PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 7 October 2008

(Extract from book 13)

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

By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

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

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TUESDAY, 7 OCTOBER 2008

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Tuesday, 7 October 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Economy: global financial crisis

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. What advice has the Premier received from Treasury regarding the effect of the global financial crisis upon the Victorian economy and the consequent impact on Victorian families?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. The fundamental advice from the Department of Treasury and Finance to the government in relation to the global environment is that global growth will of course be slower. World economic growth this year will probably be around 3 per cent. That sounds like a good figure, but when you take into account the impact of China and other developing countries it generally means a very slow international environment.

The further advice from Treasury is that the fundamentals in the Victorian economy remain sound. Our fundamentals are amongst the best not only anywhere in Australia but anywhere in the world. We have a very strong AAA credit rating. We have been paying down debt over recent years. We have managed to increase infrastructure and pay down debt as a share of gross state product, so our fundamentals are very strong. But the global economy has slowed, and with that slowdown of the global economy there will be a slowing of growth in the Australian economy, and that will affect the Victorian economy.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome to the gallery today the ambassador for Uruguay, Mr Alberto Fajardo, and the member for Unley in the South Australian Parliament, Mr David Pisoni. I welcome them to question time.

Questions resumed.

Economy: performance

Ms GRALEY (Narre Warren South) — My question is to the Premier. Can the Premier update the house on the outcomes from last week's Council of Australian Governments meeting, particularly his proposal to fast-track nation-building capital works projects?

Mr BRUMBY (Premier) — I thank the member for Narre Warren South for her question. I know I can say on behalf of all members of the house how pleased we are to see her back. It is wonderful to see the member back in the house. We welcome her.

As I have just said in part in answer to the Leader of the Opposition's question, it is self-evident that times are tough and more challenging today than they were three months ago, a year ago or even three years ago. At the same time, as I have been saying repeatedly over recent months, Victoria's economic and financial fundamentals are strong, and we are better placed than many to weather what is an increasingly challenging international storm.

We have the right fundamentals in place, as I pointed out to the house before. The latest Australian Bureau of Statistics national accounts data shows that Victoria grew by 4.9 per cent over the year, outstripping New South Wales, which was 2.7 per cent, and the nation, which was 4.3 per cent. Last month I was pleased to see a front-page headline of the *Age* newspaper state 'Victoria the nation's economic engine'. Our unemployment rate is 4.3 per cent. We lead the nation, again, on building approvals, with $21.4 billion over the last year up to the end of August. We have had more apprentices and trainees in the last year in our state than in any other state in Australia.

But these are tougher global times, and they require decisive action now. Last week I took to the Council of Australian Governments a plan to both bring forward and to add to Australia's nation-building projects and the total of capital works projects around Australia. I am pleased to say, having advocated for more capital works publicly and at COAG, that this was agreed to by COAG at a very successful meeting. COAG has endorsed a plan to fast-track nation-building capital works. Infrastructure Australia will bring forward an interim report on priority projects across Australia in December, ahead of what would have been its ordinary report in March or April next year.

We have always welcomed the $20.5 billion Building Australia Fund, which was announced by the Prime Minister. I was pleased also at COAG and in the press conference after COAG to see the Prime Minister commit to a second round of the Building Australia Fund, so we will see more than the $20.5 billion which was made available in the first round. Those funds from

the federal government will add to and supplement what we are already doing as a state. I want to make the point that we have many great state-building projects under construction across Victoria at the moment.

The Melbourne Convention Centre will open at the end of next year. The Royal Children's Hospital, at a cost of $1 billion, will be the biggest new children's hospital development anywhere in Australia. The rectangular stadium will bring rugby and round-ball games — soccer of course — to our state. Channel deepening is a $969 million project, which is around, I think, one-third complete or close enough to, with all of the work at the heads now undertaken. The Monash-Westgate freeway, the M1 upgrade, at a cost of $1.4 billion, is well advanced. Other state projects include the Geelong ring-road at $380 million, the Deer Park bypass at $331 million and the food bowl modernisation at $1 billion. The north-east rail revitalisation package is a $500 million package in partnership with the federal government.

We in this state and on this side of the house have a plan to grow our economy. It has been built around cutting taxes, it has been built around cutting WorkCover premiums, it has been built around building our skills base and it has been built around the biggest capital works program in the state's history. We are making these decisions, and we are investing in infrastructure. These things are about strong leadership and decisive action in difficult international times.

I just want to make this comment: we are out there supporting these projects. But if you look at the channel deepening project — now 30 per cent complete, a nation-building project for Australia — it is opposed by the opposition parties. And the food bowl modernisation project — —

Mr Baillieu interjected.

Mr BRUMBY — Opposed by you!

Mr Ryan — On a point of order, Speaker, not only is the Premier wrong but he is debating the question. I ask you to have him return to answering the question.

The SPEAKER — Order! I uphold the point of order. The Premier is debating the question. I ask him to come back to addressing the question as it was asked.

Mr BRUMBY — We are getting on with the job of the food bowl modernisation program, which is about injecting $1 billion of funds into the food bowl region and securing water savings for our irrigators, for Melbourne and for the environment. We support this project, unlike the opposition, which has opposed it at every stage along the way. We had the issue when Parliament last sat, when I was asked a question about Members Equity by the member opposite — —

The SPEAKER — Order! The Premier is debating the question. I ask him to return to the answer.

Mr BRUMBY — I simply say in relation to that matter, that they were responded to by the former governor of the Reserve Bank of Australia, who described the comments as ill informed and suspiciously malicious.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to address the question.

Mr BRUMBY — We are getting on with the job with state-building and nation-building projects in our state. I have been given a note that the channel deepening project is actually 44 per cent complete, and I thank the minister for that. These are important projects for our state, and I would have thought that at this time in the global economy these projects were more important to our state than ever before. We are getting on with the job of building them — and we are creating confidence, which is being undermined by those opposite.

Schools: Catholic sector

Mr DIXON (Nepean) — My question is to the Minister for Education. I refer the minister to her announcement yesterday on Catholic school funding which is less than a tenth of the coalition's $396 million commitment to Catholic schools for teachers salaries, capital works and maintenance, students with a disability, needy schools in disadvantaged areas and improving internet access. I ask: how does the government now expect Catholic schools to make up the shortfall in their funding needs?

Ms PIKE (Minister for Education) — I thank the member for his question, which implied that the government should copy the policies of the opposition when they relate to education.

Honourable members interjecting.

The SPEAKER — Order! That level of the injection is far too high. I will not have a minister shouted down.

Ms PIKE — When it comes to formulating schooling policy, I certainly do not use opposition policy as a template. If I were to do that I would see the

decimation of the education system in Victoria. I would see policies that involved sacking teachers and diminishing the funding available to education. I would see policies that were not in the best interests of every single Victorian student.

The SPEAKER — Order! I ask the minister to address the question.

Ms PIKE — We have been negotiating with the Catholic education authorities and other people in the non-government school sector to determine the appropriate ways we can continue to support the excellent work they do for young people in our community. We are part way through an agreement we signed with them about the base level of their funding and a range of other parameters in terms of the support that our government gives them for educating the young people within our community.

Recently we announced that we are going to provide an additional $39 million on top of that funding agreement so that we can further enhance the education they provide. Let me say that this funding announcement has been very gratefully received by the Catholic Education Office. In fact the director of Catholic education, Mr Stephen Elder, said that the Victorian Labor government had recognised the importance that Catholic schools play in the education system. He went on to say:

> The additional capital funds will be most timely for Catholic schools as they will ease the pressure on school budgets and free up local … resources …

He said that they are very grateful to the state government for this urgent assistance. He went on to say:

> The Catholic education sector has a good working relationship with the Brumby government and this has been acknowledged by the constructive discussions being currently undertaken around the next funding agreement due to start in 2010.

Mr McIntosh — On a point of order, Speaker, I notice that the minister is reading from a document. Will she make that available to the house?

The SPEAKER — Order! Is the minister reading from a document?

Ms PIKE — I am in fact reading from the press release that the Catholic Education Office made available to the public.

The SPEAKER — Order! Is the minister prepared to make it available to the house?

Ms PIKE — Of course. I would suggest the member check the website, but if he would like a hard copy, it is here and available. I have made available the document that I was reading from; the other things are my notes.

We stand by our record in the provision of funding to the non-government school community. Over the time of this government the increase in funding to Catholic education and other non-government schools has been of the order of 72 per cent. When you consider that in the time of the previous government the increase was only 28 per cent, and you compare that to 72 per cent — and that is even before we include this additional $39 million — then I think we have a very strong record. We have a very good working relationship with the Catholic Education Office. Letters are going out to parents right across the state, talking about the contribution that this government is making to their children's education. Quite frankly, why would they believe people who cannot even cost their own commitment properly? There is a $90 million black hole in the funding commitment that the opposition is bragging about.

Mr Dixon — On a point of order, Speaker, the minister is debating the point. I ask that she come back to answering the question.

The SPEAKER — Order! Has the minister completed her answer?

Ms PIKE — As I said at the outset, we have policies that are fully costed. We have policies that have been developed in collaboration with Catholic education. We have policies that are in the best interests of every child in every school of this state. The last thing I would want to do is emulate the poorly costed policies that are being brought forward and poor practice in education.

Water: Victorian plan

Mr HARDMAN (Seymour) — My question is to the Minister for Water. I refer the minister to the Brumby government's water plan and the commitment to secure Victoria's water through creating, saving and sharing water, and I ask: can the minister update the house on how the outlook for rain over the summer provides further evidence of why this plan is essential?

Mr HOLDING (Minister for Water) — I thank the member for Seymour for his question. His question underlines the challenge faced by not just Victorian irrigators but all Victorians in now our 12th year of drought and of course the reality of climate change

impacting on Victorian communities right across the state. What we have seen, firstly, as all honourable members would be aware, is significant changes in seasonal rain patterns. In particular we have seen autumn and winter rains declining over the last 12 years, and we have seen drier catchments. Those drier catchments have seen reduced run-offs into our storages, into our reservoirs and into our dams.

If we needed a reminder of how challenging the situation is, we have seen the failure of rain in 2006, with the worst inflows on record, and the winter rain results this year, with some parts of the state receiving close to their winter rainfall average but with only 60 per cent run-off into catchments. That has happened because the catchments are dry, temperatures have been higher and rainfall has been lower, which has meant that catchments have dried out and the run-off collected from winter rain has not been what it might have been compared to historical averages.

In September we had an extraordinarily dry month, with record low rainfall. In fact the September rainfall in Melbourne's catchments was at the 2001 level, and 2001 was a shocking year. In September the greater Melbourne area received only 12 millimetres of rain, which was the lowest September rainfall since 1855, when records were first kept. If we now go to the outlook, the Bureau of Meteorology is telling us that we have at best even odds of having average rain over the next three months. This shows the challenge that we face — —

Dr Sykes interjected.

Mr HOLDING — I note that the member for Benalla interjects. I say to the member for Benalla, and I say to all honourable members — —

The SPEAKER — Order! I suggest that the Minister for Water ignore interjections.

Mr HOLDING — I will ignore the interjections by the member for Benalla and instead remind honourable members that what these figures and rainfall patterns show us is the folly of continuing to rely exclusively on surface water run-off collected in storages such as dams and reservoirs to meet the water needs of Victorians. It shows the folly of advocating the construction of dams as somehow the solution to Victoria's water challenges. Instead this government has in place and is implementing a coherent plan to provide water security for all Victorians regardless of where they live. That is why we are working on the construction of Australia's largest desalination plant, a non-rainfall-dependent source of water; that is why we are spending over stages 1 and 2 up to $2 billion to upgrade irrigation infrastructure in the state's north, which is where the vast majority of Victoria's water is used, which is where the vast majority of Victoria's water losses occur and which is where the greatest savings can be made; that is why the state government unambiguously advocates investments in irrigation infrastructure to make savings by capturing those losses and to share those savings with water communities across the state; and that is why this government is unambiguously committed to the construction of a statewide water grid.

This plan will provide water security for towns and communities across the state just as the goldfields super-pipe has provided additional water security for Ballarat and Bendigo. We remember that not all members supported the construction of the goldfields super-pipe, but they sure support it now. That is why we are fast-tracking the construction of the Wimmera–Mallee pipeline, because we know how important that is for the communities in the Wimmera-Mallee area; that is why we support the Sunraysia irrigation modernisation program; that is why we support the food bowl modernisation project; and, yes, that is why we support the Sugarloaf pipeline project, which will bring to Melbourne its share of the savings that we can generate from investing in modernisation upgrades.

We have unambiguously nailed our colours to the mast. We have made it very clear where we stand on providing a coherent water vision for all Victorians. We are not travelling around the state saying one thing to one community and then totally different things to other communities. We are making it clear where we stand on water policy. We make it clear that we are for a desalination plant because it can provide non-rainfall sources of water. We make it clear that we are for modernising the state's irrigation infrastructure. We make it clear that we are for connecting the state in a statewide water grid to provide us with flexibility in how we manage our water resources in the future. We know that by diversifying our water sources we can provide the water security that Victorians need.

You will not provide water security for Victorians by continuing to rely exclusively on dams and storages, and you will not provide water security for Victorians by telling one community one thing and then telling another community the complete opposite in the pretence that you have something to offer as a solution to Victoria's water challenges. We have made our water plan clear. It is a water plan to provide water security for all Victorians. All we have heard from the opposition is backflips, inconsistencies and hypocrisy.

Drought: government assistance

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the previous answer by the Minister for Water, and I ask: when will the government stop treating country Victorians with callous indifference and reinstate Victoria's drought relief measures?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. Obviously with the circumstances around the state, as the Minister for Water has just indicated, whether you are talking about the north-west of the state, whether you are talking about the Goulburn-Murray region or whether you are talking about Melbourne itself, we are going through a period of historically low rainfall. In fact, as the minister has just said, for Melbourne the rainfall in September was the lowest on record — going back nearly 150 years — and in relation to the inflows to water and irrigation systems around the state, the last three years have been the worst three years in our history.

We are very conscious of the needs of our rural communities and farmers. In the last two years we have made in excess of $300 million of additional funding available for drought relief. That is above and beyond what the government is required to provide under the commonwealth-state drought arrangements. The government is currently considering the present climatic conditions and the range of measures which could be put in place to support rural communities. Last year we had similar failures in spring rain across the state. If my memory is correct, we announced the drought package late in October — I think it was on 24 October — and these are matters that are currently under consideration, as I have said.

In his question the Leader of The Nationals asked about comments that had just been made on water. I am reminded in the context of his question of some statements on water. The first is on the stance on pipelines coming across the Goulburn system, and it is this:

> We are totally supportive of it, provided the water used for the project is generated out of savings.

Mr Ryan — On a point of order, Speaker, the Premier is clearly debating the question. The preamble made reference to the minister's response, which talked about lack of rainfall through country Victoria. The Premier is now seeking to debate the question. I ask you to have him answer the question as to what the government is going to do about helping families who are struggling with drought. That is the question.

The SPEAKER — Order! I uphold the point of order. The question from the Leader of The Nationals referred to comments made in the question beforehand by the Minister for Water. The Premier is to come back to addressing the question.

Mr BRUMBY — As I have just indicated, these issues are under active consideration by the government at the moment. We are very aware of the pressures on our rural communities. We will finalise these matters in the near future, and that will be consistent with the timing that we have made in drought announcements in recent years.

I have been advised that the Reserve Bank of Australia has just announced it is cutting interest rates by a full percentage point, and I welcome that significant — —

An honourable member interjected.

Mr BRUMBY — That is what I have been told — and the cash rate is to be cut to 6 per cent from 7 per cent. I welcome that cut and obviously urge the banks, as I have been saying publicly, to pass on the maximum possible reductions to businesses and consumers.

Honourable members interjecting.

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

Water: desalination plant

Mr LUPTON (Prahran) — My question is to the Minister for Water. I refer the minister to the Brumby government's water plan and the commitment to secure Victoria's water through creating, saving and sharing, and I ask: can the minister update the house on the delivery of the desalination plant in Wonthaggi?

Mr HOLDING (Minister for Water) — I thank the member for Prahran for his question, because it is an opportunity to remind all honourable members, particularly those honourable members opposite, of the importance of progressing with that element of our water plan, which involves the construction of Australia's largest desalination plant. We know that desalination is important.

Ms Asher interjected.

Mr HOLDING — We will come to the member for Brighton, Speaker, do not worry about that.

The SPEAKER — Order! If the minister and the member for Brighton wish to have a private conversation, they can do so outside the chamber. I ask the minister to ignore interjections, and I ask member

for Brighton not to interject across the table. I also suggest to the member for Bass that his voice is very loud.

Mr HOLDING — I am sure the member for Brighton will not want for attention this week; let me make that clear.

This government is committed to the construction of Australia's largest desalination plant.

Mr K. Smith — You will regret it!

Mr HOLDING — The member for Bass says we will regret it. We are committed to it because we recognise that we need a non-rainfall-dependent source of water if we are to provide the water security that Victorians require. That is why we are progressing with the construction of a 150-billion litre desalination plant. That is what we are committed to.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Bass and the member for Warrandyte that they do not interject in that manner.

Mr HOLDING — The cacophony of interjections from members opposite would suggest that they are opposed to the construction of a desalination plant. That will be news to the people of Victoria.

Last week I was pleased to announce that two consortiums have been short-listed to proceed now to the request-for-proposal process. We are very pleased that AquaSure, a consortium that consists of Degrémont, SUEZ Environnement, Thiess and Macquarie Capital Group, has been short-listed. We are also pleased that the other consortium is BassWater, which consists of Veolia, John Holland and ABN AMRO Australia.

We have two substantial organisations which will now compete for the opportunity of building, operating and financing this important piece of infrastructure for the state's water security and for the state's water future — that is, 150 billion litres of water from a non-rainfall-dependent source of water. We expect to be able to receive their proposals in the next six months and to be able to make an announcement about the successful bidder by mid-2009. This project will be delivering water to communities in Melbourne, communities in Geelong and potentially also communities in Western Port and South Gippsland by 2011. That is a great outcome for the Victorian people.

I was fascinated to have the opportunity a few weeks ago of again travelling down to Wonthaggi to meet with some of the protesters. The method of protest for that week was the silent vigil. I got out of the car and who should I be greeted by but none other than the member for Bass. I was surprised, not only because it was supposed to be a silent vigil — —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr Crutchfield interjected.

The SPEAKER — Order! The member for South Barwon is warned.

Mr K. Smith — On a point of order, Speaker, the minister is actually misleading the house. I was not there to meet and greet him. I was in fact there to warn him to nick off as quick as he could. The people did not want him there. He offered them nothing.

The SPEAKER — Order! There is no point of order. I warn the member for Bass against making frivolous points of order.

Mr HOLDING — I think the phrase is 'Come in spinner'. The point is that most Victorians believed the opposition was actually in favour of the desalination plant, so it was quite surprising to be warned by the member for Bass at what was supposed to be a silent vigil that perhaps I was not welcome in Wonthaggi. This is yet another example of saying one thing to one audience and something else to another.

The opposition would have us believe that desalination was its idea, but the member for Bass would have the people of Wonthaggi believe he has been opposed to this project the whole time. He cannot play this game. He has to nail his colours to the mast. We have made it very clear that we support desalination because it can provide a non-rainfall-dependent source of water for urban communities.

Mr K. Smith — What about the amount of power it will use?

Mr HOLDING — 'What about the amount of power?' the member says.

The SPEAKER — Order! The minister will not react to interjections. I ask the member for Bass not to interject in that manner. I suggest to the minister that he

has been speaking for over 4 minutes, and I ask him to conclude his answer.

Mr HOLDING — We have announced the two short-listed bidders. We have now concluded the public submission process on the environment effects statement, a statement that those who have concerns about and who are opposed to this project sought. We are getting on with the process of delivering this vitally important piece of infrastructure. We know that it is vitally important that we have a non-rainfall-dependent source of water. Desalination represents that part of our plan, which will further diversify Victorians' access to water. That is why we support it. We have made our position clear. The opposition is once again all over the shop.

Brookland Greens estate, Cranbourne: landfill gas

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that the Premier found time to fly to Sydney for the rugby league grand final on Sunday, will he now visit the residents of Brookland Greens, take personal responsibility for resolving this crisis and assure the residents they will not be financially disadvantaged?

Mr BRUMBY (Premier) — The state government and emergency services have been supporting the residents of Brookland Greens and the residents adjacent to the Stevensons Road landfill through what is a difficult situation. Some 41 households have been assisted to relocate. The vast majority of those have now returned home, and we are doing all we can to make that as safe as possible. To date the Victorian government has taken a range of actions to assist the residents of Brookland Greens, including providing the Environment Protection Authority (EPA) with $3 million to assist the City of Casey to install in-home monitoring equipment and undertake household modification works.

