catholic schools?

Mr LENDERS (Treasurer) — I am happy to answer David Davis's question but seek your guidance, President, because of the fact that this morning we literally adjourned debate on a motion moved as an item of general business so that question time could take place. Is it or is it not appropriate for me to respond?

The PRESIDENT — Order! Having taken advice, I am going to allow the question because that debate will continue afterwards.

Mr LENDERS — I thank Mr David Davis for his question. Mr Jennings thought I said 'Sir David Davis'. I believe knighthoods have been abolished, even though he may aspire to one.

There are a couple of things I would say firstly on this without intruding into the debate. One needs to match apples with apples. The presumption of Mr David Davis's question in the first instance is that he uses a particular index for measuring school funding, but that does not include things like the educational maintenance allowance (EMA), which exists only in the state of Victoria. For every student in a non-government school, half of the EMA goes straight to the school. That index does not measure those things.

His question also does not acknowledge that the state of Victoria and the Catholic Education Commission for Victoria and the Catholic education offices for the archdiocese of Melbourne and the dioceses of Sale, Sandhurst and Ballarat signed an agreement with the state government for a four-year period. One of the signatories was the Catholic Archbishop of Melbourne, Archbishop Hart, who actually welcomed the government's contribution to funding of Catholic schools just recently.

Mr David Davis asked the question as to whether the government will follow the commitment of the opposition. Firstly, it is easy for an opposition to promise funding when it has no responsibility for anything. It is particularly easy to promise funding for the 2009–10 financial year when under no circumstances will it be able to deliver it. It committed a cruel hoax on Catholic parents.

The serious point that Mr David Davis makes is: how does government deal with an issue where two-thirds of the population send their children to government schools and one-third choose to send their children to non-government schools? This government values choice in education. This government has supported Catholic schools and non-government schools at a greater level than the Bolte government did, the Hamer

government did, the Thompson government did or the Kennett government did in both monetary and real terms.

It is interesting that the opposition has changed its tune on this matter from when it was in government to when it is in opposition. We will have an ongoing dialogue with both the Catholic Education Commission and the Independent Schools Association, as we have always had, budget after budget, on the best way of addressing these issues.

Any discussion needs to be in a context where the national government overwhelmingly funds non-government schools and has a minor contribution to government schools and the state government overwhelmingly funds state schools and has a minor contribution to non-government schools. We will continue to have a dialogue with the Catholic Education Commission on these particular issues. It is one that will be led by my colleague Ms Pike, the Minister for Education.

The one thing I would say in concluding my answer to Mr David Davis is that it is a cruel hoax for opposition parties to make promises, day by day and item after item, to every single group in the community with legitimate aspirations and to assume that somehow or other they can be met by government. The opposition thinks it is very clever to raise these questions, but Mr David Davis does not say to Catholic parents across the state: if this government is to match New South Wales in dollar terms, which nurses are you going to sack to fund it? Which police are you going to dismiss to fund it? Which roads are you not going to build to fund it? Which taxes are you going to raise to fund it? How much debt are you going to put the state under to fund it?

If Mr David Davis wishes to have this debate, if he wishes to play wedge politics on this debate, then I ask Mr David Davis to answer the question: which nurses are you going to sack; which police are you going to sack, like you did last time; which public infrastructure are you not going to fund; and how much debt are you going to put the state into to meet these promises made to every single group in the state? The opposition promises everything but delivers nothing when it is in government. It has a lot of fine rhetoric in this place but ultimately delivers nothing. It is Baillieu-land, it is la-la land, where money grows on trees. It thinks it has a magic pudding. It promises everything but delivers nothing.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister for his response. There are more than 185 000 students enrolled in Catholic education in Victoria. Given his answer I therefore ask: when will he allocate sufficient money to ensure the Catholic education system in Victoria is able to adequately remunerate its teachers and ensure that schools like St Paul's Primary School in Bentleigh, St Benedict's in Burwood and St Mary's in Prahran are supported at a level that equals the support available from the state Labor government in New South Wales?

Mr LENDERS (Treasurer) — What I will say to Mr David Davis is this: I have been on the finance committee of my Catholic parish, my wife has chaired a Catholic primary school council for nine years and my children went to Catholic primary schools. He should not start the debate about empathy with Catholic schools.

Honourable members interjecting.

Mr LENDERS — Do not start the debate about empathising with Catholic schools! My sister is the deputy principal of a Catholic school and I have gone through Catholic schools myself. It is fine for Mr David Davis to start the wedge politics, to be all things to all people and to pretend he has an empathy with Catholic schools in his electorate and mine. What I say to Mr David Davis is that Catholic parents across this state know that you judge a government over time by what it does, and you look to what it delivered.

People should look to what the Kennett Liberal-National government did for Catholic schools before looking to what the Baillieu Liberal-Nationals coalition members are saying in opposition. People should look to what they did for funding — what they did, not what they promised. People should look also to the four-year agreement with this government on funding, which was signed by the archbishop and welcomed at the time. That is something that will be reviewed at the end of the agreement. We will always have a dialogue with the Catholic education system, because we value the contribution made by Catholic teachers and Catholic schools and the contribution made by Catholic parents to their children's education. We value it and we understand it, and I say to Mr David Davis: don't shed crocodile tears or pretend empathy when you don't understand what you're talking about!

Planning: regional and rural Victoria

Ms PULFORD (Western Victoria) — My question is for the Minister for Planning. Can the minister advise the house what actions the Brumby Labor government has taken to manage growth across regional Victoria?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Pulford's interest in this area. I know she is very active in her own constituency in terms of planning issues, particularly around the growth that is occurring right across her region. That growth will occur across the region because people are voting with their feet right across the state. They are coming to Melbourne and Victoria in droves and to regional Victoria in particular.

Regional Victoria's population grew by 51 000 people between 2001 and 2006, with most of that growth concentrated in regional centres and in peri-urban areas — and that includes coastal regions as well. Of course that puts a bit of pressure on those regions, but we are investing in those regions. We are doing that in a number of ways: the rural land use program, which has seen the implementation of 15 rural land use planning projects across the state; corridor strategies that are being developed as we speak; and future Victorian coastal strategy projects, implementing coastal settlement boundaries in those areas, because as I have said before we do not want to love the coast to death. We want to make sure we are conscious of sea level rises and erosion that will occur in those locations.

As well as those, earlier this year the Premier released the Moving Forward update, which sets out a series of actions in relation to rural and regional Victoria from now until 2010, in particular making sure that the regions continue to be prosperous, livable and sustainable centres. A key component of that update is the $15.9 million of planning initiatives which will boost the planning capacity of the regional areas, with additional planners going to the regions to complement their growth and to address the stress that is on the system out there in the regions.

As well as those, there is a range of initiatives to complement the sea and tree-changers. There are not only those population trends but also global trends, whether they be climate change or even competition from emerging economies in relation to the livability of those areas. In all these areas we are seeing significant investment.

One of the very big areas that will complement all of this and also give us an ability to work with the community, local government and developers is the extension of the urban development program into regional Victoria. That will enable provincial cities to address some of the challenges associated with the population boom and ensure that there is enough land and enough yield, in a sense, from that land to cope with the demand coming from the huge population growth occurring right across the state, particularly in the regions.

We are committed to investing in the regions, working in the regions and ensuring that we cater for the demand that is out there. There is great demand, because we are seeing growth out there, particularly in jobs. Part of the attraction for people coming to Victoria is the economic development and the jobs in the regions. We have to make sure that we enhance livability and provide the housing opportunities and diversity that are needed across the regions by working in collaboration with councils and providing mechanisms that support the work that needs to be done to enhance the reputation of Victoria, particularly the regions, as being the best place to live, work and raise a family.

Manufacturing: government initiatives

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question without notice to the Minister for Industry and Trade. In his December 2006 ministerial statement on manufacturing and industry, the minister stated:

> … in coming months —

we will —

> release and implement a number of manufacturing industry strategies and action plans including:
>
> > a Victorian manufacturing strategy …

The minister promised to release this two years ago. Where is it?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. In answering his question I might also indicate to him that I am of course happy to be judged as industry minister on the basis of results. I am pleased to be able to say that the results in terms of the Victorian economy and Victorian industry speak for themselves. Victoria has had record employment growth, we have had record numbers of people coming to this state and the Victorian economy is doing better than any other of the non-resource states and it is doing so on any one of a range of measures, whether it is economic growth, whether it is employment or whether it is building approvals. I might say that new building

approval numbers came through just today, and again they show that Victoria is at the head of all the other states in relation to building approvals. The Victorian economy is a strong economy, and that is because we have the right policy frameworks in place.

The member also knows that we talk to the people who matter in the industries concerned. We also talk to the Australian Industry Group and to the Victorian Employers Chamber of Commerce and Industry. They are aware of the development of the Victorian industry and manufacturing statement, which we expect will be delivered in the coming months. We have spoken to the relevant bodies about this, because it was our view that we should, in delivering this statement — —

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — The member asked the question but is not interested in the answer. We have spoken to the relevant industry bodies, and it is their view and our view that we would be best served by having an industry statement delivered shortly after a number of important federal government reviews are brought down, which will happen, as the member knows, at the beginning of September. Reviews such as the review of the automotive industry, the review of the textile, clothing and footwear industry, the export review and a range of examinations of the aviation industry are taking place at a federal government level.

We took a deliberate decision that we wanted our Victorian industry and manufacturing statement to include the outcomes of those reviews, and for that reason we decided that we would issue our statement shortly after those reviews are made public. That is the responsible approach to take, because we want to incorporate them into whatever it is that forms the foundation of our Victorian industry and manufacturing statement.

The industry understands that, the industry bodies understand that, and they support that approach. I can certainly assure the member that the coming industry and manufacturing statement will position Victoria once again to maintain its lead in industry and in exports, and as the lead state in manufacturing, the lead state in industry in Australia and the lead state in terms of sunrise industries as well as existing fundamental industries.

It is not only going to deal with the existing base industries in the automotive sector and other sectors, it will also deal with new industries in information technology, in biotechnology, in nanotechnology and in a range of other important finance industry sectors and so forth. It will be a comprehensive industry statement. It will position Victorian industry, and we are happy to be judged by our record in relation to industry development in this state.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I thank the minister for his answer. I note, however, that this plan was promised in December 2006 to be delivered 'in coming months'. Given the minister's failure to develop this plan for the Victorian manufacturing sectors and noting the disastrous Visa-VECCI (Victorian Employers Chamber of Commerce and Industry) survey of business trends and prospects released earlier this week, which shows a massive 68 per cent of Victorian manufacturers are pessimistic about the future compared to a national average of just 59 per cent, when will he finally do something to help Victoria's struggling manufacturing sector?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The member loves to predict doom and gloom, because that is all he has got. Every time a job is lost in Victoria, members of the opposition celebrate. They salivate and they celebrate, because they love to hear bad news about the Victorian economy. Every time there is good news, they hate it; they hate good news about the Victorian economy.

The PRESIDENT — Order! I remind the minister of earlier rulings about overtly criticising the opposition or individual questioning, and I ask him to be cognisant of that.

Hon. T. C. THEOPHANOUS — President, when we make announcements such as that 2000 jobs will be brought into Victoria as a result of the Satyam agreement that this government has put together or when we make announcements about other major industries that create jobs coming into this state we rarely get any kind of acknowledgement from the opposition, and I was simply reflecting that in my comments.

The best way to make judgements is on the basis of the overall development of the Victorian economy, and we are happy to be judged on those figures. When you look at building approvals, you see they are up. When you look at our economic growth in Victoria relative to all of the other non-resource states, you see we are ahead of the game. When you look at export growth in the service industries, you see it has gone up enormously. When you look at population growth, you see Victoria's population is growing.

My colleague the Minister for Planning referred to the extra 1200 people coming to Victoria every week. Why are they coming here? Because they can get a job in Victoria and because of the strong economic climate in this state. They are also coming here because of housing affordability, which is still the strongest on the eastern seaboard. We have the most affordable city on the eastern seaboard. They are coming here because of jobs. They are coming here because of regional jobs growth. We have an unemployment rate in regional Victoria which is just unheard of compared to the rate under previous administrations, particularly the Kennett administration.

On all these levels, whether we talk about major projects or the expenditure on new capital works, this government spends $4 billion on capital infrastructure, whereas the previous government spent only $1 billion. By whichever measure you like to look at the way the Victorian economy is going and the way in which it is being driven by this government, the Victorian economy is doing well because of the actions and the policy structures that have been put in place by this government, and we are happy to stand by them.

Innovation: design festival

Mr THORNLEY (Southern Metropolitan) — My question is for the Minister for Innovation. Could the minister inform the house how the Brumby Labor government is working to make Victoria the premier state for design in Australia?

Mr JENNINGS (Minister for Innovation) — I thank Mr Thornley for his question and the opportunity to share with the house the importance of design in underpinning social and economic activity and wellbeing in the state of Victoria and how that was demonstrated in a very tangible way by the outstanding success of the design festival that ran two weeks ago throughout Victoria. Not only did we get a very enthusiastic response from international collaborators and guests who came to Victoria to discuss design and design-led opportunities but the number of people who went to the festival events was extraordinary, especially on a cold and wintry Sunday afternoon, the last day of the festival. There were thousands of people in the streets of Melbourne going to those events. In fact great queues formed throughout the central business district at the various venues around the city for the festival events.

I was staggered to see the degree of personal engagement by the citizens of this state with the design festival and note how enthusiastic they were about it. People waited hours on the streets of Melbourne on a cold winter's Sunday afternoon to get into these events.

The importance of design cannot be overestimated in terms of what it means for economic activity. We estimate that something of the order of $4.8 billion worth of economic activity is generated through industrial application and arts and culture, and a great deal of economic opportunity is led by design capacity in Victoria. Something of the order of $600 million worth of export income to Victorian companies and the Victorian economy is derived through design-led initiatives.

The design industry employs about 67 000 people across Victoria; some 44 000 Victorian firms use design on an annual basis to support their productive capacity; and at the moment there are 200 design courses that are running through the tertiary education system in Victoria. That demonstrates that design is not an esoteric, marginal consideration in terms of economic wellbeing but will increasingly be at the heart of the high value-added economy that Victoria wants to be part of.

The Premier's award for excellence in the design field is an important indicator of the way the Victorian government supports the design festival. It was one of the high points of the week in bringing together people in the design field at the Museum of Victoria to celebrate some great achievements. We had 128 nominees in 11 categories for the Premier's design award. We handed out 28 awards during the course of the ceremony. The recipients were very lucky to have their work recognised in a tangible way by the elegant design awards that we had the good fortune to have designed by Tom Kovac, a Victorian designer. They were manufactured by Alessi, which is a well-known international brand in the manufacturing design field.

These 28 awards were delivered to Victorian designers across the fields of architecture in industrial, commercial, civic and cultural design, arts and crafts, furniture and manufacturing. These are some of the categories in which we saw outstanding examples of design capability of which we as a community can be extremely proud.

In trying to create a marketplace and opportunities for some of our great artisans and manufacturers to have their work picked up we established an exhibition at the Exhibition Buildings. Fifty innovative firms took part in a design-led trade exhibit which provided opportunity for them not only to demonstrate their product lines but also to create a marketplace for their products.

This was a very successful program. The government has been keen to support design-led initiatives in a strategic way. We have embarked upon a $14.9 million program over four years to support the various activities of our design strategy, of which the festival and the awards are an integral part. I thank Victorians for responding very positively to the festival. I congratulate them on showing their commitment by coming out in their thousands on a cold Sunday afternoon and waiting to participate in design festival activities. It is a hallmark of the great work we can continue into the future in supporting design and our economic wellbeing.

Hepburn Mineral Springs Bathhouse: redevelopment

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question without notice to the Minister for Major Projects. I refer to the Hepburn Mineral Springs Bathhouse redevelopment and the minister's statement in this chamber on 9 April this year when he said:

> Let me tell you that in June when the bathhouse opens the people of Daylesford will have a new facility delivered by this government …

Which June of which year did the minister mean?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I always like to get questions from Mr Dalla-Riva because he has a nice turn of phrase, but unfortunately there is very little substance to any of his questions. Again Mr Dalla-Riva shows that he hates good news. The fact of the matter is that the Hepburn Shire Council, together with the government, has delivered a $10.7 million project at Hepburn Springs bathhouse. It has been done. It has been completed on budget and on time. It has been completed, as I indicated to the house in April of this year that it would be.

Of course Mr Dalla-Riva wants to play semantics. He knows the project has been completed. He knows that Major Projects Victoria's work has been done and that the project has been delivered. From the point of view of the delivery of this project, it has been done. Part of the process involved selecting a manager, someone who would operate the business, and that has also now occurred.

The new operator, though, obviously wants to fit the premises out to his own standards and configuration and will open the spa house following that fit-out. That is not the responsibility of Major Projects Victoria, which was charged with the responsibility of building this project — and that has occurred. It occurred by June, which is what I said would happen.

President, let me tell you that the people in that region think it is fantastic, because it is going to add significantly to tourism in that region. For years under the previous administration absolutely nothing was done for regional Victoria and for this particular development; it was left there to languish. This government took leadership, took control of this development and said, 'We will come and we will build it', and we have come and we have built it.

Mr Finn — Where is it?

Hon. T. C. THEOPHANOUS — Go down and have a look at it, because it is there. Have a look at it!

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Instead of coming in here and harping on, I am happy for the member to actually go and visit it.

Mr Dalla-Riva — We can't get in.

Hon. T. C. THEOPHANOUS — I would be happy to arrange it for you, Mr Dalla-Riva. All you need to do is contact my office. We would be happy to send you down there. Maybe you'll learn something about building major projects in this state. Maybe you should go and ask some of the locals down there what they think of the development.

This is an exciting development. It will offer a new facility for the people in that region. It has been completed on budget and is now going through the final fit-out by the operator before the grand opening takes place. Everyone at Hepburn Springs is looking forward to this opening. The only people who hate the fact that another facility is being developed in regional Victoria are members of the opposition.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — We know that there have been six announcements about the opening of the bathhouse. Can the minister tell the house today the date that it will open for the public to use?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I have indicated to the house in my substantive answer that the bathhouse is currently going through the final fit-out and that the opening will occur shortly after that takes place. The development of the bathhouse, from the point of view of the government,

has been concluded; it has been built. The facility is available, and it will be opened as soon as the operator finishes the final fit-out. It is a fantastic facility, and regional Victoria will benefit greatly from it.

Etihad Airways: services

Mr LEANE (Eastern Metropolitan) — My question is to the Minister for Industry and Trade. Can the minister update the house on how the arrival of Etihad Airways will benefit the local aviation industry and the Victorian economy?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. I know that he has a genuine interest in jobs and the economic development of this state. I am sure the opposition will not be interested in the answer to this question because it is about good news; it is about the development of the Victorian economy. I was very pleased and proud to be part of the launch, announced by the Premier and me at Melbourne Airport on Monday morning, of Etihad Airway's direct flights between Melbourne and Abu Dhabi.

Mr D. Davis interjected.

Hon. T. C. THEOPHANOUS — I am pleased to hear, by way of interjection, that David Davis at least welcomes that announcement. This was a very important announcement. These things do not just happen; they occur because of discussions and negotiations between the government and industry — in this case Melbourne Airport and Etihad. The service will use the A340 plane, which seats 286 people. That will mean 4004 seats per week, or more than 210 000 extra seats a year, will be available between the Gulf area, the Middle East and Melbourne on direct flights. There will be direct flights both ways between Melbourne and Abu Dhabi. It means of course that there will be on-flights from Abu Dhabi into the rest of Europe, so it is a very important new service for a range of reasons.

First of all it will bring more aviation jobs into Victoria, and that is important. Initially there will be an extra 62 aviation jobs, but that number will increase as the number of services increases. Secondly, it means there will be increased competition in this sector so that people get a choice between a number of airlines flying not just into the Middle East but also into Europe and beyond. That increased competition will mean lower airfares and increased choice for the travelling public. Thirdly, it will mean increased tourism. I mention this because the United Arab Emirates is growing as a tourism destination in its own right. Members should bear this in mind: last year, 37 740 passengers travelled between the United Arab Emirates and Victoria, which is a lot of people being transported to and from the UAE. It represents a 20 per cent increase on the previous year. The arrival of Etihad Airways in Melbourne means there will be an even greater number +of passengers.

It is important that I talk about Abu Dhabi and Melbourne. Abu Dhabi is one of two big cities in the UAE; the other one is Dubai. Abu Dhabi is the capital; it is also the cultural centre. It has many things in common with Melbourne. I think this new air service will strengthen the relationship between us. It is interesting that in regard to sport, for example, the Australian Football League pre-season match between Collingwood and Adelaide took place in Abu Dhabi.

Mr Jennings — That is Adelaide's home ground!

Hon. T. C. THEOPHANOUS — I'm not sure that it is Adelaide's home ground — and I am not sure that the Premier was all that happy with the result of that match! — but in any case I must say that when you look at the Gulf area you find that our relationship with the Gulf in export terms is increasing exponentially.

Since 1999, when we came into power, the level of exports to the Middle East has doubled — exports have gone up from $1 billion to $2 billion. This is exponentially increasing our relationship. A lot of that has to do with the fact that we export motor vehicles to the Middle East; around 97 000 Toyota Camrys are being exported to the Middle East. Also we now have firms over there working in construction. Victorian companies are developing relationships in the health sector.

In relation to education, Abu Dhabi students are coming to Victoria in increasing numbers. Last year the total number of UAE students in Australia increased by 20 per cent. Of those UAE students coming to Australia, 42 per cent came to Victoria, so Victoria is the preferred destination for UAE students. The relationship between the Middle East and Victoria is strong and growing. I think it is an important relationship not just economically but culturally and in a range of other ways.

In conclusion, I want to thank a number of people. I thank my department staff for their work in helping to bring this agreement to fruition. I also want to thank Melbourne Airport, in particular its chief executive officer, Chris Woodruff, for his efforts in helping to construct the right arrangements to bring Etihad to Melbourne.

Finally I thank Etihad, particularly the chief executive, James Hogan, who incidentally is a Melbourne boy and is someone who obviously has an affinity with Melbourne. He is the chief executive of one of the main emerging airlines in the world. To put this into context, Etihad flies to 50 different destinations around the world, while Qantas flies to 25, which demonstrates the size of the Etihad airline. To have an Australian at the head of that airline is very important from our perspective. We welcome Etihad to Victoria, and we look forward to the economic, social, cultural and tourism benefits it will bring.

Motor vehicles: alternative fuels

Mr KAVANAGH (Western Victoria) — My question is for the Minister for Industry and Trade and relates to innovation in alternative fuels. Of the many possible alternative sources of energy for cars, compressed natural gas (CNG) seems to be ideally suited to Australia because we have vast reserves of natural gas which we are exporting at very low prices. CNG, unlike liquefied petroleum gas, is not oil or petroleum dependent. The technology has been proven and is growing rapidly in the USA, where Honda is providing a CNG-dedicated car. CNG has almost no emissions, and its widespread use would greatly benefit our balance of trade by replacing oil imports. Of course, CNG also has the potential to greatly reduce the cost of fuel for motorists in Australia.

I ask the minister: as Victoria is the centre of Australia's car building industry, does the government have any plans to encourage car producers here to build CNG vehicles or to spur, or even help, distributors to establish networks for the retailing of compressed natural gas?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question, because he has raised an important matter in relation to a more general issue about how we reduce emissions from motor vehicles and how we reduce the cost of running motor vehicles as well.

The point that the government makes about this issue and that I would make to Mr Kavanagh is that we, as a government, promote a range of different solutions to the problems of climate change and reducing the energy consumption of motor vehicles. The range of solutions include — and I am sure he is familiar with this — the development of hybrid vehicles. We were pleased to be able to make an announcement in relation to Toyota and its plans to build a hybrid Camry in Victoria, which is not only an economic boost to the state in the sense that we will start to make these vehicles here, but obviously also helps the environment, because in broad terms hybrid motor cars use roughly 30 or 40 per cent less petrol than a comparable car.

Hybrids are one area that is being pursued. The other area that is being pursued is diesel technology and diesel engines. As members are aware, diesel engines are better for the environment than petrol engines, partly because of consumption but also because of the nature of the burning that takes place. A number of manufacturers have plans in place to try to bring versions of diesel engines into their range here. In particular Ford is looking at diesel engines for its new Focus that will be manufactured in Victoria.

In addition to that programs have been in place for some time now in relation to LPG (liquefied petroleum gas) in vehicles, because again LPG is environmentally a better fuel to use than petrol and possibly diesel as well. Of course the thing with LPG as opposed to CNG (compressed natural gas) is that the technology for LPG is relatively easily available and requires very little modification of existing vehicles to enable them to use it, and it is also easy to store in a motor vehicle.

For all those reasons, LPG rather than CNG has tended to be the preferred gas for use in motor vehicles. However, as the member has pointed out, and it is certainly true, a lot of research has gone into CNG in the United States and other parts of the world. CNG has the potential in the future to become a major source of fuel for motor vehicles in Australia as well, and given the fact that we have significant reserves of natural gas, not only in Victoria but in Australia more generally, it seems as though it would be available as one form of fuel in the future.

But we do not pick the winners for the manufacturers. In conjunction with the federal government — and again I refer to the $500 million federal government green car fund, which is available for this kind of research — and our own programs in this area we do not try to pick the winners, but we try to promote cleaner technologies. That is what we did with the hybrid model. We would be very keen to promote something along the lines that the member has identified. If a local car manufacturer were of a mind to produce such a vehicle for sale in Australia, we would certainly be keen to assist in that, and I think the federal government would also be keen to use the green fund for that. But again it is not up to us to tell the manufacturers what they should be doing in this space; it is up to us to promote a range of technologies that can be used to reduce emissions. This is one of them, and we would certainly be keen to talk to the manufacturers about it if they have an interest in it.

Supplementary question

Mr KAVANAGH (Western Victoria) — If, as Mr Theophanous has indicated, the hybrid cars, LPG and diesel, are desirable because they reduce petroleum consumption by 30 or 40 per cent, would CNG not be more desirable, when it reduces petroleum consumption by 100 per cent, and is there not something he could do to encourage the growth of a CNG distribution network, the lack of which is one of the main obstacles to the actual implementation of this technology in Australia?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — Again it is a bit of a dynamic. You have to have manufacturers and/or importers prepared to sell vehicles that are capable of using this technology, and then you have to have local distributors who are also prepared to make the fuel available.

There are additional costs and complexities involved in the storage of CNG beyond what you need to do for LPG. Also you cannot easily convert a motor vehicle, for instance, to run on CNG, but you can with LPG, and the storage within a motor vehicle is more complex as well. I think this is something which, as I have indicated, is a technology that is worth pursuing. I do not think it is simply a matter of finding a distribution network; I think you have to get a market for the vehicles themselves and a package of measures. I am sure that the federal government is interested in this. We are interested in it, and I am happy to keep the member informed about developments through my department as well.

Regional and rural Victoria: economic development

Ms DARVENIZA (Northern Victoria) — My question is for the Treasurer. In view of the uncertain world economy can he update the house on how the Brumby Labor government is continuing to make regional Victoria the best place to live, work and raise a family?

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her question, but in light of the fact that Mr Finn has fallen asleep and the chamber has probably had a fairly long question time, I will keep this to a very brief response to Ms Darveniza.

Ms Darveniza asked where the troublesome trends in the world economy are leaving regional Victoria in growth and on a range of issues. Since we have been elected to government we have seen record employment growth in regional Victoria — in fact we have seen employment grow at more than triple the rate it did under the previous government. But the core of Ms Darveniza's question is: what can a state government do in these troubled international economic times? It really is focusing on the core issues we have focused on from the very start — that is, an investment in people and an investment in infrastructure.

What we have seen during the term of this government are record numbers of apprentices and record investment in the skills that are necessary to create jobs right across regional Victoria. We have also had a massive investment in infrastructure — whether it be all the programs that have come out of the Regional Infrastructure Development Fund or whether it be programs like the regional fast rail, this is the first government in years that has invested greater resources in regional infrastructure. It is interesting that when the government introduced the regional fast rail as an election commitment in 1999 the opposition members mocked us. They said it was old technology, no-one would use it and it was a waste of resources and time.

What we have now seen is an investment in regional infrastructure which means that the trains are now full. The train from Traralgon, the train from Bendigo, the train from Ballarat, the train from Geelong — these rail services are full.

Mr Viney interjected.

Mr LENDERS — My colleague Mr Viney said that he barely got a seat yesterday coming in on the train from Warragul because the need was there. This government foresaw it and acted.

But Ms Darveniza asked how, in a challenging world climate and a challenging economy, does this state stack up. It does so with an ongoing investment in people and an ongoing investment in infrastructure. We have set the scene to build on the dynamic nature of regional Victoria, the beating heart of the state. Regional Victoria is not the toenails, as Jeff Kennett and his acolytes opposite said; it is actually an important part of Victoria. That investment is seeing a growth in jobs and a growth in population, which are the important things to make regional Victoria an even better place to live, work and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 869, 1411, 1581, 1697–1705, 1794, 1797, 1828, 1880, 1881, 1886, 1997, 2001,

2003, 2004, 2013–22, 2024–27, 2038, 2041, 2062, 2073, 2083, 2084, 2086, 2090, 2091, 2114, 2116, 2169–73, 2200, 2205, 2226–29, 2233, 2236, 2240, 2260, 2269, 2272, 2280, 2300–02, 2304, 2313, 2320, 2322, 2345, 2353, 2402, 2431–33, 2435–42, 2444, 2447, 2448, 2451, 2463, 2465, 2466, 2473, 2505, 2509, 2516, 2518, 2533, 2534, 2540, 2596, 2598, 2613, 2614, 2617, 2618, 2620, 2629, 2636, 2638, 2640, 2651, 2652, 2655, 2656, 2660, 2668, 2669, 2676, 2678, 2680, 2691, 2692, 2695–2701, 2706, 2711, 2712, 2726, 2748, 2751, 2752, 2757–60, 2790, 2797–2800, 2807, 2822, 2823, 2830, 2837, 2839, 2840, 2847, 2868, 2870, 2871, 2877–81, 2884, 2900, 2901, 2904, 2905, 2908, 2910, 2917–21, 2948, 2950, 2980, 2981, 2984, 3006, 3021, 3038, 3039, 3045, 3052, 3059, 3060, 3063, 3065–67, 3085, 3092, 3101, 3104, 3106–08, 3118, 3119, 3126, 3133, 3138, 3165, 3255, 3263, 3264, 3273–75.

Sitting suspended 1.09 p.m. until 2.17 p.m.

SCHOOLS: CATHOLIC SECTOR

Debate resumed.

Mr ELASMAR (Northern Metropolitan) — It gives me great pleasure to rise to speak on the debate about support for non-government schools. As many of my fellow members in this house know, my children have attended and are attending a Catholic school in my electorate. I have every sympathy for what is being proposed by Mr Hall. However, I have to say in this instance that the government has got the formula right.

Of course we would all like more resources. The majority of the funding for non-government schools comes from the commonwealth government, which as we know contributes $1.4 billion for recurrent funding under the Victorian schools plan. In addition, the Victorian government has made available $15 million in capital grants to support needy non-government schools. Of that sum, approximately $11 million will be made available to Catholic schools.

I honestly believe the financial needs of non-government schools have been met in the current budget. I understand that discussions on the new funding agreement for 2010 have begun, and I am sure that the non-government schools sector is well and truly able to negotiate an equitable arrangement that will meet the needs of the children and at the same time provide a picture to our constituents that all that can be done on funding has been done.

I know Mr Hall cares about education; he and I both sit on the parliamentary Education and Training Committee, and I do not hesitate for one second to comment about that. In his contribution he said that there is a balance between private and non-private schools; I accept that, but I cannot in good conscience support this motion because it cannot be justified.

The government is proud of its present funding agreement with the Catholic education sector. Since 1999 its funding has increased by 72 per cent, which is not an insignificant amount. My colleague Kaye Darveniza has moved an amendment and has raised certain issues, but I would like to talk also about some schools in my electorate. Schools which already receive funding include the Penola Catholic College at Broadmeadows, with $120 000; and St Brendan's Primary School in Flemington, with $280 000. There is a list of non-government schools that have received all this funding, and there are more to come.

When we look at the funding needs for state schools, I believe we have dealt fairly and openly with the non-government school sector. Of course, as I said before, we would all like more. I strongly stand by my principles and support the amendment which has been moved by my colleague Ms Darveniza.

Mr VOGELS (Western Victoria) — I rise to support the motion moved by Mr Hall:

> That this house calls on the Brumby Labor government to increase the funding provided for Victorian students in Catholic schools using a needs-based formula from the lowest per student funding of any state in Australia to funding at around 25 per cent of the costs of educating a government school student.

Ms Darveniza and Mr Elasmar have tried to defend the government's decision on funding for non-government schools, but I would like to set out the facts.

The Victorian government provides the least funding per student for Catholic schools of any state in Australia. Parents of students in Victorian Catholic schools pay the second-highest fees per student in any state. The coalition has come forward with an excellent policy under which state government grants for Catholic schools will be tied to around 25 per cent of the cost of educating a government school student and will be distributed using a needs-based formula. This is what the Catholic education sector has asked for. We have listened to what the Catholic education sector has put forward. No doubt it has put the same submission to the Brumby Labor government. However, we have listened and will make sure of this policy in the lead-up to the next election.

This funding will ensure that grants to Catholic schools are increased relative to the increase in the cost of educating a child in a government school — they will

not continue to decline in real value as has occurred in the past eight years. The policy will ensure that Catholic schools can provide funding to ensure that Catholic school teachers are paid in line with the recent enterprise bargaining agreement struck with government school teachers. Also, and very importantly, it will increase funding for students in Catholic schools who have disabilities, who currently receive just one-third of the funding available for disabled students in government schools. I do not see how anybody could ever justify that. The policy will provide funding for needy Catholic schools; it will increase funding for schools in disadvantaged and low socioeconomic areas. It will invest in capital works and maintenance funding for Catholic schools to repair existing classrooms and to improve facilities, it will enable needy Catholic schools to have the same internet access and bandwidth as government schools, it will support Catholic schools to meet the cost of complying with state government accountability requirements and it will boost teacher and principal professional development. The policy will cost $394 million over four years, and I think it will be money very well spent.

Speakers before me have talked about which school system they went through. I started off in 1952 in a Catholic school in Holland. I spent two years there being taught by nuns. We came to Australia in 1953 and I spent my first year in a public school in Pyramid Hill. I must say that in the first year I learnt nothing. That was not the fault of the teachers or anybody else, but it just goes to show how much things have changed. We went to the Pyramid Hill state school. We arrived as Dutch migrant kids and there were no integration aides or anybody else there to help us to start to learn English. We went to school there for only six weeks because we lived on a big sheep station and none of our containers of furniture and bicycles or whatever arrived until just before we moved on again. As we had the opportunity of going to school for only about six weeks we did not learn anything. Members should not get me wrong; it was not the fault of the teachers at Pyramid Hill or anything like that.

We then moved to a place called Bunyip in Gippsland. I went to a little Catholic school sitting in a paddock in Iona. Once again, when I arrived at the school with my sister in tow we still could not speak any English. I will never forget what the nuns did. We did not go into the classroom. When we got to school the nun who was the cook at the convent took us into the convent and my sister and I would help her wash dishes, peel carrots, plant vegetables and do housework. We learnt an enormous amount of English very quickly because it was a one-on-one situation. No doubt she said, 'This is a glass, that is water, that is soap, this is a towel', or whatever it all was. Within probably two months we were able to go from the convent into the classroom and carry on some sort of conversation in English. It was a credit to those nuns at Iona.

We then moved to Woodend. Once again I went to a Catholic school, this time for a year in Woodend. Then Dad moved to Glenormiston near Terang, where I went to St Joseph's school. I thought the nuns found it pretty easy to get out the strap and give me a hiding. I always got a bit annoyed about that. A couple of years ago the school held a 75-year reunion and there were pictures of all the kids who went to school there. I had a look at the picture of the school in 1956, when I started. At St Joseph's there were 100 kids and two nuns who taught every subject in every class from grade 1 to grade 8, and that was at a time when lots of migrant families were arriving in the area. In 1956 when we started three Dutch families arrived in the area. They all had 6, 7 or 8 kids. They were all Catholics and they lobbed up at the school. The nuns had to teach 100 kids in every subject from grade 1 to grade 8 as well as a number of Dutch kids who could not speak a word of English. They had to fit them into the system somehow. When I think back, they did an amazing job. From there I went to St Thomas's in Terang. When I was 14 years old Dad told me I was big enough and strong enough to stay home and milk cows, so that is what I did. Basically the few years of education I had were with the Sisters of Mercy. I used to call them the sisters of no mercy, but I regret that now; they were sisters of mercy.

Today Catholic schools educate one in five students in Victoria. There are 185 000 students in Catholic schools, comprising approximately 99 000 primary school students and 86 000 secondary school students, and there are 486 Catholic schools in Victoria.

In summing up, I want to say that this is an excellent motion, and I predict here and now that the Brumby government will pick up this policy, even though it is now criticising it, and run with it before the next election because it will have no alternative. I commend the motion to the house.

Mrs PETROVICH (Northern Victoria) — I have spoken before in this house about the shameful discrimination this government has shown towards students being taught in Victorian Catholic schools. The reason I raise this issue and have raised it before is that there has been neither an increase in funding nor a keeping of the status quo but a slashing of their share of funding. This Labor government has totally ignored the future needs of these students, who represent 20 per cent of Victoria's student population.

With no additional funding in this year's budget our Catholic-educated students now have the dubious distinction of being the worst off in Australia. I congratulate the Premier and the Minister for Education because once again they have failed to deliver a fair deal for Victorians. I would like to put them at the back of the class.

Mrs Peulich — Hear, hear! Keep them down!

Mrs PETROVICH — I think they should be held back! With Catholic students in Victoria now receiving $578 per child less than their counterparts in New South Wales, this stingy government has cribbed more than $104 million from these children while ploughing an addition $1.3 billion into the rest of the state's education system. I am not saying that state education does not perform a fantastic role or is any less deserving of that funding, but I think it is a crying shame that we discriminate between different forms of education. It is not surprising that, after having to endure this discrimination by a state Labor Government for eight years, many of these schools are struggling to make ends meet. This stingy government cannot provide even indexed funding so that Catholic schools can match the recent wage increases awarded to teachers. Instead, Catholic schools have had to absorb these additional costs, and that has had an impact on families, students, the curriculum and employment. Parents in Catholic schools are taxpayers and I think that should be acknowledged, just as parents in state schools are. They have a right to expect that the government will provide fair and equitable funding for their children. That is why I wholeheartedly support the motion moved by Mr Hall to increase state government funding to Catholic schools to around 25 per cent of the costs of educating a child in a government school.

I will give just some quick facts on Catholic education and Catholic schools. As I said, Catholic schools educate one in five students in Victoria. There are 185 000 students in Catholic schools, comprising approximately 99 000 primary school students and 86 000 secondary school students. In 2006 there were 486 Catholic schools in Victoria — 379 primary, 86 secondary, 13 combined and 8 special schools — and 12 224 Catholic school teachers.

I would like to highlight the amendments introduced today by Ms Darveniza, who also represents Northern Victoria Region. I condemn those amendments as doing nothing to assist Catholic schools or Catholic education in Northern Victoria Region. We have schools like St Brigid's in Gisborne, which has 189 students; St Mary's at Seymour, which has 199 students; St Mary's at Swan Hill, which has 536 students; St Monica's Primary School at Kangaroo Flat, which I visited recently and which has 297 students; St Ambrose Primary School at Woodend, which has 217 students; and St Patrick's Primary School at Kilmore, which I have visited a number of times too and which has 515 students. Ms Darveniza has done nothing today to support those Catholic schools — the ones I have mentioned and the ones I have not mentioned. There are in fact 64 Catholic primary schools in Northern Victoria Region. There is very little in today's amendments to give support to those schools.

I believe Victorian students and children should be Australia's best educated, but at this stage we are simply not providing that platform for those children. Parents of students at average Victorian Catholic schools should not be forced to pay the highest fees of any state except South Australia simply because this Labor government has not acted to secure the future of the Catholic education sector. After eight years, Victorian Labor funding to Catholic schools as a percentage of income has fallen to historic lows, now providing the least funding per Catholic student of any state.

I would like to see the Labor Brumby government pick up the Liberal-Nationals coalition policy on increases of around 25 per cent to those schools. This would bring Victoria into line with other states who have been able to better balance the budget and provide a fairer deal for all students. This proposed injection of funding is vital to the future of our children and would restore the balance between different schools; in turn it would provide a stronger, more diverse and better education system.

After all, these schools provide a wonderful opportunity for Christian-based education, but they cannot do so on an uneven playing field. They perform the role of giving people a choice in education style for their children — which is part of the Liberal Party philosophy to have choice — and they have to make individual choices about what is the best fit for each child. I have seen cases in my community where families choose to send different children in the family to different schools because each school provides a particular service or a particular curriculum and may fit an individual better.

Under the current budgetary arrangements, potentially Catholic primary schools have to choose between providing particular curricula and providing an additional staff member. I have heard of cases where school budgets will be cut in some areas so that the schools can actually retain staff. Subjects such as art

and reading for recovery are very important to the development of our children, part of the joie de vivre, and a necessity in some cases for the development of those children. Some of these activities may suffer as a result of the last budget released by the Brumby government, because not only was funding not left as it was or that it did not increase but it actually decreased.

At one school I visited recently I heard about an issue concerning the full-time employment of one staff member. One of the positions which was being considered for removal from that curriculum involved pastoral care. In any school community, or in any community, for that matter, there are times when individuals need to have someone they can go to and speak with in confidence. Pastoral care obviously provides such a service in those school communities. It is very important that an opportunity is available so that children can speak to a non-parental adult about a personal, family or educational issue and on which they may not be able to speak to anybody else.

These are very difficult decisions for those school communities to make, and this is the reality of what is occurring at the moment. These schools are now faced with those situations as a result of Labor's budget cuts. Not only did they not get an increase but their funding was actually cut. The reality is that we are talking to parents about jobs and fees. Statistics show that our Catholic schools are the highest fee-paying ones in the state. They provide a service and save the state an awful lot of money as an alternative form of education. It seems only right that they should have a level playing field.

I finish by saying that I condemn the government's treatment of Catholic schools, and I condemn the amendments proposed by Ms Darveniza, who I had hoped would have been more supportive of her Catholic constituents in Northern Victoria Region and would have better supported the 64 Catholic primary schools that educate children in that region.

Mr DRUM (Northern Victoria) — It is with pleasure that I rise today to support the motion before the house and to condemn the proposed amendments moved by Ms Darveniza. Effectively Ms Darveniza has just rolled out the list of what the government is doing at the moment and said that is why we should not be offering a better and a more equitable deal for Catholic schools into the future.

Even earlier today on this very issue the Treasurer said that with the questions we keep raising and in the debates we keep having, we are not comparing apples with apples, because we have in place the education maintenance allowance — which I think he referred to — that is only available in Victoria, but not in any of the other states.

My challenge to the Treasurer would be for him to get rid of that. Let's just start comparing apples with apples. Let us bring Victoria's funding for Catholic schools and non-government schools up to a comparable rate with the Australian average, whether it be with New South Wales or just the Australian average; let's start comparing apples with apples because I know that in Bendigo the Catholic families in just the secondary schools would be $1.48 million a year better off if we had New South Wales funding.

If you had roughly the same number of students attending each primary school in the Bendigo region, you would have to double that figure; so Catholic families in the Bendigo region alone are being penalised some $3 million by a government that says it cares and which continually rolls out the press releases saying that education is its no. 1 priority in this state. But Victoria had the lowest-paid teachers in the government sector until the coalition led the way with a new policy; then the Labor government jumped on board.

Victoria has the lowest funded non-government education sector in the land, but the Labor government still says education is its no. 1 priority. We have a TAFE sector that is totally underfunded. Again it is the lowest funded TAFE sector in Australia under the Victorian Labor government. There are other issues where registered training organisations in Victoria are not being funded to an extent that allows young men and women to receive the skills training they need. We have the ridiculous situation where they are not able to receive skills training even though we are facing one of the greatest skills shortages this state has ever known.

In our push to try to create some sort of fairness and equity in the education sector we are continually belittled by the Labor Party for looking after the elite. The thinking is that by looking after these Catholic schools somehow or other we are looking after the elite private schools such as Xavier College, St Kevin's College or some of the high-profile schools in the leafy suburbs of Melbourne. From my experience with Catholic schools in regional Victoria, nothing could be further from the truth.

I have the statistics here. It is alarming to see the statistical breakdown of the families that constitute the community of a normal Catholic school. This funding push is based around Catholic schools being able to attract and retain quality teachers in the same way as

government schools are able to do. Without a stiff funding increase such as that required in the TAFE sector — even though we keep hearing that education is this government's no. 1 priority — I do not know who it expects to educate if it refuses to pay the teachers to do the job.

Some of the programs that are funded by Catholic Education in the Sandhurst diocese, which is the diocese that my electorate is part of, are a long way from those offered by Xavier College and some of the so-called elite schools that the government keeps referring to. In the Sandhurst diocese we have the Doxa Youth Foundation, which is run by the Marist Brothers out of Catholic College Bendigo. It provides a specialised setting in Bendigo to serve the needs of up to 20 students at any one time. These students have high social and emotional needs, and those needs are accommodated at its Doxa school. These young people are at high risk and are partial or non-attenders at school. The group has a new influx of students every six months. Ninety-six per cent of the students who have been involved in the Doxa course come from state schools, yet the Catholic education system pays for this system. Without charging any fees during their period of enrolment at Doxa, or for the 12 months of follow-up counselling, the Catholic education system takes 20 individuals every six months, educates them and helps facilitate their re-entry into mainstream schooling. Their mainstream school is their original state school. This is the sort of thing that is happening on the ground. The government can talk about elitism all it likes. However, when you really drill down and understand what is going on with Catholic education, you will see a totally different picture.

In conjunction with Notre Dame College, the Sandhurst diocese has a similar program. Channelling towards a different group in the Shepparton area, it services the needs of about 80 young people who have high social and emotional needs and a self-harm history. The diocese has turned the old Kialla tennis ranch into a school for 80 students. Again, all of them are partial or non-attendees in mainstream schools. Forty per cent of these young people are indigenous, and 95 per cent of them come from state schools. There are zero fees associated with this program. The diocese does not charge the students or parents any fees, but the Catholic education system is able to get most of the students back into educational courses. The majority of the recurrent and capital costs are paid by Notre Dame College and Catholic Education Sandhurst.

When I visited that facility a couple of years ago over $200 000 was coming from the people of Shepparton, who were helping those 80-odd students, of whom 95 per cent were from state schools, to be retrained, looked after and made ready to re-enter other education facilities. In Wangaratta a charter has been set up to provide a specialised setting for up to 40 students with high social and emotional problems. Again, all of them are partial or non-attendees in mainstream schools. That program is going to start in July of 2009.

Catholic Education Sandhurst is providing land and $500 000 from Catholic Capital Grants for the building of that new school. Again, 95 per cent of the students that are going to be looked after in the Wangaratta region come from state schools, and again there will be no fees.

There is a common thread in what Catholic Education Sandhurst is doing to try to help people who are in no way wealthy or elite. It is picking up all the kids that are falling through the government system and helping put them back on the rails, only to have this government refer to those activities as looking after the elite.

Bendigo also has an outstanding gymnasium, which my kids have been lucky enough to use. But of all of the kids who use the gymnasium provided for by Catholic education at Sandhurst, 75 per cent are from state schools in the Bendigo area. The land, the buildings, the staff and all the support services at the gym are all provided at no cost. The kids are looked after through programs there in which 98 per cent of the students come from state schools. So it goes on and on — program after program is provided.

Catholic education in Sandhurst is putting together programs to help these kids who would otherwise fall through the cracks in the government system. The government acknowledges it does not have the safeguards in place. In our region, Catholic education, somehow or other because of its self-imposed responsibility to look after these people, goes out there, picks them up, dusts them off, provides the educational facilities and the intense ratios of students to teachers, and helps these kids get back on the educational bike.

The simple fact is that Catholic education is being taken advantage of by this government, which effectively says, 'If these kids are going to fall through the cracks, and we missed them in the state system, it's not our problem'. If it is not the government's problem, and if the government refuses to fund the Catholic education system any more so that it is going to be unable to fix up the government's mess, then whose problem is it going to be?

This state government, which is becoming the champion at saying one thing but doing exactly the

opposite, needs to be held to account over the continual lie it tells in looking into the cameras and saying, 'Education is our no. 1 priority', when in every way and every time the education system in this state is scraping the bottom of the national barrel. Whether it be in government schools, in non-government schools, in kindergartens, in tertiary education or in the training of our apprentices, this government refuses to fund any of these sectors at a level commensurate with any other jurisdiction in Australia.

As well as continually making the point that this government cannot keep perpetuating this lie, somebody has to hold this government to account until it effectively has some truth and honour about it, until it looks down the camera and says, 'We don't give a stuff about education, and we will fund it to the least amount we possibly can while we keep telling everybody we really care'.

Mr ATKINSON (Eastern Metropolitan) — I do not intend to speak for very long on this particular motion. A number of members have made some very important points in the context of this debate, emphasising that the Catholic education system is a partner in the education of Victorians, not a separate system that ought to be ignored or undervalued in any sense by the Victorian government.

As Mr Drum has just pointed out, in order for our twin education systems — the private and public education systems — to attract and retain the best teachers, we must address the remuneration and the conditions of those teachers. There is no doubt those teachers involved in the Catholic education system are very much the poor cousins of the education sector. Many of those very dedicated teachers come to their workplaces every day in an investment in the future of our children and an investment in the future of Victoria — but in what is also an investment in which the inputs of those teachers are seriously undervalued.

They are not so undervalued by the Catholic education system itself; that system is now in a process of trying to redress the remuneration of its teachers, notwithstanding that its financial resources to do so are in some peril. They are undervalued because the Victorian government does not seem to appreciate that the Catholic education system is very much, as I indicated, a partner with the state system in the education of Victorians. It is important, indeed imperative, for us to support that system and to ensure it has access to the best and brightest teachers it is able to attract and retain in the interests of the best future possible for Victoria.

I note the government's amendment to the motion seeks to change the course of this debate and pass a motion that would simply slap the government on the back for all the wonderful things it is doing. I say to the government, 'You can fool yourself, but you cannot fool people out there who are living day by day and experiencing day by day the impact of your policies'. Whilst the government, by event of numbers, might have the amendment proposed by Ms Darveniza passed by the house today, the reality is that out there in the Catholic education system and in the wider community there will be considerable angst about the fact that the government has again missed the point and the fact that the government simply does not understand the importance of this parallel education system and the contribution it makes to the education of Victorians and to the development of our young people. The government may win the debate battle, but it will lose the war.

Some of my colleagues and I have been visiting many Catholic schools. I have attended many school councils over an extended period, not just in the context of this particular debate. There is no doubt that one of the most important issues they raise is the parity of funding of the Catholic education system with the state school system — the inequalities and the difficulties they face in delivering a quality education system that we would all expect them to deliver.

One might say, 'Parents are exercising a choice in going to the Catholic education system, and if they don't like it, they can come into our system', but we know that the reality is that the cost of educating young people in the state education system is considerably higher than it is for those families who choose to use the Catholic system for the education of their children. In fact it is in the government's best interest that that system be sustained and properly supported so as to achieve the quality levels of education that we all expect it to have.

The government is not shy in running to the Catholic education system and laying down all sorts of requirements, including curriculum expectations, but clearly it does not come as quickly with its chequebook open to support the system. The fact, as Mr Drum rightly said, is that until the Liberal Party and its coalition partners, The Nationals, started reflecting on the low pay scales of Victorian teachers in the state system and arguing for a better deal for the state education system teachers by way of a coalition policy, this government had ignored the pleas of the education union to reach some sort of deal that would elevate Victorian teachers from the lowest paid in Australia to somewhere nearer their value. This is an absolutely

crucial equation for us all, because the escape of graduate teachers from the system was at epidemic levels before we had the improvement in pay scales. We were losing something like three in five graduate teachers within three to five years of service.

The attraction and retention of graduates is crucial to the system and to the quality of education we can deliver, and it clearly was not feasible under the previous state pay awards. Now some improvement has been achieved, albeit there are still some concerns about the way that pay increases have been delivered by the government to state education system teachers. Notwithstanding that, the reality is that now the Catholic Education Office has been left well behind in its ability to support its teachers and ensure that its parallel system of education in this state achieves some sort of parity by being able to attract and retain the best teachers to deliver quality education to our children.

Therefore this motion is very important and constructive. The government cries poor and says it does not have the resources, and yet it spends twice as much as the Kennett government spent when it went out of office in 1999. That would be fine, because this government continually points to its increased expenditure on a wide range of services but, as I have been at pains to point out a number of times, whilst it does that, it is not quite so fastidious about the outcomes. The reality is that when it comes to education, transport, health services and so on and so forth you cannot say we are twice as well off as we were back in 1999. You cannot say that there has been any quantum improvement in any one of the range of government services that you can point to. As Mr Drum in particular pointed out earlier in this debate and other speakers have also pointed to, this government cries poor, yet it has the resources to really put some credibility into its claims that education is its no. 1 priority. It is interesting that this government has hoisted a lot of its reputation on the rebuilding schools program. I noticed that every school was to be rebuilt within 10 years — —

Mr Drum — Or modernised.

Mr ATKINSON — Yes. It has backed off that straightaway, and we are now talking about modernisation or refurbishment.

Mrs Peulich interjected.

Mr ATKINSON — As Mrs Peulich said, now we are really talking about perhaps a coat of paint and an extra neon light. The reality is that this was not even the idea of those opposite. I do not know how many members realise that this great policy was not even their idea. This is actually a policy of the Blair government, and it has almost exactly the same name in the United Kingdom. They simply pinched it from the Blair government because it seemed like a good idea at the time and it seemed to prop up the boast that education is their no. 1 priority. The road-to-Damascus insight that they had that leaving the schools to rot and in sore need of maintenance needed to be addressed in the interests of the better education of our young people is equally matched with the need to provide proper teaching resources and proper remuneration for those teachers going forward to achieve the outcomes that we all expect in education.

This motion goes a small way but takes important steps towards that by supporting the Catholic education system, which is a very important part of the education equation in this state. My colleagues who are not part of this debate but are part of our broader stewardship of our electorates in visits to Catholic schools share my views that these schools are doing some fantastic things and achieving great outcomes with limited resources and certainly with teachers who are working very hard but are not being properly rewarded for the investment that they make in our children.

Mrs KRONBERG (Eastern Metropolitan) — Having raised this matter with the Minister for Education over six weeks ago and having received no response whatsoever, I now support most vigorously Mr Hall's timely, worthy and important motion, because this iniquitous and parlous situation simply must be dealt with now. During my visit to Catholic schools in my electorate I have seen firsthand the day-to-day struggle of school administrators, teachers and pupils accommodated in cramped and decaying buildings.

Often a tipping point is reached by a single, simple gesture. I have reached the tipping point of my tolerance of this government's consistent neglect of Catholic schools in this state. The catalyst for that was when a constituent of mine wrote to express his frustration at the relegation of Victorian Catholic school students to frankly second-class citizens. My constituent went on to state that people at the two Catholic schools his children attend told parents that Catholic schools in Victoria receive $578 less per child per year than Catholic schools in New South Wales. This constituent went on to make two powerful points. The first was that of the $1.3 billion of new expenditure for education in the state budget this year there was nothing for Catholic schools. For a government that states that education is a priority, that record is just not good enough. The next point he made was that this

government should try to imagine the dimension of the financial burden that would be placed on it if suddenly all Catholic school students decamped — if they were taken from their schools and placed in government schools. We should now dimension things for the Brumby government, because for me there are some stark figures that are powerful but for some reason are completely ignored. A very significant contributor to the delivery of quality education for Victorians, the Catholic school sector, educates one in five Victorian students — that is, over 186 000 individuals. When compared with funding in all other states, funding for Victorian Catholic schools is the lowest in this country.

The disappointment expressed by the Catholic Education Office at the lack of funding for any new education and early childhood development funding in this year's budget still reverberates. Somehow or other this government remains deaf and immune to its pleas to rectify the situation.

This is compounded by the fact that state school teachers' salaries have been increased. We all know the competitive pressures that would now be brought to bear because the Catholic school system is not in a position without immense sacrifice to offer parity in salaries for their teachers. This is a reality. Some of the realities of the market economy are in play because of this, so it cannot be ignored.

Fortunately the coalition has an answer for this. The coalition has announced that when elected to govern this state, it will ensure that state government grants to Catholic schools will be tied to around 25 per cent of the cost of educating a government student. It is important, however, to point out that the cost of educating a child is not measured by per-student grants to government schools, known as the student resource package, but that this funding bundle incorporates administration, information technology costs and provision for student services. Furthermore, the coalition's policy initiative ensures that grants to Catholic schools are increased in sync with and relative to increases in the cost of educating a child in a government school.

This will therefore arrest a continuing decline in the real value spanning the entire term of this state government in terms of school funding. Catholic schools will receive funding to ensure teacher salary parity with government schools. Funding will be increased for students in Catholic schools who suffer disabilities. This is absolutely critical as currently Catholic schools receive a mere one-third of the funding provided for such students in government schools.

I refer to a statement from the Catholic Education Office to illustrate how it regards this issue. It states that:

> … a student with a disability in a Catholic school receives $5000 compared to a student with a disability in a government school who receives $15 000. There are 5500 students with disabilities in Catholic schools in Victoria and a further $25.5 million is required to adequately address their needs.

The coalition will invest in capital works and maintenance funding to repair existing classrooms and facilities. Recently I had the opportunity to visit a Catholic primary school in the electorate of Eltham, where I was shown what happens when it rains. It has a collection in the library of which it is very proud, and the only way it can protect that collection is to have a group of people who respond and try to make their library weatherproof. I have photographs of the buckets and pales, and all sorts of plastic receptacles, that are placed throughout the library to catch the torrents of rain that come through the leaking roof.

When we had a look at the layouts of some of the classrooms and so on I noted that one classroom had an electronic whiteboard, of which it was very proud. That electronic whiteboard was the only whiteboard in the school. We know these are normally fitted in most classrooms in government schools nowadays, so this Catholic primary school faced two problems: firstly, it did not have the funding to acquire any more than one electronic whiteboard; and secondly, if it had that, it certainly then did not have the funding to provide replacements for teachers who would then go to in-service or professional development to learn how to use and apply the technology in the classroom setting. So there was that effect of a double bind.

According to the Catholic Education Office, the wage rise for government school teachers will place more strain on Catholic education, and the Catholic Education Commission of Victoria is committed to wage parity with government teachers. What will happen? Without adequate indexation and a real increase in state recurrent funding, this means that schools will have to reduce resources or provide a further impost on families by way of an increase in school fees. We all know that families in this state and in Australia are suffering the increased burden of making ends meet because of high interest rates, the high cost of fuel and the increasing cost of food. It would be unreasonable for this government to expect the parents and families of Victorian Catholic school students to accommodate any increase in school fees because of the government's lack of funding and lack of responsiveness.

Furthermore, projects enabled by state funding that was provided in 2005–06 would be under review in order to deliver salary parity for their teachers. These are the ways students would be affected. There would be a scrapping of initiatives in student wellbeing, and there would be a direct and immediate effect on students with disabilities. Furthermore there would be an impact on new arrivals to the school and to this country, on refugees and indigenous students, and there would be a definite reduction in the support that is currently provided for low-income families.

When we look at those points that are made by the Catholic Education Office — and underscored by individual parents, parents groups, teachers and principals, and the look of bewilderment on students faces — we have to say that there is really no excuse for this government to say it is not aware of this. It flies in the face of the mantra that it regularly brings out when it talks about its care for education and families in this country.

The points that I have made refer to the realities. These are the impacts, this is what Catholic schools are currently facing, and no amount of hyperbole, steadfast denial or limp defence will remove even a scintilla of the blame that must be borne by this state government. I support Mr Hall's motion and I urge everyone else to do likewise.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and support this motion by Mr Hall. It is a very important motion. It makes the point that Catholic education is a very important part of our activities in this community. No Victorian student should have a lesser education on the basis of where they go to school. Students should have the option to have a high-quality education, whether it is in the government sector, the Catholic education sector or the independent school sector. That is an underlying principle which the coalition brings to establishing its response in this case, and it is for this reason that I am delighted to support Mr Hall's motion.

The Liberal Party and The Nationals as a coalition, led by Ted Baillieu and Peter Ryan, recently brought forward a package to restore the balance in funding to Catholic schools. Over the last few years, the years under the Bracks and then Brumby governments — and make no mistake, John Brumby was Treasurer for much of the period before he became leader — unfortunately the funding to Catholic schools has been steadily wound back. As people will be aware, the Liberal Party and The Nationals recently came forward with a significant package for the funding of salaries for teachers in government schools, and we did that because of a strong commitment to education for students in government schools. If you do not pay teachers properly, if you do not increase the funding for teachers' salaries, you will not get the educational outcomes that we as a community need and desire. Equally, in the sector that is run by the Catholic Education Office you will not get the outcomes unless there are sufficient resources — that means resources for teachers, resources for facilities and resources for integration. This is a balanced package that the coalition has come forward with, a package that seeks to provide support to Catholic schools on the basis of need, the number of students involved and the fairness and equity of funding for the students.

The package is necessary, as I said, fundamentally because this government has allowed the funding to decline. In 1999 the per student state government funding to Catholic schools as a percentage of their income was 17.4 per cent. That declined to 17.2 per cent in 2000, to 16.7 per cent in 2001, to 16.3 per cent in 2002 and then to 15.8 per cent in 2003. It was 15.8 per cent again in 2004 then declined to 15.1 per cent in 2005, and according to the latest figures available from the National Catholic Education Commission annual reports, state funding to Catholic schools in Victoria as a percentage of their income remains at 15.1 per cent.

So Catholic schools in this state have relied on sources of income other than the support that has been provided by this state government. It is important, we believe, to ensure that state government funding is restored to a fair level. Also it is very important to place on record those other sources of funding, and I want to put these figures into the parliamentary record today. I am referring to 2006 funding data — per student income by source for Catholic primary and secondary schools.

It shows that per student the commonwealth government provided $5116; state grants were $1368; fees collected were $2102; total income including so-called other income was $9036; and, as I said, state grants as a percentage of total income were 15.1 per cent. The national average of state government funding to Catholic schools in Australia was 18.8 per cent. The level of funding in other states is instructive and should be put on the record here today. In Tasmania it was 19.3 per cent; in South Australia, 15.7 per cent; in Western Australia, 22.2 per cent of total funding; in Queensland, 21.1 per cent; and in New South Wales — perhaps the state with which Victoria most frequently compares itself, these being the two largest states in terms of population — 19.8 per cent. So there is a significant chasm in funding to Catholic students, Catholic system schools, by the Victorian state

government, and I make the point that there are nearly 500 Catholic schools in Victoria, with 185 000 students.

Those who were in the chamber earlier will remember the question I asked the Treasurer, John Lenders, who is, like me, a member for the Southern Metropolitan Region, about funding for a number of specific schools as well as the overall principles of funding and whether the government would be prepared to step forward and match the coalition's package of the increased funding that is required to bring Catholic schools up to a fair and balanced level. His answer was essentially no. That was disappointing to me and I think it will be disappointing to those who work with Catholic schools, whether they be parents or community, parishes, students or teachers. I call on not only John Lenders the Treasurer but the other members in my electorate to think carefully about this and about what is right — what is right for those students enrolled in Catholic schools, what is right in terms of the choices that their parents wish to make, and what is right for the future of our state and our economy.

It is a fact that without the highest quality education across all sectors of education, including government, Catholic and independent schools, we will not get the best economic outcomes for our state and our community in the future. As we fund education, we are investing in the future of our economy and also, at a deeper level, in the future of our citizens. The support that is provided by the state government is an important part of that step.

I call on not just the Treasurer but the other government members who represent my region — Southern Metropolitan Region — namely, Mr Thornley; also government members in the Assembly in the form of the members for Bentleigh, Burwood, Prahran, Oakleigh, and Albert Park. It is critical that those Labor members work hard to convince the government to change its mind. Those members have an important duty to step forward and say to their schools, 'I will lobby on your behalf to convince the Minister for Education, Bronwyn Pike' — who, in my view, has been intransigent on this issue — 'and other senior cabinet ministers to change the government's mind'.

There needs to be a broad package that deals with not just the funding concerning the EBA (enterprise bargaining agreement) and teachers — although that is an absolutely critical element — but also it needs to boost funding for needy schools in disadvantaged areas, to undertake capital works and maintenance, to repair existing classrooms and to improve facilities. Electronic communications and internet access are also important. A number of Catholic schools, and I do not want to name them, that I am aware of do not have the equivalent internet and bandwidth connections of some government schools — that is an important point that needs to be made. We are looking to the future; we want to make sure all students, no matter what school they go to, are provided with a fair level of resourcing that enables their schools and their school's systems to provide an appropriate level of support.

There is a need to increase funding for a student with a disability who currently receives only one-third of the funding that a student with a disability receives in a government school. That is a particular point of injustice. The funding figure for that category of student in government schools is around $15 000 per student, while in Catholic schools it is around $5000 per student. I am rounding those figures off, but this package that the coalition has brought forward would see some significant evening of that funding to enable students who are being integrated and students with a disability to receive significant funding that would make the support of their education a lot easier.

Again, this significant package of $390 million over four years would go a long way to ensure the strength and diversity of our education system. This issue is about choice; parents should be able to make the choice to send their children to government schools, Catholic schools or independent schools. Parents should be able to do that on the basis of their religious views but also on the basis of education quality, proximity and the whole cluster of other issues around the quality of education including the particularity of education in their area. So there is a need for a lift in funding; there is a need as families face real challenges by way of the cost of groceries, the cost of petrol and interest rates. All of these things are impacting on family budgets.

The Catholic education sector is funded in part by significant student fees. Families choose Catholic education, and obviously they make that choice in the knowledge that there is a cost; nonetheless it should be a fair cost. Lifting the level of state government support of these important Catholic schools will enable that sector to keep a lid or a cap on the level of fees charged.