That announcement was well received by the community and the council. More than 260 gas monitors have been installed on the estate to date, with 340 homes tested. We have also undertaken remediation work, including gas venting in more than 75 homes. We have established grants to help householders: immediate emergency grants of up to $1067 and temporary accommodation grants of up to $8650 per affected household. We have also ensured that residents are able to access free legal advice, and we have established a one-stop, 24-hour assistance phone line, which is 1800 890 390.

I would have thought that in all of the circumstances, given the longstanding responsibility of local government in terms of landfill, the actions which have been taken by the state government to date have been entirely appropriate, and have been well received by Brookland Greens. The residents of the estate are rightly calling for answers. That is why we have approved up to $700 000 to ensure that the state Ombudsman has the resources to carry out a full investigation into all of the circumstances surrounding this area, whose responsibility it was, and look at all of the issues involved.

The Ombudsman will be looking at the role of companies in the past, looking at the role of the Victorian Civil and Administrative Tribunal and looking at the role of the council in the past in terms of those approvals. That is the appropriate thing to do. It is an Ombudsman inquiry. The Ombudsman has all of the resources needed to undertake a proper investigation and to get the answers. The Ombudsman has all the powers of a royal commission. He has significant resources, and as I have said, he has the independence to investigate this matter without fear or favour.

The second priority is to ensure that the City of Casey implements the immediate gas management measures required by the EPA. As those works proceed, and I understand that a number of them are under way, the EPA is cooperating with the council. Because there is no case history of this in our state, we also have some international experts to determine the best way to manage the long-term gas problem. The best way to get back to normal is to fix the gas migration issue. We stand ready to work with the council as it meets its legal obligations to clean up the closed landfill.

Finally, the Victorian government will continue to stand by the residents of Brookland Greens estate as we move from what has essentially been short-term management to a longer term solution to this problem.

Water: food bowl modernisation project

Ms GREEN (Yan Yean) — My question is to the Minister for Skills and Workforce Participation. I refer the minister to the Brumby government's water plan and the commitment to secure Victoria's water through creating, saving and sharing water, and I ask: can the minister inform the house of the employment benefits of the food bowl modernisation project?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Yan Yean for her question. As we have heard already this afternoon from the Minister for Water, the historic $2 billion

upgrade in the food bowl modernisation project — the investment being made by state and federal Labor governments — is not just a very important part of this government's plan to secure Victoria's water supplies into the future, it is also a very important part of our plan to secure more jobs and more investment across regional and rural Victoria. We will see very considerable benefits from this $2 billion upgrade — benefits for the environment, benefits for industry and benefits for regional communities from this modernisation of Victoria's food bowl.

Importantly, as we have heard previously in the house, stage 1 of the food bowl project — the $1 billion that is being invested in Victoria — will deliver savings of approximately 225 billion litres of water each year. These savings have been endorsed by many people and organisations, including the Victorian Farmers Federation, yet they were disputed at the now infamous doorstop interview that the Leader of the Opposition held recently in one of his many different positions on this project. He is disputing the finding of these savings. However, the Brumby government is pushing on with this project because of the unparalleled investment it is going to bring to northern Victoria in particular. It is really going to help secure the long-term viability of the irrigation industry in northern Victoria and, as I said, bring more jobs and more investment into this region.

We also have evidence from Deloitte, which has shown us that from stage 1 of the project more than 700 full-time jobs will be generated — 700 full-time jobs. It will also give a boost to our annual gross state product, which will peak at $121 million. With 700 new jobs and $121 million added to our gross state product that will be of significant benefit to the region.

Indeed the benefits go even further. I was able to experience this firsthand when I went to the region back in July and visited the Shepparton-based company Rubicon. Rubicon won the contract to construct and install the first 1500 flume gates for the project. This has been a great boon for the company and a great boon for the region, because in the last 12 months Rubicon has increased its staff to 70 and more than doubled its turnover. It is now able to undertake a $2 million expansion of its Shepparton plant — a significant investment for Shepparton alone.

This expansion in business and jobs is particularly important — as we have heard already this afternoon from the Premier — as we here in Victoria, along with the rest of the world, face some challenging economic times. But as this one example shows, Victoria's economy is resilient, it has the right fundamentals to weather the storm; and as the Premier outlined last week, it is very important that governments now invest in major infrastructure projects to stimulate growth across the states. Our food bowl modernisation project is an excellent example of this. It is why we have gone on to commit a further $1 million to a food bowl marketing prospectus, which will attract even more jobs and more investment into the region.

It is great to see that there are many people who support this project. We most recently welcomed support for this project from the member for South-West Coast, when he called for the project to be brought forward to create employment opportunities in the Goulburn Valley region. We welcome the support of the member for South-West Coast, and we are very pleased to see that he likes it so much that he would like to see it accelerated — although it is a bit odd, and he might have to have a chat to his leader about — —

Dr Napthine interjected.

Ms ALLAN — Given that there are no savings, but he would like the project to be — —

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

Ms ALLAN — Certainly, Speaker. This is an important project, and it is certainly great to have more people supporting this project — people in northern Victoria, the business community and the member for South-West Coast. It is great to have support for this very important project. We are going to continue to get on with the job of delivering the project. While the Liberal Party tries to work out a policy position and then tries to stick to it, it will be the Brumby government that will deliver this vital infrastructure project for northern Victoria, which will also be critical to driving further jobs and further investment across regional and rural Victoria.

Brookland Greens estate, Cranbourne: landfill gas

Mrs POWELL (Shepparton) — My question is to the Minister for Local Government. Will the government assure the ratepayers of the City of Casey that they will not be required to shoulder the financial burden of any liability arising from the Brookland Greens crisis?

Mr WYNNE (Minister for Local Government) — I thank the member for Shepparton for her question. As the house is aware, there is an Ombudsman's inquiry being undertaken at the moment into this matter. As the Premier has indicated, it has been provided with extensive support by the government — of the order of,

I think, $700 000 — to undertake this investigation. The question of liability is a matter that will be addressed by the Ombudsman, and it is really not for the government, or indeed the member for Shepparton, to speculate on that report.

We will await the outcome of the Ombudsman's report. It is entirely inappropriate for anybody in this house to speculate on that outcome.

Water: north–south pipeline

Ms CAMPBELL (Pascoe Vale) — My question is for the Minister for Water. I refer the minister to the Brumby government's water plan and the commitment to secure Victoria's water through creating saving and sharing, and I ask: can the minister inform the house of the repercussions of not proceeding with the Sugarloaf pipeline project?

Mr HOLDING (Minister for Water) — I thank the member for Pascoe Vale for her question.

Ms Asher interjected.

Mr HOLDING — Don't worry, we will come to the member for Brighton.

As I have already informed the house today, the Bureau of Meteorology made it clear as recently as yesterday that if the weather patterns and the rainfall patterns that we have experienced since 1996 continue then we are obviously experiencing the first stage of a potentially substantial change in Australian and Victorian weather and rainfall patterns as a consequence of climate change. As a consequence of that governments have to take action, and that is exactly what this government is doing. This government is taking action to secure water supplies for Victorians.

As the Minister for Regional and Rural Development has just informed the house, the importance of investing in the food bowl modernisation project cannot be understated. You cannot say that you support the food bowl modernisation project but you do not think any water savings will come from it. You cannot say that you support the food bowl modernisation project but you do not have a plan for how you are going to pay for it.

A very important part of how the food bowl modernisation plan is going to be paid for is the $300 million contribution that will be made towards modernising Victoria's food bowl by Melbourne Water customers through higher water bills in the metropolitan area. That is part of the way in which this government has financed stage 1 of the food bowl modernisation project; it is part of the way we are financing this project. We believe, firstly, the savings that are projected for this project can be made, and secondly, we believe it is reasonable to share the costs of this substantial upgrade, just as it is reasonable to share the benefits that will flow from it. That is the philosophy that underpins this vitally important project, and that is why this government is pressing ahead with this vitally important project.

If we did not build the Sugarloaf pipeline, on the 11-year projections for Melbourne's water inflows and the state of our storages, and if the conditions of the last three years were repeated, particularly the record low inflows in 2006, then come 2010 without the benefit of the 75 gigalitres of water that will flow down this project — without the benefit of that water — Melbourne will be at a critical risk of running out of water. That is the reality of the situation that Victorians face if we do not proceed with the upgrade of the food bowl works and we do not continue works to connect the state in a statewide water grid including the construction of the Sugarloaf pipeline.

For those who say that somehow we can just turn off the pipeline and let it run dry, even though we will have invested $750 million on the project, we reject that suggestion. For those who say we can walk away from the $300 million investment — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Bass and Ferntree Gully not to interject in that manner. I suggest to the member for Evelyn that her constant interjecting through this question time has not gone unnoticed.

Dr Napthine — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to answering the question.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast and the Deputy Premier. The minister, to conclude his answer.

Mr HOLDING — There it is, Speaker. Opposition members support the fast-tracking of the project, but they do not believe that any water savings will come from it. Why would you support a $2 billion investment in upgrading irrigation systems if you did not believe any water savings can be achieved? What other rationale is there for the project other than the fact that water losses are occurring and that through investments in upgrades we can achieve water savings. If you do not

believe that, it makes no sense to make the investment in the upgrades in the first place. We support this pipeline because it will provide greater water security for Victorians through the investment that will flow through modernising our food bowl.

Mr Weller interjected.

The SPEAKER — Order! I ask the member for Rodney to cease interjecting in that manner.

Mr HOLDING — Opposition members want to fast-track a project that they believe will not work. That is the bottom line and the logical extension.

Ms Beattie interjected.

The SPEAKER — Order! The member for Yuroke is warned.

Dr Napthine — On a point of order, Speaker, the minister is not only deliberately misleading the house but he is also debating the question. I ask you to bring him back to order.

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

Mr HOLDING — Our position is crystal clear. We support the construction of Australia's largest desalination plant. We support the modernisation of our food bowl infrastructure because we believe savings can be made, and those savings can be shared. We support the construction of a statewide water grid, including the construction of the Sugarloaf pipeline. We support water recycling projects, which is why we are investing in the upgrade of the eastern treatment plant. We support ongoing conservation efforts to reduce household and industry water use. We have a plan to provide water security for all Victorians regardless of where they live. The opposition is condemned by backflips and hypocrisy and by its taking of irrational positions.

SHERIFF BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to provide a legislative framework for the appointment of the sheriff, the deputy sheriff and sheriff's officers and their functions, powers and duties and to amend the Supreme Court Act 1986, the County Court Act 1958 the Magistrates' Court Act 1989 and the Interpretation of Legislation Act 1984 and for other purposes.

Mr CLARK (Box Hill) — I ask the Attorney-General for an explanation of whether there are any aspects to the bill other than those relating to the sheriff's office.

Mr HULLS (Attorney-General) — This bill is about creating a new principal act to consolidate and clarify the key functions and powers of the sheriff and her officers. It modernises and simplifies certain sheriff's operational procedures.

Motion agreed to.

Read first time.

RACING AND GAMBLING LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr HULLS (Minister for Racing) introduced a bill for an act to amend the Racing Act 1958, the Gambling Regulation Act 2003 and the Instruments Act 1958 with respect to bookmakers and for other purposes.

Read first time.

CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Summary Offences Act 1966 to create a new offence dealing with the spiking of another person's food or drink and to extend an existing offence in the Crimes Act 1958 and for other purposes.

Read first time.

CORONERS BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to require the reporting of certain deaths, to provide for the investigation of deaths and fires by coroners in certain circumstances with the intention of finding the causes of deaths and fires and contributing to the reduction of the number of preventable deaths and fires, to establish the Coroners Court of Victoria and the Coronial Council of Victoria, to amend the Coroners

Act 1985 to repeal the provisions relating to coroners and to rename that act to continue to provide for the Victorian Institute of Forensic Medicine, to make consequential amendments to other acts and for other purposes.

Read first time.

GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL

Introduction and first reading

Mr ROBINSON (Minister for Gaming) — I move:

That I have leave to bring in a bill for an act to amend the Gambling Regulation Act 2003, the Casino Control Act 1991 and the Racing Act 1958 to promote responsible gambling and for other purposes.

Dr NAPTHINE (South-West Coast) — Could the minister provide a brief explanation of the bill?

Mr ROBINSON (Minister for Gaming) — The bill will implement the responsible gambling measures that have previously been announced by the government. It will introduce a significant regulatory reform of bingo, and it will introduce changes to the disciplinary procedures for gaming operators. It will also facilitate the keno and wagering and betting licence processes, and it will include some minor and technical amendments.

Motion agreed to.

Read first time.

FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) introduced a bill for an act to rename the Fundraising Appeals Act 1998 as the Fundraising Act 1998, to make various other amendments to that act and other acts and for other purposes.

Read first time.

LIQUOR CONTROL REFORM AMENDMENT BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) introduced a bill for an act to amend the Liquor Control Reform Act 1998 with respect to late hour entry declarations and for other purposes.

Read first time.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Introduction and first reading

Mr ROBINSON (Minister for Consumer Affairs) introduced a bill for an act to amend the Prostitution Control Act 1994 and the Second-Hand Dealers and Pawnbrokers Act 1989 and for other purposes.

Read first time.

EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL

Introduction and first reading

Ms PIKE (Minister for Education) introduced a bill for an act to amend the Education and Training Reform Act 2006 and the State Superannuation Act 1988 and for other purposes.

Read first time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr HELPER (Minister for Agriculture) — I move:

That I have leave to bring in a bill for an act to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Domestic (Feral and Nuisance) Animals Act 1994, the Fisheries Act 1995, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Veterinary Practice Act 1997 and the Impounding of Livestock Act 1994 and for other purposes.

Mr WALSH (Swan Hill) — I ask the minister for a brief explanation of what amendments will be made to each act.

Mr HELPER (Minister for Agriculture) — I will try to keep my explanation brief. The elements which relate to the agricultural act will make operational and administrative improvements to various acts. Changes to the Catchment and Land Protection Act will strengthen the position of the Department of Primary Industries in courtroom situations with regard to reasonable grounds of entry. The changes to the Domestic (Feral and Nuisance) Animals Act will close loopholes in the definitions of ownership to prevent situations where a dog attacks and no-one is prosecuted. The element relating to the Veterinary Practice Act amends that act to recognise interstate veterinary registration. The elements of the bill that relate to the Fisheries Act implement changes to the consultative arrangements for fisheries following their review.

Motion agreed to.

Read first time.

WATER (COMMONWEALTH POWERS) BILL

Introduction and first reading

Mr HOLDING (Minister for Water) introduced a bill for an act to refer certain matters relating to water management to the commonwealth Parliament for the purposes of section 51 (xxxvii) of the Constitution of the commonwealth and to amend the Murray-Darling Basin Act 1993 to provide for the carrying out of an agreement between the commonwealth, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory with regard to the water resources of the Murray–Darling Basin, to repeal all provision in that act as to any former agreement revoked by that agreement, to make consequential amendments to the Snowy Hydro Corporatisation Act 1997 and the Water Act 1989 to repeal the Murray-Darling Basin Amendment Act 2007 and for other purposes.

Read first time.

ASBESTOS DISEASES COMPENSATION BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to permit the awarding of provisional damages to persons suffering from asbestos-related conditions, to amend the Accident Compensation Act 1985 in relation to actions relating to asbestos-related conditions, to amend the Wrongs Act 1958 in relation to dependants' claims for damages arising from deaths caused by dust-related conditions and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144, notices of motions 94 to 96 and 204 to 207 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m.

PETITIONS

Following petitions presented to house:

Bass electorate: health services

To the Legislative Assembly of Victoria:

With the withdrawal of local doctors to operate the accident and emergency service for the Bass Coast, the demise of the Warley Hospital on Phillip Island, the rapid increase in growth and ageing population, the increasing tourist population and the proposed desalination project has put and will increase further pressure on the local hospital and ancillary services of this community. To provide specialist services within this community instead of travelling to Melbourne or Traralgon. This has also put extreme pressure on the Rural Ambulance Service to cover the lack of hospital services in this area.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Health to support our petition for funding the upgrade of the health services in the Bass Coast region.

By Mr K. SMITH (Bass) (79 signatures)

Water: desalination plant

To the Legislative Assembly of Victoria:

We the undersigned most strongly oppose proposals to supply electricity for the desalination project at Wonthaggi by above ground (pylons) or underground means, between Wonthaggi and Tynong North, through the Koo Wee Rup swamp, and demand that the Victorian state government and the Department of Planning and Community Development actively pursue alternative power sources and routes for this project.

By Mr K. SMITH (Bass) (406 signatures)

Gas: Lang Lang supply

To the Legislative Assembly of Victoria:

The South Gippsland natural gas extension project was launched by the Minister for State and Regional Development on Friday, 5 August 2008.

Multinet Gas with the support of the state government of Victoria natural gas extension program announced it would reticulate natural gas in five South Gippsland towns; Lang Lang being the first town to receive natural gas. Multinet Gas contracted Alinta Network Services, now known as Jemena, to be the project manager responsible for construction, operation and maintenance of the new gas network.

In November 2006 Alinta commenced works for the Lang Lang project and although 99 per cent of the works is complete, there is still no gas to residential homes and businesses due to retail issues.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Energy and Resources to support our petition and act immediately to ensure the delivery of natural gas to Lang Lang as promised.

By Mr K. SMITH (Bass) (139 signatures)

Rail: Glenrowan

To the Legislative Assembly of Victoria:

The petition of visitors, tourists and interested parties draws to the attention of the house that Glenrowan has not been included in the north-east rail revitalisation project.

The petitioners therefore request that the Legislative Assembly of Victoria include Glenrowan in the north-east rail revitalisation project for the purpose of re-establishing passenger services for the benefit of both residents and the tourist industry.

The inclusion would require the implementation of the following infrastructure developments:

1. alignment of the railway track past the existing station platform;

2. establishment of a passenger platform to service the southbound track at the location of the original 1873 goods platform;

3. establishment of track linkage between the north and south bound lines.

By Dr SYKES (Benalla) (424 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the 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 MDB.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Dr SYKES (Benalla) (29 signatures)

Waverley Road, Chadstone: speed zone

To the Honourable the Speaker and the honourable the Members of the Legislative Assembly in Parliament of Victoria assembled:

The humble petition of the undersigned citizens of the state of Victoria, respectfully showeth that:

Salesian College, a Catholic secondary boys school, is located in Chadstone in the south eastern suburbs of Melbourne. The current school population numbers over 900 persons. It is located in close proximity to a busy main road, Waverley Road. At present most of the school's population both enters and exits the school from the two Waverley Road access points, Bosco and Savio streets, which both lead directly into the school grounds. At peak usage times Waverley Road is a very busy and dangerous place at these access points. The current facility to protect the safety of this school's population during these peak times is both outdated and grossly inadequate. Due to this situation a number of students have lost their lives and recently a student was seriously injured.

The petitioners therefore request that the Legislative Assembly of Victoria support an extensive assessment and immediate upgrade of these major access points to the school. We believe that an immediate minimum safety upgrade be a 40 kilometre-an-hour zone in place at peak times. This zone must be clearly marked and extensive enough to protect those that cross Waverley Road some distance from the school. Lighted signage would only suffice. An upgrade of the present crossing is imperative and the placement of protective barriers at the bus stops to confine student movement is also long overdue.

By Mr STENSHOLT (Burwood) (3 signatures)

Frankston bypass: Pines Flora and Fauna Reserve

To the Legislative Assembly of Victoria:

The petition of the people of Victoria draws to the attention of the house the Frankston's Pines Flora and Fauna Reserve as being the most botanically significant Crown land in Melbourne's south east; the closest home to Melbourne of the nationally endangered southern brown bandicoot, swamp skink, the black-faced wallaby and over 30 species of indigenous orchids.

The petitioners therefore request that the Legislative Assembly direct that an alternative route be found for this

road and that all the Crown land within the reserve's boundaries be set aside as a national park.

By Mr PERERA (Cranbourne) (220 signatures)

Water: catchment logging

We the undersigned draw to the attention of the Legislative Assembly that logging of high conservation forest is occurring at the Armstrong Creek catchment.

We, the people, are outraged that at a time when Victoria is experiencing its most severe drought, logging of this catchment is reducing our water supply.

We are equally concerned at the fact that logging of this catchment is destroying the habitat of Victoria's endangered faunal species, the Leadbeaters possum.

We therefore call on the Victorian government to immediately cease logging of the Armstrong, Thomson, Cement, McMahons and Starvation catchments.

By Ms LOBATO (Gembrook) (132 signatures)

Water: desalination plant

To the Legislative Assembly of Victoria:

The petition of the people of Victoria and particularly those landowners, occupiers and residents within the corridor of the proposed high-voltage line from Tynong to Wonthaggi and who collectively draw to the attention of the house the gross imposition upon them of the implementation of the subject proposal and its appalling consequences in many forms if it were to proceed.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the government to abandon the proposal.

By Mr RYAN (Gippsland South) (100 signatures)

Brimbank: councillors

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

We ask that the Minister for Local Government, the Honourable Richard Wynne, immediately intervene in the City of Brimbank, which has become ungovernable due to one Cr Natalie Suleyman not being endorsed for the state seat of Kororoit. She is taking out her revenge on the community with her majority group of councillors, this blatant abuse of power without due care for the health, safety and wellbeing of the residents of Brimbank. This is the reason we ask the minister to forthwith dissolve the City of Brimbank and appoint a commissioner to govern the City of Brimbank.

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

By Mr SEITZ (Keilor) (276 signatures)

Walpeup research station: future

To the Legislative Assembly of Victoria:

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

The petitioners register their opposition to the closure of DPI centres at Walpeup, Rainbow and Stawell on the basis that it will result in direct and indirect job losses, and have serious ramifications for the schools and the businesses, services and the environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep these offices at Walpeup, Rainbow and Stawell as fully funded and functional DPI facilities.

By Mr DELAHUNTY (Lowan) (112 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

We call on the Legislative Assembly to stop Mr Brumby building the north–south pipeline which will steal water from country Victorian farmers and communities and the environment 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 CRISP (Mildura) (200 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

We call on the Legislative Assembly 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.

Mr WELLER (Rodney) (14 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to construct a pipeline to take water from the Goulburn Valley to Melbourne.

The petitioners register their opposition to the project on the basis that any water savings achieved by irrigation modernisation in the Goulburn-Murray irrigation system should be retained in that system for use by communities and for environmental flows and not piped over the Great Dividing Range to Melbourne.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal to build the pipe and call on the state government to invest in other measures to increase Melbourne's water supply, such as recycled water and stormwater capture for industry, parks and gardens.

By Mr CRISP (Mildura) (63 signatures)

Walpeup research station: future

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (88 signatures)

Kyabram research station: future

To the Legislative Assembly of Victoria:

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

The petitioners register their opposition to the closure of Kyabram research centre, on the basis that it will result in direct and indirect job losses, and have serious ramifications for the schools and businesses, services and the environment.

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

By Mr WELLER (Rodney) (30 signatures)

Rochester: community residential unit

To the Legislative Assembly of Victoria:

The petition of the following residents of Rochester and district in the electorate of Rodney draws to the attention of the house that they are opposed to the relocation of Rochester's community residential unit to Echuca on the basis that the loss of the service will have a detrimental impact on the residents of the facility and their families, the staff who work at the unit, and the general community of Rochester itself.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the Department of Human Services to abandon plans to relocate the community residential unit to Echuca and retain the facility at its current site in High Street, Rochester.

By Mr WELLER (Rodney) (386 signatures)

Tabled.

Ordered that petitions presented by member for Bass be considered next day on motion of Mr K. SMITH (Bass).

Ordered that petition presented by member for Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).

Ordered that petition presented by member for Keilor be considered next day on motion of Mr SEITZ (Keilor).

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

Ordered that petitions presented by member for Benalla be considered next day on motion of Dr SYKES (Benalla).

CLASSIFICATION GUIDELINES

Publications, films and computer games

Mr HULLS (Attorney-General), by leave, presented amended guidelines for the classification of publications and guidelines for the classification of films and computer games.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Mr CARLI (Brunswick) presented *Alert Digest* No. 12 of 2008 on:

Assisted Reproductive Treatment Bill
Compensation and Superannuation Legislation Amendment Bill
Corrections Amendment Bill
County Court Amendment (Koori Court) Bill
Dangerous Goods Amendment (Transport) Bill
Energy Legislation Amendment (Retail Competition and Other Matters) Bill
Greenhouse Gas Geological Sequestration Bill
Health Professions Registration Amendment Bill

Local Government Amendment (Councillor Conduct and Other Matters) Bill
Police, Major Crime and Whistleblowers Legislation Amendment Bill
Prohibition of Human Cloning for Reproduction Bill
Research Involving Human Embryos Bill
Stalking Intervention Orders Bill

together with appendices.

Tabled.

Ordered to be printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Local economic development in outer suburban Melbourne

Mr SEITZ (Keilor) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Agricultural Industry Development Act 1990 — Orders under section 8 (two orders)

Crown Land (Reserves) Act 1978 — Orders under section 17B granting licences over:

Lorne Foreshore Reserve

Winchelsea Park Reserve

Duties Act 2000 — Report of exemptions and refunds 2007–08 under s 250B

Essential Services Commission — Taxi Fare Review 2007–08

Financial Management Act 1994 — Reports from the Minister for Agriculture that he had received the 2007–08 reports of:

Dairy Food Safety Victoria

Victorian Broiler Industry Negotiation Committee

Gambling Regulation Act 2003 — Amendment to Category 1 Public Lottery Licence

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Major Events (Aerial Advertising) Act 2007 — Event Order under s 7

Major Events (Crowd Management) Act 2003:

Order declaring a Managed Access Area under s 7

Order declaring a Managed Venue Order under s 7

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Eighteenth Amending Deed

Freeway Management System Coordination Agreement Amending Deed

M1 Corridor Redevelopment Deed Second Amending Deed

Melbourne City Link Twenty-Seventh Amending Deed

Occupational Health and Safety Act 2004 — Compliance code orders under s 151 (8 orders)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — C65

Benalla — C24

Boroondara — C73

Campaspe — C57, C61, C62

Casey — C74, C100, C111

Glenelg — C38

Greater Dandenong — C36

Greater Shepparton — C65, C99, C100, C102, C113

Hepburn — C42

Hobsons Bay — C69

Hume — C75

Latrobe — C48

Manningham — C52, C100

Maribyrnong — C75

Maroondah — C62

Melbourne — C123

Moira — C32, C45, C46

Moonee Valley — C84

Moyne — C13

Nillumbik — C56

Northern Grampians — C2

Pyrenees — C22

South Gippsland — C43

Strathbogie — C38

Victoria Planning Provisions — VC49

West Wimmera — C13

Whitehorse — C74 Part 2, C104

Yarra — C100, C122

Statutory Rules under the following Acts:

Births, Deaths and Marriages Registration Act 1996 — SR 114

Chattel Securities Act 1987 — SRs 109, 112

Country Fire Authority Act 1958 — SR 106

Health Act 1958 — SR 105

Infringements Act 2006 — SRs 107, 108

Marine Act 1988 — SR 113

Mental Health Act 1986 — SR 111

Road Safety Act 1986 — SRs 115, 116

Transport Superannuation Act 1988 — SR 110

Subordinate Legislation Act 1994:

Ministers' exemption certificates in relation to Statutory Rules 5, 92, 103, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116

Minister's infringements offence consultation certificates in relation to Statutory Rules 113, 115

Surveyor-General — Report 2007–08 on administration of the *Survey Co-ordination Act 1958*.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Road Legislation Further Amendment Act 2007 — Sections 3, 4 and 18 to 29 — 29 September 2008 (*Gazette G39, 25 September 2008*).

ROYAL ASSENT

Message read advising royal assent to:

15 September

Evidence Bill
Heritage Amendment Bill
Summary Offences Amendment (Tattooing and Body Piercing) Bill

23 September

Corrections Amendment Bill
County Court Amendment (Koori Court) Bill
Family Violence Protection Bill
Legislation Reform (Repeals No. 3) Bill
National Parks and Crown Land (Reserves) Acts Amendment Bill
Public Holidays Amendment Bill
Road Safety Amendment (Fatigue Management) Bill
Whistleblowers Protection Amendment Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Assisted Reproductive Treatment Bill
Compensation and Superannuation Legislation Amendment Bill
Greenhouse Gas Geological Sequestration Bill
Local Government Amendment (Councillor Conduct and Other Matters) Bill
Police, Major Crime and Whistleblowers Legislation Amendment Bill
Stalking Intervention Orders Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Community Development) — I move:

That under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 9 October 2008:

Energy Legislation Amendment (Retail Competition and Other Matters) Bill

Local Government Amendment (Councillor Conduct and Other Matters) Bill

Police, Major Crime and Whistleblowers Legislation Amendment Bill.

This motion today sets out the government business program to be dealt with by way of the standing orders guillotine by 4.00 p.m. on Thursday, and it is the government's intention to only include three pieces of legislation under this procedural mechanism. However, I remind members that this week they will also be considering, firstly, during a cognate debate and then by separate votes on the second-reading motions and procedures through consideration-in-detail stages if any

amendments are proposed in the house, three pieces of legislation — namely, the Research Involving Human Embryos Bill, the Prohibition of Human Cloning for Reproduction Bill and the Assisted Reproductive Treatment Bill.

These three bills have been grouped together by way of previous resolution for a cognate second-reading debate, and it has been determined by all the political parties represented in this chamber that members will have a conscience vote. The decision to treat the debate in that way and to vote on it in that manner was first announced by the government and it has subsequently been confirmed by the other parties, in line with previous practice, both by government and opposition parties in recent times, as to how they will deal with the subject matter covered by the three separate pieces of legislation.

In that context the week will unfold in a similar way, because of those decisions and conscience votes, to the last parliamentary sitting week when we dealt with the Abortion Law Reform Bill. These three individual pieces of legislation have not been contained in the government business program in order to provide as far as humanly possible — 'as far as humanly possible' was the phrase I used in the last sitting week and it is the phrase I will use again — maximum opportunity for individual members to speak during the second-reading debate and to contribute to the consideration-in-detail stages of the bills.

As a consequence I advise the house that, as with the Abortion Law Reform Bill debate, we could well be sitting past the traditional sitting times for Tuesday, Wednesday and Thursday in order to accommodate those members who wish to make a contribution. The exact timing of the adjournment motions and finishing times for Tuesday and Wednesday and the adjournment motion on Thursday will become clear during the course of the week as we work through it, but I remind the house that the experience during the last sitting week was that in providing that opportunity for a very fulsome second-reading debate and consideration-in-detail stage there were late night sittings.

The purpose of this motion is to deal with those bills that are on the government business program. We will deal largely with those between the second-reading debate and the consideration-in-detail stages so that the Clerk and those members who wish to make a contribution during the consideration-in-detail stages can be fully apprised of the procedures and form an understanding of how that section of the parliamentary timetable will proceed. I commend the motion to the house.

Mr McINTOSH (Kew) — In commencing my remarks I note that, as I indicated to the Leader of the House earlier today, in relation to the Assisted Reproductive Treatment Bill, the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill it was the resolve of the coalition party room that there would be a free vote in relation to all of those three bills. Noting that the Leader of the House made reference to the Abortion Law Reform Bill which we dealt with during the last sitting week, I have some apprehension about the timing of these debates. The previous debate covered this house with some degree of glory in the way that it panned out and the amount of cooperation on both sides, irrespective of the strong views that were held by those on either side of the debate. As I did in the previous sitting week, I again acknowledge the way that the Leader of the House and members of the government worked with me and the manager of business for The Nationals, the member for Lowan, and other members of the coalition to get that legislation through. It certainly was a great testament to the ability of this place to get things done.

I have no doubt that the cooperation between all parties in relation to the concurrent debate on the three assisted reproduction treatment bills will continue. That cooperation has begun and hopefully the way the legislation is debated will again bring great credit on the house by enabling members of all parties to articulate their views.

Having said that, my concern is that there are three other bills on the government business program. While the assisted reproduction bills are not on the government business program, it is envisaged by the Leader of the House and all parties that the debate will take a substantial amount of time. It is the government's intention, as I understand it, that those three bills be passed or rejected by the Parliament by the close of business on Thursday. I am terribly concerned, given the debate that took place on the Abortion Law Reform Bill, about the amount of time involved. We sat until 2 o'clock on Tuesday morning, 1 o'clock on Wednesday morning and almost 2 o'clock on Thursday morning to get through all the second-reading speeches.

While perhaps in the eyes of members of the public we get paid a lot of money to sit here and discharge our duties as members of Parliament, the support staff, who I think everybody recognised in their contribution, were really the big losers in that uplifting debate. In the end members accommodated the needs of parliamentary

staff to the point where the unusual step was taken of incorporating the second-reading speeches.

I am concerned that the three bills making up the assisted reproduction treatment bills will take up a substantial amount of time and that we will not be able to devote appropriate attention to two bills in particular — the Local Government Amendment (Councillor Conduct and Other Matters) Bill and the Police, Major Crime and Whistleblowers Legislation Amendment Bill — both of which are matters of some controversy. I understand that there is an enormous amount of urgency about those two bills.

But everybody has known that local government elections are coming around in November of this year. I would have thought the government would have been able to anticipate that and would provide a bill in relation to the conduct of councils. It is an indication that the government cannot manage its own affairs. Indeed the thing that makes the police bill urgent is something that was evident some six weeks ago in relation to a drafting error created by this government.

Accordingly, the opposition has no alternative other than to oppose the government business program. While we expect that there will still be an uplifting debate in relation to the assisted reproduction bills and that every member will be given ample opportunity to make their contribution to debate on those three bills, regrettably I would expect that not every member will be able to make an adequate contribution to other important legislation. More importantly, in relation to the consideration-in-detail stage for the local government bill and the police bill, if that were sought, time will not be made available.

Accordingly, I do not think the government has properly planned its program this week and has just lumped together these three bills, particularly the local government and police bills, which are a matter of some controversy. As I said, all speakers will not have the opportunity to make their contribution either during the second-reading debate or when the bill goes into consideration in detail. The opposition will oppose the government business program.

The SPEAKER — Order! I suggest the member for Prahran use the clock at the back of the chamber.

Mr LUPTON (Prahran) — Yes, I have noted that I will be going to 8:88:88 if I use the clock behind the Speaker.

An honourable member interjected.

Mr LUPTON — It is indeed very auspicious. I rise to support the government business program. In doing so, I note that we come to this part of our program every sitting week. We wait with great anticipation to hear what reasons the opposition will have for opposing the work of the chamber in the coming sitting week. It always has an interesting and diverse array of reasons for not wanting to get on with the work of the house. Nonetheless we find that at the end of the process, notwithstanding all of the reservations and other difficulties that the opposition foresees, we end up doing our job in a creditable manner.

I notice that the member for Lowan is sitting on the other side of the table awaiting his opportunity to speak. During the debate on the last government business program the member for Lowan, no doubt unintentionally, misrepresented a number of things that I was saying, probably through lack of attention at the time. I am glad that he is here paying attention to these remarks today.

What we are doing this week is focusing our attention on very significant and important legislation. It is fair to say that during our debate in the last sitting week on the Abortion Law Reform Bill we as a legislative chamber did ourselves great credit in the way that debate was conducted, notwithstanding the difficulties that were foreseen beforehand and some difficulties that were even suggested early in the debate on that bill. It was suggested by one member that in fact the process for dealing with the Abortion Law Reform Bill was of such complexity and difficulty that the bill should have been adjourned for some weeks.

As it turned out, the fears of the member for South-West Coast were again unfounded, and as a result, the chamber dealt with that legislation in a very admirable and credible way. I think that does credit to the institution. I am sure that with the goodwill we expect members to show this week, we will also find that the work of the chamber is conducted in a particularly dignified and appropriate manner. We look forward to that.

As the Leader of the House has rightly said, we are making arrangements, largely with the cooperation of the opposition parties, to make sure the sitting hours of the house reflect the amount of work we have to do this week to get through the important legislative workload before us. While the cognate debate in relation to the assisted reproductive technology legislation will take precedence in our debating time this week, it is nonetheless important to recognise that other work of the government and the Parliament goes on. There are some other pieces of legislation before the Parliament

this week that rightly need to be addressed and dealt with by this house. The consequences of not dealing with some of those pieces of legislation — and I draw the house's attention to the Local Government Amendment (Councillor Conduct and Other Matters) Bill and the Police, Major Crime and Whistleblowers Legislation Amendment Bill in particular — would not be in the best interests of the people of Victoria.

Honourable members interjecting.

Mr LUPTON — I was going to go on and refer specifically and separately to the importance of the Energy Legislation Amendment (Retail Competition and Other Matters) Bill, because I know it holds a special place in the heart of the Leader of the House. He is pursuing a very important area of reform in relation to the supply and distribution of energy resources in this state and is to be commended for doing so. For those reasons, we will be devoting adequate time to this debate. Although we will no doubt have to work some considerable hours this week, we will be able to devote considerable time to these bills. I commend the government business program to the house.

Mr DELAHUNTY (Lowan) — Like the member for Kew and the opposition parties we represent, I oppose the government business program for this week. Too much is unknown about what we are to deal with this week.

Three bills will be debated concurrently even though they are not part of the government business program. There are three other bills the importance of which has been highlighted previously. They are the Energy Legislation Amendment (Retail Competition and Other Matters) Bill, the Local Government Amendment (Councillor Conduct and Other Matters) Bill and the Police, Major Crime and Whistleblowers Legislation Amendment Bill. As the member for Prahran said, those bills will be dealt with after the three bills that are to be debated concurrently — the Research Involving Human Embryos Bill, the Prohibition of Human Cloning for Reproduction Bill and the Assisted Reproductive Treatment Bill — and are to take precedence in debate today. Already we have been informed by the Leader of the House that those bills will be the first to be debated today.

The Leader of the House said he was not sure how long that will take and how long we will sit tonight, tomorrow and on Thursday. Too much is unknown in relation to the government business program and what we are going to do this week, not only from the point of view of MPs, but importantly also from the point of view of the staff who work in this building.

I agree with the other speakers in relation to the big debate on the Abortion Law Reform Bill that took place in the last sitting week. There was a great deal of cooperation in relation to that debate. We knew a lot more about where we were heading with that bill. More importantly, there was a lot of respect shown by members regarding views held by others on that very controversial bill. A similar situation exists in relation to the Assisted Reproductive Treatment Bill.

The Scrutiny of Acts and Regulations Committee report, which was tabled today, contains an 11-page report on this bill. I note that the Scrutiny of Acts and Regulations Committee has also called for public submissions on not only the Assisted Reproductive Treatment Bill but also on the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill. I believe the committee — perhaps a member of that committee behind me can assist members — will inform us how long that process will take. We do not have the full report because the committee has not held the inquiry regarding those three bills.

I turn to the three bills that are part of the government business program. The Energy Legislation Amendment (Retail Competition and Other Matters) Bill is very important for country Victorians in particular. We saw country Victorians lose $130 million when the government turned its back on country Victoria and took away the subsidies that were in place for country electricity users. In addition to the effects of the drought, the loss of that subsidy has made it difficult for producers to be competitive in the global economy we are working in today.

The next bill is the Local Government Amendment (Councillor Conduct and Other Matters) Bill. We have seen the Minister for Local Government bring this bill into the chamber at 5 minutes to midnight, given that that local government elections will be held next month. In the debate we will discuss local government conduct, allowances for councillors and other matters. We should have been debating this bill many weeks ago. I think there are many members in this chamber who would like an opportunity to speak on that bill, and I hope they will be given that opportunity.

The third bill is the Police, Major Crime and Whistleblowers Legislation Amendment Bill. It is an extremely important bill. I know that the member for Kew, who is the lead speaker for the opposition on this bill and who has much to contribute in this area, would like to have more than half an hour to speak on it. There is much concern in the community around these issues. There is a real worry that debate on those three very

important bills will be concertinaed so much that many of the 87 members who sit in this place with you, Speaker, will not get the opportunity to speak on them.

Also item 13 on the notice paper under government business, the Water Amendment (Critical Water Infrastructure Projects) Bill, is a 2006 bill that is still to be dealt with. That bill was bought into this Parliament in 2006. We are a couple of months away from heading into 2009, so we may have to debate the bill three years after it was introduced. Item 14 is assistance for Alicia Withington, and it is also a crime that that matter has not been debated. That petition was presented by the member for Bellarine on 29 May 2008, and it is still sitting on the government business program.

There is much on the government business program to be concerned about today. Unfortunately I do not have any more time to cover it, but the reality is we will be opposing this government business program because there is too much to do in the time that has been allocated to the program.

Mr INGRAM (Gippsland East) — I rise to support the government business program this week. I normally support the opposition when it opposes the government business program for the right reasons, but the government, in putting only three pieces of legislation on the business program to be dealt with prior to the guillotine, should be congratulated by members in this place. I understand three other bills will be debated, but they will not be dealt with prior to the guillotine, so we will not be forced to pass them this week.