This package is about balance; it is a recognition that there are three sectors. It is a recognition that the coalition has made announcements about government sector funding and the lifting of funding for teachers' salaries. We led the way on that issue. In this chamber we debated that issue as well. I was pleased to see that in the end, the government, despite the rhetoric in contributions from the government members, was

prepared to vote in favour of higher salaries and the increasing of teachers' salaries. Similarly this package is very important. We have said that we will lift the funding to around 25 per cent of government school funding. That is fair funding; we think it is an important target and result for the community and the sector.

I was pleased to meet with a number of principals and a number of parental representatives from Catholic schools with my leader, Ted Baillieu, to discuss a lot of issues a week or two ago. Catholic schools face some particular challenges. They have the great strengths of community support and of having a parish, including its support of the community, around the school. We have families, communities and religious communities around schools — and we should have this, in my view. Schools are not an island from the community; they are a part of the community. It is important that that is recognised.

Our package seeks, in a fair way, to have a set of funding principles and levels that will restore the balance and a fair level of funding. Victorian Catholic schools should not receive the lowest funding per student of any state in Australia. I do not believe that is what Victorians aspire to; Victorians do not think that is good enough. Victorians think we should be leaders in education; leaders in supporting the government sector; leaders in supporting the independent sector; and leaders in supporting the Catholic sector.

The sectors are synergistic in many ways. They offer options and choices to parents. At the same time they often work together in local communities, and that should be encouraged and supported. There are many ways that can occur. Again, this package builds on the attitude that all these sectors need to be supported. They need the encouragement of government, but they sometimes need financial support to get a fair outcome. It does not matter which sector a student is enrolled in. We as Victorians have a responsibility to ensure that their education opportunities are maximised, and I believe this package will do that. For that reason, I urge the house to support the motion brought by Mr Hall.

Debate adjourned on motion of Ms HARTLAND (Metropolitan).

Debate adjourned until Wednesday, 6 August.

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL

Second reading

Debate resumed from 11 June; motion of Ms HARTLAND (Western Metropolitan).

Ms BROAD (Northern Victoria) — I rise to speak in support of the Medical Treatment (Physician Assisted Dying) Bill 2008. It is a privilege to be able to speak on a bill that addresses the fundamental issue of the freedom to choose how we wish to live and to decide when life itself is intolerable.

I wish to thank my own party, the Labor Party, for treating this issue as a matter of conscience and for respecting the full range of views on the issue. I wish also to acknowledge the actions of the sponsors of the bill, Ms Colleen Hartland and Mr Ken Smith, as well as the efforts of Dying with Dignity Victoria in providing the evidence required to support the bill. I wish to acknowledge also all the people who have contacted me and my office to express their views in support of and in opposition to this bill. In particular, I salute those people and their supporters who have terminal or advanced incurable illnesses and who have suffered and are continuing to suffer intolerably for putting forward their views and their experience for the wider public interest. I hope they will take my statement today as a considered and respectful response.

Nothing is surer than the fact that eventually we will all die, despite the desire of most people to live a good life for as long as possible and despite advances in medical technology. Yet these are issues that are difficult to confront even when a person is clearly indicating that life itself is no longer tolerable. There are many reasons why that is the case. I want to address them because I think this bill offers us all a much better way of dealing with end-of-life decisions, including for a person who would not choose to receive or provide assistance because of their beliefs.

The law as it stands is a barrier that a person experiencing intolerable suffering, together with their friends, family, carers, nurses, general practitioners and physicians, cannot penetrate. Education and knowledge do not provide a way around this barrier, notwithstanding expectations to the contrary. Because of our current law it is extremely difficult to have honest and open discussions about end-of-life decisions, including palliative treatment. At best, people with a detailed understanding of the law find ways of conducting coded discussions that can be interpreted by those who think they understand the code. At worst,

communications are misunderstood and decisions are taken out of the control and against the wishes of the person who is suffering as well as their carers, friends and family. Requiring transparency and accountability for decision making in this environment is unrealistic.

In contrast the bill provides for extensive transparency and accountability as well as safeguards. These provisions of the bill are summarised in the second-reading speech. They have been reviewed by the Scrutiny of Acts and Regulations Committee and others. I wish to refer in particular to a statement by Professor George Hampel, AM, QC, from Monash University, who, in part, has said about the choice of people who are suffering intolerably:

> The proposed legislation will also enable doctors to help people in a professional and open, but controlled way, to end their misery.
>
> The safeguards provided are impressive and adequate to protect the sufferer, his or her family, the doctors involved and the community.
>
> It is, I think, in the community's interest that, while life is respected, it can be ended by those who suffer intolerably and wish to exercise their free choice. It is important that this right can be exercised in a controlled way, without subterfuge and misuse.

Another reason that it is difficult to deal with end-of-life decisions is the desire to believe that medical technology and the best possible care can ensure that no person endures intolerable suffering as a result of a terminal or incurable illness. In reality, making end-of-life decisions may involve weighing the serious risk to life of palliative treatment — that will cause a person who has a terminal or incurable illness to suffer — against the extra time that treatment may give the person in the full knowledge that the person will experience intolerable suffering at the end of their life regardless of whether they receive that treatment.

Sadly, the evidence shows us that, despite the best palliative care available anywhere in the world, 25 per cent of late-stage cancer patients experience moderate-to-severe suffering. On this matter I would like to refer to the excellent briefing paper prepared by the parliamentary library research service. At page 18 the paper refers to an article by Australian palliative care specialist, Roger Hunt, where he said, in part:

> The dying person undergoes enormous physical and mental changes, many of which are the source of suffering … hopelessness, futility, meaninglessness, disappointment, remorse, and a disruption of personal identity are frequently experienced … I suspect that many of the psychological and existential problems of dying patients cannot be solved by palliative intervention.

The research paper goes on:

> Hunt therefore believes that the idea of providing 'a pain-free, comfortable death with dignity' through hospice or palliative care 'is usually unobtainable and should not be promised'.

Anyone who has spent any time with a person in that situation will recognise that description only too clearly.

According to studies published in the *Medical Journal of Australia*, 96 per cent of physicians believe that a patient's request to be provided with assistance to end their life can be rational and that 59 per cent believe that actively hastening death can be right. Around 45 per cent of physicians do not believe that current arrangements are adequate in delivering help to people who are dying, and 35 per cent are willing to acknowledge that they have deliberately hastened a patient's death in order to alleviate suffering.

This evidence should be sufficient to demonstrate that legislation is out of touch with reality and to convince us as legislators that the reforms provided by this bill are a necessary and proportionate response to current circumstances. If more evidence is required, we need look no further than the Australian Bureau of Statistics statistics that refer to the four elderly Australians who kill themselves each week by violent and undignified means.

A further reason we should be convinced is the evidence presented by the 2007 Newspoll survey. It reported that 82 per cent of Victorians believe that a hopelessly ill patient experiencing unrelievable suffering with no chance of recovery, who asks for a lethal dose from a doctor, should be allowed to receive it. Public opinion in support of this question has been in the majority for more than 25 years. Further analysis shows that public opinion on this issue is very little affected by political affiliation, which quite rightly puts it beyond politics.

I have every reason to believe that the views of my constituents in Northern Victoria Region are reflective of general public opinion. In fact, I expect that the views of those constituents who have been brought up in rural areas, as I was, with a very pragmatic understanding of life and death are very much in line with general public opinion.

A further reason that it is difficult to confront end-of-life decisions is a concern that vulnerable people may be exploited. Evidence, however, shows that this is not the case. An official study published in the *Journal of Medical Ethics* of nine years of Oregon data — and I understand that there is now more data available — and

20 years of data from the Netherlands shows that, compared with background populations, there is no increased risk from physician assisted dying laws — to older people; to women; to people without insurance; to people with a disability; to people with psychiatric illness, including depression; or to racial or ethnic minorities.

So what other reasons are there for this particular concern about the impact on vulnerable groups in our society? It is not unusual for policy-makers, legislators and professionals to believe they know what is in the best interests of vulnerable people, that the way to provide support and assistance to vulnerable people is to make decisions for them rather than supporting and assisting them to make their own decisions. After all it was not so long ago that people with an intellectual disability, indigenous people and women were not considered able to make decisions in their own best interests.

In contrast, this bill puts a person who is suffering from a terminal or incurable illness front and centre when it comes to making decisions about their own life, when life itself has become intolerable.

Another reason why it is difficult to deal with end-of-life decisions, which I think needs to be acknowledged, is the fragmentation of care and communications between nurses, general practitioners and physicians. Even when all the professionals involved are making best efforts to provide coordinated care and to make integrated decisions, end-of-life decisions are confronting, including for the professionals involved. Providing a clear framework in these circumstances for them to follow can only assist and protect them and their patients.

One further reason it is difficult to deal with end-of-life decisions is that there are people who will not accept, because of their beliefs, any form of medical assistance that may have the effect of shortening a person's life. I respect the right of people to hold these views and beliefs and to act on them in relation to the decisions they make about how they choose to live their own lives. However, it is important here to acknowledge what the evidence has to say about the views of people who hold religious beliefs.

According to repeated published opinion polls, 82 per cent of Anglicans support physician assisted dying (PAD), 74 per cent of Catholics support physician assisted dying, and 71 per cent of non-Christian-faith people support PAD. This bill does not change anything in relation to a person with a terminal or incurable illness who would choose to endure intolerable suffering because of their beliefs. This bill is about the freedom to choose and to have our decisions and the decisions of those we care about respected. After all, it is lawful for a person to refuse medical treatment and to literally starve themselves to death, and it is lawful for a medical practitioner to administer drugs knowing that they will hasten the death of a patient, so long as the doctor intends only to relieve pain.

Given that those actions are already lawful, with this bill we are considering to what extent a person with a terminal or incurable illness who is experiencing intolerable suffering should be forced to endure that suffering against their wishes, and we are considering whether a physician should be prevented from rendering assistance to a person with a terminal or incurable illness who is experiencing intolerable suffering and who wishes to end their life, when the physician is willing to provide assistance and believes that the person making that request is making a rational decision.

In addition to concerns that vulnerable people may be exploited, there are concerns that this bill represents the beginning of a slippery slope to killing people. This concern is perhaps the most perplexing, because it deals with 'what might be' rather than 'what is contained' in this bill. The fact is that Parliament determines the legislation that governs end-of-life decision making, and legislation can only be changed if Parliament decides to change it.

The bill before Parliament today severely restricts access to medical assistance to die peacefully, and it provides severe penalties for abuse. So I ask members to deal with the provisions contained in the bill before the house rather than with unfounded fears about things which are not provided for or allowed through this bill.

May I deal with an example of what I am referring to here? Recently the *Geelong Advertiser* published an article which included a statement attributed to Mr Kavanagh. That statement was:

> An 18-year-old with diabetes and depression might qualify —

under the bill before the Parliament, and I add that last reference. In response to this assertion, Mr Neil Francis, the president of Dying with Dignity Victoria, has written to the *Geelong Advertiser* and said:

> He or she would not.
>
> The treating doctor would provide good control of the diabetes. In addition, a psychiatric assessment that is compulsory for this person under the bill would point the 18-year-old to appropriate psychiatric treatment.

> Therefore, by the very act of making a request to die, the 18-year-old would in fact be embraced by the health care system and assisted to overcome his or her illnesses rather than potentially using a violent and undignified means of suicide outside the system.

I put that forward as one example of the difficulties in dealing with fears about things that are not contained within this bill.

I am informed that it is the intention of Ms Hartland to move amendments to the bill at a later stage and that these proposed amendments have been provided to members. It is my understanding that these amendments, which I have examined, are entirely consistent with the intent of the bill and are designed to clarify and improve definitions and procedures provided for in the bill, including for the avoidance of doubt — another thing which the bill goes to some lengths to address — and that these amendments have followed consultations with MPs and stakeholders, including the Victorian branch of the Australian Medical Association.

In conclusion I ask members to support this bill, not because of what they may or may not choose for themselves in accordance with their own beliefs but so that adult Victorians who are suffering intolerably from a terminal or advanced incurable illness can exercise the freedom to choose to end their lives peacefully with medical assistance and so that physicians who wish to provide that assistance, after following the procedures provided in this bill, can do so.

Mr KAVANAGH (Western Victoria) — As was pointed out by Ms Broad, we human beings possess a questionable gift — the gift of knowing that we are all mortal, that there is no getting out of our earthly existence alive. Anxiety over the inevitability of death is accentuated by the heartbreaking experiences that probably all of us have had in witnessing people we love suffering in the course of dying, sometimes over protracted periods. The bill before us is motivated by compassion engendered by such experiences. It is entirely appropriate that we be motivated by compassion, but it is also obligatory for us to use our intellect, our reasoning and our understanding of human nature gained from ourselves and our fellows. The application of these tools and insights to the challenge of painful death makes it clear that any conceivable good that could come from the Medical Treatment (Physician Assisted Dying) Bill 2008 would be greatly outweighed by its harmful consequences.

I observe that, contrary to assumptions and assertions by some proponents and opponents of this bill, it is not actually about suicide. The bill is not about people killing themselves, but its legal parts relate to providing and/or administering the means of ending another person's life. Contributing to the death of another person, even one who apparently volunteers, of course raises issues and legal principles quite different from those involved in the consideration of a suicide. Not only our legal system but also our very civilisation have long been predicated on the premise that innocent human life is of such value that it may be taken permissibly only in the individual or collective defence of life itself. This principle, the heart and soul of our legal system, protects us all. Damaging, denying or compromising that principle reduces the protection provided by our legal system and the dominant social attitudes to which our laws contribute.

The principle of the value of innocent human life demands that lives be respected even by barons and kings. This principle was not established quickly or easily. It took centuries of inculcating what were initially revolutionary concepts about the nature and importance of the individual. However, the fact that this process took a long time and struggle to establish does not mean that its undoing would require a correspondingly long period or that the process would be necessarily as tortuous. An unfortunate fact of life is that destruction is much simpler, quicker, easier and cheaper than construction. The greatest building in the world that took centuries or generations of hard work, genius, material and wealth might be destroyed by a single individual with a few seconds of concentration and a match. Despite the best intentions of many of its proponents, the Medical Treatment (Physician Assisted Dying) Bill 2008 would be a spark conflagrating the most important principle that is the basis of our legal system and civilisation.

Passage of this bill would establish at least two new principles. First, the lives of certain categories of people will not be protected by the legal system. Second, that killing certain people is rendering assistance to them. Actions that are inherently wrong have regrettable reactions only some of which are foreseeable. The consequences of the passage of this bill that we can foresee include generally diminishing the value of human life not only by the state but also by individuals.

The inculcation of the principle that life is of inestimable value has contributed to a sense of awe over the taking of another's life. That awe, and the inhibition and reluctance at the taking of another life, would be diminished if the bill is passed, because the law not only expresses our culture but also helps to inform and shape it. If this bill is passed then the restraint the law has traditionally contributed to imposing on people in situations where there is

temptation to take another person's life would be weakened.

This process would not be conscious, deliberate or even considered. It would be automatic but influenced by the devaluation of human life which this bill entails. For example, a home burglar who is confronted by an elderly resident would know, if this bill is passed, that there are innocent people, especially elderly people, who the law allows to be killed. The home invader might even reason, taking his cue from the law, that causing a quick death might even be doing that bothersome old person a favour. Passage of this bill would weaken the inhibitions felt at the taking of human life in every situation of conflict or anger — whether, for example, it is two people fighting in a bar or a driver engulfed by road rage. If the bill diminishes respect for the lives of others, as it would, what would be its effects on attitudes towards assaulting or otherwise harming others short of death, let alone by stealing or damaging their property?

Even more profound and disturbing than the effect on how individuals assess the value of the lives of others would be the effect that the passage of this bill had on how people see themselves. The elderly and sick already fear being a burden on their loved ones and on the community at large. Would not the knowledge that some elderly and sick are volunteering to be killed cause some of the elderly and sick to view continuing to live — that is, failing to volunteer to be killed — as an act of selfishness? Indeed, as pointed out by Palliative Care Nurses Australia in *Commentary on the Medical Treatment (Physician Assisted Dying) Bill 2008*, famous proponents of euthanasia in Australia have implicitly implied or argued that it would be altruistic for those who feel that their lives are a burden to seek assistance to die.

In addition to the implicit pressure that passage of this bill would put on the vulnerable themselves, there would be explicit pressure from other people. The bill purports to safeguard the elderly against pressure from relatives and friends by prohibiting those involved in a death from inheriting from the deceased. This safeguard is naive and would be almost totally ineffective. First, the person encouraging the sick person to volunteer to be killed need not be an agent under the bill. Second, the encourager may not need a will at all to inherit property. Third, the benefits to the encourager may not be of a financial or material nature at all. There are many other benefits that could come from a person apart from money or property. The death of the sufferer might, for example, simply relieve the encourager of inconvenience, for any encouragement that was given will be nearly impossible to prove after the death of the person who volunteers to be killed.

It is easy to envisage thousands of types of motivations for seeing the death of another person. One can also imagine thousands of scenarios in which this encouragement might take place. It will probably not be in the form of a demand; it will not be angry or direct. Betrayal, as we know, is almost always done with a kiss. Suggestions to volunteer to be killed will be 'nurtured in smiles and in soft deceitful wiles', to quote the poem.

We could imagine, for example, a man going to see his mother-in-law. He has not seen her for quite a while but he drops in unexpectedly and they have a cup of tea together. He says, 'You know, Mother, you have had this problem, this diabetes, for a while now, you are a good age, you are over 60 years old and you are getting on. There is that arthritis you get every year, and life is not very good these days. Don't you think you ought to tell them that you have had enough and that you cannot take it any more? Your daughter comes to see you every week and it is taking her away from the kids. We have got our own lives to lead. We are very concerned about you, but don't you think you owe it to the kids to volunteer?'. There are many scenarios along those lines that we could imagine.

This bill rests on several false premises. One premise is that a person in severe pain is in a position to make rational, monumental decisions. In fact, a person in this condition is in precisely the kind of state which prevents them making an important decision, let alone a life-and-death decision.

The bill presumes that medical science is capable of making consistently accurate diagnoses and prognoses. It presumes a 100 per cent success rate. In recent years two high-profile cases in Australia involving euthanasia, one in New South Wales and the other in Northern Territory, demonstrated not a 100 per cent success rate but a 100 per cent failure rate in medical diagnoses and prognoses. In both cases, while alive the deceased had been medically diagnosed as dying from their illnesses. In both cases, autopsies after euthanasia deaths revealed that neither of them had terminal illnesses. It is also worth noting in this context that this bill does not require autopsies to be performed on deceased persons who died pursuant to this legislation.

Under clause 6 the sufferer may revoke a certificate of request to be killed. If the person is unable physically to do so, this revocation may be done by the sufferer's agent. But what of the sufferer who, firstly, has changed his or her mind but is unable to express his or her new

wishes; and secondly, what of an agent who does not revoke the certificate on the sufferer's behalf? What of it? That sufferer will be killed pursuant to this bill but without his or her consent.

Passage of this bill would make it legally mandatory to officially declare falsehoods in important documents. Clause 16 requires that the cause of death of a person killed by euthanasia be recorded in the death certificate as the condition which encouraged the deceased person to volunteer, if indeed they did volunteer, to be killed. As explained by Aristotle two and a half thousand years ago, causation is a complex concept both in practice and in theory. It is not so complex, however, that the declaration of cause of death can honestly lend itself to the degree of distortion required by this bill.

The cause of death of a person who kills himself following the breakdown of a marriage is surely suicide and not divorce. In the case of a person who is killed because the killer was angered by something about the deceased, then the cause of death is surely homicide, rather than whatever was the reason for the killer's anger. This bill legally demands that death certificates be falsified. The law should not mandate the uttering of falsehoods.

The deception associated with this bill is not restricted to falsehoods in death certificates. The language of the bill is chillingly Orwellian. Facilitating another's death by providing a poison or even pouring that poison down the throat of another person is categorised by this bill not as 'murder', 'killing' or even 'mercy killing', but repeatedly it is called 'assistance'.

Intolerable pain is referred to repeatedly but defined only as profound suffering and/or distress, whether physical, psychological or existential — that is, intolerable to the patient. A literal definition of intolerable pain would mean pain that cannot be tolerated — that is, pain that kills the patient. Though logical, this cannot be what is meant. It must mean severe suffering of some kind but this is extremely subjective. There are really no satisfactory objective criteria possible by which intolerable pain can be measured: not in the bill and not in medical science.

As we in prosperous advanced societies grow weaker, the boundaries of intolerable suffering will grow ever larger. Combined with a sharply increasing acceptance of killing, if this bill is passed, the acceptable definition of 'intolerable suffering' would no doubt quickly balloon out of all present recognition. The very title of this bill is deceptive. It is called the Medical Treatment (Physician Assisted Dying) Bill 2008. It is not about medical treatment at all. Medicine is a branch of science dealing with healing and postponing death.

This bill is about the opposite — unnaturally shortening life. An act is not necessarily medical in nature simply because it is performed by someone wearing a white coat with a stethoscope around their neck. The so-called medical treatment that would come from this bill would be no more medical than Dr Mengele's experiments or the actions of Dr Harold Shipman, who murdered many elderly patients in Britain in order to inherit from them.

This bill pays only lip-service to the value of life. This bill aimed at ending lives prematurely claims that 'life is precious'. That this is only lip-service is seen by the fact that the bill, under clause 4, while saying that physicians should treat requests by patients to be killed with 'caution', provides no penalties at all for failure to exercise that caution. On the other hand, under clause 9, penalties are imposed on physicians who refuse to help kill patients and do not refer patients to other physicians who may agree with this request to be killed. The right of conscientious objection is thus removed from the bill. It would make it a criminal offence in some circumstances for doctors and nurses not to participate in the process of killing another person. Pursuant to the bill there are also strong penalties for physicians who try to resuscitate patients who take poison and are dying. Resuscitating a dying person actually becomes a criminal offence in certain circumstances under this bill. That criminal offence is punishable with a fine of up to 1000 penalty units and imprisonment of up to five years.

The word 'dignity', though not dignity itself, also recurs throughout this bill. What is meant by dignity? What seems to be meant is continence and a lack of pain. Is it dignified to end life prematurely? Is there really dignity in deliberately leaving loved ones forever, before it was necessary to do so? I think not. In my opinion there is more dignity in a life lived to its natural conclusion, possibly in spite of pain and incontinence.

This bill is not supported by the Australian Medical Association. Similar proposed legislation around the world is strongly opposed by many medical associations. Many physicians in Victoria strongly oppose the provisions of this bill. Some doctors in western Victoria have privately expressed the intention to take early retirement if this bill is passed. They say if this bill is passed they would rather leave the medical profession than remain part of an occupation which has fundamentally changed in nature from attempting to heal or treat patients in any circumstances to participating in the deliberate killing of innocent people.

Trust is surely an essential component of a doctor-patient relationship and is dependent on a patient believing that a doctor will do his or her best for the patient in all circumstances. How could this bill not damage that trust, and how could it not therefore do injury to the medical profession and the efficacy of treatment, especially for the elderly? Many elderly people in Holland now fear doctors just as many Aboriginals in the Northern Territory feared doctors and refused to seek treatment when similar legislation was active. In the case of the Dutch at least, their fears are unfortunately not without foundation. Although Holland's euthanasia laws initially had strict safeguards, with the passage of time they have been watered down. Contrary to the claims of Ms Broad, there are now cases of the medical killing of the elderly and the sick and handicapped, especially babies who do not genuinely volunteer to be killed.

The truth is that whatever safeguards are initially imposed will be eroded over time. Ms Broad said it is up to the Parliament to make laws and the laws cannot be changed without our permission. While the letter of the law may not be changed without our permission, the practical effect of the law is changed every day without reference to Parliament. In Victoria we have laws that say that technically it is illegal to perform an abortion, for example. At the same time in Victoria we have about 30 000 abortions paid for by the commonwealth government and the taxpayer. The letter of the law and the reality of the law are two quite different things, as I think Ms Broad will understand.

Why will these safeguards be watered down over time? The reason is that once it becomes accepted in law and in principle that killing people can be 'assisting' them, then the floodgates are opened and restraints and inhibitions on the taking of imperfect lives are washed away. Expert analysis of the Oregon act, which is the model for the bill before us, has concluded that in respect of the safeguards in the Oregon act:

> The evidence strongly suggests that these safeguards are circumvented in ways that are harmful to patients.

Furthermore, an editorial in the *Oregonian* of 8 March 2005 said that their system of euthanasia, which this bill is based on, is 'a system that seems rigged to avoid finding' answers. In practice what will happen is that it will very quickly become clear which physicians are pro-euthanasia. There will probably be lists available on the internet — certainly by telephone, if not on the internet — of doctors who will promote euthanasia and who will not, I am afraid, contrary to the assertions of Ms Broad, be as devoted to finding cures for patients with difficulties as they will be to assisting them to end their lives.

Palliative care is a relatively new but rapidly developing area of medicine that holds great promise. The passage of this bill would detract from the considerable achievements being made in the promotion of palliative care and in the standards and effectiveness of palliative care. As the Victorian division of the World Federation of Doctors who Respect Human Life claimed in a recent letter to MPs:

> Recent replacement of oral morphine with methadone improves the patient's quality of life …

This is being done now for people who are dying in pain; their lives are being improved. This methadone allows for the reduction in sedation and allows both a higher dose of opiate and more activity on the part of the patient. As information from Palliative Care Nurses Australia demonstrates, the standards of palliative care now possible make it feasible for the vast majority of people to experience a fulfilling and relatively pain-free death.

There is evidence that the more doctors know about palliative care, the more hostile they become to euthanasia. Even in the Netherlands over the last two or three years, the rate of euthanasia has begun to decline very slightly. This has been attributed to the increasing familiarity of many Dutch physicians with palliative care methods.

Research shows that while physical illness is often a trigger for despair, it is the depression and not the underlying illness itself which motivates most of those who are volunteering overseas for euthanasia. Crucially, to quote from an article by leading specialists in the *Michigan Law Review* of last month, those who request euthanasia in Oregon:

> … are [almost] always ambivalent about their desire for death.

What the authors are saying is that it depends on which day you get the patient as to whether they are volunteering for death or not; those who volunteer today may be quite unwilling tomorrow.

The end of life can be traumatic. One of our best features as human beings is to empathise with the suffering of others. Sometimes our empathy is even inflated by projecting onto the sufferer our reaction to what looks really horrible but perhaps is not actually as bad as it looks. In Victoria a person may legally refuse life-prolonging treatment and keep taking only pain relieving medication if that is their desire and their choice. This is entirely proper, because in such a

situation the patient will be killed by his or her illness and not, as proposed by this bill, through the intervention of another person.

The passage of this bill would have a wide range of profoundly detrimental effects. It would diminish the protection offered to the lives of all people that is provided by the law and the social attitudes to which the law contributes. As explained, the bill, even as presently written, will allow people who do not genuinely volunteer, to be killed. Even beyond that, the bill's safeguards, although initially observed, would weaken over time.

There are likely to be other long-term consequences that we cannot yet envisage. We can be sure that these consequences will be pernicious, because they will emanate from initiatives which, while nobly motivated, are wrong in principle. It is wrong in principle to deal with the problems of human beings by killing them.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I do not intend to give a set speech on this bill this afternoon. I would like to make some remarks as the notional lead speaker for the Liberal Party and then proceed to put my own views on the record. The purpose of the bill is fairly straightforward. It establishes a regime by which a person suffering an illness can seek physician-assisted dying, it lays down the conditions under which a doctor may provide that assistance and it establishes civil and criminal immunities for those practitioners who provide the assistance.

The key elements of the bill are set out in the first clause, which identifies the parties for whom this entitlement will be created, being adults of mental competency who are suffering from a terminal illness, so defined, or an incurable illness and who are suffering in a way that is intolerable. The bill by way of definition sets out what these key elements mean. With respect to 'intolerable suffering', the bill provides that intolerable suffering is profound suffering and/or distress, whether physical, psychological or existential, that is intolerable to the patient. It provides that an incurable illness is an advanced illness which is incurable despite all reasonable and available medical treatment but is not a terminal illness. A terminal illness is described as an illness or condition that according to reasonable medical opinion is likely to result in the sufferer's death in the foreseeable future. Those are the key elements identifying the parties that can make use of the bill before the house this afternoon.

Clause 5 of the bill sets out the process that is to be followed by a sufferer and the associated medical practitioners if a person is seeking to be assisted under the legislation. While clause 5 refers to a treating doctor providing assistance, the key operation of the bill hangs on the definition of 'assistance', which includes:

> … any one or more of: the giving of information, the prescribing of a drug, the preparation of a drug, the providing of a drug, and the providing of assistance to the sufferer to ingest a drug. It does not include assistance by injection through a needle.

The operation of clause 5 and that definition provides that a person suffering intolerably from an incurable or terminal illness can seek assistance to receive a drug that would end their life.

Clause 7 creates certain immunities. It creates an immunity for the person who is the treating doctor from either criminal prosecution or civil action. It creates an immunity for a nurse or health-care provider or an appointed agent who acts under the direction of the treating doctor. It creates an immunity for the pharmacist who fills the prescription that has been created by the treating doctor. It also creates an immunity for any person who is present at the time when the sufferer ends their life.

Those are the key provisions of this bill. This bill has generated very strong feelings throughout the community, both for and against it, and strong feelings in this Parliament, both for and against. I place on record that members of the Liberal Party will exercise a free vote in determining their position on this legislation. I would like for the record to commend Robert Clark, the shadow Attorney-General in the other place, who has had responsibility within the Liberal Party for the carriage of this bill. Robert has generated extensive work in undertaking briefings for members and providing briefing papers. By virtue of being in the other place he may or may not get the opportunity to put his own views, but he has done substantial work within the Liberal Party to prepare members on this side of the house for this debate, so on behalf of members on this side of the house I place on record our thanks.

I now turn to my own views on this legislation. With my beliefs and the reality of being a healthy 34-year-old it is difficult for me to personally accept the concept of assisting someone to die or of seeking assistance to die. However, I accept and respect that there are people of different beliefs and in different circumstances who, due to their suffering, seek to end their lives. As members of a society we should feel compassion for people who are in those circumstances. When I undertook consultations in my electorate with a wide range of people to solicit views on this legislation

I heard the story very recently of a person who is suffering from a Parkinson's-like illness, a palsy which is a condition worse than Parkinson's disease. It is a degenerative illness that ultimately leads to the brain losing control of the body. It is a progressive illness that starts with impaired mobility and leads to things like an inability to control where a person's eyes focus, difficulty in eating, inability to chew and ultimately to the complete loss of control of bodily functions.

The issue for that person is not one of pain and it cannot ultimately be dealt with through palliative care. In that example the person recognises that they are going to end up in a situation of complete loss of human dignity due to a complete loss of control over bodily functions. As a member of Parliament I find it hard to argue that my personal beliefs should override the desire of that person in those circumstances to end their suffering when they feel the time is right. Despite the lack of a legislative framework, though, we accept that in days past — and in reality in days future — medical practitioners and families have intervened and will intervene to ensure that people who are suffering in those and other types of circumstances do not continue to suffer. I hope that that will continue to be the case, because as a member of this place I have never believed that legislation is the answer to all of society's ills. All too often we as a community say the government must do something and that something must be legislated for — we must rush legislation through the Parliament.

I think that quite often legislating is contrary to achieving the outcome that we as a society are seeking to achieve. I accept the intentions of the sponsors of this bill, but I believe this may be an occasion when attempting to codify a situation through legislation causes more problems than it solves. We must remember that this debate is not about whether we accept the concept of physician-assisted dying; the reality is that this debate is about this legislation, warts and all. Despite my most personal misgivings I recognise and respect the legitimacy of people who are suffering with a terminal or incurable illness to seek an end to their suffering in the only way that is available to them. However, I cannot extend that acceptance to supporting this bill, which I believe contains a number of significant flaws that I would like to now address.

The first of those flaws I turn to is clause 9 of the bill, which relates to the duty of a doctor when declining to provide assistance. I accept the argument put by Ms Broad — and indeed wholeheartedly endorse it — that we should not allow our personal beliefs to override the beliefs of other people who would seek to avail themselves of achieving an end to their suffering. But equally I am concerned that clause 9 creates an offence for a doctor who opposes the concept behind this bill if that doctor fails to advise a person seeking assistance under this bill that other doctors may be willing to assist. My view is that that shifts the balance too far the other way. I do not believe it is acceptable on such a significant matter of conscience that we impose such a requirement on medical practitioners that they face a criminal penalty if in objecting to assisting a person themselves they do not advise that person that others may be willing to assist them.

I also have grave concerns about clause 11 of the bill, which provides that:

> A person who knows or should reasonably know that a sufferer has ingested a drug to end his or her life under the provisions of this Act must not resuscitate or attempt to resuscitate the sufferer.

I find it impossible to support a clause that sends a message to our society that it is a criminal offence to attempt to resuscitate a person who has lapsed into unconsciousness as a consequence of an action allowed under this bill.

It sends the wrong message to our society to say that we would under any circumstances make that a criminal offence punishable by a $100 000 fine or imprisonment of up to five years. To a certain extent I understand why it is in the bill. Presumably under this bill if a person has pursued ingestion of a drug they do not intend to be resuscitated, but creating a serious criminal offence of attempting to resuscitate someone simply goes too far.

The next area of the bill where I have concern is clause 14, which provides that helpers must not benefit from a person who receives physician-assisted dying. It states:

> A person or health care provider who provides advice in respect of a death under the provisions of this Act, signs, countersigns, witnesses a Certificate of Appointment of Agent, a Certificate of Request, or doctor, nurse or agent who helps the sufferer to ingest the drug, forfeits any financial benefit he or she would otherwise obtain, directly or indirectly, from the death of the sufferer if that death results under the provisions of this Act.

It is clear that the intention of that clause is to prevent people from advising people to avail themselves of the actions allowed under the provisions of this bill and then profiting from that. I am concerned that such a provision also ignores the fact that people who may seek recourse or an opportunity under this legislation to end their life are likely to do that in consultation with their families. In every example I have come across where people have sought assistance to end their lives because of suffering it has been done in consultation with, and indeed with the support of, their families. It

would seem that, presumably as an unintended consequence, this clause would have significant ramifications for anybody who made such a decision in consultation with their families. I do not believe that is the intention of the legislation but it is an undesirable consequence of that provision and it is not something that we should support.

Clause 15 of the bill seeks to ensure that there is not improper conduct in coercing a person to decide to seek physician-assisted dying under this bill. The clause provides that:

> An individual who by fraud, deception or improper influence, procures the signing, witnessing or countersigning signing of a certificate of request, or the ingesting of the drug by the sufferer, commits an offence and forfeits any financial benefit he or she would otherwise obtain, directly or indirectly, from the death of a sufferer if that death results under the provisions of this Act.

My concern with this provision is that it simply does not provide sufficient safeguard. In the course of the last two months I have dealt with two constituent matters in my electorate that have brought me to the view that such a provision does not provide sufficient safeguard. The first was a quite innocuous situation that related to an elderly lady who was in nursing care by virtue of a guardianship order made by the Victorian Civil and Administrative Tribunal. She and her husband were both well into their 80s and her husband was keen for her to return home. Whenever her husband visited her — because it was his obsession, if you like, that his wife return home — the conversations they had would be about her returning home. Whenever the nursing staff spoke to her about whether she wanted to stay in nursing care or return home, after a visit from her husband she would always express the view that she wanted to go home but when her husband was not there she had a different view about whether she wanted to stay in nursing care or return home. That emphasised to me the capacity over time to influence the views of a vulnerable person. In that instance it was not done with any malice or illegitimate intent, but nonetheless it demonstrated that an elderly person can be influenced over a period of time to form a certain view.

The other case was far more sinister. It related to a child of an elderly person who had coerced that person into signing a power of attorney and had then gone on to exploit that power of attorney. That created a huge number of difficulties for the elderly person. Again it was through the influence that the child brought to bear on the parent over a period of time, not in a way that this clause would cover in terms of improper influence, because it was far more subtle than that. As happened in the example of the elderly lady in the nursing home, it was a very subtle influence, but nonetheless it was influence that resulted in both instances in the elderly people making decisions that were not necessarily their own free decisions.

I am concerned that clause 15 does not provide strong enough safeguards against elderly people in particular being coerced into making a decision to seek physician-assisted dying. It has been something that I have seen over the nine years that I have been in this place and dealt with constituent matters. Coming into this place you would not necessarily believe the number of occasions on which families, particularly children, will seek to take advantage of their elderly parents.

I must say that over the years the number of times that has occurred with constituent matters has been quite an eye-opener, and I am not convinced that clause 15 provides an adequate safeguard against that occurring.

The other matter with respect to the bill that I have concerns with relates to clause 16, which outlines the requirement that the treating doctor complete a death certificate. The provision is that the cause of death is to be recorded as the terminal illness or incurable illness that led to the request for assistance. My objection to this is quite simple. My view is that a death certificate should record the cause of death, and if the cause of death is the ingesting of a drug under the provisions of this legislation, that is what the death certificate should record, not an artificially inserted cause of death related to the incurable or terminal illness. I think that would simply give rise to the prospect of corruption. It is a very unfortunate circumstance that we would seek to insert an artificial cause of death on the death certificate. It is not clear to me, frankly, why this legislation seeks to have that done, rather than to have the actual cause of death stated. It is regrettable that the bill seeks to do that.

I am sympathetic to what this bill seeks to achieve and, as I said at the outset, I do not believe that my views and my reluctance to support the concept of a person seeking assistance to die or seeking to provide assistance to die should override the views of those people who legitimately seek that. I do have concerns though, putting aside that concept, with the practical implications of this bill, and as such I cannot support it in its current form.

Mr HALL (Eastern Victoria) — We have a tough decision to make this afternoon. Perhaps it is the toughest decision we have ever had to make in this chamber, in my time at least; that is my view. I think it is the first time that I have actually stood on my feet to participate in a debate genuinely not knowing whether

at the end of the day I will be sitting on that side of the chamber or this side of the chamber. I have consistently been saying to constituents who have contacted me about this matter that I have not made up my mind, and that is still true today. I am actually pleased that it is proposed that the final decision on this bill may well be held over for a couple of weeks, because I think it is important that I at least know the views of other people in this chamber. Collectively we represent the state of Victoria, and we can probably express a view on behalf of those people we represent.

One part of me is saying that in the extreme and limited situations that this legislation applies — where a person is battling with an incurable illness — that person should have the right to end the intolerable pain and suffering they are enduring. On the other hand, however, I am reminded of the precious nature of life itself and worry about the possibility, no matter how remote, of well-intentioned legislation being abused. The decisions we have to make when we are comparing the arguments for and against this legislation are tough.

I am sure we have all received lots of material from different organisations about this piece of legislation, and I have tried to read all of it as carefully as I can. One of the pieces of information that has been brought to my attention through those representations is the claim that about 80 per cent of respondents in Victoria actually support euthanasia in one form or another. I noticed that Candy Broad in her presentation mentioned the Newspoll figure of 82 per cent of Victorians supporting legislation of this nature. My own experience, in terms of consulting with my electorate and family, is that probably that figure is fairly correct. My mother had her 80th birthday recently and I took the opportunity to ask her and quite a number of her friends of a similar age what they thought about this particular piece of legislation. To a person — there was not one exception — they supported the concept of euthanasia. Some of the views that they expressed were that they all pray for a death without suffering and a death with dignity, and they did not want death to be preceded by a long period of pain and suffering and a loss of that dignity. By asking the question and raising the subject I did not ruin the party by any means. In fact it was a concept that the people at the party were delighted to talk about. They had passionate views about it, which they expressed willingly to me and to others who attended that function.

We have experienced a lot of difficulty in making decisions on this matter. Not the least of those is that we do not have any personal experience of it. We can imagine what it might be like to be close to death. We may have the second-hand experience of being close to family members or friends in their last hours — and I guess many of us have been in that position; I certainly have — but members cannot bring any personal experience of this matter to the chamber, and at the end of the day we make a calculated judgement in respect of issues of this nature.

I have to say that I have some genuine concerns with the processes that have been used to get this legislation to where it is today. I only chose one piece of correspondence among many that I wanted to quote, because it was correspondence that went to an issue that I think has not been aired publicly. I will quote from a letter from Mr Ross Carter, chairman of the Uniting Church in Australia, which makes comment on this particular piece of legislation. I will quote the second main point the letter makes, in terms of objections to this legislation:

> The bill has been proposed and prepared by Mr Neil Francis, the president of Dying with Dignity Victoria.

I am not sure whether that is correct or not. Ms Hartland would perhaps be able to explain that to the chamber more fully. I have not spoken to Mr Francis about this particular matter. The letter goes on to say:

> He represents a private single-issue organisation. It has not originated from any broad-based inquiry taking into account the interests of all Victorians, particularly those with a chronic or terminal illness.
>
> Such a wide-ranging inquiry has in fact taken place — the *Inquiry into Options for Dying with Dignity* of the Victorian Parliament's Social Development Committee. This resulted in the Medical Treatment Act 1988 (commonly known as the 'death with dignity' law) whereby a person can refuse life-sustaining treatment. It did not recommend physician-assisted dying (or euthanasia).

But the issue is the process. I think legislation and Victorian statutes best work when there has been some very wide and broad participation in coming to a decision. That is why I have always been a great fan of the old all-party parliamentary committees. They have dealt with some pretty tough issues over time, not in the least the dying with dignity issue that was referred to in that letter.

The consultation process regarding this bill would have been better if it had been broader. An all-party parliamentary committee may have been a more appropriate way. I say that notwithstanding the enormous amount of literature and comments we have all received from people across Victoria. But I feel that only a small minority of Victorians have expressed their opinions about this issue. Perhaps a parliamentary committee or another process would have broadened

the consultation process and more people could have been included in the making of a decision on this matter.

Beyond those issues, I am not sure if the concepts and methods that were applied in this bill meet community expectations. I note with interest Mr Rich-Phillips's contribution and his particular concern regarding some of the clauses. I think his concern is probably, in part, due to the lack of a broad community debate on some of these issues. People have not had the opportunity to consider some of the processes that are outlined in this legislation.

I repeat that it would have been more helpful had the consultation process, notwithstanding the good intentions of Dying with Dignity Victoria or any other group that has assisted in putting this bill together, been broader and inclusive. I repeat that I have honestly not made up my mind on this bill. I am pleased that we will defer the vote on it for a couple of weeks.

My comments during this debate address the concept proposed in this legislation rather than the technical details. We have to overcome and agree to the concept before we can explore the different technical ways those concepts can be enacted. I am not commenting on the particular provisions of the bill to that extent, because I am still at the concept stage of the bill. That is why I will listen to the rest of the debate with much care and get over that stage before looking at some of the technical aspects which may well be canvassed during the committee stage; I may have the opportunity to have further input at that stage.

As I said, this bill involves a tough decision; it will be one of the toughest decisions I will ever have to make. I am conscious of the views particularly of older people in Victoria who I think strongly support the concept of the bill. How that concept is enacted is a matter we can look at in the future.

I look forward to listening to the rest of this debate. I am sure I will get some comments over the intervening two weeks from the public following my comments in this chamber today. I do not mind being lobbied — that is the role of MPs. A conscience vote on this bill has been extended to coalition members. We still have to balance our own conscience with people we represent; it is beholden upon us not to just impose our will but to use that as a steering guide, by all means, and to take into account the views that others have expressed. They have been very diverse, they have been genuine, and they have been passionate. In two weeks time I will come to this house and advise members which side of the chamber I will sit on at the end of the day.

Mr SCHEFFER (Eastern Victoria) — I will be speaking in support of the Medical Treatment (Physician Assisted Dying) Bill. The subject of this legislation goes to the core of our beliefs and values and tests our capacity to exercise sound judgement, not only on underlying moral questions, but also on the meaning and utility of the legislation that is before us.

I started out wanting to support legislation that would help very ill people who are close to the end of their lives to find a peaceful end to their suffering through being assisted to die. But when I saw the text of the bill introduced by Colleen Hartland, I did not think I could support it at first. At that point, the bill seemed to me to be too open-ended, lacking detail and codifications that I imagined would be necessary to safeguard the interests of sufferers and medical practitioners.

But the more carefully I examined the text of the bill, the more I read about the issues and listened to the opinions of experts, the more I reflected on the emails I received from organisations and individuals and considered the views of members of this chamber, the more I realised that the bill, while not perfect, could and should be supported.

Put simply, this bill, if passed by the Parliament, will enable a person who is suffering intolerably from a terminal or advanced incurable disease to end their extreme suffering through ending their life with the assistance of a physician. I believe it is in the public interest to have laws that enable a person who is suffering intolerably, who is deeply and profoundly distressed from the effects of an illness that will inevitably kill them, to decide to end their pain by ending their life. In my view the difficulty lies not in the philosophy or the morality of the question, but in framing the legal provisions that can responsibly give effect to a person's decision to end their suffering through ending their life.

Let us be very clear: if passed, this legislation will apply to a discrete group of very ill people. It will apply to people such as a 94-year-old family friend whose funeral I attended a number of weeks ago who had been suffering from lung cancer for some time. He had been able to get around and was not hospitalised until the last month or so of his life. He refused treatment and, according to his family, suffered greatly notwithstanding the palliative care he had received. This man, who was of sound mind almost to the end, may have welcomed this legislation. He may have taken a drug to relieve his suffering and may have accepted the surrender of his life in the process. If this bill were law at that time, he would have had that option.

But this legislation would not have applied to people like my father, whose suffering lasted for a period of years, beginning with prostate cancer and ending in unbelievably painful bone cancer which had the by-product of a form of dementia. By the time he was crying out in desperation for any kind of end to his suffering, his mental capacities were so diminished that he would not have met the condition of mental competence required in this bill. Instead, his doctors steadily increased the doses of morphine and he died.

Many people have written to me and to other members of this chamber stating that they believe it is wrong for a person to take his or her own life, even when that person is suffering intolerably from an illness that will end in their death within a short period of time. Most of these people believe this for reasons that are grounded in religion.

They believe a person does not have the right to relieve their agony by hastening their death by taking a lethal drug, and they believe no-one has the right to assist a sufferer to relieve pain in this way. Yet there is a general acceptance of the provisions of the Medical Treatment Act that permit a person to refuse medical treatment even when it is clear that such a refusal will hasten death as well as end suffering. The objectives of the Medical Treatment Act are to protect a patient's right to refuse unwanted medical treatment and to protect medical practitioners who act in good faith to give effect to a patient's wishes.

The second-reading speech for the Medical Treatment Bill (No. 2) in 1988 referred to the inquiry conducted by the Parliament's Social Development Committee into options for dying with dignity that Mr Hall referred to. The minister's speech noted that the committee's report revealed that:

> … a point often arises in the treatment of, for example, the terminally ill or the frail aged where the emotional cost and suffering associated with further medical measures designed to sustain life are worse than allowing the patient to die peacefully. The patient may express a desire not to be the subject of continued medical treatment, especially where that treatment involves highly invasive and painful procedures or permanent attachment to life-sustaining equipment.

It is important, of course, to recognise that the intention of the Medical Treatment Act is not to establish a right to die. The second-reading speech referring to that legislation is very clear on that point. It says:

> While the Social Development Committee concluded that it was neither desirable nor practicable for any legislative action to be taken establishing a right to die, it did propose that there be legislation relating to refusal of medical treatment …

So the Medical Treatment Act enshrines in law the right of an individual to decide whether or not to undergo treatment and to be allowed to die — the words used in that second-reading speech. It recognises that only the sufferer of an illness can make decisions about their medical treatment, and that right to make such a decision cannot be assumed by a medical practitioner or by any other person, even where the decision to refuse treatment will shorten the sufferer's life and allow them to die. In refusing treatment a sufferer decides that he or she does not wish to have their life prolonged because the effect of the treatment is unacceptable to them. As a community we have enacted a law that proclaims their right to make that decision. I believe if a sufferer has a right to decide that he or she should be allowed to die, he or she should also have the right to decide at the extremity of their endurance to take a drug that will relieve their pain by ending their life. I do not minimise the gravity of this measure, but I believe we have a responsibility to those who endure dreadful and intolerable suffering at the end of their lives to permit them to decide the matter for themselves. I believe this to be justifiable and humane.

The question concerning whether a person has a right to suicide has been examined and written about by philosophers since the dawn of history. Like other members of this chamber, I too have pondered these questions. However, I believe the issues underpinning this bill are far narrower because the bill is not concerned with the right of people to suicide but with the relief of extreme pain and suffering that will end in death. In my view a person can believe, on religious or moral grounds, that suicide is unacceptable and they can also support the provisions of this bill. I do not believe that supporting the humane objectives and provisions of the bill are in themselves inconsistent with the view that suicide is not a right and that people who wish to commit suicide should be dissuaded from doing so.

The issue here is about an individual's right to end their life at the time of their choosing so as to end a suffering they can no longer endure. The tenor of some of the emails I received from people who opposed the bill suggest that they believe the present state of affairs is acceptable and that the introduction of legislation permitting assisted dying would undermine and change the role of a doctor from being someone who heals and cares to someone who takes life. These writers said that the introduction of this legislation would put at risk the care and wellbeing of our most vulnerable and dependent patients and the respect and value that society places on human life.

Someone wrote that in the Netherlands there has been an alarming 1000 deaths per year which occurred without the patient's consent. I looked up where this assertion originated and found it comes from the Remmelink Commission of the Netherlands that was conducted in 1990. It found that those 1000 deaths involved the administration of drugs with the intention of ending the patient's life without the patient's request. Those 1000 deaths represent 0.8 per cent of the total number of deaths registered in the Netherlands at that time. There was also a second nationwide study a few years later in 1995 and the figure there was 0.7 per cent, so it was about the same.

What do we know about deaths involving medical end-of-life decisions in Australia? How does medical practice in this country compare to practice in the Netherlands? A 1996 Australian study that was supported by a grant from the National Health and Medical Research Council looked at the end-of-life decisions in Australian medical practice. The study was conducted by Kuhse, Singer, Baume, Clark and Rickard, and found that:

> The proportion of all Australian deaths that involved a medical end-of-life decision were: euthanasia, 1.8 per cent (including physician-assisted suicide, 0.1 per cent); ending of a patient's life without the patient's concurrent explicit request, 3.5 per cent; withholding or withdrawing of potentially life-prolonging treatment, 28.6 per cent; alleviation of pain with opioids in doses large enough that there was a probable life-shortening effect, 30.9 per cent.

Overall they say that Australia had a higher rate of intentional ending of life without the patient's request than the Netherlands. The authors conclude that:

> Australian law has not prevented doctors from practising euthanasia or making medical end-of-life decisions explicitly intended to hasten the patient's death without the patient's request.

So the present state of affairs seems on the basis of this study far from satisfactory. In the Netherlands 0.8 per cent of deaths involved the ending of a patient's life without the patient's concurrent explicit request, whereas in Australia this figure, the study found, was 3.5 per cent. It may well be that the provisions contained in this bill will improve the situation and help reduce the number of instances where a patient's life is ended with the patient's explicit request by more than two-thirds to a level achieved in the Netherlands. This is clearly in the public interest.

Our job as legislators is to ensure that the provisions detailed in the Medical Treatment (Physician Assisted Dying) Bill establish a clear and unambiguous procedure for a sufferer to be helped to end their pain through ending their life. It is critical that the steps laid out in the legislation safeguard the integrity and autonomy within the law of each of the individuals involved.

The purposes of the bill are clear: recognising a suffering person's right to ask a doctor to help them end their life peacefully, to grant immunity from liability in criminal, civil and disciplinary proceedings to a doctor who assists a sufferer in accordance with the legislation and to protect individuals against an abuse of rights. The provisions in the bill are modelled on the Death with Dignity Act from the state of Oregon in the USA, and both the Oregon act and the present bill have similarities to the Termination of Life on Request and Assisted Suicide (Review Procedures) Act enacted by the States-General of the Netherlands. While there are some variations in the three pieces of legislation, their objectives and procedures are similar. The critical part of all three pieces of legislation is the part that deals with the steps that must be followed in processing a sufferer's request to be assisted to end their suffering by ending their life and in a doctor providing that assistance.

In the present bill these steps are set out in proposed section 5, conditions under which the treating doctor may provide assistance. All 19 conditions must be satisfied before the treating doctor can comply under the proposed legislation. The first three conditions require that the treating doctor is not related to the sufferer, is satisfied that the sufferer has lived in Victoria for 12 months and that the treating doctor is satisfied that the sufferer has a terminal or incurable illness causing intolerable suffering. The condition in proposed section 5(d), as I understand it, will be amended by Colleen Hartland, and the condition in proposed subsection (e) is that the treating doctor is required to advise the sufferer about the illness and its implications, including treatment options, such as palliative care, as well as ensuring that the sufferer has consulted with a palliative care practitioner to work through the kinds of services that are available to the sufferer. The condition in proposed subsection (f) provides that the treating doctor must be aware of or be satisfied that the sufferer does not find any other available treatment to be acceptable, and the treating doctor must also be satisfied that any of those available treatments are unlikely to relieve the patient's intolerable suffering.

This point is underlined by the next condition in proposed subsection (g), which is that on the basis of the information provided, the sufferer must signal a clear intention that he or she wishes to end his or her life. The condition in proposed subsection (h) requires the treating doctor to be satisfied on reasonable grounds

that the sufferer has made his or her decision freely and after due consideration.

From this point the bill deals differently with, on the one hand, a person who is suffering from a terminal illness and, on the other, with a person who is suffering from an incurable illness. The condition in proposed subsection (i) deals with the sufferer of a terminal illness, defined in the bill as a condition that 'is likely to result in the sufferer's death in the foreseeable future'. The treating doctor in this instance has to be satisfied, again on reasonable grounds, that the sufferer is mentally competent.

If the treating doctor has any suspicion that this might not be the case, then he or she needs to obtain the opinion of a psychiatrist that the sufferer is not suffering from a mental illness, that the sufferer's decision is not the result of a mental illness and that any treatment for a mental illness that the sufferer may have would be unlikely to alter the sufferer's decision.

In relation to a person suffering from an incurable illness, the condition in proposed subsection (j), the treating doctor is required to directly obtain an opinion of a psychiatrist on the mental competence of the sufferer, as well as arranging a consultation with a palliative care doctor and then waiting for a 14-day cooling-off period before proceeding. A person with an incurable illness must endure intolerable suffering, contained in proposed subsection (c), for 14 days prior to the treating doctor being permitted to act on the sufferer's request. This disparity presents a difficulty.

During the briefings I attended on the bill I was advised that because a person with a terminal illness is likely to die more quickly than a person with an incurable illness, it is unreasonable to impose a 14-day cooling-off period, and that the condition in proposed subsection (i) is intended to accommodate this greater urgency. The second-reading speech also makes that point.

However, it seems to me that the relevant issue here is not how long a sufferer can be expected to live, but the intensity of their pain. The condition in proposed subsection (c) states that the treating doctor has to be satisfied that the terminal or incurable illness is causing intolerable suffering, defined in the bill as 'profound suffering and/or distress, whether physical, psychological or existential, that is intolerable to the patient'. In both cases, terminal and incurable, this condition of intolerable suffering must be met, and it is this intolerable suffering that the bill enables the sufferer to relieve.

Making the distinction between 'terminal' and 'incurable' and requiring a person with an incurable illness to remain in a state of intolerable suffering for a further two weeks seems to me to be placing unnecessary stress on a patient who has met all the other 18 conditions the bill requires.

The conditions listed in proposed subsections (k) through to (r) deal with the processes relating to the signing of the sections of the certificate of request, impose additional requirements on the treating doctor and require the independent doctor to review the sufferer's medical condition, re-examine the sufferer and satisfy himself or herself that the conditions for providing assistance under the act have been met. The conditions also place a responsibility on the treating doctor to provide a copy of the completed certificate to the health care provider where this is relevant.

Finally, as a further precaution, the condition in proposed subsection (r) requires that the treating doctor must have no reasonable grounds for believing that anyone involved in providing assistance to the sufferer, or anyone related to or associated with anyone providing assistance to end intolerable suffering through ending life, will gain a direct or indirect benefit from the death of the sufferer. The condition in subclause (r) places no obligation on the treating doctor to satisfy himself or herself that no-one will gain in the way stated in the condition. There is no requirement that the treating doctor make an assessment; merely that he or she has no reason to believe that there is anything untoward happening and that the sufferer is making their own decision.

I said at the beginning of my contribution that the difficulty lies in framing legislation that can responsibly give effect to a person's decision to end their suffering through ending their life. Taken together, I believe that these 18 conditions place a sufficiently rigorous test on the sufferer and on the doctors who are prepared to provide the assistance.

Clause 7 of the bill provides immunity from criminal, civil and disciplinary liability for the treating doctor for his or her assistance under the provisions of the bill, for nurses and health care providers who assist in good faith under the direction of the treating doctor, for pharmacists who in good faith dispense a prescription issued by the treating doctor under the provisions of the bill, and to any person who is present, provided that they are respectful of the provisions of the bill. This clause, of course, does not relieve professionals from liability for negligence.

Clause 9 makes it an offence for a doctor who feels he or she is unable to provide the assistance a sufferer seeks to fail to inform a sufferer that other doctors may be willing to provide the assistance. Similarly, where a health provider is unable to provide assistance to a sufferer, the provider is required on request to supply a copy of the sufferer's medical records to the new provider. This is an important provision that I believe strikes the right balance between the right of the sufferer to receive advice on the options and the right of the doctor, who may be in a moral dilemma in the face of what he or she is being asked to do.

The code of ethics of the Australian Medical Association (AMA), which is on its website, states:

> When a personal moral judgement or religious belief alone prevents you —

that is, the doctor —

> from recommending some form of therapy, inform your patient so that they may seek care elsewhere.

Clause 9 strikes a fair balance between the personal moral position of a doctor and his or her responsibility to ensure that a patient has sufficient information to make a decision. It could be argued that the assistance provided for under this bill is not 'therapy', as stated in the code of ethics, but then neither is refusal of medical treatment provided for under the Medical Treatment Act. I think the meaning of the AMA provision is clear: doctors need to be able to step outside their own moral or religious positions so as to be able to assist their patients find appropriate help elsewhere.

Clause 19 requires the state coroner to prepare an annual report to the Victorian Parliament setting out the nature and frequency of assistance and deaths that take place under the legislation. I expect that further work will be undertaken to ensure that sufficient data is collected to ensure that the intentions of the legislation are achieved and that future practice can be improved.

The Netherlands' Termination of Life on Request and Assisted Suicide (Review Procedures) Act provides for the establishment of regional review committees consisting of legal specialists, physicians and experts on ethical or philosophical issues. A review committee assesses whether a physician who has assisted a patient to end his or her life has done so in accordance with the requirements of due care. A review committee may request a physician to supplement his or her report where the committee needs further information to satisfy itself of the appropriateness of the physician's actions. A regional committee has the responsibility to report any failure on the part of a physician to the appropriate authorities for further action. This kind of review process could be considered in the future, if this bill passes into law, to strengthen the legislation.

Along with other members, I have received many emails and letters on this legislation. Some of the writers have said that they do not believe human beings have the right to alter the natural process of death. Most of these writers believe that human life is sacred and that the determination of the time and circumstances of death rest with a deity. Others believe that, besides being morally wrong, it is not possible to frame legislation adequate to the task, or that the legislation is a cover for legalising suicide, or that opening the issue will precipitate a series of qualifications and adjustments that will inevitably compromise the ethical medical principles that currently protect the sick and the vulnerable.

There is also a fear that the legislation will bring about a climate in which vulnerable people will be pressured to request help to end their lives and that the legislation will usher in a new concept of a duty to die. These writers have tended to focus on the death of the sufferer rather than on the patient's intolerable suffering and their right to relieve it through dying when in their opinion there is no option.

Susan Sontag wrote that death is part of the dignity and seriousness of life. I find it unacceptable that our present legal neglect allows our fellow human beings, in the name of the sanctity of life, to languish day after day in unspeakable pain until someone else in the health care system, under the radar so to speak, makes an end-of-life decision for them. There is no dignity or seriousness in this.

In conclusion I would like to acknowledge the many people with expertise and backgrounds in law, medicine, philosophy, ethics and religion who have written in support of the legislation and see it as a step in the right direction. I share their conviction that this legislation recognises the right of a sufferer to decide when they have endured enough pain and when they wish to end it.

I would like to acknowledge especially the great work of Dr Rodney Syme and pay respect to his broad experience, deep compassion and strength of mind. I have learnt much from Dr Syme and I have found his book, *A Good Death*, an important resource. I would like to thank also Neil Francis, the president of Dying With Dignity Victoria, who has worked long and hard to promote a better understanding in the community of the important issues involved in this legislation. I commend the bill to the house.

The PRESIDENT — Order! While I accept this is an extremely sensitive debate for all members of this house, and indeed for the public at large, I do not feel I ought to extend any latitude at all to the rules and practices of the house in terms of conducting the debate. I refer, of course, to the slavish reading of notes. It is not restricted to a particular member. There have been two, possibly three, members that I have been alerted to who have done nothing but read their notes verbatim. That is not debate. I remind all future contributors about my previous rulings, that when they speak they can refer to copious notes or references. Members know the rules of debate, and I ask them to abide by and comply with them.

Mrs COOTE (Southern Metropolitan) — Although interest groups, individuals and the media have all concentrated on the dying aspects of this bill, I believe it is more about dignity than it is about dying, and thus I will be supporting it. Each of us has within us a threshold, a level of what we feel we can deal with. As members of a society we rarely think or discuss how we want to be at the very final moments of our lives.

As many of my colleagues have said here today, this is a very uncomfortable bill. It pushes us as legislators and as individuals to search the very core of our beliefs and values to decide what is right ethically. It is not a decision that is taken lightly, and I admire and respect the views of people whose opinions differ from mine. I thank everyone who has contacted me to express their concerns about the bill and indeed those who have expressed their support for the bill. We live in a democracy and a vital and healthy part of that democracy is the right of an individual to express their personal views. Many of the people who have expressed their views to me will not agree with the approach I am taking, but I hope they understand that this is not a decision I have taken lightly, and that I have spent a great deal of time in coming to my conclusion.

I want to record my praise for my colleague Colleen Hartland for her courage in bringing this bill to the Legislative Council. Her second-reading speech is professional and comprehensive, and I commend her for the research she conducted and the detail she included in it. I want to place on record also my thanks for the information provided on a continuous basis by Neil Francis and the Dying With Dignity Victoria organisation.

As I said, this is not a decision I have taken lightly. In fact, this was one of the very first issues I was confronted with in 1999 when first elected as the member for the then Monash Province. I was first approached by a constituent whom I admire. Initially I was surprised by the stance he was taking towards euthanasia. He explained his personal experience and encouraged me to spend time and effort in researching this vexed issue. I did this against a background heightened by media hype about euthanasia and fuelled by Philip Nitschke and his controversial methods. I do not agree with Dr Nitschke's sensationalist approach, but he has been consistent in raising debate on this issue over the years, and for that he is to be commended.

Not long after my first involvement when I had started to take note of the issue and indeed had taken the point of the person I admired so much and was beginning to research it, I was next approached by another constituent, Dr Rodney Syme. At that time I had a series of long and comprehensive meetings with Dr Syme in which we discussed euthanasia. Many members have received a significant amount of information from Rodney Syme, so I will not elaborate on the details of his opinion, but I would like to quote the following paragraph from his book, *A Good Death — An Argument for Voluntary Euthanasia*, which has a foreword by Pamela Bone. On page vii the foreword encapsulates what Dr Syme believes:

> A right to live does not include an obligation to do so, under any or every circumstance. It is surely true that we can waive such a right, and this is the basis of our autonomy in end-of-life decisions.

I think many speakers today have reflected the views of their constituents who hold just those sentiments.

At this stage in the debate it is important to reflect on the purpose of the bill and some of its elements. As many previous speakers have said, this is:

> A bill for an act to enable a mentally competent adult person suffering intolerably from a terminal or advanced incurable illness to exercise their right to end their life by requesting medical assistance from their doctors, to protect doctors who so assist, to prevent misuse of their ability to assist, and for other purposes.

It is essential to remember that a purpose of the bill is to protect doctors. Many contributors to the debate have already alluded to the fact that doctors and family members agree to end a person's life after consultation and with discretion and a great deal of debate. However, doctors themselves need to be protected, and that is one thing the bill sets out to do.

I would like to discuss the contents of the bill. To help us deal with the bill the parliamentary library prepared for members an excellent paper entitled *Medical Treatment (Physician Assisted Dying) Bill 2008 — Parliamentary Library Research Service No 2*. The paper lists the major elements of the bill:

In order for a sufferer to qualify for physician-assisted dying, all of the following conditions must be met.

As I have already said, the purpose of the bill is to prevent misuse. The paper goes on:

That the sufferer:

makes a request that the treating doctor provide assistance to that sufferer to end his or her life;

be an adult;

be mentally competent at all times;

be informed of the nature of his or her illness, its likely course, and medical treatments, including palliative care;

has had his or her settled or usual residence in the state of Victoria for a minimum of 12 months;

has a terminal or incurable illness that is causing the sufferer intolerable suffering;

has received the advice of a doctor practising in palliative care (and an additional consultation if the sufferer has an incurable illness that is not terminal);

sees no other medical treatment, including palliative care, as acceptable and likely to relieve the sufferer's intolerable suffering;

that the sufferer's decision to end his or her life has been made freely, voluntarily and after due consideration and is not being influenced by a treatable mental illness; and

that 48 hours has lapsed between the signing of part A and part C of the certificate of request (including an additional cooling-off period of 14 days for an incurably ill sufferer).

We must remember, and I charge all those going into this debate from this point onwards to remember, what is in the bill — its thrust and its details. However, it is important to note also what this bill does not allow. I would like to refer to an excellent document prepared by Dying With Dignity Victoria. In this pamphlet it says that the bill does not allow:

Assistance for minors.

Assistance for non-Victorian residents.

Assistance for those of unsound mind.

…

Assistance by injection.

…

Anyone to be compelled to participate or not participate in providing assistance against their will.

…

Prosecution of anyone attending the death for merely being present.

Anyone who signs or witnesses assisting documents, provides assistance, or unduly influences the request for assistance, to benefit financially or otherwise whether directly or indirectly from an assisted death.