I know members of this place will have a large interest in the three bills on the business program because they are important pieces of legislation, as other members have indicated, but I have been in this Parliament a little while and I know we often deal with nine pieces of legislation or more in a sitting week, and we adequately deal with that number. I know the Assisted Reproductive Treatment Bill, which we will be dealing with later today or later this week, is contentious and will take a fair amount of time. That legislation is not part of the business program to be dealt with prior to the guillotine. The government has had to allocate sufficient time to debate that legislation, but also three other pieces of legislation.

I have listened to a number of speeches on the government business program and I have read a number of speeches made by the Leader of the House when he was manager of opposition business — I do not know why I was doing that! One of the interesting comments he used to make when voting against the government business program was that there was not enough legislation on the business program. It would be silly to just oppose this for the sake of opposing it. I think three pieces of legislation on the business program is doable. I know a large amount of time will be allocated to the other pieces of legislation we are debating, but the program is achievable this week, and that is why I am supporting the government's business program.

Mr JASPER (Murray Valley) — I am pleased to support the comments made by the members for Kew and Lowan and our opposition to the government business program as outlined by the Leader of the House. Whilst I note the minister indicated there were three pieces of legislation to be debated, importantly he also mentioned the three bills dealing with assisted reproductive treatment which are to be debated concurrently.

My concern, apart from the general issue of the three pieces of legislation which will be debated, is the limited time we have been given on the three bills dealing with assisted reproductive treatment which were introduced into this Parliament just over three weeks ago. Most of us are seeking important information on these pieces of legislation, particularly on the critical Assisted Reproductive Treatment Bill.

Yesterday I took part in an extensive debate as a member of the Scrutiny of Acts and Regulations Committee (SARC). All members in attendance at the all-party parliamentary committee meeting unanimously agreed to an inquiry being undertaken by the committee. In fact the committee will be advertising for written submissions to be presented to it by 3 November 2008. Public hearings, if required, will be held on 17 and 18 November. SARC believes it is important, because of the breadth and importance of the legislation, to get written responses. Yesterday enormous concerns were expressed about the legislation, which the committee believes needs clarification.

It is disappointing that we are debating such important legislation within three weeks of it being second read in the house, albeit that the minister has indicated there will be no limitation on the time allocated during the three sitting days this week. I strongly support the comments made by the members for Kew and Lowan which recognise that debate on the three pieces of legislation listed may be truncated on the basis that the Leader of the House has indicated — that is, that the bills that are not part of the business program will be debated before the three pieces of legislation that are on the program.

I believe the sittings of the house will be extended not only because there will be a long debate on the three bills which are not on the government business program, but also because a number of members, including me, will want to speak on the bills listed on the business program, particularly the Local Government Amendment (Councillor Conduct and Other Matters) Bill and the Police, Major Crime and Whistleblowers Legislation Amendment Bill. I am sure the Energy Legislation Amendment (Retail Competition and Other Matters) Bill will also be commented on extensively, particularly since the Leader of the House is the responsible minister for that legislation.

The issue to me is not only the fact that debate on three pieces of legislation will be truncated because of the debate on the other three bills which are not on the program, but I also the action taken by the Scrutiny of Acts and Regulations Committee. What the government should be saying is that it will not debate those three bills on the basis of the inquiry which is being undertaken by the Scrutiny of Acts and Regulations Committee. I am sure there is going to be an enormous response to the committee's request and to the public hearings which are to be undertaken as well. I am extremely disappointed that will not be taking place.

Here again we see the government bringing legislation before the house, quickly debating it and pushing it through without appropriate consideration, particularly by the committee. I also indicate to the house that there was a unanimous view taken by the all-party committee that we should hold this inquiry. That is a major reason for the legislation to be held over. Support should be given to the comments made by the members for Kew and Lowan on the government business program. Legislation will not be debated as it should be. Within the time allowed there will be some debate, but we will not have all the information that we should have as members of Parliament.

House divided on motion:

Ayes, 51

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Kairouz, Ms
Kosky, Ms
Langdon, Mr
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Merlino, Mr
Morand, Ms
Munt, Ms
Neville, Ms
Noonan, Mr
Overington, Ms
Pallas, Mr
Perera, Mr
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 31

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

MEMBERS STATEMENTS

Sea pilots: safety review

Dr NAPTHINE (South-West Coast) — In August 2007 the Minister for Roads and Ports initiated a review into the operations of sea pilots working in Port Phillip Bay after what the minister's spokesperson said were a series of near misses and the conviction of a sea pilot for negligence after a ship crashed into a boatload of recreational anglers. It is now over 12 months since the review was announced and the minister is clearly sitting on the report rather than releasing it for stakeholder and public comment and scrutiny. Sea pilots, charter boat operators, recreational boat operators, anglers and all bay users need to see this report and comment on its contents and recommendations so that all stakeholders can work together to ensure safety on our bay.

Questions need to be raised as to why the minister is keeping this report a secret. Surely improved safety on a bay with a busy interaction between large ships and many recreational vessels should be paramount, especially during the channel deepening operations and with the expected increase in commercial shipping

activity after the completion of the channel deepening project. I call on the minister to come clean, release the report, stop the secrecy, stop the cover-up and have this report tabled and released for public consideration of its recommendations, and for sea pilots and other interested stakeholders to comment on.

Collins Street, Melbourne: lighting

Mr BATCHELOR (Minister for Energy and Resources) — I would like to announce a new street lighting device that has been demonstrated on Collins Street and which promises to significantly lessen energy use in the city of Melbourne. The lighting technology has been developed by Melbourne-based company, The Active Reactor Company. The project is being supported by the Centre for Energy and Greenhouse Technologies, which is an initiative of the Brumby government under its energy technology innovation strategy program. This is another example of the Brumby government taking action to address the challenge of climate change in our community.

The lighting device reduces the energy input at the start of the lamp's life and gradually increases energy input as the lamp ages. The lamp delivers the required lighting level at the optimal electricity consumption. Seventy street lamps have been fitted with the device along Collins Street from Spring Street to Spencer Street. A sample of these lights will be metered throughout the demonstration period to determine the reduction in electricity consumption against the consumption of conventional street lamps. Savings are hoped to be as high as 30 per cent.

The Brumby government has supported this world-first technology, developed here in Victoria and manufactured in Australia. The results will be important to all local councils and road authorities.

Honourable members interjecting.

Mr BATCHELOR — The Liberals will do anything to prevent good news from being delivered here!

Rail: Mildura line

Mr CRISP (Mildura) — The Sunraysia Mallee Economic Development Board has issued a report which has demonstrated conclusively the need for the complete standardisation of the Mildura–Melbourne rail link, and has outlined the environmental and economic cost to Victoria if it is not completed as soon as possible. These costs are not confined to the north of the state but will be felt by all Victorians. The report outlines that the cost of the lack of an efficient and effective freight rail service could be as high as $100 million per annum and add an additional 91 000 heavy vehicle trips to our roads.

The report entitled *Rail Freight Impact Study — Mildura Derailed* shows in-depth studies of major environmental costs caused by noise pollution, damage to waterways, road safety concerns on rural highways and major metropolitan roads which are already taking extra heavy vehicle traffic as a result of the current state of this line. The difference in carbon emissions, rail versus road, is as high as 70 per cent.

Although the government is currently working on a $73 million upgrade of the line, much more needs to be done if it is to be taken seriously in its commitment to reducing carbon emissions and its platform of governing for all Victorians. Mineral sands, mining, grain, dried fruit, almonds, olives and citrus all need to be shifted somehow. I urge the minister to take this opportunity to become familiar with the report, which will be widely quoted to prove the urgency of the completion of this important project.

Greenvale Basketball Club

Ms BEATTIE (Yuroke) — I would like to congratulate the Greenvale Basketball Club in my electorate, which has recently celebrated a terrific result in the Broadmeadows Basketball Association's junior domestic competition. The Greenvale Grizzlies had 30 teams in the competition, from under-10s to under-18s, with 20 teams securing places in the finals and 9 winning their premiership games. The premiership teams were the under-10 Grizzly Bears and Greenvale Dragons, the under-12 Supersonics, the under-14 Rockets, Jets and Titans, the under-16 Grizzly Bears, and the under-18 Galz and Bulls. This is a fantastic result, and it follows an equally great result in the previous season.

I would like to congratulate all the players who made the finals, as well as the many coaches and team managers who dedicate a great deal of time to make these results possible. Finally, I would like to congratulate the hardworking and dedicated committee: Liz Butler, Paul Byron, Sam Fileccia, Connie Interlandi, Vince Cassar, Lance Corby, Lina Fileccia, Fran Baker, Lou Chiodo and Silvana Skender. Without the commitment of these committee members the club would not be able to operate, and their dedication and hard work is to be commended. I wish the Greenvale Basketball Club all the best for the upcoming season. I hope these excellent results can be repeated. Although they were in 20 finals this season, I feel sure that with

30 teams in the upcoming season they could easily be in 30 finals.

Water: desalination plant

Mr K. SMITH (Bass) — The uncaring Brumby government's handling of the route for the aboveground powerlines from Tynong to Wonthaggi has gone from bad to worse with a proposal now to bring power from the Longwarry area to Wonthaggi with a 5-kilometre-wide investigation corridor as part of the plan. I cannot understand what is wrong with this government. It is telling one community one thing and then scaring people in another with the prospect of having a line of powerlines running through their properties.

This selfish, uncaring government has reached a desperate stage. It is now sending VicRoads people out to confiscate signs that have been put up by locals on their properties objecting to the powerlines. Taking away the rights of the people as well as the use of their land is a disgrace. Some properties along the proposed powerline route will have up to four easements on their rural properties. That will leave some of them unable to run their farms in a viable way, and has devalued these properties. It is not right. If the minister thinks that a fleeting visit to the Bass electorate or the threat of bankrupting one of the local community groups will silence the roar of objection to this ill-conceived proposal, he is wrong. Taking away their right to speak out is only creating bigger problems for this government, and it will pay for it in the election in November 2010.

South Barwon electorate: football and netball teams

Mr CRUTCHFIELD (South Barwon) — It is my privilege to inform the house that within my electorate of South Barwon we have seen another fantastic sporting season, although unfortunately not as productive in terms of premierships as last year. In the recent past South Barwon senior football and netball teams have dominated grand final season. This year saw a number of junior sides also step up to the plate, ensuring a very healthy future for the clubs. Unfortunately the senior netball and football teams did not win premierships this year.

President Richard Holtz has been very keen on ensuring the long-term success of the football and netball clubs by fostering a junior program. That program came to the fore in terms of success for South Barwon football and netball. There was a sensational victory in the under-18 division 1 Geelong Football League grand final with South Barwon defeating Colac 59 points to 49. I wish to congratulate the coach, David Laherty, whose mother-in-law works in my office, and his support group. The South Barwon under-division 2 side defeated St Mary's 112 to 38, and I congratulate the coach, Wayne Amos, and his support group. With such results from both of the under-18 sides, the future for the senior football team looks very bright.

In netball the ladies rose to the challenge, bringing home the grand final trophy in a number of age groups, including C grade where they defeated Geelong West St Peter's 33 to 25, and D grade where they beat St Mary's 33 to 31. In the juniors South Barwon easily defeated Colac 54 to 23 in the under-17s, and defeated St Joseph's 42 to 23 in the under-13s.

Maroondah Highway, Lilydale: footpaths

Mrs FYFFE (Evelyn) — I wish to bring to the attention of the Minister for Roads and Ports the hardship that is being faced by local residents in Lilydale who are finding it difficult to access services due to the absence of a paved footpath along Maroondah Highway between Nelson Road and Anderson Street, Lilydale. Pedestrians, many of them elderly people or mothers with small children, have to negotiate a pothole-ridden combination of gravel and slippery grass. Lilydale Valley Views and Tudor Village, both retirement villages, have many elderly residents who are no longer able to drive. They have to walk or ride a scooter to get to the local shops and medical clinic. The uneven surface of the unpaved, unlevel nature strip is a danger to the residents, whose scooters are frequently at risk of tipping over or getting stuck in the mud. Walkers are just as likely to lose their footing on the slippery grass, risking broken bones and other injuries. Either way these unpaved nature strips are the responsibility of VicRoads and are a real hazard.

While the installation of traffic lights at the intersection of Nelson Road and Maroondah Highway has assisted greatly with vehicle traffic flows, it was poor planning by VicRoads and council to not consider the provision of safe pedestrian access to Lilydale for the residents of the retirement villages and other local residents. The lack of safe access to walk or to ride a motorised scooter has resulted in a loss of independence and social isolation, with many having to rely on the kindness of neighbours and family to drive them to doctors' appointments or to the shops when they would much rather be healthier and walk. I call on the minister to ensure that the nature strips are paved immediately, and to improve the lifestyle of these elderly residents.

Emergency services: fleet blessing

Ms GREEN (Yan Yean) — Last Saturday I had the privilege of attending the 12th annual blessing of the emergency services fleet, coordinated by the City of Whittlesea and all local religious denominations. This ceremony embodies the community's support of and commitment to emergency services personnel in their important work in keeping them safe over the forthcoming fire season. The CFA (Country Fire Authority) brigades represented were Arthurs Creek, Craigieburn, Epping, South Morang, Mernda, Doreen, Whittlesea and Kinglake West. State Emergency Service units from Broadmeadows, Craigieburn and Eltham were present, and also the Metropolitan Fire Brigade. It is a great ceremony, and I encourage the organisers to make it even better next year by including the beautiful firefighters prayer, ideally led by a firefighter.

I was also privileged on Saturday to attend the re-signing of the volunteers charter by the Premier, the CFA chair, Kerry Murphy, and the inaugural chair of Volunteer Fire Brigades Victoria, Gary Lyttle. It was a great day for volunteers in that the urban and rural fire associations finally became one at the annual general meeting on Saturday.

On Sunday I finished out a perfect CFA weekend by being privileged to open the new fire station at Strathewen. It is the satellite station for the Arthurs Creek brigade. It was also a wonderful day because Captain David McKay of the Arthurs Creek and Strathewen brigade was awarded the prestigious national medal. I thank the Arthurs Creek community for the important work it does.

Snobs Creek station: future

Dr SYKES (Benalla) — A community meeting at Eildon last week unanimously endorsed the following motion:

> Friends of Snobs Creek reject the rationale behind the proposed relocation of DPI Snobs Creek staff to Queenscliff as flawed and misguided. The relocation will compromise freshwater fisheries and aquaculture research which has been an integral part of the facility for over 50 years. The proposed relocation undermines the viability of Snobs Creek fish hatchery and calls into question the government's long-term commitment to supporting recreational fisheries and tourism in the area. The proposed relocation will detrimentally impact upon schools, sports groups, small business and tourism in the local region; and is generally regarded as nonsensical even within Fisheries Victoria.
>
> Snobs Creek is a unique research station and fish hatchery that is an integral part of the Eildon/Alexandra community as well as the Victoria-wide recreational fishing community. Friends of Snobs Creek does not believe that the current government or executive of DPI has the right to destroy this iconic facility and we call on the Minister for Agriculture, the Honourable Joe Helper, MP, to stop using it as a political football, to show good sense and retract the proposal to relocate Snobs Creek staff to Queenscliff. We also call on the state government to demonstrate a commitment to the future viability and sustainability of the Snobs Creek facility.

I strongly endorse this resolution, and I call upon the Brumby government to stop ripping the heart out of country communities.

Free Kindergarten Association of Victoria: 100th anniversary

Dr HARKNESS (Frankston) — This October marks the 100th year of the Free Kindergarten Association of Victoria. At its first meeting in 1908, a group of pioneering Victorians came together with the shared goal of providing free preschool to Victorian kids. That first meeting elected Elizabeth Deakin, wife of the then Prime Minister Alfred Deakin, as its first president. The association grew steadily over the years, with more and more kindergartens becoming involved, and it developed a focus on the needs of children from a linguistically or culturally diverse background.

Today, the goal of those men and women at the association's first meeting is more important than ever. Elizabeth Deakin may well have suspected what the latest research is telling us in 2008, that high-quality preschooling is crucial to a child's development, and that affordable access to it is essential for a fair society.

Politicians sometimes use the phrase that this or that program is not a 'silver bullet' to a problem. Yet early childhood education, though not a solution to all our problems, is probably the single best thing that the community can provide children to give them the best possible start to life. That is why it is a pleasure to be part of a government which has shown such consistent and wholehearted support for Victorian kindergartens.

I congratulate the association on its centenary, and I wish it, along with all of the preschools in my electorate of Frankston, many more years of success.

Rail: East Ringwood car park

Mr HODGETT (Kilsyth) — It is with great frustration that I have to stand here today and again call on the Minister for Public Transport to address the torrid state of commuter parking at East Ringwood railway station. I stood before this house in March this year and explained that the parking facilities at East Ringwood station were completely inadequate. Car parking is minimal, and as a result traders are watching

their customers disappear down the road, as commuters are forced to use the shopfront parking to access the station. At that time I pointed out that fortunately a solution was readily available. Sitting directly next to the existing car park is a section of land that is currently being used as a dumping ground for scrap metal and worksite rubbish. This could easily be converted into additional parking for commuters and would greatly alleviate the shortage of parking spaces for customers of the adjacent shops.

However, here we are seven months later, and nothing has happened. Local traders are fed up, and the land that could easily be used for additional station parking is still littered with rubbish as commuters are forced to risk hefty fines by parking all day in the shopfront parking.

This government claims to encourage the use of public transport as a means to avoid ever-increasing petrol prices and remain environmentally conscious, but it refuses to support those who heed this advice. Simply put, this is an unacceptable situation, and with a simple solution readily available, it is utter laziness on the part of the government that in seven months no action has been taken.

In delivering the annual statement of government intentions in February the Premier stood in this house and claimed the government intended to provide a stronger, more integrated approach to transport planning and service delivery. I was under the impression this meant we needed to improve our stations and not treat them as trash dumping grounds. Obviously I was mistaken.

Police: Yarra Junction station

Ms LOBATO (Gembrook) — Last Thursday was a significant day for the community of Yarra Junction when the Minister for Police and Emergency Services officially opened the new Yarra Junction police station. This impressive and extremely functional million-dollar facility is also welcomed by our local police members, led by Sergeant Kevin Largue. Up until a few weeks ago Yarra Junction police were carrying out their duties of serving our Upper Yarra communities in substandard facilities.

The comparison between this new state-of-the-art, environmentally sustainable building and that of the aged relocatables was immense. My son and I visited the station as the police were moving in. My son was so impressed by the contrast that he told me of his suggestion of how important it would be to place a photo of the former facility in the foyer of the new facility.

This facility is the latest completed project from more than $400 million committed for the construction of 149 new and refurbished police stations by the Bracks-Brumby governments. The new station includes a reception counter, muster room, watch-house, mess room, interview room, sergeant's office, change rooms, a disabled toilet, store rooms, holding cells and a 4000-litre capacity water tank. These facilities will enable Yarra Junction police to continue to serve and protect the Upper Yarra community. Their success was reflected in the recent crime figures that revealed a reduction rate of 9.2 per cent over the past year.

The current Victoria Police budget of $1.6 billion is the largest ever budget for police in this state.

Disability services: supported accommodation

Mr THOMPSON (Sandringham) — I wish to express concern about the crisis in supported accommodation for vulnerable Victorians. Presently department statistics show that at 30 June — and I am quoting from the *Bayside Leader* — 1358 people were on the register for supported accommodation.

There are many people in extreme cases of need — people with psychiatric disability and people with physical disability and a range of other disabilities. I refer to the case of one constituent in Beaumaris who has an acquired brain injury as a result of an autoimmune disease which developed about a decade or so ago. She has been supported by her parents, but they are ageing and they are looking for supported accommodation options. There is a facility in my electorate that has offered her accommodation, but regrettably there has not been a funding package made available.

The story of this family would mirror the stories of many families I have heard during my time as a member of Parliament, where there has not been sufficient resource to enable people who do need supported accommodation to access it. There was a case of a lady who was discharged from the Monash Medical Centre just a few years ago; she was so heavily drugged that she could not get a spoon to her mouth and she could not get a cigarette to her lips, and she was placed in aged-care accommodation. The government needs to act to find accommodation for vulnerable Victorians in crisis.

Essendon Rowing Club

Mrs MADDIGAN (Essendon) — I would like to pay tribute today to the Essendon Rowing Club, a great rowing club in Essendon that provides support for young and old rowers. I would like to congratulate them on their successful run in the Saltwater Challenge in September. That is a 4.5-kilometre quad scull time trial event. This event started in 2002, at the suggestion of Frank Camiller, as a very small event, but this year over 70 crews competed, and I am glad to say that in the end Victoria defeated Tasmania in the final.