Parts of the debate to date have been very emotive. I believe parts of the debate to date have in fact misconstrued what is, and what is not in this bill. I agree with the speakers before me that it is important to get the details of this bill right, and I suggest that Ms Hartland has gone to considerable lengths to make certain that the issues that have been of concern and which people have raised with her have been addressed. I know she will be presenting some amendments later in this debate, and I believe they address even further some of the issues of concern.

Accurately gauging public opinion on any issue is exceedingly difficult, and opinion polls are probably the best measure that we possibly have to do just that. We see the swings in political polling; in that case we actually get to see the end result because there is an eventual election, and we see whether in fact the polls have been right or not. Measuring public opinion on major issues is a little less transparent but we must take into account what has been noted by the research of our parliamentary library on opinion polls, and what it has quoted the opinion polls as having said.

I read from that excellent briefing paper by Dr Gregory Gardiner on opinion polls. This is the most recent information that we have on political polling. It is important to gauge what the public in Victoria are thinking on this issue at this time, because certainly we have all been bombarded with information from people who agree with this legislation and people who do not agree with this legislation.

There has been a plethora of information sent from a particular organisation by way of just form letters with a top and tail signature; quite frankly, many of the emails presented did not even give us the dignity or the understanding of stating where the originators lived. That is not an appropriate way to approach politicians. Most of us as politicians put an enormous amount of detail in the replies that we send, but form letters being sent out in bulk is a very distressing way for all of us to be approached on this issue. I suggest that in many instances it had a counteractive response.

The independent polls that were taken are interesting to read. The following is from the research paper developed by the parliamentary library. It says that Roy Morgan Research in 2002 and Newspoll in 2007 conducted surveys into euthanasia. The briefing paper states:

> Roy Morgan Research conducted a survey of 1232 people aged 14 years and over around Australia and found that 73 per cent of respondents thought that doctors should be allowed to give a lethal dose to hopelessly ill patients who were without hope of recovery.

But more recently than that:

> In February 2007 Newspoll released their report into euthanasia which was commissioned by Dying with Dignity Victoria.

It had a far more substantial group of people that it polled nationally, aged 18 years and over, and found that:

> … 80 per cent of the respondents thought that doctors should be allowed to give a lethal dose to hopelessly ill patients who had no hope of recovery.

This is indicative of what the public at large expects and believes at this stage; as legislators it is very important for us to get the balance right and to understand that we are representing all the views of the communities in which we live.

I, too, have concerns about this bill. My concerns are slightly different from those of some of the other speakers. I was a shadow Minister for Aged Care. Sadly, I had to confront the issue of elder abuse. Elder abuse comes in many forms. It can be emotional, physical, verbal, financial, and it can happen to any family. Victorians have been horrified to learn of the scale and the extent of elder abuse, and it is something that will be heard about more in the future as people begin to be courageous enough to talk about their own experiences.

When I first heard of this impending legislation, with the introduction of this bill, I was significantly concerned about what might happen if family members or friends could find loopholes in this bill and use it against a fragile elderly person or, for that matter, someone who is suffering a terminal illness. It was therefore imperative for me to read through what safeguards were in this bill.

It was particularly important for me to read through and to understand that all the checks and balances had been met, that I was satisfied that there would be no loopholes, and that indiscriminate family members would not find a way in which to cause unnecessary and unwanted harm to people who were frail and did not have the mental capacity to deal with a number of these issues.

My one criticism of this bill is that it does not allow for revision. The need for revision and re-evaluation is very important. We have seen medical technology develop at a very rapid rate, and it is important for us to understand, go back and analyse this bill, and its ramifications, to find out what transpires out of this bill, and to make quite certain that medical technology is keeping up with the expectations that are in this bill. It is important that this is revised on a regular basis by us as legislators. We are going to be responsible for the passing or otherwise of this bill, and it is important that, if it goes through, it contain a clause so that the legislation can be revised and dissected on a regular basis.

I do not believe this legislation will open the door for thousands of people to have assisted dying. I agree with my colleague Johan Scheffer when he said that the passing of this bill will only relate to a discrete group of people. It is my opinion that people live their lives and make significant decisions from the moment they reach their late teens. If people are faced with a terminal illness, who are we to deny them the right to decide what their own personal threshold is? Making a decision about how one wants to die will be the last decision a person will ever make, and it should be their choice. As I said before, this is a bill about dignity. We must allow people to decide at what stage they die with their own personal dignity in place. I commend this bill to the house.

Mr THORNLEY (Southern Metropolitan) — I rise to speak on the Medical Treatment (Physician Assisted Dying) Bill. Perhaps like many members here, whilst I have been loosely aware of these issues for a long time, the arrival of this bill has forced me to consider them in a great deal more detail and try to familiarise myself with the complexities of the fabric of this debate, the history of it and even the personalities that have inhabited this debate. It has also forced me to think deeply about the nature of death and dying and suffering in all its forms, the role of doctors and the role that we as legislators have in regulating the conduct of doctors and creating regimes to deal with these issues. It has forced me, as I am sure it has all members, to question at heart the meaning of compassion for those suffering and how we can ease their suffering.

Before I go any further I want to acknowledge, as I think Ms Hartland did in her opening speech, the many people who are suffering with a terminal and incurable illness. I think we all have a heightened awareness of that suffering as we enter this debate. In the same spirit let me also acknowledge the many people who suffer from depression, from mental illness, from profound disabilities and all the others who may have a special concern with the outcome of this bill. For some in this debate the issues will be deeply personal — those who have lost loved ones through the painful process of

seeing disease gradually take away their health, their quality of life and ultimately the person that they love, sometimes in deeply distressing circumstances that none of us would wish upon anyone.

Earlier this year members of my own family spent weeks in the critical care unit of Bendigo hospital supporting my father-in-law as he fought a losing battle. Ultimately we faced the moment when his life support was switched off and he passed. I have been through similar situations with close friends, and I know many in the chamber have been through all this and worse.

These experiences are never far from our minds as we as legislators try to put ourselves in the shoes of our constituents and, as best we can, create a legal framework that supports the relief of suffering. However, we know that no matter how perfectly we attend to that task and no matter how perfectly the medical profession and health professionals support their patients, suffering will continue in some form and families and loved ones will experience profound sadness and grief in support of their loved ones and in mourning their passing.

This bill has been accorded a conscience vote by all political parties. However, I think it is important to be clear that the purpose of a conscience vote is not simply to consult one's own conscience. Perhaps Mr Rich-Phillips's phrase of a 'free vote' is a more useful one. People are not bound by party discipline in this matter, but we are here as legislators to consider legislation on issues literally of life and death. Whilst we certainly consult our consciences in this, as I hope we do in all matters, our job at the end of the day is to ensure that if we pass a piece of legislation, the net impact of that legislation will be superior to the status quo. I am not convinced that arguments about what is wrong with the status quo — as there are always things wrong with the status quo — are in and of themselves arguments in favour of any specific reform to that status quo. We need to consider each legislative proposal on its merits.

Before I refer to the bill specifically, I want to reflect on the context in which this debate is set. This has come to me at least in the last few days and weeks, as we have been considering this bill in some detail. The first thing that is clear to me is that this is not a new debate. This is one of the oldest debates around. It seems it has hardened over time into a contest with vocal extremes on both sides and a general unease in the middle. The vocal extremes trade barbs and statistics. They try to characterise their opponents in the most odious fashion. Both sides have professionalised their approach in recent years and adopted all the tools of modern political campaigners — emotive language, compelling narratives with heroes and villains, media manipulation and George Lakoff-style framing of the issues. We all know that anyone greatly zealous about their political cause can lose their objectivity and balance about an issue. We have seen that from both extremes. There is no great harm in that. Perhaps many worthy reforms would not have occurred without such zealots or crazy reforms may have passed without such opponents.

I think all of us in this chamber have been subjected over the past weeks to both extremes, sometimes in quite high volume. Like many members, I have tried to learn as much as I can from history, from the many entreaties I have received from both sides and from talking to many doctors, lawyers, ethics specialists and others about these issues, as well as family members and constituents. I have learnt that this is not a new debate. As I said, in many ways this is one of the oldest debates around. It is at least 3000 years old. While both extremes in this debate can give you their own version of the history of the Hippocratic oath and its use within the medical profession, there is one thing I think all sides could agree on — that the existence of that part of the oath clearly indicates that this debate was alive and vibrant 3000 years ago when the oath was first formed. The very fact that one of the leading advocacy organisations was until recently called the Hemlock Society points to the links of this debate back to Socratic times. Even the technology of terminal medication, while it has evolved, still performs an identical task.

Part of what concerns me is that in some of the debate we have heard and certainly in some of the materials that we have seen, people treat it as part of a wider proxy war on a range of other issues. People try to put this debate into the frame of some setpiece progressive-conservative battle — the scientists versus the religious, the modern versus the traditionalists and so on. I do not find those frames very helpful.

When we debate issues like stem cells, genetically modified crops or assisted reproductive technology, we are dealing with issues where modern science and medicine has moved very quickly and where the issues have changed dramatically. Most of the frame of this debate actually has not been changed in that way. The issues that we confront are actually pretty much the same issues that other legislators have confronted in dealing with this issue coming before them over the last many decades and right back to Socratic times. So I do not think it is helpful for people to try to say, 'This is part of the inevitable sweep of history. These modern issues come forward, and you have to deal with them,

and that is why we have to deal with this issue at this time'. I think this is an issue that has predated all of those technologies and will probably postdate them as well.

Similarly I do not think this is an issue that can be usefully viewed through the frame of various other debates about which we will have conscience votes. Not everyone here did have, but some people had, a conscience vote on the Relationships Bill, and there will be assisted reproductive technology legislation and other bills. Some of those debates have been, at least in the view of those putting forward reforms, informed by learnings in recent decades about our understanding of sexuality, gender, oppression and various other things.

This is not a debate about class, gender, sexuality or science. This is not a liberation struggle. I think that is important. Some speakers have referred, for example, to the research of Ganzini and others in looking at the demographics of the people who have exercised their rights under the Oregon legislation. The lack of demographic change there is somehow supposed to be evidence of there being no oppression of any particular minority group — as if that were the test. I do not think that is what this debate is about. If anything, the trends that have occurred in science and medicine, if they impact on this debate at all, tend in fact to undercut the proposition that there is some inevitability about the passage of euthanasia laws.

The argument is put — certainly frequently in the material I have seen — that this is part of what modern societies do; that Australia should not be held back while others are taking the lead; and that sooner or later this will inevitably happen, and that anyone who opposes this bill is trying to hold back the sands of time. I do not think the historical record would support that, because advances in science and medicine, if anything, are in this case probably militating against the arguments that have been made in this debate by those who support euthanasia.

There is plenty of debate, particularly from those on the extremes of the debate, about where exactly we are with the quality of palliative care, for example, and what that care can and cannot treat and what situations it leaves people in. That will always be debated, but what I think is not debated and could not be debated by anyone is that palliative care is a heck of a lot better now than it was 5, 10, or 20 years ago and that 5 or 10 years from now it will be even better. That is not necessarily an argument that concludes how one should vote on this bill, but I think it is a rebuttal of the proposition that there is an inevitable sweep of history, modernism and science behind these sorts of bills and that this is another one of those bills being swept forward by science in favour of a change in the status quo.

Similarly, I think our understanding of depression and mental illness has grown enormously in recent years, and while medical and scientific understanding has been building steadily in recent years, popular understanding has come relatively recently through the activities of organisations like beyondblue and the courageous admissions of people like former Western Australian Premier Geoff Gallop. While we require both popular and personal understanding as well as medical knowledge to correctly diagnose, let alone treat, depression and other forms of mental illness, those things are only gradually growing. That is another of the significant changes we are going through.

Again this is not in and of itself an argument that concludes one's position on the euthanasia debate but is another part of the trend line that does not support the proposition that there is something inevitable or necessary about this as a consequence of changes in modern society and medicine. In fact if anything it would militate against that.

Likewise we have had a lot of positions put forward that suggest the opponents of euthanasia are religious conservatives, and that opposition to it is a conservative religious conspiracy of some form. While I do not doubt that some people who may self-describe or be described as religious conservatives are opposed to euthanasia, I think that is an unhelpful and, to be honest, fairly disingenuous characterisation of the debate. I was pretty disappointed to read the argument put forward when there were twin pieces in the *Age* a couple of weeks ago in which the author supporting this bill was suggesting:

> … the hierarchy of the Catholic church is the main opponent of reform …
>
> …
>
> The argument against reform is mainly religious …

I do not think that that is true. Whilst it certainly is true that, as I understand it, the Catholic church is opposed to this bill, to try to characterise the opposition to this bill by resorting to that type of framing device — particularly by trying to relate it to other bills such as those concerning abortion and stem cells and so on — has not done this debate any service.

It is instructive that the Oregon legislation, for example, which was passed about a decade ago, has been followed by about 20 similar attempts in a wide range of jurisdictions across the USA, none of which

have been successful. That again tends to militate against the assertion of some form of historical inevitability or sweeping tide of history. It also militates against the framing of this argument as being somehow about religious conservatives and a battle in which you are for or against them. Jurisdictions such as Vermont, New York and California are not Bible Belt jurisdictions, but they all rejected such efforts.

Similarly, Australia, the USA and other jurisdictions are the selfsame jurisdictions that have often passed legislation on other matters that people try to bring into the frame of this debate. So I think that trying to characterise this debate in the way that the author in the *Age* did a couple of weeks ago is at best woefully inaccurate and at worst disingenuous politicking.

Further, when you look at the debate in the federal Parliament a decade or so ago, you see a similar situation. I would not think that people like Lindsay Tanner or Barry Jones would be classed with the religious conservatives. Considering the commentary of the time I think someone like Sir Gustav Nossal, who has certainly upset some religious conservatives and environmentalists with his strong views on genetically modified crops, clearly does not fall into the religious conservative camp but into the scientific secular modernist tradition, if that is where you sit. All those people opposed the euthanasia legislation that was brought forward at that time, as did — and this is certainly not my area of expertise — people who I understand are seen as being on the moderate or more progressive side of the Liberal Party, like Christopher Pyne and Judy Moylan. They all opposed that euthanasia legislation. Some of the people who supported that legislation would be traditionally classed as on the conservative side — people like Peter Reith or Wilson Tuckey — so I do not think it is very useful to try and characterise this debate with simple political pantomime. It is more useful for us to consider the issue at hand.

I think, though, that as we consider this issue we are considering it as many of our other legislative colleagues have over the years. It is instructive — and I may return to this when we look at the results of that consideration — that when they have gone through processes not unlike our own, where the extremes have no doubt vocally voiced their position, where evidence has been gathered, where people have consulted their libraries and consulted their constituents and done whatever, on the vast majority of occasions, at the end of the day, once people have given full consideration to the legislation that has been in front of them, they have rejected it. There have been a small number of occasions where that has not been the case, but in the vast majority of cases, pretty much regardless of political positioning, that has ultimately been the conclusion that the various groups of our colleague legislators have arrived at when they have been asked to support a piece of legislation similar to this.

These bills have been coming forward for some time — multiple decades — and this issue has been considered many times. Again, the contention that there is some historical inevitability about it is not borne out by the facts, including the experience post-Oregon in the United States. Where the Oregon experience has been available to be interrogated by every subsequent legislature and by those who would go to referendum on this issue, in every case those bills have not passed. That has also been the case in other places. The House of Lords select committee recommended against euthanasia laws in 1994, but that body was much modernised and changed by the Blair government over the years, and then in its newly constituted form it reconsidered the issue in 2006 and again rejected the proposition by somewhere near 50 votes.

The Canadian Senate similarly rejected euthanasia laws in 1995, and the decision of the Australian Parliament a decade or so ago is also instructive in this. When the full process had been undertaken, when people had really gotten to know the issue as best they could, had been talking to all sides and been bombarded by all those with a view, the House of Representatives voted against the euthanasia legislation by a margin of 88 to 35. I am not suggesting for a moment that simply because the vast majority of other legislatures have rejected similar bills we should automatically do so. I am simply again trying to get behind the frames that have been put up in this debate that suggest that there is some progressive conservative barrier or some religious conspiracy that drives opposition to this bill and that it is really all about a bunch of people trying to impose their beliefs on everybody else. This bill is much more complex than that, and the issues are much more complex. As you read the debates in other chambers, as I certainly have in the last few weeks and many in this house probably have too, it is abundantly clear that that complexity has come through, although the result in almost all cases has been a rejection of the bills that have been put forward.

Given that history, why is it that these bills seem to get defeated the vast majority of the time, regardless of the jurisdiction or the dominant political persuasion of that time? The answer lies in what I referred to at the beginning of this speech: those of us with a great unease in the middle of the debate, not those who have unwavering convictions from either side of the debate.

When the zealots of either extreme are so certain of their rightness and will use any language twist or discard any fact or decry any enemy in this debate, the rest of us are uneasy. On the one hand we are uneasy with the blanket rejection of the possibility that in some cases there may be no better solution for someone in agonising and untreatable pain than to consider hastening their death, but we are also extremely cautious about the idea that killing people or encouraging or supporting suicide is something that should be widespread. These are complex philosophical issues.

We are also uneasy — I think very uneasy — about the practical challenge of how you prevent abuse by unscrupulous family members, how you prevent temporary distress and being permanently cut off by a permanent decision when that distress may change or that decision may change in the fullness of time, if that person were still alive, and about the signals that those decisions may send to other people who are suicidal but not terminally ill about how they should respond to their own situations. Unfortunately these concerns have not been aided by the framers of this bill. In a sense I suppose that is unsurprising. To have one side of this battle propose a complete solution is unlikely to have it seriously accommodate the concerns of other positions in the debate. Indeed at a more basic legislative level we certainly know that on almost any other issue the idea of considering, let alone passing, a bill that had been drafted by one of the lobby groups on that issue would not be the sort of process that we would normally undertake.

Given that this is a pretty serious issue, literally an issue of life or death, it would be surprising to me that we would consider that it was appropriate in that instance to be doing that, although that is the bill we have in front of us. I cannot imagine why on this, of all issues, we would do that. I have not, in the relatively short time since this bill appeared, been able to reach a personal conclusion about exactly where I might sit on that philosophical spectrum that has been landmarked at either end by the extremes in this debate, but I have felt that I have not needed to do so to reach a conclusion on how I would vote on this bill. It is a bad bill. It bears all the hallmarks of something that has been crafted by a lobby group certain of its own course, fearfully mindful of the attacks of its opponents and rather less concerned with the serious challenges of effective legislative drafting. The more time I spent with this bill the more it appeared to me to be not a balanced piece of legislative drafting but a marketing document for a political cause. Let me talk about the bill itself at some length.

These bills always have a similar generic structure. They require, firstly, some contemplation of who will have access to the capacity to end their lives. That comes right at the heart of all of these bills, and each of them is different. This bill has a wider application, for example, than the Oregon bill. The Oregon bill focused on people with a terminal illness with an expectation of death within six months. This bill has a much wider ambit, to include not just the terminally ill and a longer time frame or an undetermined time frame; it talks about reasonable foreseeability about that terminal condition. Conditions like mesothelioma and others that I can think of are terminal conditions but can go on for many, many years, though death is certainly foreseeable. It widens it considerably to people who have incurable illnesses or at least advanced incurable illnesses, though 'advanced' is not defined, and that creates considerable challenges.

As a result of this widening of the bill to include advanced incurable illness there is also a specific stipulation about intolerable suffering and that that intolerable suffering includes existential suffering. Those things again are a much wider application than other similar bills that we have been asked to consider, such as those in Oregon. There was no provision for the exclusion of people applying on the basis solely of age or disability, but I understand there is a foreshadowed amendment that will change that. But given the existential suffering and related components of this bill, that amendment is largely cosmetic. It does not change the impact of the bill.

Others have spoken about the difficult question of what constitutes an advanced incurable illness, so I will not go into a great degree of detail about that because I think the important question comes not so much just with that but with the question of whether we have people who are indeed able to exercise their free will when they seek to utilise this legislation.

The bill also talks about existential pain as a form of intolerable suffering. There is no doubt that many people, and certainly many ill and elderly people, have at times questioned and do question their own worth and that of their lives. Whether driven by their diminished capacity and quality of life, or poor support from family and friends, many come to the point where they question whether it is worth going on. Most of us know or at times have known people in that position. But the bill says that all people in such a position are candidates to be euthanased provided they are within the class of people who have a diagnosed advanced incurable illness or terminal illness, though it excludes people who may have exactly the same feelings of existential pain but are not in that category.

The Oregon evidence shows us that about three-quarters of people who ended their lives under that legislation were primarily suffering from that form of existential concern. Since existential suffering is by definition in the mind of the sufferer there is little medical judgement that can be brought to bear upon whether it exists or how it may be treated. In a sense it is obvious that if a person says they are suffering existentially to a point that they wish their life was over, then there is not much medical judgement required to determine the veracity of that claim. It is presumably as they have stated it unless of course they are under duress or suffering from a mental illness, and that is part of the primary concern I have, to which I will return in a moment.

When you open up a bill like this, that has a much broader application to people with a wide range of suffering to the possibility that they should be in a position to have their lives taken with the help of doctors, then everybody agrees that it is important we have safeguards in place to ensure that people who should not have been caught up in that legislation are not, and that the proper processes are in place to go through that process.

The proponents of this bill rightly understand that those of us in the uneasy middle of this debate are concerned about safeguards. If we were to create a legal regime where people's lives could be ended, we would want to be pretty damn sure at minimum that it could not be abused or utilised as a permanent solution to a suffering that may turn out to be temporary or changing.

When I reviewed the safeguard provisions in this bill I found them to be somewhat surprising. It was not just that I found the safeguards inadequate, I found them profoundly asymmetrical and profoundly unbalanced. The safeguards for patients against possible error, abuse or negligence were unusually weak compared with similar safeguards you find in other legislative environments for other conditions, despite the gravity of the decision. But at the same time the safeguards protecting euthanasia doctors from any liability were unusually sweeping and powerful.

Let me explain that in a little more detail. For patients who are suffering diminished capacity, a range of decisions can be made. When, for example, there is some question about whether a patient is in a position to have mental capacity to make decisions about selling their home or some other matter, that issue can be referred to the Guardianship Board. That process involves the taking of a range of medical opinions and involves a legal process and some judicial oversight before decisions can be made about what should happen to that person, given that there are concerns about their mental capacity. Similarly, when decisions are made to commit people to institutional care as a result of severe mental illness there is a range of specialised medical judgements made, all of them subject to both professional and judicial review before the decisions are made.

Yet in this case we have patients who may be in the position where decisions are being made literally about issues of life and death. Where there is no such judicial review there is a very limited requirement for professional review other than by the people directly involved in this process, so the protection that a person has against the possibility that that decision is in error or ill informed or driven by a situation of possible depression or mental illness, diagnosed or otherwise, or as a result of duress or other conditions coming from the family is less protected than is the case in the other types of situations I have outlined. Yet the opposite is true for the provisions in respect of the immunity for the doctors in this case.

When I asked a friend of mine, who is a medical negligence lawyer, what they thought of the immunity provisions of this bill, they were quite astonished by what it had. They said something to the effect of, 'Boy, imagine if someone who did a botched appendectomy could show up and say, 'Hey, I've got three pieces of paper; you can't touch me', because with this bill if the euthanasia doctor can produce three signed pieces of paper as part of the administrative apparatus of this bill, these simple pages provide an absolute protection against criminal, civil or professional action.

Doctors and lawyers I spoke to could think of no other area of medicine where anything remotely resembling this level of protection from scrutiny or accountability could be afforded, yet this is a situation where we are asking the doctor to play the most serious role they will ever play — that of overseeing the death of a patient.

I should be specific when I talk about the immunity. Clause 7 provides the immunity and is triggered by clause 18 of the bill upon the production of the formal documents. To be specific, the beginning of clause 18 says:

> In the absence of contrary evidence …

the production of these documents essentially creates absolute immunity. Let us be clear: firstly, there are no requirements under the legislation for the doctor to keep any formal medical records; it requires doctors to make decisions that are reasonable in the circumstances, but they are not required to keep any records or evidence of what those reasonable grounds were. There is no

requirement for the doctors to meet with the long-term treating physician, if that is not the physician who is the treating physician under this bill. There is no requirement for any medical details to be kept that could be scrutinised after the death of the patient.

The bill is also silent on the issue of who has the burden of proof to produce such contrary evidence. If, for example, there were concerns about the conduct of the doctor that resulted in a criminal trial, the accused would have the benefit of presumption of innocence and the right to stay silent.

The other major witness is dead. So as a practical matter there is little likelihood of there ever being any contrary evidence to the production of the formal documents which trigger this extraordinary immunity. It would indeed seem to me there would be a strong incentive for euthanasia doctors not to keep any records which may contain such evidence — there is certainly no obligation for them to do so — since in the absence of such records they do effectively enjoy an absolute immunity. The formal documents rely on the two euthanasia doctors' assessments, and the reasons for these assessments do not have to be recorded. There is no capacity for professional medical review or legal or judicial oversight before the patient dies, or indeed after the patient dies.

So we have the strange situation where a patient has less protection than they would have for far less serious decisions, for example in front of the Guardianship Board or for a mental health decision, yet the euthanasia doctors have far greater protection than any other doctors enjoy in any other situation. That is why I say the safeguards in this bill are highly asymmetric and I think reflect the fact, understandably, that the bill has been drafted by a group which has a particular position on the spectrum of this debate, and is therefore a difficult piece of legislation for us to consider as committed legislators who want to make sure that we do not pass laws that have unintended effects.

Beyond that I think it is also important to ask whether even the safeguards for the patient that are in place in this bill, which in my view are far too slender, will in fact be respected. I think it is a difficult position for the proponents of this bill to contend that we should feel great comfort in these safeguards, even if you accepted that they were effective safeguards, which I certainly do not, on the assumption that they will always be obeyed by the doctors who are implementing them.

The reality is that, historically, for a range of reasons, a significant number of the doctors who are the advocates behind this bill have by their own admission euthanased patients because they believed it was the right thing to do in the circumstances despite the fact that they knew what they were doing was illegal. Indeed some of them have challenged the authorities to come after them to enforce the law which they believe is unjust.

I certainly understand that political activists at various points in time choose to break laws which they believe are unjust, but in this circumstance the bill contemplates quite specifically that the euthanasia capacity that is brought forward in it will be exercised by some group of doctors. We all know that doctors have a wide range of political views, and doctors have a wide range of views about euthanasia. I think it is axiomatic that the doctors who would be implementing this legislation would be people who come from a part of the spectrum that is strongly in favour of the type of legislation that we have here, and that a number of those people, and indeed their most prominent spokespeople, have, by their own admission, taken the view that they should break laws in this area if they do not agree with them.

It is a difficult advertisement for the proponents of this bill to say, 'Just look at the safeguards and everything will be okay' — firstly, when the safeguards are far from okay, but secondly, when the people who will be implementing those safeguards are indeed in some cases the selfsame people who have advertised the fact that they break laws that they do not agree with, and even more importantly, when the capacity for any form of judicial or external professional review, either before or after the death of the patient, is not made available under this legislation.

Indeed this legislation itself and the framers of this bill contemplate the fact that doctors who inhabit various parts of the political spectrum on the issue of euthanasia may not always act out of simple medical judgement but may act out of their own political beliefs. They take the example of a doctor who determines who is eligible under this bill but who may not wish to certify somebody under the legislation because that doctor is an opponent of euthanasia, and they require that doctor to notify the patient, under threat of criminal sanction should they not do so, that there are other doctors who may be able to give a different opinion.

I can understand the proponents of the bill making that case because their concern is that some doctors, in this case, of an anti-euthanasia political persuasion, may subvert their medical judgement to their political concern. Whether or not it is necessary to have a criminal sanction on such a thing, we can debate, but that is clearly in the minds of the framers of this bill, who come from the other side of the political spectrum on this issue. There is no corresponding requirement,

however, where a euthanasia doctor certifies somebody as eligible under the act, for that to be reviewed by anyone else — no requirement that it be referred off or for records to be kept that others could review.

So again, there is an asymmetry about the way the bill acts. It certainly contemplates that people may subvert their medical judgement within the wider context of their political views about euthanasia but it seems to only contemplate that on one side of the debate. I am a superstitious man, and from all of the heat and light that I have seen from the far extremes of this debate on both sides, including the doctors on the far extremes of the debate on this side, I am prepared to concede that I think it is pretty likely that people on both sides of this debate may at times subvert their medical judgement in favour of their political position.

If we are going to be good legislators, we should obviously be alert to that possibility and not consider a legislative regime unless it effectively deals with that possibility at both extremes. This is a highly emotive issue, especially, in some cases, for doctors. Yet we have a bill put forward to us that recognises that reality at one level and for one side of the debate, but completely fails to address it on the other side of the debate, despite the fact that the most prominent doctors in this debate from the pro-euthanasia side have willingly advertised their capacity and willingness to break laws and not uphold the law as it stands.

I will not go into all of the most extreme cases, for instance people like Dr Kevorkian, because I think other people will probably do that, and I may be accused of sensationalising the debate, though it concerns me that even a Dr Kevorkian, if he can provide three pieces of paper, is effectively subject to no scrutiny, regardless of any other possibility. I was also reminded when I read through the material of people like Dr Nitschke, a physician who has been one of the other prominent advocates in this debate.

I am mindful of a troubling case in Sydney in which two women were convicted for their roles in the death of a man who was refused euthanasia by the Swiss because of a lack of mental competence. The women nevertheless procured nembutal for him, though not without first taking the precaution of having him change his will in their favour to the tune of about $1 million about a week before he died. After that case ended and the convictions were recorded, Dr Nitschke's response to the issue of safeguards — and this was a case where there were, at least, real concerns about the motives of the family members — was:

> We'll be advising people not to (declare they have Alzheimer's).
>
> Don't go to your doctor. Don't have the tests done. And if you do have the tests done that show that you're starting to lose mental capacity, make sure it is not recorded.

This is the view of one prominent physician, who is from a particular part of this political debate, about how he would approach the safeguards of any euthanasia legislation. I am not saying that all euthanasia doctors are like Dr Nitschke by any means. That is actually the problem with this debate. A lot of people have been asserting a one-size-fits-all view either about patients or doctors, when it seems to be self-evidently obvious that the real issue is that we have a great diversity of doctors with a great diversity of political views, we have a great diversity of patients with a great diversity of capacities and if we are going to have a legal regime for euthanasia, its toughest test will be to be able to discern the differences between those people and to provide an environment where the diversity of backgrounds does not lead to unjust outcomes.

This leads me to my next concern about this bill: I believe the safeguards are flagrantly inadequate regarding the issue of coercion. In many cases this issue goes to the heart of concerns about euthanasia and it goes to the heart of what I was talking about earlier. Patients are characterised as either, on the one hand, being of the heroic individualist model who, despite their suffering, have a clear mental capacity, a clear right to form a view and do not wish to have their own view about the own life circumstance challenged by others — I do not doubt there are people in that situation; I understand that position and respect it — and on the other hand there are other people who are in much murkier situations, whose positions are not quite clear, whose minds change and who are subject to influences from a wide range of people. That is the challenge. If we are going to write a bill that enables people, whose cause is illustrated by the proponents of the bill, to do as they see fit without the interruption of others, then that bill also has to cope with the much more difficult situation of people whose decisions and positions are far from clear. The issue of coercion is one that troubles me greatly.

It is clear that the proponents of this bill recognise many patients who despite their enormous suffering and troubles have been greatly blessed by loving and supportive families. I am sure that has been an enormous comfort to them while they have been going through this process. Unfortunately not every family is like that. I invite members who think, again, that this one-size-fits-all view of humanity is adequately captured in this bill to spend half a day at the Family Court to see some of the things that families do to each other on a regular basis and to confront the obvious

reality that we all know from our own lives, experience, contacts, friends and acquaintances which is that while there are many loving and highly supportive families, there are also some which have varying levels of disfunctionality and even abuse. This bill needs to be able to cope with those situations as well.

Psychiatric literature suggests that fully 2 per cent of the population are sociopathic by nature. Those people have absolutely no moral compass at all. Unfortunately that 2 per cent — or whatever that number is — inhabit families as well. Our challenge is to cover the full spectrum of humanity, and how it would interact with this bill, with confidence to ensure that people who are highly vulnerable, who are ill, who are in pain, who may be lonely, who are distressed and may be prey to all manner of suggestion cannot be inappropriately influenced. The bill says that it would be a really bad thing if someone inappropriately influenced a person, but provides absolutely no mechanisms whereby that could be detected, prevented or prosecuted. So if this bill goes forth and a regime is put in place, none of those mechanisms will be in any way affected.

As I think some other speakers have said, just a few simple harsh words from a family member to a person already questioning their own worth could be enough to influence their decision. Yet the chances of that person who uttered those words ever being detected, let alone prosecuted — as if there is much point in prosecuting those people when a death has already occurred — is minimal. For every case where there is a person who has a strong will and a clear intention who does not want those things subverted by others to prevent them exercising their freedom of choice, there are many others in the same situation who are not strong and who require support and a system that will give them some protection from people who would do them harm for their own reasons.

Similarly the clause in the bill which has good sentiments about people being unjustly enriched is completely unenforceable. Again, some members, including Mr Kavanagh, discussed that issue in some depth. Most people who are likely to have an effect on an ill person are not covered by that clause anyway unless they are witnesses or agents, except for the very loose connection relating to conversations. That refers to the concern that Mr Rich-Phillips raised whereby, if that provision were tightly interpreted, anyone who is essentially having a conversation could be liable.