I would like to also congratulate three rowers from the club: Bill Nugent, Stuart Allsop and Tim Juzefowicz, who won many gold and silver medals in the 2008 World Rowing Masters Regatta held in Lithuania. It was a great effort on behalf of those three rowers.

This Sunday will be the open day for the Essendon Rowing Club, which I am glad to say will be a significant event. It will launch a new boat which, for the first time in the 120-year history of the Essendon Rowing Club, will be named after a woman. I look forward to assisting with the launch of the boat, the *Natalie Sentry*. Natalie is a woman who has rowed with the rowing club and is still very much involved with its administration. It is great; she should be very proud of the fact that she is the first woman to have a boat from the Essendon Rowing Club named after her. I am sure she will be the first of many in the future, as there are many young women rowers at the Essendon Rowing Club. Well done to the Essendon Rowing Club.

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

Mrs VICTORIA (Bayswater) — Last sitting week I tabled a petition regarding the pedestrian crossing at the intersection of High Street and Mountain Highway in Bayswater. It outlines the need for the minister to change the current situation, which poses a very real danger to pedestrians. Only last week a local gentleman was narrowly missed by a truck, its driver having not looked or waited for pedestrians to cross. If this man had been walking faster, or not had his wits about him, he would have been run down and possibly killed.

There have been at least eight casualty crashes at this particular intersection over the last five years, with four of them involving pedestrians. Many more go unreported. This is not a particularly hard issue for the minister to resolve, so I trust he will act to resolve this situation immediately.

Maroondah Hospital: funding

Mrs VICTORIA — The Brumby Labor government cannot be trusted with Victorian health care and cannot be trusted to do what is best for our hospitals. Maroondah Hospital failed six out of nine government benchmarks, including massive increases in the hours spent on bypass, the number of patients not treated in the clinically appropriate time, and increases in those waiting on trolleys in emergency departments.

Fairhills High School: Rock Eisteddfod Challenge

Mrs VICTORIA — I would like to congratulate Fairhills High School for its recent win at the Rock Eisteddfod Challenge. It also won six other awards of excellence, including awards for stage use, set design and function, costuming character and visual enhancement. I particularly commend the school on winning the Award of Excellence for Drug Awareness. I pay tribute to the fantastic principal at Fairhills, Harvey Wood, and to all staff, students and others who worked tirelessly to achieve such a brilliant result.

Inner Melbourne VET Cluster: MYPath project

Mr FOLEY (Albert Park) — The Inner Melbourne VET Cluster is a not-for-profit broker of vocational education programs for schools and young people and which also provides leadership in the area of career advice, support for at-risk youth and transition-to-work programs. Its vision is to link the energy and potential of Melbourne's young people with the resources of industry, government and commerce.

In September the inner Melbourne cluster launched its MYPath (Mapping Youth Pathways) project to provide an online service to students, training providers, industry and the broader community in supporting young people in transition to work that brings them all together in an accessible, easy-to-navigate online community. By providing ready access to information about the range of education, training and support programs that best connect young people to training and further education, to reconnecting where needs be to support and school services, to transition-to-work programs and to employment, the MYPath site is a one-stop service that is designed to put all points of that sector together so as to link young people, education, support and employment.

The program was launched by the Chief Commissioner of Police, Christine Nixon, who once again demonstrated the commitment of Victoria Police to

working with young people to build an inclusive and therefore safe community founded on skilled, socially engaged and employed youth. The MYPath project provides accessible information. It puts into place the commitment of this government to build an inclusive, just and fair society for young people seeking to build their lives and futures together. I congratulate Penny Vakakis and her team at the Inner Melbourne VET Cluster and wish them and their many partners every success.

Drought: Rodney electorate

Mr WELLER (Rodney) — Things are tough in the Rodney electorate. The drought which the Brumby government told us was over when it brought down the budget in May continues on with a record dry. The irrigation allocations are 0 per cent on the Campaspe, a measly 9 per cent on the Goulburn system and 13 per cent on the Murray system. The Brumby government must act now by reintroducing shire rate subsidies, by reintroducing fixed water charges rebates on water not delivered and by committing to fund drought counsellors on an ongoing basis. Given the continuing dry it is blatantly obvious to everyone in Australia that the north–south pipeline should be abandoned — that is everyone but the Brumby government, which is continuing to march over innocent people in its desire to make the once famous food bowl of Australia a dust bowl.

Fortunately the 21 outstanding young men who represented Rochester Football Club on the last Sunday in September in the Goulburn Valley Football League grand final put all those challenges aside and focused on bringing home the bacon for Rochester. They did an outstanding job in beating the reigning premiers, Seymour, by three points. Congratulations to the president, Darren Gledhill, his hardworking committee and the whole community for getting behind the mighty Tigers and achieving a great result.

Now what is needed is for the Brumby government to act to bring in drought support for the communities of northern Victoria — to abandon its plans for the ridiculous, bad policy north–south pipeline and to act for northern Victoria.

Thompsons Road, Cranbourne: duplication

Mr PERERA (Cranbourne) — Recently I had the opportunity of joining the Premier in a sod-turning event for the part duplication of Thompsons Road between the Mornington Peninsula Freeway and Frankston-Dandenong Road. That section of Thompsons Road currently carries about 18 000 vehicles a day, and this vital road upgrade will address current and future traffic volumes, greatly improve traffic flow in the area, reduce travel times and significantly increase safety for local motorists. This major $30.5 million investment comes on top of the $22 million duplication of Thompsons Road between the South Gippsland Highway and Narre Warren-Cranbourne Road, with works on that section already being under way.

Housing: Frankston summit

Mr PERERA — Recently I also had the opportunity of taking part in the City of Frankston's housing summit. Representatives from the local council, real estate agents, housing service providers and the local police, to name a few, took part in an effective morning. The summit was designed to identify housing solutions for the Frankston community through the partnership and commitment of all tiers of government and with the support of the community in general.

Rail: Frankston line

Mr MORRIS (Mornington) — Every member on this side of the house understands that Victoria has a public transport crisis. It is standing room only on most trains, and it is particularly bad on the Frankston line. Many people now have to stand all the way home. It is hard enough for a passenger who is young and fit, but it is much harder for those who are neither. Removing the seats, which seems to be the government's preferred strategy, is not an option.

Recently I received a letter from a constituent, which I shall quote in part. It states:

> I wear a neck brace due to the long-term injuries which make it impossible for me to hold on to straps or poles to avoid being thrown off my feet as the train jerks its way to a destination. It is a rare day when I am offered a seat, and I am sometimes in the very embarrassing position of having to ask for a seat (the alternative of fainting due to feeling unwell is not a good one, and would just cause further delays in an already beleaguered system).

The letter goes on to quote other examples, including a person with a broken foot and a full leg brace; several ladies in various stages of pregnancy, all obvious; and a person with impaired vision, not one of whom was offered a seat. Perhaps the strategy is that the present economic difficulties will result in fewer people travelling to work. Who knows? This is an issue which will not go away. Petrol prices will not suddenly drop to 50 cents a litre. People on the metropolitan fringe need practical improvements to the system now. We cannot, as the government seems determined to do, rely

on a strategy that develops little more than promises in time for the 2010 election.

Huntingdale Primary School: *Bamboo Princess*

Mr LIM (Clayton) — Every two years the children from Huntingdale Primary School in my electorate, which is one of the state's outstanding bilingual schools, present a Japanese play as part of a visual and performing arts program.

On Tuesday, 16 September, with the Japanese Consul General, His Excellency Susumu Hasegawa, I attended a performance of the *Bamboo Princess*. It is a well-known Japanese fairy tale about a princess who comes down from the moon and searches for her true love. It is remarkable that the play was in Japanese and involved all the children from prep to year 6. No doubt the packed audience was impressed with the degree of enthusiasm displayed by the exceptional, dynamic and vibrant performers. We were all overwhelmed by the war scene, in which spectacular traditional Japanese drumming was performed to perfection. I congratulate everyone at the school for staging this great performance. The students, the teachers, including the Japanese staff, the parents, and the principal, Monica Scully, did a tremendous job.

RESEARCH INVOLVING HUMAN EMBRYOS BILL, PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL and ASSISTED REPRODUCTIVE TREATMENT BILL

Second reading

Debate resumed from 10 September; motions of Mr ANDREWS (Minister for Health) and Mr HULLS (Attorney-General).

Dr Napthine — On a point of order, Acting Speaker, I seek clarification from the Chair as to the order in which these bills will be put to the vote given that this is a cognate debate covering three pieces of legislation. I will outline why I believe there is a particular order in which the bills should be debated that would provide a better outcome and which is different from the order in which they are listed on the notice paper. Order of the day 1 is the Research Involving Human Embryos Bill, order of the day 2 is the Prohibition of Human Cloning for Reproduction Bill and order of the day 3 is the Assisted Reproductive Treatment Bill. Orders of the day 1 and 2 re-enact sections of the Infertility Treatment Act in two separate pieces of legislation.

Clause 126 of the Assisted Reproductive Treatment Bill repeals the Infertility Treatment Act 1995. Normally when we debate legislation the provisions that are to be repealed are also in the bill which provides for the re-enactment of those provisions if they are to be in a separate piece of legislation. I can understand why, but in this case we have two bills which fundamentally re-enact existing legislative provisions by transferring them from one act into another act. We have a third piece of legislation that repeals those provisions.

Therefore members voting on orders of the day 1 and 2, which are the bills involving research on human embryos and the prohibition of human cloning, will be asked to vote on these bills, if they are asked to vote in the order on which they are listed on the notice paper, before knowing at least the Assembly's position with respect to the proposal contained in the Assisted Reproductive Treatment Bill, which includes a proposal to repeal the legislation being made redundant by the previous bills.

We may get a position with respect to orders of the day 1 and 2 where members may wish to vote no because they do not support the proposed restrictions on research or cloning or because they prefer the provisions in the current act. Members may therefore vote no on the presumption that the current act will not be repealed. Then, when we get to order of the day 3, under which the current act will be repealed, those members will find their reason for voting no has been made absolutely redundant and they could be embarrassed.

Similarly, on the other side of the coin, if people vote for the first and second bills but then the Legislative Assembly actually rejects the Assisted Reproductive Treatment Bill, you would have a situation where you have voted for two pieces of legislation which actually reproduce material out of an existing act but you have not actually repealed that material because you have not passed the Assisted Reproductive Treatment Bill.

Therefore I suggest to you, Acting Speaker, that you may wish to discuss with the Speaker the suggestion I propose to assist members and to provide greater clarity with regard to members voting on these pieces of legislation, which is that we actually put the third bill, the Assisted Reproductive Treatment Bill, first in terms of voting, on a second-reading basis, and then members would at least know what the position was, at least the position the Assembly had taken, with respect to the

proposal to repeal the Infertility Treatment Act 1995. They would at least know that position before they voted on the first and second bills, which relate to research on human embryos and prohibition of human cloning.

I make this point to try to assist the house and assist members in making fair and reasonable decisions, as I understand both sides of the house have indicated their members will have a conscience vote. I do not think it would make any difference to the running of the debate or to the management of the process, but it would certainly provide members with greater clarity when they actually vote, particularly on the research on human embryos bill and the prohibition on human cloning bill, if they know at least what the Legislative Assembly's position is with respect to the repealing of the legislation those bills seek to replace.

Mr Batchelor — On the point of order, Acting Speaker, in summation of the point of order the member for South-West Coast has put to you, he suggests it might be helpful between now and the commencement of the debate and also at a later stage, prior to the vote taking place, that you seek advice from the Speaker. I have no fundamental objection to that, except that this issue he has raised is only one possible permutation. There are others that could result from a mixed passing of what is intended to be a package of bills. He has highlighted one scenario; there are other scenarios that could unfold.

The simple answer to this has been provided in the bills. If there is to be some mixed passage of different pieces of legislation that are incompatible, that remove parts of the bills or that abolish them because they are incompatible with the others that are passed, the resulting situation, if the house decides to do that, either deliberately or accidentally, has been thought about in advance and is catered for, because the commencement date of all three pieces of legislation is either by proclamation or, if it is not proclaimed, will be, as I recall, 1 January 2010. So that would give the house plenty of time to correct any anomalies before the impact of these came into play.

Dr Napthine interjected.

Mr Batchelor — I understand the intention but in some respects you cannot avoid it even with the scenario that you are talking about. Because if the Assisted Reproductive Treatment Bill were to be voted on first and were to succeed, that measure would repeal the Infertility Treatment Act in its entirety, including all of the provisions dealing with embryo research and cloning. If the research and cloning bills did not subsequently pass, we would be left with a situation where there would be no laws governing embryo research or cloning. This would clearly be undesirable and inappropriate.

It is therefore important that the research and cloning bills are voted on first. If Parliament does not pass these bills, it will be important to preserve those parts of the Infertility Treatment Act that govern embryo research and cloning. If the research and cloning bills are passed by the Parliament but the Assisted Reproductive Treatment Bill is not, the Infertility Treatment Act will remain in force, and this will mean that the embryo research and cloning provisions would be duplicated in their own stand-alone bills and also in the Infertility Treatment Act. If this were to occur, the government could introduce amendments to the Infertility Treatment Act to remove the relevant parts of the act — parts 3 and 4A — because, as I explained earlier, the default commencement dates of these three bills is 1 January 2010.

So whilst the member for South-West Coast highlights one possible scenario of unintended consequences of bills being passed in an unexpected or unusual sequence, the government has discussed this with parliamentary counsel in advance and the bills are being presented to Parliament in the order recommended by parliamentary counsel. In any event, at the end of the day the member seeks that you, Acting Speaker, raise that with the Speaker and I have no objections to that. However, the advice that you will get, I expect, will be similar to the advice I have been provided already and had made available to the opposition before this matter was raised.

Mr Clark — On the point of order, Acting Speaker, I wish to support the point of order raised by the member for South-West Coast. I appreciate the explanation and response given by the Leader of the House, and I do not question the goodwill which he brings to the issue. However, I do think the form in which the bills have been drafted presents a difficulty for the house of the nature that the member for South-West Coast referred to, and indeed as the Leader of the House himself referred to in the examples he gave of different combinations of issue. I therefore do think it is appropriate for the Speaker to give further consideration to the issue, perhaps in discussion with members of the house involved with this legislation.

It would have been better if the three bills, given that they are intended to be three free-standing bills, had been drafted with each containing its own repeal of the

relevant aspect of the Infertility Treatment Act. The remaining shell of the Infertility Treatment Act could then be repealed as a statute law revision matter at a later date depending on which combination of bills was passed. However, as far as the house and its procedures are concerned we are, in effect, locked into dealing with the bills in the form in which they have been brought to the house.

I close by saying that I take it from what the Leader of the House has said in relation to the various options that he believes are available to make consequential changes that may occur as a result of the decisions of this place or another place that the government will be willing to respond to and accept the decisions of the Parliament in relation to the Parliament's decision on these three bills and on the various aspects of them. In the meantime I support the recommendation of the member for South-West Coast that the Speaker consider the order in which the bills are put and perhaps discuss the matter with the relevant parties to find out the order which is likely to minimise the prospects of there being subsequent complications.

The ACTING SPEAKER (Ms Munt) — Order! I will refer the point of order to the Speaker for her consideration.

Mr CLARK (Box Hill) — The Assisted Reproductive Treatment Bill proposes far-reaching changes to the law and policy regarding assisted reproductive treatment and surrogacy. The bill abandons the long-held principle of Victorian legislation that reproductive treatment is to help infertile couples to have children and replaces it with the concept that any person who is unable or unwilling to have children by natural means can have children produced for them. The Research Involving Human Embryos Bill continues the legalisation of the creation by cloning of embryos for destructive research that was passed by Parliament last year, and it also governs other forms of embryo research. The Prohibition of Human Cloning for Reproduction Bill continues the existing prohibitions on some but not all forms of human cloning as well as various other practices considered unacceptable.

These three bills go to the fundamentals of what each of us believes about families, about human nature and about relationships. All parties represented in this house have agreed that their members should have a free or conscience vote. The views I express in this debate are my own unless I indicate otherwise.

Regrettably the government has insisted on party lines that the second-reading motions of all three bills be debated concurrently. This means that I as lead speaker of the opposition have just 36 minutes in total to outline these three important and complex bills on behalf of the coalition parties and also to provide my own views. All other speakers will have only 10 minutes in which to speak on all three bills. The matter is further complicated by the fact that the Assisted Reproductive Treatment Bill has been introduced by the Attorney-General and the other two bills have been introduced by the Minister for Health, which means that in an ordinary course it would be a matter for the member for Caulfield to be able to respond on behalf of the coalition parties to the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill.

The Assisted Reproductive Treatment Bill broadens the range of persons eligible for assisted reproductive technology. It provides for surrogacy arrangements, for substitute parentage orders and for changes to birth certificates and other records of parentage. It also makes substantial changes to procedures and to regulation of assisted reproductive treatment. Under the bill infertility is no longer to be the key criterion for eligibility for treatment. The test, rather, is going to be whether in the woman's circumstances without a treatment procedure she is unlikely to become pregnant or give birth or is at risk of transmitting a genetic abnormality or disease. Self-insemination by a woman, including with the assistance of the woman's partner or a relative or friend, is expressly excluded from the regulation of treatment procedures. However, it remains a procedure as defined for the purpose of parentage and birth registration provisions.

In the event a criminal records check or a child protection check discovers there have been certain sexual offences or violent offences by the woman or her partner or that a child has previously been removed from the custody or guardianship of the woman or her partner, a treatment procedure requires the approval of a patient review panel (PRP). The bill also provides that donated gametes cannot be used to produce more than 10 families.

In relation to surrogacy, under the bill treatment procedures would be able to be used for surrogacy if the surrogacy arrangement has been approved by the patient review panel. There are a number of criteria set out in the bill by which the patient review panel is to make that decision, including the criteria that a doctor has formed the opinion that in the circumstances the commissioning parent is unlikely to become pregnant

or be able to carry the pregnancy to birth or, if the commissioning parent is a woman, that the woman is likely to place her life or health or that of the baby at risk if she becomes pregnant or carries the pregnancy or gives birth.

The other criteria include that the surrogate mother be at least 25 years of age, that the commissioning parent, the surrogate mother and the surrogate mother's partner, if any, have received counselling and legal advice as specified in the bill and that the parties to the surrogacy arrangement are aware of and understand the personal and legal consequences of the arrangement and the consequences if the arrangement does not proceed in accordance with the parties' intentions and they are able to make informed decisions about proceeding. The best interests of the child are not specified as one of the criteria to be taken into account by the patient review panel.

The bill provides that a commissioning parent can be any person, male or female, whom a doctor considers is unlikely in the circumstances to become pregnant or be able to carry a pregnancy or give birth or if that is likely to place her life or health or that of her baby at risk, as I have referred to in relation to the criteria for the PRP.

In the case of a surrogacy the criminal record and child protection checks apply to all parties to the surrogacy arrangement, counselling must have been received by all parties and, as I have mentioned, the surrogate mother must be at least 25 years of age. The bill provides that a surrogate mother must not receive any material benefit or advantage under a surrogacy arrangement but may be reimbursed for costs incurred as a direct consequence of the arrangement as prescribed by regulation.

Following on from these changes proposed to eligibility for assisted reproductive treatment and to surrogacy, the bill makes further far-reaching changes to the law as to who are, or who may become, the legal parents of a child and as to what is recorded on a child's birth certificate about a child's parentage. Where a child is born under a surrogacy arrangement the persons whom the bill describes as the commissioning parents may apply to the court for a substitute parentage order which is a new form of order that has been created by the bill. The court may make a substitute parentage order if it is satisfied that it is in the best interests of the child and if the surrogate mother consents. The court must also consider whether the surrogate mother's partner consents. The proceedings are to be heard in closed court and publication of proceedings and access to court records are restricted. These substitute parentage order provisions will apply to children already born as well as to children born in the future.

The bill goes on to provide that if a court makes a substitute parentage order, that order applies in most respects as if it were an adoption order. In addition the registrar of births, deaths and marriages is required to register the surrogacy in a surrogate births register and to mark the original entry of birth as closed.

There are further provisions in the bill that propose that where a woman who has a female partner gives birth as a result of a procedure, the woman is presumed to be the mother and if her partner consented to the procedure, her partner is presumed to be the legal parent of the child. This provision also applies to children who have already been born.

Where a woman has given birth as a result of a procedure prior to the commencement of the legislation and has a female partner at the time of treatment who consented to the treatment, the woman and her partner may apply to have the partner named as a parent of the child on the child's birth certificate, unless a father is already named on the birth certificate, in which case a change can only be made by a court order.

There are further provisions in the bill governing the situation of children who are produced from the gametes of a deceased person. The bill provides that where the gametes of a deceased partner are used to produce a child the deceased partner can be named as the child's parent on the birth certificate but is not otherwise taken to be a parent of the child, for example, in relation to inheritance laws.

The bill is silent as to what will actually be set out on the birth certificate of the child about the various newly deemed legal parents that are proposed to be created by the bill. However, the coalition parties understand from the briefing that the government provided to us and we also understand from other sources with whom we have consulted that it is intended that decisions will be made about those matters by administrative arrangement. Those administrative arrangements will operate so that where a child is conceived with donor sperm or with both donor sperm and egg, the woman who bears the child will be designated as 'mother' on the birth certificate; if the woman has a male partner that partner will be designated as 'father'; and if the woman has a female partner that partner will be designated as 'parent'.

Where a child is born by surrogacy and a substitute parentage order is made, we understand what is intended is that if there are two substitute parents and

they are a heterosexual couple they will be designated as 'mother and father' on the birth certificate. If they are a same-sex female couple they can be designated either as 'mother and parent' or as 'parent and parent' at the couple's choice; if they are a same-sex male couple they can be designated as 'father and parent' or 'parent and parent' at the couple's choice.

In relation to where there is a single person who is the commissioning parent, the position, as far as we have been able to ascertain, is not clear. But it appears that the designation will be 'mother' or 'father', depending on the person's sex, or 'parent', at the commissioning person's choice.

We understand that the intention is that the birth certificate will not contain any further disclosure or indication about the child's origins. One of the consequences of that will be that where a heterosexual couple is designated as 'mother and father' there will be nothing on the certificate that indicates or flags to the child or to anyone else that the persons who are so designated are not the child's biological parents. This is the current practice in relation to children born of donor egg or donor sperm and, as we understand it, the same practice will be applied in cases of surrogacy and substitute parentage orders.

The final area of the bill is to make considerable changes to the regulation and administration of assisted reproductive treatment (ART) including surrogacy, particularly in relation to record keeping, access to records and associated counselling. The bill proposes that information from registers kept by registered ART providers and other providers of artificial insemination must be provided to the registrar of births, deaths and marriages, rather than to what is currently entitled the Infertility Treatment Authority. The registrar must keep a central registry of data to which various persons may make application for access. The registrar will also take over the keeping of the voluntary register that was established in 2001.

At present before an applicant can have access to various forms of information on a register, the applicant must have received counselling from the Infertility Treatment Authority. Under the bill the applicant must have received counselling from an ART clinic's counsellor or from an adoption counsellor. The bill also establishes the patient review panel which I have mentioned previously. The panel is required to proceed by way of the holding of hearings of applications made to it, albeit under instructions to proceed in as informal a manner as possible. The bill provides for appeals to be made to the Victorian Civil and Administrative Tribunal from most matters decided by the patient review panel if its decision is adverse to the applicant. The bill also reconstitutes the Infertility Treatment Authority under the name of the Victorian Assisted Reproductive Treatment Authority.

In addition the bill simplifies the arrangements of the registration of assisted reproductive technology providers. The bill proposes that applicants for registration as an ART provider must hold Reproductive Technology Accreditation Committee accreditation; however, it is mandatory for the authority to register holders of RTAC accreditation as an ART provider upon application.

The final area of the bill which I mention is the requirement that, if an ART provider ceases operations, it must make all reasonable efforts to transfer records and notify patients that it is ceasing operation.

The coalition parties have benefited from consultation with and submissions on the Assisted Reproductive Treatment Bill from a wide range of parties and organisations. Those include the Victorian Council of Social Service, VANISH, Salt Shakers, the Rainbow Families Council, the Donor Conception Support Group, Women's Health Victoria, Melbourne IVF clinic, the Institute for Judaism and Civilisation, Family Voice Australia, the Australian Family Association and the Australian Christian Lobby as well as others whose submissions are still continuing to arrive. We thank each of these bodies for their contributions.

The Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill give effect to an undertaking given by the government to provide separately for regulation of permitted research involving human embryos and the prohibitions on certain forms of human cloning and other practices deemed unacceptable. These bills set out in two separate pieces of legislation the law on these matters as it currently stands in the Infertility Treatment Act, which is proposed to be repealed, as we have discussed previously, by the Assisted Reproductive Treatment Bill. As the coalition parties understand it, the only change to the existing law in relation to research and the prohibition of human cloning is the removal of an incorrect note to one section.

Members will recall that in 2003 the Parliament legislated to allow experimentation on surplus in-vitro fertilisation embryos. Last year the Parliament legislated to allow the creation of embryos by somatic cell nuclear transfer for the purposes of the destructive research. The debate last year centred, on the one hand,

around the scientific benefits expected to be derived from the research and, on the other hand, around the deliberate creation and destruction of human life and the pressure that could be placed on women to obtain eggs for research.

In providing my own views on the three bills before us, I should say at the outset that I am opposed to legalising any artificial creation of human life that does not give every being so created a reasonable chance of developing to birth and having a full human life. We should not be creating human life, freezing it and later removing it from cold storage to succumb, as the euphemism goes, or to be used for destructive research.

I also believe we should be reconsidering the decision we made last year to allow the creation of human clones for the purposes of research. I know many members last year had grave reservations about the course we were taking but were persuaded to support it because they did not want to rule out the possibility of obtaining lifesaving scientific breakthroughs. However, since that time last year when we debated the bill the world has seen enormous breakthroughs in the use of adult stem cells to the point where pluripotent adult stem cells are seen by most in the scientific community as being superior to the use of embryonic stem cells while avoiding both the life-related ethical issues involved and the huge and unfair burdens placed on women to donate eggs in the large quantities that are needed for embryonic stem cell research.

The bills that are currently before us give us the opportunity to reconsider and to reverse the decision we made last year. In my view we should take that opportunity. I will be putting the case for this change more fully when we move to consideration in detail of the research and cloning bills.

In relation to the Assisted Reproductive Treatment Bill not only are there the ethical life issues that I have referred to but there is the whole question of society's attitude to children. The bill starts off with a statement that the best interests of the child are paramount, but in my view, in the way the bill is constructed, that statement is little more than a platitude. In fact it is the interests of adults that are made paramount, and the interests of children come a distant second. I have referred already to the fact that in relation to surrogacy the patient review panel is not even required to consider the best interests of the child in deciding whether or not to authorise the surrogacy arrangement. It is all about the adults.

The bill will have the consequence that children will be allowed to be deliberately created to be brought up without a mother or without a father. In my view near universal experience shows that, if at all possible, children are best bought up by their biological mother and biological father. When that fails for whatever circumstance, people do their best to overcome that situation. In past times, in particular with a higher degree of mortality, children ended up being raised in many different family circumstances. In my own family, for example, my grandfather and his brother were raised by different family members after their mother had died and their father was unable to cope alone with his family. I would express the view that my grandfather and his brother turned out pretty much okay.

In today's times many single parents do their utmost to provide the best possible upbringing for their children after losing a partner through a relationship breakdown, through death or through other cause. Single parents often achieve remarkable results for their children at great personal sacrifice. However, in each instance what is being done is in reaction and in response to a crisis or tragedy to do the best to mitigate the consequences of that crisis or tragedy.

It is not being done as a deliberately engineered choice. It is certainly going to take a lot of persuading to convince me that it is legitimate as a matter of social policy to deliberately establish a regime that will see a child taken away from its mother at or shortly after birth and brought up without any maternal figure at all in its life, including by a single male. In the past if a child lost its mother, that would be regarded as a tragedy for that child which everyone would need to work hard to overcome. However, if this legislation is passed, those tragedies will be occurring as a deliberate act towards children on a daily or weekly basis.

There is also strong evidence to show that as children grow up they benefit greatly from having a male role model in their lives. In my view the onus is on those who want to deliberately create children to be brought up without a mother or a father to prove the case that that does not have adverse effects on the children so born into the world.

There have been a lot of claims made about evidence demonstrating that it is the quality of the parenting concerned rather than the social structure of that parenting that counts. In part that statement is a tautology, that what counts is the quality of the parenting. The key question to be answered is: how well and how consistently can quality parenting be

delivered in various forms of relationship or family structure? I think it is fair to say that the evidence on this topic is scant and polarised. It is scant in part because there are not a great many families in various categories that are able to be assessed and on which reliable statistical reporting can be made. I think it is also fair to say that a number of studies in this area, particularly in recent years, have been dominated by those who are intent on pushing a particular point of view, even to the extent that those holding an alternative view can be attacked and ostracised.

I refer on that count to a document that was, I think, sent to all honourable members — it was certainly sent to me — on behalf of the Australian Psychological Society entitled *Lesbian, Gay, Bisexual and Transgender (LGBT) Parented Families — A Literature Review Prepared for the Australian Psychological Society*. On page 7 the document states:

> Some professional bodies have revoked the membership of people who are seen to promote discrimination against the families of lesbian and gay parents by making derogatory claims about gay and lesbian led families, and falsely claiming that research supports such a position …

If people are being subjected to expulsion from professional organisations for expressing views on this issue, it is certainly not going to promote dispassionate and careful investigation and analysis.

I should also make a point about the Victorian Law Reform Commission, which has been cited in relation to this debate and this subject. I think it is fair to make an overall comment about the law reform commission, which is that if you appoint a whole bunch of people to an organisation who think the same way that you do, it is not going to be surprising that they come up with recommendations that fit your way of thinking. The law reform commission consists of people who think the same way as the Attorney-General and his cohort think, so it is not surprising that the commission makes findings that support what the Attorney-General wants to hear.

The consequence for anybody who is not necessarily of the Attorney-General's way of thinking is that the findings and recommendations on controversial subjects made by the Victorian Law Reform Commission count no more than those of any other interest group. The commission is not entitled to command any respect for its views by virtue of its authority. Whatever the commission says needs to be subjected to the same scrutiny as any other representation that members may receive from any other group that has a particular interest in the subject matter of the discussion.

In relation to this matter, the law reform commission has virtually abandoned any attempt at impartiality, because the literature review that was published in its name has been carried out on its behalf by a chair of the former fertility access rights working group of the Victorian Gay and Lesbian Rights Lobby. The academic concerned has a perfect right to hold and advocate whatever views she wishes to express, as indeed has everybody else who contributes to this debate, but the law reform commission is not entitled to present the results of that research as impartial and expect it to command the automatic attention and assent of members of this house.

This bill is pushing beyond the point where the best interests of the child come first. People may well act with goodwill and in a sincere belief that they are providing a good family for their child. I in no way wish to undermine the goodwill and good intent that has been displayed by many who have spoken to me on the subject or others who hold views on this subject. However, in making policy decisions it is ultimately not goodwill and the good intentions of those involved that are decisive — it is what the consequences are likely to turn out to be for the children concerned, not only in the typical case but also in relation to the number and nature of cases where problems are likely to arise as time passes. We have to always remember that these are very long-term decisions that we are making and that conclusions about these issues cannot be reached after just one or two years.

It is only now that we are seeing, having grown to adulthood, a number of the young people who were conceived by donor donation in the very early years of that process. Those young adults, as they now are, are putting to us very forcefully views about what they think about what their origins have been, what they consider about the way in which others have chosen to bring them into the world and what they think about what they very forcefully argue is the disregard of their rights and interests in the decisions that adults have made in the past.

As I have said in this house on previous occasions, I believe overall children and adults are likely to be better off if they are able to grow up in a family founded on the ongoing marriage of their biological mother and father, or certainly in a stable and enduring family relationship with their mother and father. I have quoted on previous occasions, and it is worth repeating again, a point that was made very well by the late

Richard McGarvie, a former Governor of Victoria, who said:

> The way children learn civilised living is in the family. The best gift you can give to a child is to have that child brought up in a family whose parents share the child's genes and it never enters the child's mind that the family won't continue.

I think Richard McGarvie put that point very well indeed.

Sometimes, as I have said, that ideal is not able to be achieved, and not necessarily due to the fault of either of the partners concerned. Death and many other circumstances can intervene and the persons who bring up their children in less than ideal circumstances often work very hard to overcome those disadvantages and achieve good outcomes. Nonetheless the ideal should be, as often as society can achieve it, that children should have the benefit of a mother and a father if at all possible, being a mother and father who share their genes.

The Attorney-General is a very proud advocate, as we know, of his Charter of Human Rights and Responsibilities. That charter is based on the International Covenant on Civil and Political Rights of 1966. Article 23 of that covenant provides that:

> The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.
>
> The right of men and women of marriageable age to marry and to found a family shall be recognised.

So it seems to me that the international covenant to which Australia is a signatory and has undertaken to the international community to comply with is one that is founded on men and women forming a family and having a right to bring up their children and found a family on that basis.

It is also worth making the point that the surrogacy provisions of this bill are contrary to both the United Nations Declaration of the Rights of the Child and the Convention on the Rights of the Child because they require the separation of a child from its mother.

Earlier today I had the honour of hearing a presentation by Ms Myfanwy Walker, a young lady who was conceived by donor procedure, who spoke very compellingly about her grief at having been separated from her biological father. We are not talking just about an abstract question of rights; we are talking about real human consequences that come about when this bill, the second such bill in as many weeks being debated in this house, infringes international human rights to which Australia pays regard.

Let me make some comments specifically about some of the provisions of the bill. I have referred previously to the fact that the best interests of the child is not a requirement to be taken into consideration either before an assisted reproductive treatment procedure or before surrogacy. In relation to surrogacy, the child has already been born when the substitute parentage application reaches court. At that stage how can the child's interests be fully taken into account given that the child has already been born under that procedure? It places great pressure on the judge to approve the proposed substitute parentage application because, if the judge were to refuse the application at that stage, it would throw the child's whole future into turmoil. If the bill were fair dinkum about putting the best interests of the child first, the best interests of the child would be a criterion that was tested before the surrogacy arrangement was approved rather than after the event where it is almost impossible to do anything about it.

The problems of surrogacy become particularly difficult in the case of what is referred to as partial surrogacy, which is where the surrogacy takes place with the birth mother providing her own egg for that process. Many parties have told us that that is particularly problematic because of the very close maternal bond that the surrogate mother forms with her own genetic child and the great difficulties in relinquishing in those circumstances.

As I said, the bill contains no right for a child to be told about their origins. Certainly if the child is told that they have been conceived by artificial means, then they have access to various forms of record that in many instances will allow them to establish the identity of their biological parents, but if they are told nothing about it by the people who appear to be their parents they have no way of finding out from the birth certificate. Many strongly argue that it is their right to be given that information on the birth certificate so they can know what their biological origins are. That is a very difficult, vexed issue, but it is one where, if we are serious about putting the rights of the child first, that consideration needs to have prominence and precedence.

Concerns have also been raised with us about the sweeping changes being made to the counselling services for those seeking to be reunited with their biological parents or progeny. The very effective counselling service that we are told is currently run by the Infertility Treatment Authority will be abolished and dissipated. In short, this bill is very far-reaching and has very serious consequences for society, and I am opposed to it.

Mr LUPTON (Prahran) — We are debating three bills together in this debate today. The first two bills — the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill — reproduce the current Victorian laws that maintain a prohibition on human cloning and allow for the continuation of regulated stem cell research involving human embryos.

At the time those laws were passed in 2007, the government gave an undertaking to re-enact them as separate pieces of legislation, and that is what we are doing today. Those bills do not change the current law in Victoria and, as did many other members of the house, I spoke in 2007 in support of these matters. I do not propose to go over that ground again today other than to say that I support the two bills.

I will address the remainder of my remarks now to the Assisted Reproductive Treatment Bill, which is the third of the three bills before us, which I also support. It was in 1776 that Thomas Jefferson famously wrote in the United States Declaration of Independence that there are certain truths that we hold to be self-evident. One of those is that all men are created equal.

He wrote those words to justify changing a state of affairs where people's rights and responsibilities were not recognised and to establish a case for change. For 232 years since then people, societies and governments have grappled with the meaning of those words and have attempted to give them form and substance. That work has not finished, and we are still engaged in it today.

Many things have changed over the years since 1776: in-vitro fertilisation, surrogacy and stem cell research are all concepts that even the far-sighted Jefferson cannot be criticised for not taking account of. We would now also express Jefferson's ideas in gender-neutral terms. Our challenge to treat people equally has broadened to include a standard where people are not discriminated against on the basis of their gender, their marital status, their sexual orientation, their race or their religion. The legislation before the house today is another step along that path to end discrimination and unfair treatment, and I believe it is necessary for many reasons.

Advances in science, in medical treatment and in society more generally now mean that we in Victoria also need to state some truths that we hold to be self-evident in order to remove vestiges of discrimination from our laws. It is literally true that in Victoria our current laws concerning artificial reproductive technology mean all people are not created equal or treated equally by the law. Children in Victoria born through artificial reproductive technology or surrogacy are not treated as being equal to other children. To give some examples, we know that children born in those circumstances cannot access entitlements such as workplace, transport accident or crimes compensation and do not have any entitlement to the estate or superannuation of their non-biological parents.

The non-biological parents of children born in those circumstances do not have the same legal obligations as other parents, for example, to provide for their care and basic needs, to ensure they attend school or to pay maintenance. Such children's non-biological parents cannot consent to school excursions or to emergency medical treatment such as blood transfusions if their child is sick. Such children's non-biological parents cannot take action on behalf of their child — for example, to make complaints about discrimination. I believe that in Victoria in 2008 a situation that maintains such inequality for some of our citizens is not acceptable — and it is important to note that this legislation is not about allowing something that is not already happening. We are talking about families and children who already exist and who live with us here in Victoria; families that have often been created where there has been a need for people to travel interstate or overseas in order to conceive and give birth.

Many people in such situations have spoken to me about their circumstances. People who cannot conceive due to medical or social circumstances go through great hardship, anxiety and expense because of their great human desire to have children. As the very fortunate father of five children myself, and as someone who did not have to go through those difficulties, I believe that we have a duty to do what we can to support people who have such a desire to have a family.

The background to these laws is of some interest, because back in 2002 Victorian law was found to be inconsistent with federal antidiscrimination legislation. The government referred the matters that are before us to the Victorian Law Reform Commission, and since 2002 the commission has carried out extensive and exhaustive consultation. It is the recommendations of the Victorian Law Reform Commission that form the basis of this legislation.

Some of the significant elements of the legislation that is before us are that, once enacted, this legislation will ensure that Victoria's laws, which once were found to be inconsistent with that federal discrimination

legislation, will be compatible by providing that women regardless of their marital status or sexual orientation can gain access to assisted reproductive treatment. These laws will facilitate the surrogacy arrangements by removing the anomaly that surrogate mothers must be infertile to receive treatment in a clinic. It is rather an irony that the situation of the commissioning parents — the parents who for one reason or another in their circumstances cannot have a child — is effectively irrelevant under the current law in Victoria and that in order to gain access to surrogacy arrangements it is the surrogate mother who has to satisfy a requirement of infertility.

These laws will ensure that there are stronger legal protections for children by giving legal recognition to the commissioning parents in the surrogacy arrangement or to the female partner of a child's mother. I believe it is important for us to give that stronger legal protection to children and to regularise those arrangements. In situations where it is appropriate and called for, it will provide better protection for children by requiring checks for potential parents and establishing a statewide review panel to consider cases where a presumption against treatment applies.

The purpose and guiding principles of this legislation are important for us to understand. The purpose is to regulate the use of assisted reproductive treatment and artificial insemination procedures; to regulate the access to information about those treatment procedures; to promote research into the incidence, causes and prevention of infertility; to make provision with respect to surrogacy arrangements; to establish the Victorian Assisted Reproductive Treatment Authority to provide regulation and oversight; and to provide for the appropriate keeping of registers in relation to births, deaths and marriages. This legislation also repeals the Infertility Treatment Act and, with the other legislation we referred to earlier, re-enacts different parts of that act in separate and stand-alone legislation. The guiding principles of this legislation are fundamentally important. They provide that the welfare and interests of persons born or to be born as a result of treatment procedures are paramount. The guiding principles maintain that at no time should the use of treatment procedures be for the purpose of exploiting the reproductive capabilities of men and women or of children born as a result of treatment procedures.

The health and wellbeing of persons undergoing treatment procedures must be protected at all times, and persons seeking to undergo treatment procedures must not be discriminated against on the basis of their sexual orientation, marital status, race or religion. Those are fundamental principles which I believe are important that this Parliament enshrine in law, and so I support this legislation.