There is a whole question of what constitutes a financial reward and how a financial reward would be given up if somebody undertook an action to assist an ill person. If someone was paying for the aged care of their parent and that parent dies, would they no longer have a bill for that aged care? What happens under this bill? Do they keep paying for the aged care? It is not an enforceable provision in that situation, let alone the occasions where somebody may not have simple financial gain in mind but is nevertheless acting in a toxic way towards the suffering person.

Finally, I want to add the conditions of mental illness and depression to my list of concerns. These are difficult conditions to diagnose; even those who have specialist training, practice and qualifications have a range of challenges in diagnosing these conditions. Different types of depression make people act differently. Obviously a bipolar person acts differently from someone who has another form of chronic depression or from people who often have depressive characteristics that have been diagnosed.

Just one example of where the challenge comes here is that these conditions are often temporary. People come in and go out of these phases in their lives whether or not they are suffering from a terminal or incurable illness, but people who are suffering from a terminal or incurable illness may go into a phase where they are deeply depressed or troubled or have some other form of recurrent mental illness. It may or may not be diagnosed and there is no requirement in this case that the physicians be specialists.

There is a requirement that people who are not terminally ill have a psychiatric consultation. There need be only one. To say that it is possible to ensure with any degree of clarity that as little as one consultation with a patient you have never met before will give you sufficient certainty that that person may not have an undiagnosed mental health condition is pretty laughable.

When I reviewed some of the literature on this, I noticed that, for example — and I think this is an interesting example — unsurprisingly a lot of people, upon receiving their first terminal diagnosis or first being informed that they have a condition that will lead to their death, experience a very significant level of depression. Many of them have suicidal thoughts and many of those embrace euthanasia as a potential solution to their concerns. It is also true that many of those selfsame people later in the process pass through that situation and for whatever reason their condition passes or they come to terms with their diagnosis and their family does likewise. In fact the literature shows, and I refer to an article by Owen, Tennant, Levi and Jones in 1992 entitled ‘Suicide and euthanasia — patient attitudes in the context of cancer’ from the journal *Psycho-Oncology*, that the largest proportion of

those patients experience suicidal ideas and are most enthusiastic about euthanasia are at that earliest or first part in their diagnosis — in fact, when their medical prognosis is the most hopeful — and that later the proportion of patients who have those experiences and that condition actually declines, despite the fact that by definition they are closer to death and their medical prognosis is worse.

These positions and conditions can change and, as we all know, the challenge with a piece of legislation on euthanasia is that it is a single event that is irreversible and that people who may make a decision perhaps of strong and free will at the time may also later be in a position where they would make a different decision.

We need to have in place a regime that requires that people are deeply conscious of those situations and have the capacity with a great degree of specialist expertise to understand whether the conditions are treatable. You do not have that by simply defining the words 'treatable mental health condition' in the legislation. You have to have some processes that are likely to elucidate the situation, and in this case we do not have those.

If we are thinking about implementing a regime under which people who are suffering greatly may wish at some point to exercise their free will under this legislation to end their lives, we need to think also about what would happen to people who would have changed their minds later. I notice that in one of the previous incarnations of this debate before the New South Wales Parliament some very rich examples were given of people in that circumstance. If a fellow named Mario Bianco, who had suffered a serious accident at a building site and was in very bad condition, had been offered euthanasia at the time, he would have taken it. Five years later, having recovered, he was no longer in that situation and he was writing to members of Parliament expressing that view. There is also the case of Cecily Miner, who has Behcet's disease, which is a frightening and horrible disease, and who, in the early stages of that disease, would have taken an offer of euthanasia but at a later stage decided she was glad she did not do so. There is the example also of Ian Gawler, who is very well known to many people and thankfully is a cancer survivor. He says that in the early parts of his diagnosis he would have accepted euthanasia but he has gone on to live 20-some years. Indeed, in that debate, those three people and some others were present in the gallery to make sure that the legislators knew that there are people out there who, under legislation framed in this way, would lose their lives but who might subsequently have wanted to retain them.

I do not know that that is an argument that precludes the possibility that that will not happen. That is not an argument of any great comfort to someone who is of a clear view that they wish their life to end and whose view may not change. I simply make the point that if this legislation were to succeed in introducing a legal regime, it would need to recognise the differences. We need to ensure that there were effective processes in place so that, wherever possible, the patients themselves also could recognise those differences, or we will be selling those patients very much short.

I guess my concern about the way that the bill has been framed is that it start outs with a premise. I think it is in some of the words; it talks about the right to die. I understand why it talks about people's concerns to be able to exercise their own free will about their circumstance. What I have tried to do is outline the many cases where it is a little more difficult to determine whether someone is exercising genuine free will and/or whether they are capable of doing so and/or whether that may change.

I think we should be cautious with the use of the rights language. Normally when we talk about rights and human rights, we talk about things which are universal and continuous. This bill does not assume that there is a human right to die that is universal and continuous. That is either because the proponents of the bill do not believe that such a right exists or because they do believe that such a right exists but are politically pragmatic enough to realise that the consequences of putting that into legislation would be that the legislation would not be supported. For example, there is a range of people who are suffering intolerably from existential pain but are not terminally or incurably ill and would not have access to this legislation. If you believe that there is an inviolable human right to die whenever you want in whatever way you choose, then presumably you would argue that that should be the case.

I do not think that this bill actually affirms the notion that there is a universal and continuous right to die. Rather, I think this bill affirms the view which a larger number of people probably hold, which is that in certain circumstances there may no better solution and we may need to contemplate a legal regime that recognises that. But that is not about some universal right to die and it is not about this frame that this is all about people's free will and everybody else trying to oppose that free will. It is a much more complex question.

On that subject — I will conclude shortly, because I know people wish to go to dinner — I make the point again that the very emotive marketing of this bill has

given as an example for why this bill should proceed the very troubling and concerning issue of violent suicide by elderly people. The view has been put forward that if bills like this were to be passed, we would see a lot less of that.

When you look at the Oregon example — the very example we have been asked to look at by the proponents — as it turns out, on the facts that is simply not the case. In Oregon the elderly suicide rate is much higher — two and a half to three times, depending on which age group you look at — than it is here in Australia. Whilst you may say that is because the elderly suicide rate in the US is generally higher than it is in Australia, and that is true, it turns out that Oregon is at the rather high end of those figures in the US, and that is without adding in the people who have exercised their rights under their legislation. But since their bill has been in place, their suicide rate among elderly people has not declined as rapidly as ours has. So the argument that jurisdictions that have this type of legislation afford an opportunity for elderly people who would have committed violent suicide to stop doing so versus jurisdictions that do not have such a legislative regime, simply fails on the facts. This is just not the way it has happened. In fact, for better or worse, the numbers have gone the other way. I think we need to treat with caution that type of very emotive, very concerning and very attractive argument, if it were true. On the only facts we have in front of us it is profoundly not true, and I think we should therefore approach that with caution.

I am aware that we need to conclude, and I will conclude my remarks there. As I have said, I am one of those many people who fall in the uneasy middle of this debate, not at either extreme end. I have not been able to form a final philosophical view on exactly where I fit on that spectrum. I am certainly not yet in a position where I say that there are no circumstances under which I could support a situation where people may be able to end their lives under legislation such as this, but I have not needed to finalise a view on that to deal with this bill.

This is a bad bill. It is badly drafted. It is a bill that was drafted by one lobby group in a very divisive debate. That is not how we should be forming either policy or legislation in these important matters, and I will be voting against the bill and commend that sentiment to other members.

Sitting suspended 6.30 p.m. until. 8.03 p.m.

Mr VOGELS (Western Victoria) — I rise to make some comments on the Medical Treatment (Physician Assisted Dying) Bill 2008. I have listened very carefully to all the speakers before me in the debate, not to mention having taken into account the hundreds of emails, letters, conversations and so forth I have had over the past couple of months, since people knew this bill was coming before the house.

Like the previous speaker before me, Evan Thornley, stated, this debate has probably been occurring for hundreds, if not thousands, of years as people have watched loved ones suffer and pass on, or whatever. Sometimes they have been assisted to pass on with good motives, and I have no doubt that sometimes they have been assisted to die with bad motives. There is no mystery: we are all going to die, and we will die at various ages. I do not intend to spend much time on the legislation; I will spend just 5 or 10 minutes talking about my personal history.

In my family I have lost three brothers, varying in age from a couple of days to 40 years. My wife died of breast cancer in the prime of her life. My father died of a heart attack. I was sitting next to my father at the dinner table, talking to him, when he suddenly stopped talking to me. I looked at him and he had passed on; he had had a massive heart attack, and he did not suffer at all. I always remember my father saying to me that dying never worried him as long as it did not hurt. It did not hurt him, and that was fantastic for him. For us, of course, it was difficult, but in the end we knew it was a great way for him to pass on.

Like everybody else in this chamber I have lost great friends and relatives over the years. As I get older I seem to be going to more and more funerals, and it is usually of someone I went to school with or of some relative or someone like that. I have witnessed and sat with many of these people who have died.

It is interesting that my wife and I became best friends with my neighbour and his wife — I will not mention names. We were both on dairy farms; I had two children, he had three, and they were about the same age. The children played together and the families used to holiday together. On a Saturday night we would play cards and drink a lot of alcohol as well. We had a great time. In those days we often discussed dying. We all said, 'If something happens to me, please don't let me suffer'.

Today I am the only one of the four left. My wife and my two best friends died in the space of about three years — all of cancer. And do you know something? Each and every one of them fought to the last minute to stay alive, even though they had said when they were 100 per cent with it, 'Don't let me suffer'. When my

wife passed on she had had cancer for three and a half years. She weighed only 30 kilos when she died. I still remember the night she died. The doctor came into the hospital to give her some methadone or morphine, or whatever it was, to help her. She opened her eyes and said, 'I only want half that dose'. That is how much she wanted to live — she just wanted half that dose.

I went on in life and one night I got a phone call when I was minding my brother's kids. My brother had gone to Ballarat for a weekend. The Ballarat hospital rang up and said, 'You had better come in. Your brother is in here; he has had a serious accident'. So I drove to Ballarat. I thought 'serious accident': I did not realise until I got there that he was on life support. I said to the doctor there, 'If you turn that life support system off, what will happen to my brother?'. He said, 'If he lives, he will be a vegetable, because by the time we got him in here he had had a huge loss of blood. They put some blood back into him, but he did not know anybody. If he does not die, he will be a vegetable'. So I started praying that when they turned the life support system off he would die, because I knew my brother very well and I knew he would not have wanted to be a vegetable and a burden on his family for the rest of his life. And that is exactly what happened: my brother died.

I have waxed and waned over this bill, depending on the day and who was speaking. I hate seeing people suffer. My mother died last year. She was 93. She had led a wonderful life, but the last six months of her life were terrible. She had lost circulation in her feet and her legs would have had to have been amputated. I thought, 'I wish Mum did not have to go through any of this suffering and that she could just be helped to pass on', because that is what Mum wanted. She believed in heaven. She told me, 'Dad is up there waiting for me; I have got a lot to tell him, and I just want to pass on'. There was no assisted dying. Mum would have loved that, but it did not happen. As I said, I have seen all sides, as we all have in here. I am not saying anything that members do not already know.

At the start I thought I would support the bill — I was sure I would support the bill. But having listened to the speeches, the guy who got to me was Peter Kavanagh. I heard him say, 'I do not want to be a part of somebody else's passing on', and I think that is where I am leaning now. I have already given power of attorney to my kids which says, 'If anything happens to me and I am not conscious and not right to make my own decisions, don't let me suffer. Let the doctors do whatever they have to do. I do not want to be here'. I have told them that. But having listened to the speeches here today I do not have the guts to end someone else's life. Although I understand the good intentions of the bill, after weighing it up and in all conscience I cannot support it.

Mr PAKULA (Western Metropolitan) — I feel the need to disagree with one comment of Mr Vogels. I think he has an enormous amount of guts.

Like other speakers I want to commend Ms Hartland and the member for Bass in the other place for the conviction they have shown in bringing forward this bill. I know they are both extremely well intentioned in doing so, as indeed are the other speakers in favour of the bill. But in terms of the bill itself the test I have applied internally is this: we are dealing with a bill that involves the ending of human life. Moreover, we are dealing with a bill that legitimises actions that would otherwise be criminal. Indeed the purpose of the bill is to provide legislative protection for people who engage in physician-assisted dying. Let us not mince words: were it not for the provisions of the bill, some of the behaviour contemplated by it may well constitute murder, and in those circumstances I think the bill needs to be impeccable. It needs to be impeccable in its drafting, impeccable in its internal logic and impeccable in its protections. I simply do not think it is, and for that reason I am unable to support it.

I have approached this bill slightly differently from other speakers, and I certainly want to thank Mr Thornley for his contribution because it helped to crystallise my own thoughts on the bill as well. But rather than take a general approach to the bill the process that I engaged in was to go through the bill clause by clause to see whether in my own mind it met the test that I had set for it, which is that it is impeccable in terms of its drafting and its internal logic and its protections. The way I want to confront this debate is to go through the bill itself and to indicate where I consider it to be deficient.

For me, the problems start right at the beginning in the purpose of the bill, which talks about recognising the right of a mentally competent adult person who is suffering intolerably from a terminal illness or an advanced incurable illness. 'Advanced' is not defined. I understand an amendment is foreshadowed which will define it, but in some respects it is impossible to define. Some non-terminal illnesses do not advance as such. I think that will always be a difficult concept for legislators to get their heads around, and I think it needs to be read in conjunction with the definition of 'incurable illness'.

I understand the foreshadowed amendment will say something like, 'An advanced stage of illness generally regarded by the medical profession as incurable'. I do

not think the amendment clarifies things. I do not know that the medical profession would have a generally agreed view on what is incurable — for instance, I do not think the definition excludes injury from the definition of ' incurable illness'. Is quadriplegia an incurable illness? I would argue that according to the definition it is. Is paraplegia an incurable illness? Is the amputation of a limb as a result of advanced diabetes an incurable illness? I think by the definition you would have to say that it is. You would have to say that diabetes at the stage where there has been amputation is certainly advanced and is certainly incurable. You are talking about something broader than simply incurable or intolerable illnesses as people would normally understand them.

I want to take up a point raised by Mrs Coote when she talked about public support for this kind of legislation. I do not have any evidence to back up my view on this, but I would suggest that the polls we have read expressing support for euthanasia reflect an understanding in the community that what we are talking about is people with terminal illnesses in the last days or weeks of their lives who are suffering greatly. I do not believe people who say they support euthanasia by and large are expressing a view about people who have suffered amputations from diabetes. I think the bill is drafted in a way that contemplates the provision of assisted suicide for those kinds of cases.

I want to go to some of the definitions in the bill and to some of the issues that I think they create. An 'adult' is described as a person who is 18 years of age or more. I do not have any argument with that; of course that is the readily understood definition of an adult. But I think it is instructive for us as a chamber to recognise and reflect on how many 18-year-olds and 19-year-olds suffer from drug addiction, depression and conditions that cause them to contemplate suicide in much higher proportions than other demographics, and some of those people will also suffer from incurable illnesses. I think it is relevant to that extent.

I am certain a definition of 'assistance' has been included for quite good motives. 'Assistance' does not include assistance by injection through a needle. That sounds okay on the face of it, but what becomes apparent as we go through the bill is that whereas the definition talks about assistance being the providing of assistance to the sufferer to ingest a drug, there is no obligation in the bill for that ingestion to be supervised, there is no provision in the bill for the lethal drug to be kept in any particular way, and in fact both the drug and the prescription for the drug could remain in the possession of the patient for an indeterminate time. These drugs could stay in people's homes while people vacillate and oscillate about their decision for weeks, if not months, with no protection and no security, including in households where there may be children present. Whilst being understandable the definition brings with it other problems that may not have been contemplated.

The definition of 'intolerable suffering' — and I think a number of speakers have made reference to this — is:

> … profound suffering and/or distress, whether physical, psychological or existential, that is intolerable to the patient …

The thing that stands out about that definition is that the intolerability or the profundity of the suffering is totally subjective to the patient and includes, very tellingly, psychological distress. It is important to combine the notion of incurable rather than terminal illness with the notion of profound psychological suffering, because it is not until you put those two things together that we fully appreciate what we are legislating for — that is, a non-terminal illness causing psychological distress to a person. That becomes the threshold upon which a decision to provide physician-assisted death becomes legitimised.

The definition talks about existential suffering. I do not need to tell the house that that is not exactly a medical concept, it is not a concept that has been, as far as I am aware, the subject of a lot of legislation in years gone by, and it is a concept which is somewhat amorphous for us as legislators to be writing into an act of Parliament that will make it easier for people to access physician-assisted dying.

I move on to the definition of 'treating doctor', which is one of the great shames of this bill in that it simply talks about a doctor being:

> … the primary medical caregiver for the purposes of this act.

When you think about that, the implications are stark. We are talking about a doctor who may have absolutely no prior relationship with the patient whatsoever. It does not have to have been their family doctor. It does not have to be a doctor with any knowledge of or any history with the patient, any empathy with the patient or any previous relationship of any kind whatsoever. The first time that doctor may meet that patient might be on the day that the patient requests the assistance of that doctor for the purposes of accessing lethal drugs. In ways that I will go into later, that is a major and fatal failing in this bill.

On issue of the definition of 'terminal illness', people would readily assume it is an easy concept to define,

but the definition in this bill makes it more problematic than it should be, because it talks about:

> … an illness or condition that according to reasonable medical opinion is likely to result in the sufferer's death in the foreseeable future …

What is 'the foreseeable future'? For certain types of illnesses the foreseeable future might be 15 or 20 years away. My grandfather died of mesothelioma. When he was diagnosed with mesothelioma his death was certain, his condition was terminal, but he did not die for more than a decade. I note that this bill, unlike other similar bills, does not suggest that the death needs to be imminent — not within 3 months, 6 months or 12 months — but merely foreseeable some time in the future.

It also goes to the question, given that the time lag might be so long, of how one defines 'terminal'. Does one define the condition as terminal if the patient is not treated, or terminal even if the patient is treated? There are some diseases which, if left untreated, are most certainly terminal — almost any form of cancer — but if properly treated may not be terminal, and that patient may go on to lead a long life.

The defect is the looseness of the definition in that 'terminal', rather than being the point at which all treatment options have been exhausted, where every type of medical care, every type of medical treatment has been given and has been proven to be unsuccessful, we are simply talking about an illness which will lead to death at some time in the foreseeable future. Again, that is a fatal flaw in the bill.

Moving on to clause 5, 'Conditions under which the treating doctor may provide assistance', the condition in subclause (c) is that:

> … the treating doctor is satisfied on reasonable grounds that the sufferer has a terminal or incurable illness that is causing the sufferer intolerable suffering …

Once again we see that the doctor does not exercise any judgement of their own in that circumstance because it is by the fact of causing the sufferer intolerable suffering rather than by any objective test. The doctor does not exercise any independent judgement about what is intolerable. The doctor, in the circumstances, has to accept the patient's view. As I said previously, there is no requirement contingent in that position for the patient to have undergone treatment or care to relieve their suffering, and in fact there is no obligation at all for the sufferer to undergo any medical treatment whatsoever, because if you go on to clause 5(f) as another test, it states that:

> no medical treatment, including palliative care, is available that is acceptable to the sufferer …

It is not the case that all avenues have been exhausted. The sufferer can simply say, 'I choose not to exhaust any of the avenues because they are not acceptable to me'. People might scoff and say, 'How likely is that to happen?'. It might not be likely in many circumstances, but London to a brick, there will be circumstances where a patient, upon receiving a diagnosis, chooses not to follow it and simply says, 'I am not prepared to go through this; I am not prepared to put up with the pain, the uncertainty and the suffering. I want to end it now'.

As we go on, we also begin to understand that, particularly given the definition of 'intolerable suffering' being psychological and existential, there is actually no requirement that there be physical pain and no requirement that the physical pain is such that it cannot be alleviated, because the bill is so broad and because it brings in the concept of psychological and existential distress.

Clause 5(h) deals with the notion of whether someone comes to this decision freely and voluntarily, and whether due consideration has been given. As Mr Thornley and other speakers have said, that is a provision that assumes the functional nature of families. It assumes the absence of direct pressure; it assumes the absence of subtle psychological pressure. Quite frankly, I do not know how the treating doctor would know. I do not know how the treating doctor would have any idea what sort of pressure, whether it be direct or psychological, a patient has been put under, particularly since this doctor may have never met the patient before in his or her life.

Clauses 5(i) and 5(j) go to the issue of mental illness. I found clauses 5(i) and (j) to be surprising provisions. The first thing we need to recognise about these provisions is that in many cases the treating doctor may be a regular general practitioner. I am not sure how the proponents of the bill would expect a general practitioner to be able to detect mental illness. There is no requirement for that general practitioner to have any expertise in the field. In many cases depression is extremely difficult to detect in any event. It also assumes certain things about the doctors concerned and whether the doctor is on the lookout for mental illness and mental distress.

Mr Thornley has already made the point that there are those in the profession who believe very strongly in the right to die. They believe that it is the patient's right, in any case. I want to go to this question of the role of a psychiatrist set out in clauses 5(i) and 5(j). One of the

provisions of clause 5 that disturbs me is this: under clause 5(i)(iii), if the doctor believes the sufferer may have a mental illness, then the doctor has to obtain an opinion from a qualified psychiatrist that the sufferer is mentally competent. Clause 5(i)(iii) states the following instance:

> any treatment of the sufferer's mental illness is unlikely to alter the sufferer's decision …

If that is found to be the case, then the suicide will be allowed to proceed.

Let us stop for a moment and analyse that. What that provision is saying is that, even though the sufferer may be mentally ill, even though the psychiatrist finds that the sufferer is mentally ill, so long as the sufferer says that treating that mental illness is not likely to change the sufferer's mind, euthanasia can proceed. Any legislation that says that it is okay to provide physician-assisted suicide to people we know to be mentally ill is a very dangerous step for this Parliament or any Parliament to take.

Clause 5(j) is supposedly a greater protection, because we are talking about incurable illness, but on reading it again it is okay to proceed with the physician-assisted suicide if either the mental illness is considered not treatable or it is considered not to influence the decision of the person to proceed. Again, even in the case of non-terminal but incurable illnesses, mentally ill people will have access to physician-assisted dying, provided the psychiatrist says, 'I do not think it is treatable' or, 'If it is, in any case I do not think it will change the patient's mind'.

We then go to the question of the independent doctor. This is again in the case of incurable illnesses, not terminal illnesses, because there is no obligation for an independent doctor to be brought in in the case of terminal illnesses. My question is: how independent is the doctor? I understand that there is a foreshadowed amendment, but even with it I think you could drive a Mack truck through this provision to the extent that, whilst the independent doctor cannot be supervised by, employed by, trained by or answerable to the treating doctor, nothing in the legislation says it cannot be a partner of the doctor, or another doctor in the same clinic as the treating doctor, or another doctor who might be a member of a group of doctors lobbying for physician-assisted dying.

The notion of independence is there to assuage those who might be concerned about the bill — those Mr Thornley described as 'in the middle' — but I do not think it does that at all. The requirement for independence is discarded altogether when it comes to the psychiatrist or the palliative care doctor. By any reading of this bill you could have a euthanasia clinic which employs a treating doctor, a palliative care doctor and a psychiatrist, and you could just go tick, tick, tick. There is no obligation for independence at all.

Clause 6, the revocation provision, 'Sufferer may revoke a certificate', is okay as far as it goes, but it does not go to what I raised earlier, which is the matter of vacillation — patients changing their mind, or being unsure after the time they have received the okay to proceed. As I said earlier, the sufferer may as a consequence retain either the prescription for the lethal drug or the lethal drug itself on their premises, on their person, in the cupboard in their bathroom, above the sink or in their kitchen for an indeterminate period of time. There is no monitoring, checking or any way of dealing with that whatsoever.

Clause 7 in some respects goes to the heart of the bill, because it is a provision which provides extraordinarily wide immunity to doctors, nurses, pharmacists and others. I will come to that in more detail when I turn to clause 18, but it is worth pointing out that clause 7 provides not just criminal but civil and disciplinary immunity for actions that, as I said in my opening comments, would be probably criminal but for the provisions of this bill. I would have thought that in a bill which provides that level of immunity you would expect that the record-keeping obligations on the participants would be extreme. Does the bill provide those extreme record-keeping obligations? I do not think it does, and again I will come back to that later.

I turn now to clause 9, which is a poorly understood provision, particularly when you think about its implications. It is about the duty of a doctor when declining to provide assistance. As I said at the start, the treating doctor is not necessarily and probably will in many cases not be the regular doctor of the patient concerned or a doctor who has any familiarity with the patient. The sentence in the bill that makes that relevant is this:

> A doctor who, for conscience, professional or other reasons —

'or other reasons' —

> declines to provide assistance must tell the sufferer that other doctors may be willing to provide assistance.

Now what might those other reasons be? The other reasons might be that the doctor does not believe the patient qualifies under the provisions of this legislation — for instance, the doctor might find that the illness is not terminal, that the illness is not

incurable or that the patient is not mentally competent; or the doctor might believe that the patient has been subject to coercion by members of their family or other people. Although the doctor may believe that, the bill imposes upon that doctor an obligation to tell the sufferer that other doctors may be willing to provide assistance. The bill does not say, for instance, that if the doctor finds the patient does not qualify, the doctor is relieved of the obligation. It says:

> A doctor who, for conscience, professional or other reasons must —

'must' —

> tell the sufferer that other doctors may be willing to provide assistance.

If the doctor does not do that, the doctor is guilty of an offence under the law.

The bill goes further. There is also no obligation on the doctor to pass on the records of his consultations to the next doctor. The obligation only accrues if the patient requests it. If the patient is doctor shopping and determined to avail themselves of the provisions of this bill, then they are scarcely likely to ask their doctor to pass on to the next doctor the fact that the doctor had knocked them back. It is just not going to happen. Thus all that this provision makes likely is that patients who are determined to avail themselves of physician-assisted suicide will start doctor shopping until they find a doctor who is prepared to carry the process out, because each doctor is obligated to pass the patient on to another doctor without any register of the requests being kept by any person and without any obligation for the doctor to pass on to subsequent doctors the fact that they have declined to provide the assistance for any number of reasons.

Now we turn to clause 11, the not-for-resuscitation clause — the criminalisation of assistance to stricken people. As I said earlier, one of the failings of this bill is that there is no requirement for the act of dying to be supervised by any person. The patient in those circumstances might well be alone. The patient might well in those circumstances botch the attempt at suicide. The death may take hours. The death may be incredibly painful — even cases of capital punishment, where there is all sorts of supervision, safeguards and known lethal drugs, have been botched — we have seen people die in terrible agony in numerous situations. The patient may change their mind after they have ingested the drug. In any or all of those circumstances a family member might arrive home in the middle of this botched attempt, find their father or their brother or their child in terrible distress, unconscious, or in any state you can imagine, and they cannot intervene or assist on pain of a potential five-year prison term under the provisions of this bill. I just find that provision almost impossible to comprehend, and I cannot imagine that it has been placed in this bill other than by people fanatically wedded to the notion of physician-assisted dying.

I now want to move to the provisions stipulating that helpers must not benefit. Again, on the face of it, you can understand why this provision is there. The provision basically says, 'We do not want people who might have a financial incentive in knocking someone off helping to do it'. Again, however, the provision provides for perhaps unintended consequences. The people most likely to benefit financially from someone's death are the person's family, because they are the people most likely to be the beneficiaries under that person's will. If you read the provision, you see that it refers to 'a person or health care provider who provides advice in respect of a death under the provisions of this act', et cetera.

When I read those words on their normal construction, what the bill says to me is that close family members cannot provide advice or comfort to other family members who may be contemplating this form of suicide without jeopardising their entitlements under a will, even — as you would say on one construction — if that advice is, 'Please, Dad, don't do it'. That would be providing advice in respect of a death under the provisions of this act. The people whom the patients need most in these circumstances may be precluded from providing advice or comfort because of a fear that they will be legislatively disinherited as a result of doing so. People might say I am nitpicking here, but clause 17, headed 'Not a suicide', says:

> Neither permissible actions taken under, nor a death resulting from, the provisions of this Act constitutes suicide, aiding or abetting suicide, mercy killing, manslaughter or homicide.

Neither mercy killing nor homicide is a concept known to Victorian law. The concept known to Victorian law is murder. It occurs to me that people may not have wanted to put the term 'murder' in this bill, but you will not find a reference to 'homicide' in the Crimes Act, and you will not find a reference to 'mercy killing' in the Crimes Act. Protection against those things is not required because they are not legal concepts under Victorian criminal law.

In terms of the substantive matters in the bill, the last thing I want to go to is the question of record keeping. This is a bill that even in a somewhat controlled way allows lethal drugs to be released more widely into the community. It is a bill that may, and almost certainly

will, cause the death of a number of potentially vulnerable people. It is a bill that provides doctors, nurses and pharmacists who are undertaking acts consistent with this bill — acts that might be criminal or might constitute murder — with wide immunity. One would think that in those circumstances the requirements of record-keeping would be absolutely impeccable. They should be absolutely impeccable if for no other reason than to allow criminal prosecution in the event of a doctor disregarding the requirements of the legislation or in the case of someone exerting undue influence over a patient. But unfortunately the bill does not establish any system of reporting or proper accountability.

As Mr Thornley said, there are just three formal documents under the provisions of clause 18 that need to be provided to prove that the requirements of the bill have been met: a certificate of request, a certificate of appointment of agent, and a certificate of death. The certificate of request needs to be signed by the patient, the certificate of appointment of agent may not be provided at all if there is no agent and the certificate of death is signed by the doctor. These are three documents which then provide sweeping immunities against all charges, only one of which the patient must sign; once that occurs, subject to clause 18, all of the requirements of this bill are magically met and the immunity is triggered.

My question is: in those circumstances how could anybody contemplate any possibility that a prosecutor could prove beyond reasonable doubt that the conditions provided in this bill have not been satisfied, particularly, as Mr Thornley said, given that the bill is silent about who bears the onus of proof in establishing whether an accused acted in accordance with the bill and particularly given that the only other witness will almost certainly be dead.

What the bill effectively does is take the deterrent effect of the criminal law and render it nugatory. There is no longer any realistic criminal law deterrent provided in this bill, and if the criminal law is not an effective sanction or an effective potential sanction, then all of the protections that this bill claims to offer to the vulnerable in this community are wiped away in one go. We heard a lot from Mr Scheffer and Mrs Coote about all of the safeguards in the bill. What that establishes is that the safeguards are illusory; they really are almost entirely illusory.

The bill is badly drawn, and moreover elements of it are almost beyond rectification. I struggle to see how a bill could be structured that would, firstly, mitigate the dangers to patients who are in the care of dysfunctional, avaricious or malicious families. I do not know how a bill could be constructed to provide that protection. I do not know how a bill could be constructed to properly protect the interests of the mentally ill or the clinically depressed. I am not sure how it could be structured in a way that would properly deal with the uncontrolled release into the community of lethal drugs.

I do not know how it could be structured in a way that would protect the interests of the loved ones of the patient from all the negative consequences therein, or how it could properly protect the community at large from the consequences of the inevitable de-emphasis of treatment, the inevitable de-emphasis of palliative care and pain relief and the enhanced acceptability of suicide as a way out.

I do not know how the bill could be constructed in a way that would provide proper safeguards for the independence of doctors or psychiatrists. I think realistically that safeguard is a mirage, because there is near certainty that upon the passage of this bill there would be practices specialising in physician-assisted suicide springing up around the state, staffed and run by the proponents of this bill.

A lot of the correspondence from Dying with Dignity Victoria and other agencies said that we should ignore the argument about the slippery slope because the slippery slope argument is just not true and not a rational argument. This bill has taken us a fair way down the slippery slope because, as I said at the outset, public support for physician-assisted dying is bedrocked in a belief that what we are talking about is assisted dying for the terminally ill in the final stages of their life. This bill goes well beyond that to patients who are not terminal, patients whose suffering is primarily psychological or existential. I think the community would believe we were already a fair way down that slippery slope if we passed this bill.

The last thing I want to say is that some people may have found there to be an incongruity between my support for the stem cell legislation and my opposition to this bill. I do not think the positions are incongruous at all. I supported the stem cell legislation earlier this year because I believed it was a bill that affirmed life, I believed it was a bill that provided hope to sufferers of chronic or incurable diseases, and I believed it provided an opportunity for a better life for people through medical advances.

I think this bill does the exact opposite. It removes hope prematurely, and it is a bill that because of its construction and because of its inherent internal contradictions cannot be supported by this Parliament.

Mr LEANE (Eastern Metropolitan) — I would like to start by thanking the constituents who sent correspondence to me regarding this private members bill. Obviously there were arguments from both ends of the spectrum, but I appreciate their taking the time to contact me on this issue, and I feel I should briefly put on the public record my position regarding the bill.

I want to praise Ms Hartland and Mr Ken Smith, the member for Bass in the Assembly, for sponsoring this bill. I believe these are the sorts of debates on social issues that we should have in this house.