Mr CRISP (Mildura) — I rise to speak on this trilogy of bills: the Prohibition of Human Cloning for Reproduction Bill 2008, the Research Involving Human Embryos Bill 2008, and the Assisted Reproductive Treatment Bill 2008. I wish to lodge my objection to having to debate all these bills concurrently. I believe they should have been debated separately. In fact there was a debate around a point of order earlier, but the point was lost.

It was not so long ago that the house debated human cloning and human embryo issues. Perhaps we did not do the job right the first time, and here we are trying to fix it up and get it settled the second time. I am going to revisit a little of the human cloning bill to begin with, which will take us over much of what we have done before. However, science is changing.

The reproductive cloning bill makes it an offence to intentionally place into the body of a human or an animal a human embryo that is a genetic copy of another living human being. I know we have discussed this before, but we have to be constantly vigilant about this. Reproductive cloning is the production of clones that are expected to develop into fully developed individuals. This is banned internationally as its success rate in animals is less than 1 per cent. I believe the scientific work in that area should not be continued at all. Cloning has been shown in animal studies to be unsafe and ineffective.

In therapeutic cloning a person is prohibited from intentionally creating a human embryo by a process of fertilising a human egg and human sperm outside the body of a human unless the person's intention in creating a human embryo is to achieve a pregnancy in a particular woman. This leads us to issues regarding therapeutic cloning of embryos specifically for medical experiments. What makes therapeutic cloning problematic is the risk that it may turn into reproductive cloning, and that is something I hope this legislation is particularly vigilant about.

Assisted reproductive technology is included in the legislation. It is not intended to restrict the number of embryos that may be created for the purpose of achieving a pregnancy. However, we do know that in-vitro fertilisation is not 100 per cent efficient and so medical practitioners try to make the chances of pregnancy as high as possible. There are eggs that are left behind.

There are a number of other issues that we have all covered before, time and time again, and we will not spend time on them. I find myself really having to work through this particular legislation. The bills are being debated concurrently, and if the human cloning bill is rejected, then a default position will mean open slather, and this is unacceptable. Reluctantly I will support this bill, although in the past I have indicated great concerns over these cloning issues.

The purpose of the Research Involving Human Embryos Bill is to regulate the technology, practices and industries involved in the use of human embryos, and to bring the Victorian legislation into line with the commonwealth Research Involving Human Embryos Act 2002, which is the legislation I have just been speaking about. This is very much about access to assisted reproductive technology embryos, and the embryo research bill establishes procedural requirements concerning the use of human embryos and research. In effect it outlines the relationship between the prescribed regulatory bodies and the practices involved in human embryo research. The human research bill is complementary to the cloning bill, and I guess that is part of the reason they have been brought together, but again I stress that they should have been debated separately. The embryo bill is an expansion of what was laid out in the previous cloning bill.

At the crux of so much of this is that we are confronted with the problem as to whether it is justifiable to destroy one life to aid another. What is the moral status of an embryo? This moves into the question of when a person is classified as a person. There are two possibilities: the first is that a person exists from the moment of conception; and the second is that a person only becomes a person at a stage of development. This is called the gradualist position.

The first argument is that an embryo has the potential to develop into a moral being and that an embryo and fully developed human being are in fact the same entity. This view has two schools of thought. One view believes that all embryos are humans whether they can turn into a person or not. The other view is that embryos in a lab will not turn into human beings and that there should be certain allowances made for research.

The second argument is the gradualist approach which believes that it is only at certain stages of development that an embryo should be granted protection — for example, when the heart is beating.

There are two fields of research and the applied research is self-explanatory: it focuses on creating practical results. The question remains moral: is it permissible to do research if it concentrates on presently incurable diseases? We are looking at how technology is progressing. I have been watching this, and I think there are some possibilities with the stem cell research that is being done, but so far the jury is still out on this, and whether we should be pursuing embryonic stem cells or adult stem cells is something that the community is still widely debating.

That covers those two bills. Now I want to spend some time on the most difficult of the bills that we have before us, which is the Assisted Reproductive Treatment Bill.

I find some aspects of this bill highly concerning. Time will not permit me to go through all of this so I will have to go over very quickly some of the areas that concern me. The first concern is that infertility is no longer the key criterion for eligibility for treatment. The first provision of concern is that infertility is no longer the key criterion for eligibility for treatment, and the test is a woman's circumstances. My second concern is self-insemination by a woman. There are provisions relating to criminal record checks and child protection checks that need to be done. There are issues around donation and storage. The surrogacy issue was handled very well by the member for Box Hill in his contribution. The term 'commissioning parent' in this bill is something I am not comfortable with. Similarly there are issues about how we are going to regulate this. Having to reconstruct our legal system and redefine what makes a family, what makes parenthood and how we administer this are issues that I know are really out there. I know they are of great concern to many people. However, I am not comfortable that this bill will operate in the best interests of our community at this stage.

What we have not addressed in this bill and what is key in what will be my objection to this bill is the protection of the best interests of the unborn child. The best interests of the child are not a requirement prior to the child being brought into being through ART (assisted reproductive treatment) or surrogacy. When a child is born and a parentage application reaches the court it will place great pressure on a judge to approve the application because a refusal would throw the child's future into turmoil. This bill is deficient because it does not fully cover what I think is our requirement to protect the child. We are bringing into being a life here, a life that has no say at the beginning, but we are also putting that child into a position involving

complications that children born into other families may not face. That uncomfortableness about the adequacy of this bill to protect the child is the reason I will be voting against this bill.

Mr FOLEY (Albert Park) — I rise to support the Research Involving Human Embryos Bill, the Prohibition of Human Cloning for Reproduction Bill and, most importantly, the Assisted Reproductive Treatment Bill. I do so without paying any disrespect to the argued position of those who oppose the bills. For some time I have taken a direct interest in issues associated with this package of bills and the deep, fundamental moral questions they bring to bear on the nature of families, the nature of nurturing relationships and the important questions of human existence. One proper analysis that is open to people reasonably is to conclude that if you address these issues from two perspectives — from a first principles of value approach, and secondly, for practical reasons — both demand this house support this package of bills.

To deal with the values approach, if you approach the argument that public life and bills in this house and this Parliament should be based around a set of enduring principles, as the member for Prahran was indicating, how do you apply that to a bill such as the Assisted Reproductive Treatment Bill? If you have a belief, as I would like to think I do, that issues such as fairness, equity and the notion of citizenship count for something in an evolving world where technology and social attitudes change, how do you apply them to the set of complicated relationships and medical arrangements we now find available in this community? If you apply some of those principles to this bill, you will find that the bill matches up to them, perhaps not perfectly but certainly to the point where it makes significant progress in the unending battle to try to deliver on some of those principles in public life. It particularly achieves this in circumstances where children are now being created through assisted reproductive treatment processes. Those principles of fairness and equity and the notion of citizenship are not divisible through an arrangement based on a notion of a family constructed around sexual preference or gender arrangements. If you believe that the notion of fairness and equity cuts across those principles, cuts across family constructions, then you will, I think, come to the conclusion that same-sex couples and arrangements whereby families are created around different views of nurturing, support and love count for something in how families are created.

Many such families exist in my electorate, be they same-sex couples or heterosexual couples, be they single people or otherwise. These people go to great lengths to create families through these arrangements. I am personally familiar with a number of such examples. I am aware that some of these families are in the gallery today. I am aware of other families in my electorate that have been created through enormous trouble that these couples have gone to, involving enormous outlays of expense, emotional investment, international and interstate trips, to create loving, sustaining environments for children who exist now. These are children who go to the school where my kids go, who play with my kids, who play on the same sporting teams. I would like to think in 2008 that those families deserve the respect and support of this house in applying those notions of what is fair, what is equitable. Those families and those citizens, both current and future, need to be given a message by this house that we support them in their important role as the nurturing centres of future adults in this state.

If you apply that principle, you will find many good reasons set out in the Victorian Law Reform Commission report to indicate that this bill is worthy of support. Not the least of those is in the second category of reasons this bill should be supported, and they are the practical reasons the VLRC outlined in its comprehensive treatment of this issue. I will not go through them all. They are set out in that report and in the second-reading speech that goes with this bill. They go to issues around treatment procedures, patient review panels, methods of storage, issues of surrogacy, posthumous use of gametes, records, registries, issues around birth certificates and issues around practical arrangements for when all sorts of families no longer hold together, and there needs to be support and assistance for the children created by those arrangements. All of those reasons bring to bear some practical, deliverable and just reasons for supporting this bill.

As I said before, in my electorate and community many of these nurturing families exist already. If you apply that principle of nurturing and you recognise the enormous efforts these families have gone to, the brave stands they have taken, the long campaigns they have waged, then you will, I think, be drawn to the conclusion that for a combination of value reasons and practical reasons this legislation should be supported.

I am not unfamiliar with the procedures associated with assisted reproduction technology. In very different circumstances to those in which the law as it exists now has been found to be discriminatory, the family that I am proud to be the parent in was created through assisted reproduction technology. The 14 years of

struggle that went with that are not the sort of circumstances that I would wish to be repeated for any other family that has to go through that process. It is stressful, it is difficult and it places great strains on relationships, and to have an overlay under which you are somehow considered to be beyond the law, where you have to leave the state to have access to those same arrangements simply on the basis of your gender, your sexual preference or your marital status, strikes me as an anomaly that can no longer be supported in good conscience as a first principle. For that reason, and because I have seen the love and care that the families that are there now have delivered, it is quite important that this house support this package of bills.

Having said that, I am not without sympathy for a few corners of the arguments members have concerns about, particularly when it comes to the issue of donor-conceived children. Through various discussions that have been had around the Parliament, I am aware there are significant issues there. I am aware that amendments might well be proposed. I am not unsympathetic to the direction of some of those amendments. However, I take fundamental issue with others, particularly around the issues of access to information and identity that goes with them. I believe that in time those issues will come forward and be resolved in a just and fair way, but I do not believe those issues should hold back a piece of legislation that I like to think delivers on the fundamentals of good public policy, fairness, equity and delivering on citizenship for families that are based around notions of nurturing and love rather than, I would say, increasingly artificial and sterile views.

Ms ASHER (Brighton) — I wish to make a few comments on the Assisted Reproductive Treatment Bill 2008. Initially I want to briefly mention a constituent who came to see me, because I think she provides a human face to some of the issues that are addressed in this bill. She and her male partner wish to have a child, but because of a medical condition she has been advised that there will be a significant risk for her in proceeding to a full-term pregnancy. She has explained to me that in her case she and her partner wish to use their own gametes and her sister is available as a surrogate. Clearly this bill will assist those involved in that particular case in my electorate. I wish to refer to her courage in coming to me. She was actually shaking as she told me her story. It is probably a commendable process that someone like that can approach a member of Parliament and, as I said, give a human face to a particular circumstance. At the moment she and her sister have this treatment available to them interstate and will have to travel and suffer a significant amount of inconvenience.

My general policy point is that if this bill were confined to a case like that, my attitude and my vote for the bill would be different. That is a very narrow example, and the bill the government has chosen to bring before the house is an extremely broad bill — a very broad bill. In my opinion this bill, if passed, will introduce substantial changes to our society as we know it. I also genuinely believe the bill is way ahead of community expectations in this area. Accordingly, I will be voting against the bill.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I wish to join the concurrent debate on the Assisted Reproductive Treatment Bill (ART bill), the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill. Whilst I rise to speak in opposition to the first two bills, I support the separation of embryonic research and cloning legislation from infertility treatment legislation, which was a connection that should never have been made. This proposed legislation advocates the point of view that whether a child has a mother and a father is irrelevant. It is true that we do not live in a perfect world. There are unplanned pregnancies, relationships break down, family units break down and people die. Each of these situations leads to children growing up without ever knowing one or both of their parents. This is a reality that cannot be changed, but what we have before us is legislation that permits and promotes these outcomes, removing any link with the biological parent or parents.

Myfanwy Walker provided me and others with very personal insights into her life as a donor-conceived child. I quote from Myf's speech to the Rationalist Society of Australia (RSA):

> I didn't discover I was donor-conceived until I was 20. The short period of nine months from then until I met Michael —

her father —

> was a time of great emotional instability for me — I felt lost, confused, depressed, fraudulent and illegitimate. My sense of identity, built on the belief of belonging to a certain family … a certain history and heritage, had been nullified, the foundations of who I was and where I came from demolished.

Then, on meeting her biological dad, she said:

> I was completely unprepared for the reality of meeting him and his family. The power of genes hit home like a ton of bricks when I first saw the face that looked so much like my own.

This is the reality and the impact on donor-conceived children. Later she went on to say:

> People all over the world are raised in the absence of one or both of their genetic parents for various reasons, but that doesn't mean it's ethical to intentionally deny someone those relationships for the benefit of someone else.

This Parliament is again being asked to be all ears to the lobbying of adults but have a closed mind to the needs and rights of those who are unable to make demands — children and the unborn. We are told that the ART bill is all about the rights of the child, but in reality it is about the wants and desires of adults. It is about how adults perceive their rights and how they wish to be perceived by others.

I am opposed to the ART bill because it allows a profound injustice to the rights of children. A child has the right to the opportunity to know and to grow up with their mother and father. A child has the right to the truth of their genetic and familial heritage. In this bill the child is treated as a commodity. The philosophy seems to be to say, 'A child is my right, to have by whatever means. A child born to three mothers or a donor child who may have 10 unknown half siblings and countless more step siblings is not my concern. I have my child. A child is my right to have. The truth of the child's genetic or familial heritage is inconsequential. I have my child, and that knowledge stays with me. A child is my right to have. A child's need to grow up knowing their mother and father is of no concern to me. I have my child now and they will not know anything different'. Children are not commodities. Children are not extensions of the rights and desires of adults; children exist in their own right. A child has the right to the truth — the truth to fundamental questions such as, 'Where did I come from? Who are my biological mother and father?'.

Every child has a mother and a father. If there are caring adults who choose to deny the origin of their child, this denial should not receive the imprimatur of the rest of the community by allowing the fudging of birth certification and the subsequent legal distancing of the child from their natural and genetic history. We should not be asked as a community to compound the lies of those who choose to deny their child's heritage. The overwhelming majority of parents do not tell their donor-conceived children the truth; around 20 per cent have that knowledge passed on to them by their parents. Parents should not be able to retrospectively modify parentage on birth certificates to exclude the genetic father or mother. Birth certificates should be truthful and record genetic parents on one certificate and legal parents on another certificate, if that is necessary.

As an absolute minimum children who are born as the result of donor conception programs must be afforded the identical right and access to identifying information that we all agree is the right of adopted and surrogate children.

The injustice of this legislation is that it treats children born from donor conception differently to surrogate and adopted children, and I ask the question: why? Why are they treated like second-class citizens? Why is it that adopted kids under current legislation and surrogate kids under this legislation can have a birth registration that is flagged and directs them to the truth of their genetic history when the truth is hidden from donor kids?

The United Nations Declaration on the Rights of the Child, ratified by the Australian government in 1990, states in article 7:

> 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.

It also says that states parties shall ensure the implementation of those rights. Article 8 states that:

> 1. States parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.
>
> 2. Where a child is illegally deprived of some or all of the elements of his or her identity, states parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

All children are equal and have an unalienable right to their genetic and familial history. I foreshadow amendments from me and perhaps from other members on this issue.

This bill goes further than any previous discussions in this place in regard to surrogacy. For the first time we see in this bill what is known as partial surrogacy, which in fact is a mother relinquishing a child created with her own oocyte — that is, her own natural child given up to a commissioning adult or adults. That is different to altruistic surrogacy, which we are all familiar with. This practice has been previously rejected in all jurisdictions, and in fact there were significant submissions from informed practitioners and others to the Victorian Law Reform Commission expressing real live concern that this practice may be condoned.

Even in the last week, like many members of this chamber, I received correspondence from Stephen

McIntyre, the chief executive officer and Associate Professor Peter Lutjen, who is the national medical director of Monash IVF, stating their concerns regarding partial surrogacy. I quote from their letter, which states in relation to partial surrogacy:

> The genetic relationship of the child to the surrogate mother may not be 'in the best interests of the child' in that the child may experience feelings of rejection/abandonment from the surrogate mother.

The letter also states:

> The genetic relationship between the surrogate and child increases risks of difficulties with the surrogate being able to be emotionally detached …

If this pre-eminent IVF institution is expressing such caution, why are we in this place legislating to allow this dubious practice? I stress I am not talking about altruistic surrogacy; I am talking about partial surrogacy where in fact a mother's own child is given up to a commissioning adult.

In the last minute I have I will say that I will be opposing the bill relating to research involving human embryos. There have been no great strides in embryonic stem cell research. In fact it is in adult stem cell research where the great strides have actually been made. Recently in Japan and the United States researchers have found that skin-derived stem cells could come with a specific patient's genetic code, eliminating the risk that the body would reject transplanted tissue or organs. In November 2007 the two teams of scientists published a new technique of reprogramming adult cells to an embryonic state without ever creating or destroying human embryos. I will quote Professor Loane Skene, who was the chair of the Lockhart review which advised the government in 2005 to permit cloning. She stated:

> What this does is take away the step of using the egg, and creating the embryo which is particularly ethically contentious and it offers the opportunity to get stem cells that are matched to a particular person.

Put simply, in 2008 there is no scientific basis to go ahead with embryonic stem cell research.

Ms D'AMBROSIO (Mill Park) — I wish to speak in support of the three bills which are being debated concurrently here today and make a particular contribution on the Assisted Reproductive Treatment Bill. Having said that, I do not propose to take up too much of the time of the house in doing so, but I want to go to some of the issues that are particularly pertinent in my mind and which I would like to address and place on the record.

In 2002 the Federal Court reached a decision which determined essentially that there was a legal inconsistency between two acts of Parliament, being the Victorian Infertility Treatment Act and the commonwealth's Sex Discrimination Act, which required women to be married or in a heterosexual relationship in order to access assisted reproductive treatment (ART) under Victorian law. Since that time, of course, the state of Victoria has had to come to terms with how to address that inconsistency, and while we can look at these things purely as matters of legal inconsistency, the reality is that over the time that assisted reproductive technology has been available there have been many people and many families who have been the subject of discrimination under the law. That has resulted in them as individuals or indeed their families experiencing many repercussions that have evolved over the years that ART has been available and accessible only to certain classes of people in Victoria, if you like.

We know that the Victorian Law Reform Commission was required under its terms of reference to come up with ways of addressing those legal inconsistencies and issues arising from that, and those matters that the commission was to look at had to have the overwhelming interests of the child involved at heart. The bills that we have before us, in particular the Assisted Reproductive Treatment Bill, have evolved from the evidence received by the VLRC and its report that was handed down last year.

The bill changes the focus of the original laws regulating assisted reproductive technology treatments by homing in on several key elements of the way in which our community thinks and the way our community is made up today. It homes in on the welfare and interests of children born as a result of assisted reproductive treatment. Of course they were foremost under the existing laws and will continue to be foremost, but the bill ensures that children have the right to have information about their genetic parents and ensures that the welfare of people undergoing ART is protected.

Also, people wishing to access ART should not be discriminated against because of their attributes, whether they be religion, race, marital status or sexual orientation. In its considerations the VLRC had a very broad and extensive set of parameters within which it had to come to its conclusions, and I think it has done a very good job in addressing many of the tangential issues that have arisen as a result of assisted reproductive treatments.

The bill will also amend two other acts, which are the Status of Children Act and the Births, Deaths and Marriages Registration Act, to allow for the transfer of parentage in surrogacy arrangements. It will certainly provide clarification on the status of children who are conceived through the posthumous use of gametes.

I wish to make some comments on what I believe is the enhancement of the quality of life of many families who today in Victoria are caught up in a system that provides no legal status for some family members, who have very much less than equal treatment through the various service delivery agencies that exist in our community and therefore are made to feel somehow less than full parents.

Several same-sex couples in my electorate have made the important step of taking me into their confidence and have been prepared to share with me many examples of the non-birth mother in a family relationship not being recognised and receiving no legal recognition vis-a-vis the child they are nurturing, and indeed neither does the child in that situation have their relationship with their non-birth mother attributed legal status. That is simply wrong. I believe nobody outside a family unit can know the feelings and sentiments of that family unit, however it is made up; no-one else can know of the love and attention and nurturing that occurs in that family. No member, whether child or parent, of a family, however it is made up, should be made to feel any less bound in that family relationship or valued in the quality of that family relationship.

If nothing else, that is what I bring to this debate and to the vote that will occur eventually in this house: that no-one should have the right to somehow devalue the nature of those relationships, the value of those relationships and the love of those relationships. If anything, a proper legal status needs to be afforded those relationships; that is the very least that this house should be doing.