I feel privileged to be involved in this debate. Obviously the major parties will have a conscience vote on this bill, and I want to talk about a conscience vote. This is a vote where we do not caucus along party lines about our opinions on a motion or a bill and come up with a consensus of what we believe is the best thing for the people we represent and how we will support the legislation. We do not do that, therefore we have a situation where as individuals we exercise a vote.

I asked myself: is this my vote? The answer I came up with, and I have discussed this with my colleagues, is this is not my vote, this is a vote that I should be exercising exactly the same as we do along party lines about what is best for the 450 000 people I represent. What would they say about this bill? What I struggled with, which I will work through, is whether society is ready for this type of bill.

With regard to my personal vote, the argument against me saying that it is my vote is whether I, as Shaun Leane, come in here and bring every bias, teaching and every one of my peers that I have associated with, the religious beliefs that I have had and the religious beliefs that I have not had, and the discussions I have had with family that have formed me as a person and given me strong opinions about a lot of things, to say, 'This is my vote' and disregard the reason I am standing here today representing the 450 000 people who voted for me. I know they did not all vote for me, but they voted according to the system and ended up with five representatives of the electorate I represent. I have asked myself that question, and the answer is obviously no.

From a personal position, I would easily support the bill and would not have struggled and beaten myself up and ended back where I started, supporting the bill. Late last year a close family member went through a horrible part of her life, which resulted in the end of her life. It was horrible. If it were up to me I would have said, 'I do not want you to go through that' if she did not want to. I did not know whether my sister wanted to go through that process. I cannot tell you today if her husband would have wanted her to go through that process. I cannot tell you today if her children would have wanted to see her go through that process.

It is not up to me to say, 'I do not want her to go through that process', it is up to her, and it is up to her to talk to her close family members to decide that process at the very end when you have lived a full and fantastic life. This bill is about losing your dignity at that point of your life.

A lot of the debate has not been centred around the Dying with Dignity group that has helped sponsor this bill. It says there are some people who may decide they cannot face what they know they will go through. They are sane in mind and body but say, 'I can't face what I'm going to go through, and I do not want my family to go with me on that'. There are a lot of people who will not decide that.

Getting back to what I think about what happened to my sister, who am I to say, 'I didn't want to see her go through that'? I did not; I hated it; I hated going there. I felt like a coward that I did not want to go there. I hated going there and seeing something that was not my sister. It was not even close to my sister. She was not conscious, she was not anything; there were a couple of weeks where she was not anything. If she had decided previously that she did not want to go through that, I would have supported her 100 per cent. Centred around this bill and the group that has part-sponsored it is something that we need to introduce into this debate.

Getting back to my representing a large number of people in a large area, so far as my voting on this bill as the representative of those people, I struggled with whether society is ready for this type of bill. I struggled to the point where I spoke to colleagues and family members and I looked at polls. To me the polls said that society supported this bill. I still struggled, so I spoke to individuals and groups in the electorate.

I focused on individuals and groups that had no passionate view or stakeholding in the bill. Members would be surprised because there is a wide spectrum of thought in sporting groups, churches and ethnic communities about what they thought of the introduction of this type of bill. My survey made me comfortable in coming to a decision to support this private members bill. My survey asked people who had no stake in this but people who are passionate about their vehicle on life, whether it be sport, community or environmental groups. That is their passion so I asked

them what they thought of this, and I found that the bill was overwhelmingly supported.

If someone wants to access the provisions of this bill — and I am sure there will not be a lot of people who do — then they will struggle. And I have personally struggled with the question why they should not. Why should they not? I know and accept the arguments. It is very hard for me to stand up here and debate some of the quality people who have argued against this, because they are friends and colleagues. It is very hard for me. But I know the argument is that bad people will access this legislation and do bad things.

My argument is that I believe with all my heart and soul that people are good, and we cannot be forming legislation or rejecting legislation because of bad people. I think bad people will find a way to use every piece of legislation that we put through this place against other individuals in our society in some way; bad people will. I appreciate the arguments as far as that is concerned and I appreciate that people have concerns with some of the machinations of this bill.

I urge members in the debate, if they believe the intent of this bill is good but that there might be some machination problems, to suggest some amendments that we can talk about. If members believe this bill has no place in this state, then they should just say it. They should say, 'Society is not ready. This is not for us. Vote it down'. But if they believe there is a place for people who do not want to go through a period of their life where their dignity is taken away — and it is taken away; they are not even there — and if they believe that is something they can support, I ask them to please offer some amendments to the machinations that they see as faulty. I do not think we need to go overboard with the argument that bad people are going to use this as a vehicle. Bad people will do bad things, but we should not use that to stop good people with good intent who see this as a good thing for our society.

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING PRESIDENT (Mr Finn) — Order! I draw the attention of members to a former President of the house who is in the gallery, the Honourable Monica Gould. I make her welcome.

Debate resumed.

Ms PULFORD (Western Victoria) — Like many earlier speakers I too have canvassed the views on this subject of many people: friends, colleagues, members at Labor Party branch meetings I have been to, virtual strangers, all sorts of people. What I have found is that there is an overwhelming amount of support in our community, at least the parts of our community that I move around in, for a compassionate society that enables people who are profoundly suffering at the end of life to take action and to have some control over their death in those circumstances. There is overwhelming support, certainly at least 80 per cent, as some of the polls indicate. I note that, according to a Roy Morgan poll in 2002 and more recently a Newspoll poll in 2007, something of the order of 80 per cent of people support law reform in a context where the question is, 'If a hopelessly ill patient experiencing unbelievable suffering, with absolutely no chance of recovery, asks for a lethal dose, should a doctor be allowed to give a lethal dose or not?'.

The style of the question and the way it is formulated encourages support for that proposition. That is the way in which all of the conversations I have had have started. People say, 'Do you think that somebody in the most unthinkably awful situation ought to have a right to take a lethal dose to end their life?'. And the answer is 'Yes'. Then the conversation gets a whole lot more complicated when you get into the detail of how you are going to do this. Whilst we know that there is a lot of support in our society for that proposition I am not completely convinced that this bill seeks to legislate within that very narrow framework.

Like other members I have spent a lot of time in the last couple of months forming my view about this issue and I feel the very heavy weight of responsibility that comes with our election to this place in a way that I probably have not felt since the day that we were sworn in. Whilst I was always conscious of that responsibility, it was overwhelming on that first day and is again on this occasion today.

I think if I were suffering from an incurable and advanced illness and I were in the last months of my life, I would want to have control over my end. Unlike many previous speakers in this debate, I do not have a lot in the way of personal experience of a very close friend or family member experiencing profound suffering. Last year I lost my grandfather, but he had had an incredibly full life and had enjoyed really good health for almost all of that period. Palliative care was able to assist him with his suffering and he was very mentally competent to the end. In fact on those last couple of visits to him I noticed that his cryptic crossword puzzles were still on the bedside table. It was not an experience like those that some other members have spoken about.

It is important to note that palliative care cannot assist all people with all conditions, and I appreciate the information that has been sent to me by both sides of the ideological divide in this debate, providing information about these types of conditions and detail about the kinds of conditions where suffering cannot be treated successfully with palliative care.

Also in forming my view I was fortunate to have a wonderful parliamentary intern in Matt Toner, who, as part of his parliamentary internship in the first semester of this year, produced a report which has been of a great assistance to me. This is probably a good opportunity to place on the record my appreciation of his thorough research and comprehensive analysis of this bill and a lot of the issues we have been discussing in this debate. I am grateful to Matt for his assistance in that regard. Unhelpfully for me, this debate has been framed, from both perspectives, in black and white terms and in absolute language characterising on the one hand the right-to-life argument and on the other hand the right to choose. I would like to address some of the main elements of those arguments and comment briefly on them.

The notion that this bill diminishes the value of life is not one that I readily accept. The notion that passing this bill will impact on an individual's own sense of worth also does not make sense to me. Again, the economic argument is one that I reject. I find it difficult to imagine — and I think that, like Mr Leane, I am a natural optimist — a context in which this legislation would have the consequence of putting a price on life in a hospital, health-care or health system setting. The notion that in some families — and if it is one family, then it is one too many — there would be any scenario where people can be subject to emotional abuse to a degree that would cause them to want to end their life troubles me greatly. I acknowledge that we need to guard against any chance of that happening.

On the other side of the debate, members have heard words like 'respect', 'autonomy', 'choice', 'dignity' and 'compassion'. People often say, 'If my beloved family pet were suffering in a terrible way, wouldn't it be the kindest thing to end their suffering?'. That kind of analogy is also a bit unhelpful in this debate. I have real sympathy for the notions of autonomy and of respect for a person's most important decision. I think those things should guide us in our considerations in these discussions.

There is an inherent contradiction in this bill. I would like to direct the attention of members to *Alert Digest* no. 8 of the Scrutiny of Acts and Regulations Committee because it states it clearly:

> The committee notes the provisions in the bill concern matters of fundamental and competing rights. The provisions necessarily involve a careful balancing of the necessary public interest in preserving life and establishing laws concerning criminal conduct in terminating life, and on the other hand, the right of a mentally competent adult to have their wishes respected in choosing not to endure further intolerable suffering in the face of a terminal or incurable illness.

The report goes on to state:

> The Parliament should consider whether the provisions in the bill achieve a proportionate and reasonable balancing of the public interest in providing for appropriate laws concerning the unlawful termination of life and the right of self-determination in the face of intolerable suffering.

That has been my challenge. I have only very recently formed a firm view about how I will vote on this bill. I can completely understand the positions of earlier speakers, some of whom have indicated that they are still deciding how to vote and are listening to the debate. This is an incredibly complex and difficult issue. What I have learnt about lawmaking, in the time I have been here, is that every detail and every nuance is so important and that it is just critical that we get these things absolutely right. So many of the bills we debate are about important matters. In some of the debates tomorrow we will talk about local government, gaming and a range of things that are within the jurisdiction of the state government. They are all important matters but this bill is on a slightly different plane; it is simply a matter of life and death.

It is important in debate on this type of legislation that we bring the community along with us. I wonder if this bill does that. Returning to the survey question that I referred to earlier, I wonder whether, if we framed a survey question that was a little more specifically tailored to this bill, we would have 80 per cent of people agreeing that it was a good idea to change the law. There are a couple of notable and significant differences between this bill and the Oregon legislation — and earlier speakers have gone into a great deal of detail about that legislation. This bill is not limited to the terminally ill and we have the notion of 'in the foreseeable future' to grapple with, whereas the Oregon legislation requires a patient to be suffering from an illness that would produce death within six months.

If we ask that question, the results might be a little different. I have come to the view that we really need to slow down a bit on this. We need to go back to the basic policy question and think about in what circumstances it is okay for people to seek assistance to end their life and then develop legislation to match that

objective but only following a broad community debate and thorough consideration by the Victorian population.

I was preselected in March 2006. Until it became known that this legislation would be introduced to the Parliament, on only one occasion since March 2006 had I, as a candidate or as a member of Parliament, been asked by anyone what my views were on this issue. That happened in an email survey from Dying with Dignity prior to the election.

I do not feel we have a strong mandate to change these laws at the moment and I do not feel we have used all the available expertise — legal and medical — available to us. I am concerned that the bill is very ideological in its nature. The question I have been struggling with in the last month is: is my support of the principle of an individual being able to choose to die with dignity enough to overlook the concerns and the questions I have about the bill, and is it okay to support the bill when I have serious concerns about major elements of it in the hope that members in the Legislative Assembly might fix up some of the technical deficiencies I see?

The question that remains for me is related to the opposition of the Australian Medical Association — the organisation that speaks for doctors in this state, although obviously not all doctors. I think the paper the association sent to MPs raises serious concerns about the legal position that we would be putting doctors in.

I also have real questions about the doctor-patient relationship, or lack of, that is required to be established in this legislation. In a previous life I spent a lot of time arguing over the finer points of medico-legal reports in a workers compensation setting, arguing not about whether somebody is to live or to die, but arguing over questions of whether a physio bill would be paid or whether wages would be 60 per cent or 75 per cent. These were important arguments but not quite as challenging as the considerations in this bill. Always the first thing you would say about a medical opinion from somebody who did not have all the history and who was not the treating doctor with a long-time understanding of the condition of the person in question was: what can this person possibly know compared with the treating doctor, the person who has all the history?

I worry about the lack of a long-term doctor-patient relationship having to be established before a patient can use the mechanisms in this bill. Again I question circumstances in which a patient suffering a terminal illness can be judged to have medical competence and then lose medical competence, so that is another difficulty for me. I wonder about our public health system and, if this law is passed, whether our public hospitals would be mandated to provide this type of service to patients in a public hospital setting.

Other members have spoken of existential suffering. I too am concerned that this bill goes a fair bit further than consideration of people profoundly suffering a terminal illness in the last stages of their life.

The question of safe storage of medications prescribed is further indication that this bill could do with a lot more work and a much more thorough consideration of all of the issues. When we talk about capital punishment, the strongest argument against capital punishment is that any one death made in error is one death too many, so in this case I have decided to err on the side of caution. One day in this place I hope to support law reform in this area but not today. I will be voting against this bill.

Debate adjourned on motion of Mr GUY (Northern Metropolitan).

Debate adjourned until next day.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Treasurer) on motion of Hon. J. M. Madden.

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL

Second reading

Debate resumed from 26 June; motion of Mr LENDERS (Treasurer).

Mr HALL (Eastern Victoria) — I am pleased to open the batting for the coalition on the Local Government Amendment (Elections) Bill 2008 and I indicate straight up to the house that neither The Nationals nor the Liberal Party will be opposing this legislation, although there are some significant issues for us contained within it, and I will canvass in brief some of those issues as we progress through my contribution to the debate.

Saturday 29 November 2008 will be a big day for local government in Victoria because on that day

79 municipalities across Victoria will elect new councils. I think it is an absolute first that those 79 municipalities will simultaneously be holding common elections. According to the Minister for Local Government, more than 2000 candidates will contest around 600 councillor positions in their local municipalities, and I sincerely wish each of those candidates well when they put their names forward.

This bill makes some amendments to both the Local Government Act and the City of Melbourne Act largely relating to procedures surrounding the election. I note that, if passed by the chamber and if given the royal assent by the Governor of Victoria, this bill will commence on 15 August — in time for those local government elections in November.

For many councils this election will take place under electoral structural changes arising from recent reviews undertaken by the Victorian Electoral Commission. I think I am correct in saying that about half of those 79 councils have been reviewed since the last council elections. Consequently, for many of those the battle will be fought under the new provisions provided for the councils by way of review.

In some areas the structural changes have been imposed on local communities, and in some communities there is a fair bit of heat on the decisions that have been made by the electoral commission. But generally speaking people have accepted that the review was a review and the outcome is what they have got, and the local government elections at the end of November will determine the new positions.

What has not been reviewed, though, and a serious point the coalition wishes to make is that the City of Melbourne and its voting structures have not been reviewed. On 11 June this year we had a wide-ranging debate in this house calling for a review of the Melbourne City Council. I make that call again today in my contribution to this debate. While roughly half of the local government councils have been reviewed since their last election, the City of Melbourne has never been reviewed. It is the only one of the 79 municipalities that is not subject to the provisions in the Local Government Act or the City of Melbourne Act.

The provision in the Local Government Act requires every council in Victoria to be reviewed at least once over a two-election time span. To have half before one election and half before the next election seems to be a reasonable balance of workload for the electoral commission, but the City of Melbourne itself has not yet been the subject of review.

We in the coalition believe this is a gross oversight by the government. We believe there is plenty of ammunition and material that would warrant a review of the City of Melbourne. If my memory is correct, the Docklands area and 9000 new residents have been added to Melbourne, and one would have thought it would have been a priority and that it would have been timely and appropriate for the government to ensure a review of electoral structures in the City of Melbourne prior to the November 2008 elections.

I might add that the call for a review of the Melbourne City Council has been made not only by the coalition parties but also by quite a number of constituent groups around Melbourne and by members of the council. During the course of the debate on 11 June this year I think I read a letter from four current members of the Melbourne City Council in which they called for a review. I noted in some newspaper article that the elected Lord Mayor of the City of Melbourne, John So, has put his weight behind the need for a review. I do not know why the government is procrastinating or obfuscating on this issue, but it seems ludicrous to think that the Melbourne City Council should be excluded from a review of every other council in Victoria.

Before going into some of the details of this bill, I want to make mention of and thank the Coalition of Residents and Business Associations which has put an extensive submission to the government about the need for a review. It is a lengthy document, which I have in my hand at the moment. I have had a look through it, and I concur with many of the views expressed by the Coalition of Residents and Business Associations in Melbourne. Community groups, members of the council itself and members of the upper house of the Victorian Parliament are all calling for a review of the City of Melbourne. The fact that the government remains intransigent on this issue does not reflect well on it.

Having made that comment, I want to talk about some of the amendments proposed within the Local Government Amendment (Elections) Bill. As I said, it provides for amendments to the Local Government Act and also amendments to the City of Melbourne Act 2001. The amendments pertaining to the Local Government Act are in part 2, clauses 3 to 38. There are a number of structural machinery changes in respect to holding elections in the 78 councils across Victoria other than the City of Melbourne. Without citing them in detail, I will mention some of the provisions in the amendments to the Local Government Act.

Firstly, we note that the caretaker period has been reduced from 57 days to 32 days, to bring local

elections into line with the same period set for state and federal elections. The coalition has no argument with that provision. Now that the date has been fixed for local government elections, it is very easy to nominate a caretaker period of time, and the change from 57 days down to 32 days is appropriate. Of course that caretaker provision will disallow an elected councillor making any major financial decisions within that period, and a range of other matters — the appointment of chief executive officers and the like.

Councils need to function day in and day out, and we believe that on balance the reduction of the caretaker period from 57 days to 32 days is a reasonable one. To coincide with that, nominations for local government positions are to close 32 days before the election day, and the nominations are to close at 12 noon; currently that time is 4.00 p.m. We have no objections to that. It makes some sense and with the closure of nominations in the middle of the day, it would be possible perhaps by the end of the day to inform the public of who and how many councillors will be standing for the forthcoming election.

There is also another change with respect to the date the minister may set for by-elections. That has been extended from 100 days to 150 days after the vacancy occurs. The government informs us that that is to avoid the Christmas–New Year holiday period. It is always a concern when there is a delay in having a representative for a particular area at any level of government, so I hope the 150 days would be used sparingly. Of course the minister can set a by-election date within that 150 days; it does not have to go to exactly 150.

There is also a change that will require candidates to nominate in person or provide a statutory declaration explaining why they cannot attend in person. Some comment about this has been raised by some rural councils in particular, after being contacted by the coalition shadow Minister for Local Government, the member for Shepparton in the Assembly, Jeanette Powell, who always does a great job communicating and consulting with local government groups.

Honourable members interjecting.

Mr HALL — She does a marvellous job. In her usual diligent fashion she has written to all 79 councils and a whole range of other individual people and associations who would have an interest in this bill. Only a small number of those have raised as a questionable amendment the fact that candidates must nominate in person.

There are other amendments to the Local Government Act which cover the fact that councillors dismissed for failure of duty may not nominate for four years. Effectively that rules that person out for a minimum of four years; but if their services are terminated halfway through an electoral period, that ban may extend to something like six years.

There is also an important change to voting entitlements. Statutory corporations will no longer be entitled to appoint an office-bearer on the voters roll. It has been argued by the government that office-bearers in statutory corporations are accountable to another level of government and should not be voters in council elections. Having given that consideration, the coalition has deemed that to also be a reasonable proposal.

They are some of the main provisions within the amendments to the Local Government Act. In respect of the City of Melbourne Act, the most controversial issue in this bill amends the definition of ‘rateable property’ to exclude property that is solely for the purposes of parking a single vehicle or mooring a single vessel. That is an interesting proposition because, as most of us would think, if you are a ratepayer of a local council, no matter the scale of rates you pay, in the past you have always been entitled to a vote in local government elections.

It is a fact that that will not be the case now in respect of people who own property in the form of a single car parking space or a single vessel mooring place. I searched for some reason why this amendment is being made by the government. There seems to be no expressed rationale, certainly that I can find in the second-reading speech, which explains why the government came to this particular decision about the rateability of parking lots and mooring areas for vessels. The only mention of this particular provision in the second-reading speech is:

> People who are owners or occupiers of single vehicle car parks, single boat moorings or single storage units with floor areas of no more than 25 square metres will no longer be entitled to enrol to vote unless they have another entitlement as a resident or ratepayer.

I think the government needs to explain how it arrived at this decision because many of us in the coalition would argue that if you are a ratepayer you should be entitled to a vote. It is as simple as that, no matter what the level of rates you pay. I even searched through some newspaper clippings to find out if there was any justification that the government has made public for that particular decision, and again it is very scarce on detail. I think in this debate it would be nice if the government could provide the house and the people of

Victoria with the rationale for making what is a very significant change to that particular provision of who pays rates and who is entitled to vote at local council elections. That is the first request I make of the government in relation to this debate: that it puts on record how it arrived at that particular decision in relation to vehicle car parking spaces and boat mooring places and indeed to small storage places.

Some of the other amendments to the City of Melbourne Act relate to countback procedures in both manual and electronic counts. There is an amendment to the City of Melbourne Act removing the limitation to the election period of provisions which prohibit misleading or deceptive electoral matters. Prohibitions will apply at all times. That is an interesting area, and come election time no matter what level of government is the subject of the election there are always issues relating to the distribution of material that is misleading or deceptive. I think that at most elections which I have been involved in there has always been an occurrence where a person or persons have complained about deceptive and unauthorised material being circulated close to a venue.

Those are just some of the amendments to the City of Melbourne Act. I have not listed all of the amendments comprehensively, but they are the ones that I consider the most important. As I also said, the act is scheduled to be in place by 15 August to enable those changes that the Parliament may make to form part of the electoral structures which local councils will be bound by at the end of this month.

I just want to re-emphasise the bitter disappointment that we on this side of the house feel about the government's refusal to review the City of Melbourne. I do not want to go into personalities; I do not want to discuss incidents. As I said when we debated the subject just over a month ago, there is no logical reason why the City of Melbourne should not be the subject of a review just like every other council throughout the state of Victoria would be. Many of these issues are probably best decided by a review process whereby the general public can have input into some of the matters canvassed in this legislation. We are disappointed that the government still refuses to undertake such a review, but on balance the other measures that are outlined in this bill are reasonable amendments to make to both the Local Government Act and to the City of Melbourne Act.

The opposition has therefore come to the position that it will not oppose the bill, but again I remind the government that I am seeking explanations as to the rationale behind the implementation of the rateable property provision which I spoke about in the debate. Again, it would be nice if the government was prepared to state why it is not prepared to review the City of Melbourne electoral representation functions. I reiterate that the Liberal-Nationals coalition will not be opposing this legislation.

Mr BARBER (Northern Metropolitan) — As previous speakers have noted, this bill makes small changes to a large number of provisions in the Local Government Act. For the most part they do not bring in any new concepts or powers; they simply clarify how they work. In some cases they offer additional support to those or pick up a few anomalies such as how by-elections interact with various provisions that describe what is to be done in the case of elections.

But the most interesting part of this legislation, and the issue that has really been in public debate for all this year now, and in fact preceding this bill, is the issue of how voting is determined in the City of Melbourne. It has become clear to the minister that there are a number of what on the face of it seem fairly ridiculous cases of different properties being assigned two votes in most cases. While an individual living in the area gets a vote, a business or other such operation gets two votes as a result of some kind of theory that they are worth two — that is, that they are something like a house and a house normally has two people in it. The minister has been presented with a number of instances that most people have found to be quite laughable — for example, the idea that someone who owns a car parking space gets to vote. Boat moorings were also included, and when the bill was already before the house it was pointed out that there are a large number of storage containers — storage lockers if that is what you want to call them — all of which are capable of attracting two votes. The ordinary person finds this fairly ridiculous because they were brought up under some kind of principle of one person, one vote and did not realise that votes would apply to all sorts of other inanimate objects.

The basic rationale for it is easy to understand. Councils base their electoral rolls around residents and also among those ratepayers or occupiers of rateable property. It is entirely possible to take a building that may be a building which contains a business in relation to the storage of people's personal possessions that they are not using, and strata title it into as many logical units as you can define and that the provisions of the relevant legislation will allow you to do. What has been happening is that people have been taking multi-unit car parking garages, strata titling out the individual car parking spaces and selling them off one by one, presumably as a way to raise finance back into their existing business. The group of car parking spaces now

represents a body corporate arrangement with some shared or common facilities and individual property titles, and council, quite rightly, treats each of those as an individually rateable property and proceeds to rate it. During my time at Yarra City Council I know our rates department was very diligent in tracking down all the relevant properties to which rate notices should be sent, and it even looked at issues such as billboards. Whatever its ownership arrangement a large billboard on top of another building is a separate property. A property does not have to be a physical plot of land. You can have multiple properties piled on top of each other. The council looked at rating a whole range of things, and that is as it should be. That is a council's job; that is how councils raise their revenue.

However, we start to get an anomalous situation when the rateability then determines an entitlement to vote. We get a further problem in the specific instance of Melbourne City Council because that council has a provision in its act which is unlike that of any other local government entity in Victoria. If you examine the section around who is entitled to be enrolled without application and with application in the Local Government Act, it is pretty much the same boilerplate as you will find in the City of Melbourne Act. Residents who live there would be on the state electoral roll anyway. Owners of property pay their rate notices; it is in their name and council knows who to send the rate notice to and who to enrol on an electoral roll. It is the same with occupiers where that can be discerned. But the City of Melbourne Act, which I understand was introduced by a previous Liberal government and which has certainly survived a number of major changes — the 2001 act was subsequently amended by the Bracks government in some major ways — contains a provision that requires the council to compulsorily enrol people, whether they want it or not, and sets out a detailed procedure to do so.

In the instance where a corporation is the owner of a particular rateable property and no-one has bothered to enrol — and we are not entirely sure who we would enrol — the City of Melbourne Act sets out a detailed set of requirements in section 9D that apply only if a corporation is the sole owner or occupier and if the chief executive officer (CEO) of the council has not, by 4.00 p.m. on the entitlement date, received a notice that the corporation has appointed two representatives.

The procedure is that if the corporation has validly appointed one representative, then the chief executive officer of the council must enrol the company secretary as a representative of that corporation. The burdensome requirement here is for the Melbourne City Council's administration to look at the corporate records to find out who is the company secretary and enrol that person without their active involvement and quite likely without their knowledge. In a case where nobody has been put forward, the council is required initially to enrol the company secretaries of the corporation from its own records in alphabetical order and, if there are not enough of those, to then start going down a list of the directors in alphabetical order and pick the first one of those and say, 'Right, you're the voter'.

The minister brought forth his amendments to address this problem. Although it is not mentioned in the second-reading speech, his public comments have been, 'Look, people who own car parks or people who just occupy a property with their car don't have enough of a link to the community for it to be worth giving them a vote'. Likewise, if you have merely just purchased some proportion of a strata titled storage building as an investment — and, by the way, you can find them for sale on realestate.com.au where they have a photograph of a big empty box, and there are hundreds of them, all for sale, and they all look the same — the minister's argument is, 'That's not enough of a connection to the community for it to be worth giving you a vote'. He rightly points out that, since these strata title arrangements appear to be flourishing, it is possible for someone to overnight create hundreds or even thousands of new titles. Suddenly there would be hundreds or even thousands, depending on how far the trend would go, of new votes, all of them attached to car parks or storage lockers. In his amendments, the minister has by exception listed the types of things that will not apply. The minister's list starts with car parks, boat moorings and storage lockers, and if more preposterous examples were to arise, the minister would go on listing them, presumably forever.

In the instance of a mobile phone tower, and there is one at the back of the hockey centre in Royal Park, the procedure that the council must adopt is to find out who owns that tower — which it turns out is SingTel, one of the biggest multinational telecommunications companies in the world — and look up its corporate report to find out who is its CEO. It may be a person of Asian nationality living somewhere in Hong Kong or so forth and that person would then be the voter. I do not think that with its problems — I presume that company is somewhat bigger even than Telstra — SingTel would be worrying particularly about whether it would get a vote in the Melbourne City Council election. There is an example of a person who really has no link to Melbourne that we know of, except for being the company secretary or CEO of a company that owns hundreds of thousands of telephone towers around the world and yet under the minister's scheme is forced to be on the roll.

There is a whole range of other properties, such as electrical substations, buried away in basements, that just happen to belong to SP, AusNet or one of those corporations. They will all be given two votes, whether they want them or not.

The Greens would like to put forward a more sensible way to approach this. Since the minister's criterion is someone who does not have, in his view, a sufficient connection to the community to be compulsorily given two votes, then the appropriate test for that would be to delete section 9D of the City of Melbourne Act — that is, delete the part requiring the CEO of the Melbourne City Council to enrol these people whether they want to be enrolled or not. That will pretty quickly sort out who does have a connection, because those who cannot be bothered voting and do not qualify to be residents or otherwise occupiers of rateable property do not deserve to vote and do not seek to vote.

There are a number of other problems. Members may or may not see these as problems, but one matter that I think is a considerable problem is that a high proportion of people on the electoral roll are people who do not reside in Victoria and in a lot of cases do not even reside in Australia. If you inspect the roll, as I have done on occasion having been part of campaigns in elections for Melbourne City Council, you will see nationals who live in Orchard Road, Singapore, or in whatever the posh end of Kuala Lumpur is these days. They are all passive investors in units, residential apartments and so forth. They have possibly never visited them and possibly never seen them, but there is a long list of electors from countries all over the world who are entitled to vote in a Melbourne City Council election. Rather than picking up on those individuals, I say it comes back to the same test. If they are interested in enrolling and voting in a Melbourne City Council election, they have the opportunity to do so, but it should not be the council's CEO who runs around to find them.

There are some further problems with this and one arises out of the postal voting system that is used in Melbourne City Council elections. It is that many of these people use property managers to represent their property. They are passive investors or certainly are never to be seen in Australia. Often a real estate agent that represents property management services on behalf of a number of these clients is the designated postbox for the individuals. So a real estate agent who runs 30 or 40 properties, all for different individuals, possibly not even in the same building, but simply as a property manager, is posted 30 or 40 ballot packs.

It is my understanding that there are some large property groups out there such as Melbourne Inner City Management, which is well known for managing properties that come from strata-titled unit developments which its sister company built and sold. It represents hundreds of landlords, the effect being that during the Melbourne City Council election when the postal ballots start going out — and they normally go out within the space of a few days — hundreds of ballot papers get posted to the one address. Hopefully they are being posted on to these different investors in different parts of the world and it is not the receptionist who is sitting down at night filling them all in and sending them back. But I do not know of another electoral system outside of Zimbabwe where an individual gets sent dozens or hundreds of ballot papers and that is seen as part of a normal legitimate and entirely predictable part of the electoral process.

Postal voting is an appropriate enough system in rural areas or in dispersed areas. I favour attendance voting generally, but I can see that it would be handy enough in broadly dispersed municipalities, some of which do not even have a large town at their centre. Even if you went down every roadside mailbag and stole their ballot papers, would you have a major influence on the election? I do not think so. Here we have people in their abodes in Thailand and Hong Kong and so forth, and I doubt too many of them are sitting around wondering why they have not got their Melbourne City Council papers yet, but they may just be poking out of a postbox somewhere, even in a public place where someone could come along and snatch 30 or 40 ballot papers in one go. If people do not believe there is any real problem with that and think I am being outrageous, they only need to look at the royal commission into the then Richmond City Council in the 1980s and read its no. 1 recommendation: get rid of postal balloting.

The Greens will propose a simple amendment. I am quite happy for that to be circulated whenever it is appropriate.

Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER — The proposed amendments would delete section 9D of the act and make a couple of small other consequential amendments as required to remove any ambiguities as a result of that. I hope all members will be willing to support the reform to remove an anomaly in the Melbourne City Council that is one of the key reasons why so many people are finding the Melbourne City Council voting system to be an embarrassment at the moment and well overdue for

some major repair. Should the amendments fail, the Greens will support the overall bill because it contains a number of provisions that, as I said, are certainly appropriate. While minor in nature, they could improve the functioning of local government.

Debate adjourned on motion of Mr VINEY (Eastern Victoria).

Debate adjourned until next day.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Disability services: Mildura

Ms LOVELL (Northern Victoria) — My adjournment issue is for the attention of the Minister for Community Services. It concerns the loss of support services for families of children with disabilities in Mildura. The action I seek is for the minister to ensure all support services to families of children with a disability in the Mildura region are restored to ensure they have access to both advocates and support workers.

The recent disbanding of the Families of Children with a Disability Support Group has created enormous concern for families in Mildura. FOCDSG had delivered a program that provided a worker who delivered support to families 10 hours per week in Mildura. In replacement of the FOCDSG service, the Department of Human Services (DHS) has recently appointed the Regional Information and Advocacy Council (RIAC) to deliver advocacy services to Mildura and the Loddon region. This does not include the additional support that was previously provided through FOCDSG.

Last week, together with the member for Mildura in the Assembly, I met with the local Mildura parents, the Rural City of Mildura and RIAC. We also attended a public meeting convened by the Mildura council and attended by DHS and RIAC. What we heard at these meetings was people crying out for help. Mildura is an isolated community, and it cannot afford to lose its support services. Twelve months ago Mildura suffered a reduction in advocacy services. It seems that through the recent appointment of RIAC by DHS the advocacy service has been reinstated, but Mildura has now lost its support service worker.

At the public meeting DHS told us that RIAC was the only service that had expressed an interest in taking over the contract of the Strengthening Parents Support Program, but what we also heard from the local community was that DHS had not consulted with anyone about these changes. In defence of RIAC, I think it was surprised by the reaction and the expectations of the community, because it had been given a clear set of guidelines from DHS on the service that it was required to deliver. However, these guidelines did not provide for the replacement of all aspects of the service previously delivered by FOCDSG. I call on the minister to ensure all support services to families of children with a disability in the Mildura region are restored so that these families have access to both advocacy and support workers.

Inner South Community Health Service: resourcing health and education program

Ms PENNICUIK (Southern Metropolitan) — I recently visited the Inner South Community Health Service located in Inkerman Street, St Kilda, which runs a service known as Resourcing Health and Education in the Sex Industry, called RhED. I visited as part of drug action week. RhED is a state government funded service for communicable diseases and blood-borne virus and sexually transmissible diseases. It works in conjunction with the Department of Human Services. RhED works primarily with the regulated sex industry across Victoria — that is, brothels, private and escort workers. It provides site-based and outreach services in collaboration with relevant programs and agencies, including a close collaboration with Victoria Police and local government.

RhED has a long and strong history of working to address a range of public and social health issues in regard to sex workers, in particular sex workers working in the regulated industry including migrant sex workers and sex workers who work on the street. RhED does not have access to sex workers working in an unregulated manner in brothels or private situations.

Since November 2007, RhED has formally requested on numerous occasions from the minister for consumer services and Consumer Affairs Victoria (CAV) clarity around the issues of review or reform of the Prostitution Control Act 1994 — —

Mr Lenders — On a point of order, President, I am trying to work out to which minister Ms Pennicuik is directing her issue.

Ms PENNICUIK — Sorry, it is for the minister for community affairs.

The PRESIDENT — Order! The fact is Ms Pennicuik has not informed us as to which minister, but she still has time to do that, of course.

Ms PENNICUIK — My matter is for the minister for community affairs.

Mr Lenders — We do not have such a minister. It is 'community services'.

Ms PENNICUIK — Sorry, it has been a long day. Thank you, Mr Lenders.

In response the minister conveyed via the director of CAV that he had been working with councils and Victoria Police as well as CAV to identify a more effective and cooperative framework for prostitution control in Victoria and also conveyed that there would be an opportunity for interested groups to meet with him in the future to discuss progress.

My office contacted CAV on 29 July to inquire whether there had been any progress on time frames and processes in relation to the review of the Prostitution Control Act. We were told CAV had no clarity on the time frames or process, when the bill would come out or when consultation would happen.

RhED has unique experience and access to key constituents who may be impacted upon by changes in the Prostitution Control Act. It is currently doing a vox pop of the industry, gathering information from sex workers in the regulated and street industry. It also has a sex worker reference group that represents the views of those working in the regulated industry. RhED's representatives feel that the organisation's experience and expertise would serve to improve the legislation for the benefit of the people who work in the sex industry and the broader community. The organisation has indicated it would provide an informed and coordinated response to a review process which could have major ramifications for the sex industry in Victoria and the general community.

My request of the minister is to provide RhED with a clear response that includes the methodology, process and time line of the review of the Prostitution Control Act and to include RhED in the review process as a key body involved in the health and welfare of sex industry workers in Victoria.

Eastern Freeway: safety

Mr TEE (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Ports, Mr Pallas, and relates to safety on the first major bend on the Eastern Freeway just past Bulleen Road outbound. There have been a number of serious and indeed fatal accidents on this bend; in fact since 2002 there have been reports of some six fatalities on this part of the freeway.

Clearly, this government should be congratulated for polices that have seen a steady decrease in the road toll since it came to office. Fatal car crashes have a devastating impact on the loved ones who are left behind. Family members left behind often suffer the double blow of financial loss when the breadwinner dies on the roads. I think it is therefore important to identify and argue for changes that avoid the needless loss of lives on our roads, so tonight I bring to the attention of the Minister for Roads and Ports the safety considerations on that part of the Eastern Freeway.

My request is that the minister meet with and ask VicRoads to consider whether improvements could be made to reduce the risk of serious injury or death on this part of the freeway. Specifically I ask that VicRoads investigate the feasibility of installing a 500-metre barrier at the bend. I believe that proposal has the support of the police. If VicRoads finds that improvements or changes would reduce the risk of death or serious injury, I ask that those changes be implemented as soon as possible. Clearly we have a responsibility to act as soon as we can to implement any changes that will save the lives of members of the community.

VicForests: harvesting and haulage contracts

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the Treasurer. I want to highlight a problem with regard to VicForests and the current round of harvesting and haulage tenders. Again this shows VicForests to be totally incapable of managing contractor tenders and guaranteeing wood supplies to the timber mills and processors. Nowhere is the problem more acute than in East Gippsland, where the timber industry is a mainstay of the regional economy. This fiasco is putting at risk the future of the industry and of hundreds of jobs as well as that of local communities throughout East Gippsland.

The facts in this latest debacle are as follows. VicForests called for harvesting and haulage tenders, closing on 16 July, for the year from 1 October. VicForests was unable to manage the tendering process on schedule and gave contractors a day's notice that it would be extended a week to 23 July. VicForests has acted inconsistently with its own tender documentation. When the decisions were announced it became clear VicForests had awarded tenders for only 65 per cent of

the total harvesting allocation. It is now re-tendering the remaining 35 per cent with a closing date of mid-September — giving those operators fortunate enough to win contracts only a fortnight to gear up for the season from 1 October.

Further, VicForests botched the announcement of those tenders that were awarded. Contractors were first told they had not been successful, then that they had won tenders and later that their bids had been successful but only in part. They have had to face up to their crews with the message, 'Sorry, there are no jobs'. They are facing the tough decision of putting all their harvesting equipment up for sale.

Two critical things emerge from this. One is that it is unlikely the contractors will be bothered lining up for the VicForests raffle when the outstanding contracts are re-tendered. A second is that this shambles is disrupting timber supply in East Gippsland to the extent that mills will run out of timber, and the industry will have to go on hold. Therefore I am asking the Treasurer to intervene and instruct VicForests to finalise the total allocation for those tenders immediately — not in a protracted fashion by re-tendering but by direct negotiation with contractors in order to resolve the whole position with the least possible delay. The future of the industry in East Gippsland is at stake, and an answer is needed now.

Brimbank: councillors

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is in regard to the Brimbank City Council and is directed to the Minister for Local Government. On 22 July Cr Miles Dymott put a motion to Brimbank council that 'The real issue at hand at the moment is the allocation of community resources based on community need'. Believe it or not, that motion was not carried. A majority of Brimbank councillors voted against the idea of allocating resources based on community need. Every single one of the six councillors who voted against the motion was from the ALP.

We have all heard the allegations about corruption in Brimbank over many years. The allegations are serious enough to warrant an investigation. Back in May the Sunshine Residents and Ratepayers Association requested that there be an investigation into the flawed 2008–09 budget process. One of its concerns is that the mayor of Brimbank acted against the draft budget recommendations in order to divert $1 million away from open space, playgrounds and walking tracks in the most disadvantaged area of Sunshine and $700 000 of the redirected money went to a soccer club that has the mayor as a life member.

There have been allegations that the payback from one councillor losing preselection for the state seat of Kororoit, covering Brimbank, led to a council motion with the purpose of evicting another soccer club from its grounds. The council building in Biggs Street, St Albans, that the council leases to a community group at a subsidised rent of $100 per month for the entire building is listed on the ALP's website as the home of the North Maribyrnong ALP branch. Brimbank residents are subsidising the rent because it is supposed to be used by a community group.

Mr Lenders — So Greens branches don't meet in your electorate office?

Ms HARTLAND — No, they absolutely do not, ever. These are serious allegations. I call upon the minister to announce an independent investigation into the conflict-of-interest issues at Brimbank council.

Higher education: regional and rural Victoria

Ms PULFORD (Western Victoria) — My adjournment matter is for the Minister for Skills and Workforce Participation. The federal government is currently conducting a review of Australian higher education and has appointed a review panel to examine the current state of Australian higher education against international best practice and to assess whether the education system is capable of contributing to the innovation and productivity gains required for long-term economic development and growth and ensuring that there is a broadbased tertiary education system producing professionals for both national and local labour market needs.

This panel will advise the federal government on possible key objectives, and some themes have been identified in the terms of reference. One in particular that I would like to draw to the attention of the house is underpinning social inclusion through access and opportunity and supporting and widening access to higher education, including participation by students from a wide range of backgrounds.

As the Assembly member for Bendigo East, the Minister for Regional and Rural Development is well aware of this government's commitment to and excellent record in supporting the things that matter and taking action to provide the best services we can in regional Victoria. One very important issue that I continually encounter in my travels is that of access to higher education. There is an enormous financial burden on families in rural communities supporting somebody who has to live away from home to access education. The geographical realities that face these

families make access much harder, and we know that the impact of the drought is suppressing demand for university places. The students are getting the marks and getting into tertiary courses, but they are not taking up their offers of tertiary places, which is a very disturbing trend.

Provision of higher education in regional areas assists in addressing population decline in small provincial towns and in addressing key skills shortages. It is important that the federal government work with the Brumby Labor government to facilitate opportunities and encourage young people to remain in regional communities or to go away to study and then return to regional communities. Higher education plays a vital role in securing regional Victoria's future. I ask the minister, in preparing the Victorian government's submission to the federal government's review of Australian higher education, to emphasise the significance of the barriers to higher education faced by students living in rural and regional areas.

Alcohol: binge drinking

Mrs COOTE (Southern Metropolitan) — My adjournment matter is for the Minister for Consumer Affairs and is in regard to the issue of binge drinking amongst young people. Last week my colleague the member for Doncaster in another place, Mary Wooldridge, and I conducted a forum on alcohol for young people. It was extremely revealing, and it was very interesting to hear firsthand that the young women particularly had decided they were not going to drink alcopops any longer because of the Rudd government's increased taxes. The forum heard that they go into the licensed premises together to get a bottle of spirits to share. They do not know how much they are drinking and, as one of the girls said, 'We are now having to learn how much we can drink and how to deal with this strength of alcohol'.

What is happening is not just what I have heard from a small group of students, as figures released this week by the Liquor Merchants Association of Australia show a 46 per cent increase in the amount of full-strength bottled spirits sold since the 27 April tax increase by the Rudd government. I am very concerned about binge drinking. We have seen an increase in alcohol-fuelled violence in our communities. We see it each weekend when young people go out, supposedly to have fun, but many of them come back disfigured. There is a lot of additional violence which has to be looked into.

The alcopop price increase does not stop people from binge drinking; it merely changes what people drink. I have fears for the safety and wellbeing of Stonnington's young people at the hands of this government. Significant strategies must be implemented to address the issue of binge drinking, but the government is not looking into the issue adequately. The action I am seeking is that the minister, as a matter of urgency, launch a study into the types of alcoholic drinks young people are drinking so that a more appropriate policy can be implemented.

Water: Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Water. I noted a story in the *Age* of 28 July regarding an education program being run by City West Water which is titled 'Woking the Way to Water Savings' and is about the use of water in cooking. Some methods of cooking, particularly traditional Asian methods such as steaming in woks, can be quite water intensive. There are hundreds of Asian restaurants around Melbourne — and some of the best are located in my electorate around the Box Hill area, where Mr Tee and I have partaken of some excellent Asian food!

A pertinent point made in the *Age* article was that by introducing some water-saving methods through this program one yum cha restaurant saved 5 million litres of water in a year, which is quite a lot of water. This was one of the *Age*'s better articles, compared with *Diary*'s fat jokes about me.

I call on the minister to identify opportunities for water conservation by the restaurant industry that could be relevant in the Eastern Metropolitan Region.

Health: Wallan super-clinic

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Health. A number of my constituents in Wallan have raised concerns with me that the Wallan super-clinic promised by the federal government prior to last year's election has been forgotten. There has been no further action from the federal government on this 11th-hour election promise. Furthermore, there has been no response to my request to the Treasurer at the end of last year to ensure that this becomes more than a hollow Labor promise.

I have yet to get a response to my request that the Treasurer provide details of the state government's support for this proposal, including detail of when the people of Wallan can expect any progress on the super-clinic.

At the moment all my research can uncover is that Wallan seems to be the last on the list of the proposed

super-clinics. This is certainly the case when you look at what seems to be the first step, which is community consultation. Accordingly the federal Department of Health and Ageing consultations for other super-clinics began on 20 May this year; however, Wallan has been relegated to last on the list for some time in January–June 2009 with 'to be advised' against its name now. Quite frankly, this is not good enough and the people of Wallan want and deserve better treatment than this. They are also concerned about the paltry $1 million promised. As I have previously raised, this will barely cover the cost of land required let alone any of the promised services.

Meanwhile, the residents of Wallan and surrounding districts, including Kilmore and Wandong, have no after hours medical service or care. The hospital in Kilmore has no doctor available after 10.00 p.m. and the closest emergency ward is at the Northern Hospital at Epping. Given that this is one of the fastest growing regions in Victoria, this is simply not good enough. I ask the minister, and the member for Seymour in the Assembly, Ben Hardman, to make a firm commitment that the government will provide tangible support — —

Mr Lenders — On a point of order, President, Ms Petrovich is asking for action from a backbench member of the Legislative Assembly. I thought this is meant to be asking for action from a minister.

Mrs PETROVICH — On the point of order, President, I ask the Minister for Health and the member for Seymour in the Assembly, Ben Hardman, to make a firm commitment that this state government will provide tangible support to the federal government's super-clinic, and that it will provide answers to the people of Wallan.

The PRESIDENT — Order! I thank Ms Petrovich for her assistance. The fact is that she cannot ask a backbencher for help; asking the minister is fine.

Mrs PETROVICH — I shall rephrase that, if I may. I ask the Minister for Health to make a firm commitment that the state government will provide tangible support to the federal government's super-clinic, and that it will provide answers to the people of Wallan about when they can expect this clinic to be opened.

Drug-driving: public awareness

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission, Tim Holding, on the issue of drug-driving. I note the report by the National Drug and Alcohol Research Centre in 2006 that 68 per cent of drug users had driven motor vehicles in the last six months within 1 hour of taking drugs. Amazingly, nearly half of the people who admitted to drug use while driving believed they were not impaired in any way.

Also amazingly, only 2 per cent of drug-drivers felt they were substantially or totally impaired. These attitudes are totally unacceptable, dangerous and naive. While the majority of drivers are not drug users, we must send a clear message to the minority of drivers who choose to abuse drugs and drive under their influence that this is not acceptable behaviour.

The Transport Accident Commission advertising has done a magnificent job in identifying dangerous trends and in addressing dangerous behaviour on the roads to targeted audiences. In May this year the TAC launched a campaign to address drug-driving among younger drivers. We know that our roads are safer than they used to be, and the annual road toll is as a trend improving, but it is important to respond to emerging challenges. I call on the Minister for Finance, WorkCover and the Transport Accident Commission to consider taking action on the issue of drug driving.

Police: Macarthur residence

Mr KOCH (Western Victoria) — My matter is for the Minister for Police and Emergency Services and relates to the condition of the Macarthur police station residence. The Macarthur and district community is serviced by a solo police officer who operates out of a new police station that was officially opened by the current minister on 13 July 2005, which opening I also attended.

The first police station and residence in Macarthur were built in 1867. The modern station allows the current member, Senior Constable David Rook, to provide a range of policing services to the Macarthur community, and like many rural solo stations, Senior Constable Rook goes well beyond the call of duty, immersing himself in the local community.

However, the current police residence is a disgrace. It fails to meet health and safety requirements and is totally unfit for continued residential occupation. No member of the police bureaucracy would ever consider living in these appalling conditions, yet the Brumby government and police command insist the officer and his family should occupy this substandard residence while he is stationed at Macarthur.

Police command admitted in February this year that:

> … due to a number of circumstances, this home has not been maintained over many years and unfortunately is now past the point of return.

And further:

> … Victoria Police would need to put several hundred thousand dollars into this house to bring such back to an acceptable standard and address all the major issues.
>
> …
>
> The board and subcommittee has agreed that at this point of time it is not financially possible or viable to invest any more money into this building.

Rotting window frames and weatherboards, a leaking roof, rusted spouting and outdated amenities as well as the need for interior and exterior painting and new floor coverings mean that costly repairs to bring the house up to an acceptable standard are not viable.

The Macarthur police residence is in an absolutely shocking state of repair, and it is unacceptable that the resident officer and his family are expected to tolerate these disgraceful and unhealthy conditions. Since the officer moved to Macarthur in 1993 he has been informed on numerous occasions that the residence would be replaced or at least extensively renovated, but still nothing has been done to fix major building defects or make it more comfortable.

I fail to understand why the building of a new residence has not been prioritised as this dilapidated house is clearly beyond repair. My request is for the minister to address this significant problem at Macarthur with police command, seeking construction of a new residence as a matter of urgency.

Land Victoria: electronic conveyancing

Mr D. DAVIS (Southern Metropolitan) — My matter is for the Minister for Environment and Climate Change and concerns the ongoing issue of electronic conveyancing. Members will be aware — to refresh their memories with some background information — that the government introduced a plan for electronic conveyancing four to five years ago. This plan has moved forward and something of the order of $40 million has been spent on the program. But in fact only a single conveyancing transaction has been achieved. This is an extraordinary expenditure for what is a very modest, in fact pathetic, outcome for the community.

There are national moves occurring in this area, but the state government has stood out from the national moves and has pushed forward with a Victorian model of electronic conveyancing. At a recent meeting of attorneys-general and related ministers nationally there was an agreement that there would be a national approach to this issue, and the Victorian government demanded that its system be the national system. Of course that has not been accepted; the best I think the Victorian government can hope for is that its system might be in some way cannibalised for such an approach.

Given that background, my matter for the minister today is to ask him to order a halt to this extraordinary and outrageous waste of government money — the $40 million — that has been spent particularly on consultants. I want to single out a firm, Ajilon. It is a major international firm which has been involved with this project from the start and has played a significant and senior role in it. This firm on its website says:

> Our approach is simple — we make sure we understand your business then work alongside you as an extension of your team, using our expertise and proven methodologies.

I have to say that has not been the case on this occasion. That firm has been paid many millions of dollars but has not delivered the results for the Victorian community. As I say, only a single full conveyancing transaction has occurred and around $40 million has been expended on this proposal. I have to say the *Australian* made the point very well in its editorial recently.

I would like the minister to not only call a halt to this outrageous waste of government money but to order an investigation into this waste as well, with a particular focus on the governance issues within the Department of Sustainability and Environment and the excessive closeness of Ajilon employees to a number of employees in the Department of Sustainability and Environment. This is a scandal of the first order, and it should be stopped. I suggest that $40 million is too much; the music has got to stop. Someone has to tell these consultants they have milked enough out of the system, and I call on the minister to halt the contract and order an inquiry.

Environment: South Eastern Metropolitan Region street lighting

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the Minister for the Environment and Climate Change. It is in relation to correspondence that I, and no doubt other members of South Eastern Metropolitan Region, have received about street lighting and the desire by the six councils

in the area to reduce their greenhouse gas emissions but not knowing how they could afford to do that.

The group of councils in South Eastern Metropolitan Region includes the City of Kingston, the City of Frankston, the City of Greater Dandenong and the cities of Casey, Cardinia and Bass Coast. Cardinia and Bass Coast are not areas that I represent, but I certainly represent all of the others, along with my colleague the Honourable Gordon Rich-Phillips. We also attended the City of Kingston briefing, at which the same issue was raised — —

An honourable member — Gordon's 'Honourable'?

Mrs PEULICH — He was elected. I am not sure whether they have dispensed with that title. I know also that the Municipal Association of Victoria has made representations on this issue in its budget submission to the government as part of the consultation process. Basically, though, the roads minister has done very little to address the issue of the emission of greenhouse gases via streetlights. Apparently 60 000 streetlights in operation across South Eastern Metropolitan Region produce something like 48 000 tonnes of greenhouse gas emissions each year. The greenhouse gas emissions from streetlights account for a large component of South Eastern Metropolitan Region councils' emissions — approximately 50 per cent.

New technology makes it possible to reduce the energy use, consequently lowering greenhouse gas emissions from these streetlights by as much as 66 per cent, which would certainly be very effective. I am always keen to see initiatives that focus on the 'Reduce, reuse, recycle' mantra, which ultimately reduce costs, rather than imposing additional burdens and costs, as the federal Labor government has been keen to do. I think in this example, however, there is a concrete way of making a difference. Apparently it would be o taking approximately 12 000 cars off the road, and this group of councils seeks some action on the part of the state government to progress this.

The South East Metro Secretariat in its *Sustainable Street Lighting Position Paper* looks at options such as higher purchase price of new lanterns; financing of replacements; absence of mandatory controls; lack of coordination and cooperation between the different levels of government and distribution businesses; and lack of support from state and federal governments.

I think there are some concrete solutions in the paper. I do not necessarily endorse all of them, but I would certainly encourage the minister to take some action, to talk to the Minister for Roads and Ports or the public transport minister, and to respond to the submissions by this particular group of councils, and no doubt many others, on ways to reduce this problem.

John Valves Pty Ltd: contracts

Mr VOGELS (Western Victoria) — I raise an issue for the Premier. It concerns a high-tech manufacturer in Ballarat called John Valves. I recently had the pleasure of meeting with the national sales manager for John Valves Pty Ltd in Ballarat, Mr Jeff Quarrell. I had a quick look around his showroom at the John Valves factory and found that he had very impressive equipment.

John Valves is a high-tech manufacturer in Ballarat producing large valves suitable for fittings in contact with potable and treated water. The business is well known in Ballarat, having been established 112 years ago — in 1896. It employs a staff of 130 people and is a business worth over $13 million. It has recently supplied valves produced specially for major projects in Sydney, Queensland and South Australia. John Valves has supplied valves for the Perth desalination plant. It has been approached recently by business interests from faraway Dubai looking to use its expertise.

The business has no Australian competitors for the manufacture of large valves. At a time when the Victorian government is looking to undertake a number of substantial water pipeline projects you would think a good local firm like John Valves would be a shoe-in to get some business. John Valves was not contracted to supply valves for the Wimmera–Mallee pipeline, which in relative terms is just next door to Ballarat. Neither has it been contracted to supply valves for the north–south pipeline. John Valves was not even contracted to supply valves for the so-called goldfields super-pipe, which takes water from north of the Great Dividing Range almost to John Valves's doorway.

It is my understanding that the Brumby government is bringing in valves from overseas to supply its major pipeline projects whilst ignoring the services of a successful local manufacturing firm in Ballarat. John Valves is an International Organisation for Standardisation ISO 9001 quality endorsed company. John Valves is good enough to supply projects in other states, but seemingly it is not good enough to be supported here in Victoria.

John Valves approached Central Highlands Water to discuss supplying the goldfields pipeline, but the authority did not want to talk seriously with the company. A representative from John Valves met with

local Labor MPs but received no feedback. The Department of Innovation, Industry and Regional Development representative likewise apparently had nothing to offer. A business like John Valves relies on securing large projects so that it can supply valves to those businesses. Without such contracts, there is no work to pay to keep the doors open. If John Valves cannot secure contracts for Victorian government projects, will the Premier take responsibility if and when the doors close on 130 people when they lose their jobs in Ballarat?

The action I seek from the Premier is to ensure that those authorities constructing pipelines in Victoria short-list local firms like John Valves to give them every opportunity to win bids, thereby ensuring that local expertise and jobs are maintained in Ballarat in Victoria. John Valves does not want preferential treatment, but it deserves to be short-listed for these projects.

Ambulance services: south-eastern suburbs

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I raise for the attention of the Minister for Health the provision of mobile intensive care ambulances (MICA) in the south-east. The MICA paramedic units, as many members would know, consist of two MICA paramedics and a stretcher vehicle that are provided by the ambulance service to attend to the most severe cases where ambulance services are required. The paramedics are especially trained to handle serious injury, including cardiac arrests, breathing difficulties, head injuries and incidences involving major road trauma. They are the elite service within the ambulance service.

Currently the south-east has two MICA units — one is in Frankston and the other is in Dandenong. These units are operated as two-crew units which operate a stretcher vehicle. During its budget announcements the government announced a restructure of MICA services throughout the south-east, which would lead to the introduction of a unit at Chelsea and a peak unit at Clayton which would operate during peak periods on a 12-hour shift. However, that would be done on the basis that the MICA service is reduced from two paramedics in a stretcher vehicle to single paramedics operating in ambulance passenger service vehicles.

The paramedics who currently operate in the south-east have indicated that this will seriously degrade the level of service that can be provided by the MICA units throughout the south-east. They have indicated there are significant difficulties for single paramedics operating by themselves in providing the type of emergency services that a dual operator system can currently provide. While the decision to introduce a single response MICA unit at Chelsea is welcomed, the rescheduling of shifts in Frankston and Chelsea result in a net loss of MICA paramedics in the bottom end of the south-eastern region. I call on the Minister for Health to abandon the government's decision to restructure the Dandenong and Frankston MICA units as single responder units and to retain the dual operator units that currently exist.

Brimbank: councillors

Mr FINN (Western Metropolitan) — I raise for the attention of the Minister for Local Government the debacle that is now the Brimbank City Council. When I was first elected I asked a constituent in Sunshine if the Brimbank City Council was as bad as people said it was. He told me, 'They amalgamated the Keilor and Sunshine councils. What do you reckon?'. I got the message very quickly.

The period when Cr Natalie Suleyman was the mayor was truly a horror period for the Brimbank council and its residents. Shortly after my election in November 2006 there was change of mayoralty. Cr Margaret Giudice took the robes. I have to say that although Margaret Giudice is not of my politics, she did a good job as mayor. At that time I was of the view that she had put the City of Brimbank back on track. That, sadly, changed very much and very radically earlier this year.

Those familiar with the documentary *Rats in the Ranks* will have a better understanding of how the Brimbank City Council now works. It is the worst nightmare of the residents of Brimbank. It is now a den of intrigue, backstabbing, treachery and backbiting where venom is the drink of choice — —

Mr Somyurek interjected.

The PRESIDENT — Order! I can assure Mr Somyurek that what I am about to say is not that amusing. Mr Finn knows the rules and guidelines of the adjournment debate; they are not to incite debate. They are to be specific and relevant to a subject matter that deals with the minister's responsibility or to a specific action. I have heard nothing so far that suggests to me Mr Finn will comply with that. I ask Mr Finn to be specific when asking the minister for a specific action.

Mr FINN — I am getting to that, President — —

Mr Lenders interjected.

Mr FINN — No, Mr Lenders, come out to Brimbank and I can show you a circus you will not forget!

There are campaigns being run against individuals in this particular council. Last Tuesday night I attended a Brimbank City Council meeting with Mr Guy. Police were in attendance at that meeting to keep order. The gallery was baying for blood. Councillors were snarling at each other like wild animals. It was a disgrace to local government in Victoria. Good governance no longer exists in the city of Brimbank. It is a farce — —

The PRESIDENT — Order! Mr Finn, I suppose I could say, is testing my patience. I know he has a particular problem with the Brimbank City Council, but this is not the time nor the place to express it. The adjournment debate is to ask for specific actions from the minister, and it is not for Mr Finn to give members a verbose explanation of his personal experiences. There are limits as to how far he can go in that regard. All Mr Finn has done so far, in over a minute, is to give his personal opinions about his experiences and other people. What is the matter that Mr Finn wants to be dealt with?

Mr FINN — I was just outlining the circumstances of and the reason for the action that I seek, and that is that I ask the minister to dismiss the Brimbank City Council and appoint an administrator pending a full independent inquiry into the council, including the activities of three non-councillors who seem to have significant influence on town hall, and they are Mr Charlie Apap, Mr Hakki Suleyman and Dr Andrew Theophanous.

I ask the minister to take into account the accusations and the actual fact that it is happening. Even George Seitz, the member for Keilor in the Assembly, has publicly condemned Brimbank as a haven of shysterism and branch stacking — and he, I understand, is an expert on such matters. So I ask the minister — —

The PRESIDENT — Order! Mr Finn must withdraw that reference to Mr Seitz. If not, I will rule the whole thing out of order. It is his choice.

Mr FINN — I withdraw, President. I ask the minister to take into consideration the desperate plight that the 170 000 people of Brimbank are suffering under at this point in time. I ask him to do them a favour and sink this ship of fools.

Lang Lang Kindergarten: funding

Mr O'DONOHUE (Eastern Victoria) — My matter this evening is for the Minister for Children and Early Childhood Development, Ms Maxine Morand. It relates to the ongoing funding for the Lang Lang Kindergarten.

By way of background, less than 12 months ago the Lang Lang Kindergarten was advised by the government that it would no longer receive funding outside the guidelines, and that funding is critical to the ongoing viability of the Lang Lang Kindergarten. Lang Lang is a small rural town within the Shire of Cardinia, which, for the purposes of funding for kindergartens, is considered a metropolitan council. As the minister may well be aware, Lang Lang, however, is a rural town that has had many challenges in recent years, with the drought affecting the productivity of surrounding farms and most recently with the possibility of overhead powerlines being constructed not far from the town to link up the powerlines to the desalination plant. There are many challenges facing the area, and the kindergarten is a critical hub and meeting point for the community. The nearest kindergarten is poorly connected by public transport, making it difficult for parents to access those services if the kindergarten closes.

As I said, the kindergarten was advised less than 12 months ago that the government was cutting funding outside the guidelines for the kindergarten. After a sustained community campaign, funding was reinstated for a further 12 months. Sadly, we appear to be back in the same position. The kindergarten has been advised that going forward funding outside the guidelines will no longer be provided. This is unacceptable, and it is not good enough. The action I seek from the minister is to guarantee that funding outside the guidelines will be provided for the Lang Lang Kindergarten going forward so that it can remain a viable hub for the local community.

EastLink: tunnels

Mr ATKINSON (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Ports. I note the opening of the EastLink project and the fact that it is now taking tolls, and I note the success of that road in some measure in terms of taking traffic off some of the surrounding roads. However, I have two major concerns with it. They have been raised with me, and they have certainly been matters of my own concern.

The first one is the problem at Frankston, which of course was anticipated by the Liberal Party, with the need for a Frankston bypass being discussed prior to the last election. I am told that at this stage the Frankston area is suffering significantly since the opening of the

toll road because it does not have the necessary infrastructure at that end to cope with it.

But another matter — and this is a very serious matter — concerns me more. Whilst most of that road is of very high international standard, I am absolutely astonished, as are many of my constituents, about the tunnels on the EastLink freeway, which are very low tunnels. I would have thought that in planning such a major piece of infrastructure the government ought to not only have been considering traffic on that road today, but also have been thinking about traffic in the future and the sorts of vehicles that might use it in the future.

We already have instances that the minister would be aware of where a barrier has come down because oversized trucks have been keen to enter the tunnel and have been stopped. The result is that all the traffic has backed up and drivers have absolutely no idea of what they are supposed to do. These tunnels were underbuilt. They should have been a lot higher from a safety point of view, and I am very concerned about the fact that in the future there may well be major accidents that could well have been avoided simply by better design.

In this instance, at the very least at this time, I am seeking that the minister run an education campaign or have discussions with EastLink to organise an education campaign and some method of communicating to people what they should do in the event of an incident in that tunnel, particularly if the boom gates come down. We have had people trying to do U-turns and go out on incoming ramps to try to clear the freeway where there have been stoppages. That is obviously a very dangerous and totally unacceptable practice, and I think the minister needs to address this with some communication with motorists using that road.

Responses

Mr LENDERS (Treasurer) — There were 18 items listed for the adjournment this evening. Of those I will refer 15 directly to the ministers from whom action was sought.

Mr Philip Davis raised an issue with me in my capacity as minister responsible for VicRoads. I am disappointed that Mr Davis is not here to hear the answer, but I am sure he will read it in *Daily Hansard* tomorrow. It is regarding the tender for the harvest and haul operations in Gippsland, and in particular the fact that 65 per cent of harvest and haul licences were tendered and a further 35 will be tendered in the next couple of months. He specifically asked me as the minister to intervene in the contracts. I am sure Mr Philip Davis would not want me as a politician to be intervening in individual contracts in East Gippsland, so what I would say to Mr Philip Davis is that I have asked VicForests to deal individually with each of the people who were unsuccessful in gaining contracts and to take them through what the process was and invite them to participate in the next round, as is appropriate. It would be inappropriate for a minister to particularly intervene in contracts, although I understand the issue he raises.

Mr David Davis and Mr Finn raised adjournment matters this evening. I will discharge those adjournment matters and not respond to them because I see this debate as having been a vehicle to launch populist personal attacks under parliamentary privilege — on public servants in the case of Mr David Davis and on citizens in the case of Mr Finn.

Mr Finn — Come out to Brimbank and say that. Come out to Brimbank and say it. Come on — out you come, you wimp!

The PRESIDENT — Order! I ask Mr Finn to withdraw that last comment.

Mr Finn — Only out of deference to you, President.

The PRESIDENT — Order! I appreciate that, but it is more than that. I ask him to withdraw the comment.

Mr Finn — I withdraw.

The PRESIDENT — Thank you.

House adjourned 10.48 p.m.