On occasion people raise the question of what this bill means, what this type of movement towards the attribution of proper legal status to such families does and how that reflects on good parenting. Good parenting does not begin with a mother and father. It may, but it may not. What it does begin from is knowledge, a very good skills base, and a very good set of values, however people choose to define values. That is the skill set that needs to be considered when we consider good parenting.

I appreciate that traditionally — for centuries, perhaps for thousands of years — parenting has been associated with a mother and a father, and that is great. I certainly do not wish to devalue that — I am in one such relationship, so that is fine — but we should not get caught up in the notion that that equates to good parenting. It may very well be the case, but we only have to look at the many government policies that exist, the many debates we have in this house about reducing family violence and the rest, to know that good parenting does not necessarily start from having a mother and a father. Good parenting comes from a whole array of other conditions, an array of skills that need to be present to give families a fighting chance of being able to raise children in a nurturing and loving environment, so that everyone can benefit from that.

I am very supportive of the bill and the intentions behind it and believe it is high time that discriminatory behaviours and laws are removed so that we can get on with giving families that exist the legal recognition that they need to have a very loving and nurturing family environment. All strength to them!

Mrs FYFFE (Evelyn) — It is somewhat ironic that in the last sitting week in this house we debated an abortion bill that dealt with the termination of pregnancies at any stage, from a few weeks up to the point of delivery. During the briefings that we had on that bill we were told that there are abortions of 70 000 pregnancies in Australia per year. Today we are debating the creation of a baby in a test tube for insemination into a woman and also for use in embryonic stem cell research.

One of the major changes in the bill is that previously a woman had to be infertile to meet the criteria for eligibility for treatment, but that is now no longer the key criterion. The woman, whilst not being infertile, must be unlikely to become pregnant or give birth. The Assisted Reproductive Treatment Bill also covers the area of surrogacy, and this is where I have the greatest dilemma. It is an area I will expand on later in my contribution.

The reason I cannot vote for this bill is influenced by my background, my own life experiences plus an evaluation of changes in society, but most importantly by how the majority of those I represent would like me to vote. Members of Parliament who vote against this bill will be accused by some of being homophobic or discriminating against same-sex couples. That is very untrue in my case. I will vote against this bill because I believe in the right of every child to have a reasonable expectation of the care and affection of both a mother and father, to know their ancestry and who their extended family are. One of the concerns that has been

expressed to me — and it could be a very unusual case — is that legitimising surrogacy for same-sex couples could potentially create three mothers of the child: the donor of the egg, the surrogate and the social mother. This may possibly leave the child feeling confused as to how to relate to each of the women and insecure about how to relate to other children whose families do not look like theirs.

I turn to the retrospective access to ID information. Donor-conceived people born prior to the introduction of legislation enabling access to identifying information about donors are denied the ability to seek information regarding their genetic donor parents. This is inconsistent with the Victorian Adoption Act 1984. The new legislation does nothing to remedy this problem. In fact it only exasperates it by creating another group of donor-conceived people with varying rights. A person conceived using donor gametes and gestated by a surrogate will have more rights regarding accessing information about their identity and parents than a person born without the use of a surrogate, and this is because a person conceived by a surrogacy will be treated as a child relinquished for adoption.

Surrogacy has been very successful for a family I know extremely well that lives in the Yarra Valley. The surrogate was implanted with embryos conceived of course in a test tube from the mother's eggs and the father's sperm. This resulted in the birth of twins and has worked out extremely well. The children are now 12 years of age. The surrogate mother is a part of the children's life, and the children are very much aware of how they were born. If this were a bill dealing purely with surrogacy and surrogacy where there was no money involved, surrogacy where it was not the egg of the surrogate mother, then I would be able to support that.

I think surrogacy, where it is using the egg of the surrogate mother, can present a lot of difficulties, and the world is leaning away from that. I was disappointed that a bill was not introduced which provided for producing a child for a family of a man and a woman using altruistic surrogacy and of course being retrospective. I know the family I am talking about are going to be disappointed that I am going to have to vote against this bill because of the way it is packaged up with other things.

I also disagree with the packaging of the bill with two other bills — the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill. I supported the point of order made from this side of the house by the member for South-West Coast which asked for the three bills to be debated separately in the house.

Social change legislation is always very difficult. We have to try to walk in the shoes of others. We have to try to think about how we would feel when placed in certain situations, how we would feel if our children were in a same-sex relationship and desperately wanted to have a child. How would I, as a mother, be able to work through that? I have examined my conscience, I have thought much about this, and I cannot support this bill in the way it is being presented.

Mr NOONAN (Williamstown) — It gives me great pleasure to make a contribution to this debate, in particular to support the Assisted Reproductive Treatment Bill. Many people have waited a long time for this legislation to be introduced to the Parliament, and I am pleased to be able to make a contribution in support of this legislation.

By way of background, it was late last year when the Brumby government announced it would update Victoria's laws on assisted reproductive treatment and surrogacy. This announcement came as a result of an extensive inquiry by the Victorian Law Reform Commission, which resulted in 130 recommendations. I have read much of the report which was tabled in Parliament in June last year, and I want to place on the public record my appreciation for the commission's comprehensive report. I also congratulate the Attorney-General for introducing this bill to Parliament and allowing the Parliament to exercise a conscience vote.

Importantly the law reform commission found a parent's capacity to parent rather than their relationship status or sexual orientation to be the central factor in many of the outcomes and recommendations from its report. At the outset what we would say about this bill is that it certainly respects diversity in this state and in our community.

If passed by the Parliament, the new laws will provide a range of safeguards and protections and also correct some anomalies in our present laws. In terms of detail, the new laws will deliver a range of measures. One of the critical measures is to remove the current requirement that a woman be married or in a de facto relationship with a male to access assisted reproductive treatment in Victoria, ensuring that our laws are not in breach of the federal discrimination laws.

The laws will also provide better protection for children by requiring checks for criminal records and child-protection orders for potential parents, whilst also

expanding donor-conceived children's access to information about their genetic history. Having said that, I would acknowledge that as a parent I was not subjected to criminal checks before my wife and I decided to have children.

In addition the new laws will ensure additional legal protection for children by giving legal recognition to the commissioning parents in a surrogacy arrangement, or the female partner of a child's mother. Finally, the laws will facilitate better surrogacy arrangements by removing the anomaly that surrogate mothers must be infertile to receive treatment in a clinic.

As I said at the outset, some people have been waiting a very long time for this bill to be introduced into the Parliament, and in my contribution I want to draw from some of those people by retelling their stories as best I can. In particular, I draw from two separate articles published in the *Age* newspaper and contributed by Jenny Sinclair and Jacqueline Tomlins.

The first article, written by Jacqueline Tomlins and featured in the *Age* of 12 August 2008, appears under the headline 'Just another family asking for fairness'. Jacqueline playfully describes the three children that she and her partner share. She describes a son who is aged five and who is confident and easygoing and who has just started school and is loving it; a daughter who is aged three who is fun and feisty and desperate to keep up with her brother; and a baby who is aged just one who is smiling, happy and adorable. The description of Jacqueline's family certainly resonated with me. In many respects Jacqueline could have been describing my own family.

Jacqueline goes on to explain that she did not give birth to any of her three children, but considers herself to be a parent of the three children in every way. In her eyes their family was just that — a family. Because Jacqueline is not the biological mother of her partner's three children, she explained that she had no legal relationship to them nor they to her.

Jacqueline Tomlin makes a very strong point, which was echoed in the Victorian Law Reform Commission's report, that children raised by same-sex couples do as well as children raised by heterosexual parents. If anything, the only detrimental effect imposed on Jacqueline's family circumstances is the discrimination in terms of attitudes and practices of ignorant people in the community. It is clear that Jacqueline and her partner, Sarah, love their children very much. They are a family, and I certainly respect that. I hope this bill gives them what they describe as 'everything'. Simply, this means altering the birth certificates of each of their three children to reflect the dual surnames of 'Nichols-Tomlins'. I thank Jacqueline Tomlins for sharing her very personal story and I was pleased to meet her earlier today.

I also thank Jenny Sinclair, who wrote a piece for the *Age*, titled 'The surrogacy journey must be respected', which was published on 16 September. In the article Jenny bravely told of her battle against breast cancer, a condition she had been diagnosed with about four years ago. Tragically the news of her cancer came on the first birthday of her son, himself an in-vitro fertilisation (IVF) baby. As she entered into treatment Jenny felt at least fortunate to have eight embryos still in storage from her IVF treatment. Jenny's cancer treatment put at least a five-year bar on her carrying a baby. In talking about her situation Jenny observed that she had a duty to survive, rather than to increase the risk to her life by carrying another child. What a brave choice that must have been for her.

Jenny rightfully points out that surrogacy is a reality right now for some couples, but, as she correctly identifies, for couples or people with money. Some of these people that she identified were prepared to travel to the United States of America or to other Australian states and, as she puts it, go through the paid surrogacy journey. As Jenny puts it, the proposed Victorian legislation recognises that surrogacy is already happening and brings it into our excellent assisted reproductive technology system, with its ethics committees, dedicated counsellors and stringent standards. I thank Jenny and her husband for their contribution, and for sharing their personal story with the community. I certainly respect their right to decide on surrogacy.

The final couple I reference in this debate is known to us and that is Senator Stephen Conroy and his wife, Paula Benson, both of whom are considered friends of the Noonan family. Steve and Paula now have a beautiful young girl named Isabella, who is every bit as energetic as her dynamic parents. Together they all make a beautiful family. Their story is fairly well documented. Steve's sperm was used to fertilise the donor's eggs through IVF and the embryo was then implanted in the surrogate mother. Isabella was born in Sydney in November 2006. Paula and Steve were present at the birth of their daughter and later expressed their gratitude and thanks to the women involved, describing what they had done as an 'amazing gift'. Just over a year later, after a lengthy legal process, Steve also won legal recognition as Isabella's parent. I

remember seeing him shortly after the decision and he was quite simply elated.

As the Attorney-General stated in his second-reading speech:

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

Under the new laws commissioning parents will be able to apply to the courts for a substitute parentage order which will transfer legal parentage from the surrogate mother to the commissioning parents. Importantly this process will result in a new birth certificate being issued showing the commissioning parents as the parents of the child. I think Steve and Paula can be very proud of this development and their impact on this debate.

In conclusion, I thank Steve Conroy, Paula Benson, Jacqueline Tomlins, Jenny Sinclair and families, who have joined us in the gallery today, for sharing their stories with us. This bill really reflects much from the personal journeys of those people. It brings to life their struggles and aspirations. I hope for their sake that through their personal quest to change the laws, the change may only be a short time away, and that as legislators we have served the community correctly. By passing this bill we will be sending a message to the community that we respect diversity, recognise same-sex couples as parents and genuinely commit to the notion of a fair go for all. I commend the bill to the house.

Mr K. SMITH (Bass) — I come to this debate today as the father of three children. My three boys have partners, we now have five grandchildren and I probably look at it from an old-fashioned point of view. I see that as members of Parliament we are in a position where we have to make, at times, decisions that are supposed to be keeping up with the age that we are in today, with the changes that are coming about and the need for us to reflect what our community is thinking. I think the community I represent is a little on the old-fashioned side and I do not basically support the legislation that has been talked about today, the Assisted Reproductive Treatment Bill.

I find it a little difficult to try to comprehend the fact that we are looking at reproducing children for couples that are not married as such and some that are living together. I come from an old-fashioned view that when you want to have children you get married and have your children. Some of your children may, as two of mine do, live in de-facto relationships. They are loving de facto relationships and they have got children of their own. I find it very difficult to comprehend that we are here in the Parliament looking towards allowing same-sex couples to be given the same standing of being parents. I am talking about people who have chosen a lifestyle that is different to a lifestyle that I have chosen. They are people that have gone into a lifestyle that they have chosen; some will say that they are born into that lifestyle and others have grown into that lifestyle, but they have changed their thoughts as far as sexuality is concerned.

I look back and think that when life in this world was created it was Adam and Eve, not Adam and Adam, or Eve and Eve. It was Adam and Eve and they were in a position where they created children and they created life within our life, if I can put it in that way. We are in a position as legislators where we have seen huge amounts of social change take place in a short period of time. We need to stand up and say, 'Hey, slow down a bit', because we are making a change that is going to set a standard not only in this country but around the world for the rest of time.

We are in the position of saying in the legislation we may move through this Parliament we believe same-sex couples, whether they be lesbians or homosexuals, are in a position to choose to become parents of children. I personally have a problem with that. There are others in this house who do not have a problem with it. That is their point of view, that is what they believe in. I am sure they will stand in this Parliament and make a decision to support this type of legislation, and that is right for them. I am probably talking from an old-fashioned point of view as somebody who just cannot support this type of legislation.

My belief is that a strong family comes from biological parents who have children and who continue to create children in the same loving, caring environment. There are a lot of people who will say that lesbians and homosexuals also have a loving and caring environment in which they wish to bring up their children, but they are not a mother and a father. We have heard today the description 'parents of the child', but that is not a mum and a dad — it is a mum and a mum or a dad and a dad. To me that does not seem quite right in the context of what our society expects in relation to the creation of children and the sort of lifestyle that we have as humans.

I understand and support in-vitro fertilisation (IVF). I support that for male and female heterosexuals who wish to have children and are not able to have children, who have a very strong desire to have children and are

in a position where they can have IVF treatment and are able to have a child. I think that is good. I support the IVF legislation that was moved through this Parliament, and I will continue to support it. But this debate is about children who are coming into this world. This is a debate about children who should have an understanding of human relations, of what parents are and of what parents have to offer to them. I am not sure that a mum-and-mum relationship can be appropriate for a young boy growing up who wants to go out and have a game of football or who wants to go out and enjoy his life as a young boy, who has to go to school where the other kids talk about their mum and their dad, not their mums. He may be asked, 'Who took you to the football last weekend? Which mum took you to the football?', instead of, 'How did you go at the football with your dad? Did you enjoy it?'.

I have a problem with where those children are going to be psychologically. Are they going to be affected by it? I think they will be affected by it. I think they will have some problems similar to those experienced by young children with homosexual fathers. They will not understand the meaning of life and the meaning of sex in what you would say is in a normal way — that is, one where couples have sex in a loving and caring relationship in which children can be and are created. I see this legislation as cutting away at our lifestyle, at the way that we as humans develop and at our society. I think it is starting to do some damage to society. We heard the member for Box Hill speak of somebody who had been brought up in a society like that. I thought the member's speech today was very telling and very much to the point. It was a very important opening to the debate in the Parliament tonight. I will be interested to hear the contributions of other members, and I respect their right to their views, which will in some cases be different from mine. As I said before, I am probably looking at it in an old-fashioned way. I was described during the abortion debate as being a complex politician. I probably am, but I am an old-fashioned complex politician. I will not be supporting this legislation.

Sitting suspended 6.31 p.m. until 8.03 p.m.

Ms RICHARDSON (Northcote) — I am pleased to rise in support of the Assisted Reproductive Treatment Bill, the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill. Together these bills replace the Infertility Treatment Act 1995. This act was recently amended to provide for the regulation of embryonic research, cloning and the creation of stem cells; however, the introduction of the Assisted Reproductive Treatment Bill provides an opportunity to create stand-alone legislation governing embryo research in Victoria. Changes made in May last year were passed by the Parliament following extensive public consultation, and as they proposed no change to the law, I would like to focus on the ART bill that makes significant and welcome changes to the law in Victoria with respect to surrogacy and assisted reproductive technologies.

I welcome the opportunity to vote for a bill that ends discrimination in our state. It is an opportunity I sincerely hope all members, as representatives of the wider community, will embrace. But what will it say about us and this Parliament if we allow discrimination to continue, particularly when that discrimination affects the most precious members of our society, our children?

Speakers before me have spoken about the detail of the bill, but for me, how children fare under the current laws and how their lives will be improved under the proposed bill are of critical importance. This bill is not about changing the nature of our society as we know it. Our society has already changed. Families today come in all shapes and sizes. Rapid changes in technology have provided wonderful opportunities for people to start their own families in many varied circumstances. I cannot in good conscience deny others in my community what has so fortunately been given to me — namely, children of my own to parent and love.

I cannot look at Jenny Sinclair, Paula Bensen or the countless other women who have fought cancer and won and say that I support yet another obstacle they must overcome in order to start their families. I cannot say to same-sex families, or those with fertility problems, that their desire to start a family is of lesser value than my own, and that they should face greater hurdles, expense and angst. I cannot say to children raised in these families that they are any different to my own or that they should not be afforded the same opportunities as all children in our community. In summary this bill brings Victoria's ART and surrogacy laws into line with other states and better reflects the reality of modern families.

By ending the discriminatory nature of the current laws, the bill will provide a legal framework for what is already taking place in our community. The discriminatory laws do not stop children from being born to same-sex couples or those with compromised fertility. Instead these laws create legal uncertainty for an the children born to same-sex couples, single parents or through a surrogacy arrangement.

As I stated earlier, any law that discriminates against children, treats a child unequally or disadvantages one child over another is a bad law and must be overturned. Consider this: non-biological or non-birth parents cannot consent to medical treatment for their child; children have no automatic relationship with their non-biological or non-birth parent, siblings or extended families; these same children do not inherit from their non-biological or non-birth parent; and their non-biological or non-birth parent cannot even give consent for them to take part in school excursions or any other event that I would consider to be an ordinary event. All children must have the right to certainty about the legal status of their parents, siblings and extended families as well as their donors. That is precisely what the bill does.

The bill is based on the recommendations of the Victorian Law Reform Commission. I take this opportunity to acknowledge its work for producing a comprehensive report following extensive consultation with the community. The VLRC was asked to review Victoria's laws following the Federal Court decision in the McBain case in 2002 that found an inconsistency between Victoria's Infertility Treatment Act and the federal Sex Discrimination Act. The court found that the marital status requirement in the infertility legislation is contrary to the federal Sex Discrimination Act and was therefore invalid. In Victoria this decision was interpreted by the Infertility Treatment Authority to mean that single or lesbian women can access ART only if they are clinically infertile.

But there are other inconsistencies and discriminatory consequences of the current ART laws in Victoria, all of which have been identified by the VLRC in its report — for example, surrogacy is legal in Victoria, but the law makes it almost impossible to carry out because the surrogate must be infertile to have treatment. The surrogate mother and her partner, whether they are genetically related to the child or not, remain the legal parents of the child.

Single women over 40 are eligible to access IVF (in-vitro fertilisation). Those under 40 are ineligible. In dealing with these inconsistencies and discriminatory consequences, the VLRC placed the best interests of the child at the forefront of its deliberations and is to be commended for doing so. It is what we all in this place would presumably want. I know it is what every parent in my electorate wants, and I know it is what the wider community wants, so let us focus on the research that repeatedly shows that parental capacity is based on good parenting skills rather than relationship status, sexual orientation, religious affiliation or whether you were conceived via IVF or not, and above all let us think very carefully about the discriminatory nature of Victoria's current ART laws that work against the best interests of the child.

I want to absolutely challenge the idea that leaving the law as it is, with all its inconsistencies and with all its inherent discrimination, is in any way in the best interests of the child. Let us also listen to the voices of same-sex parents and those who are now raising a child conceived through IVF and surrogacy. These voices belong to people who, like all parents, want what is best for their child.

I have been very fortunate over the course of this debate to come into contact with some wonderful families who are by example great advocates for law reform. Felicity, who is in the gallery tonight, and Sarah Marlowe coordinate the Rainbow Families Council and have campaigned tirelessly for law reform in the interests of same-sex couples and their children. Their three children could not wish for a more loving and dedicated set of parents. Maggie Kirkman, her husband Sev and her daughter Alice, who are also here tonight, and her sister Linda have also shared their story that began over 20 years ago, becoming the first family to combine IVF and surrogacy. Maggie found herself without the means to carry a child, but she was able to produce an egg. Her husband was unable to produce viable sperm. Their daughter Alice was conceived by donor sperm and Maggie's egg and, fortunately for Alice, Maggie's sister Linda agreed to be, as she likes to describe herself, her gestational mother.

If you want to see yet another success story in progress, talk to Alice about her take on life and what this whole experience has meant to her. When she came into the Parliament today to talk to MPs she said, 'I didn't know the identity of my donor until I was 12 years old, but the need to discover the secret came about more because I wanted to be like a private investigator on TV rather than because I had any particular need to know my genetic heritage. I still haven't actually sat down and talked to my donor about the whole thing, and I don't feel I need to. I have my parents. I know who they are and who I am. I do find it odd that my legal status is as an adopted kid. I know technically I was adopted, but I don't quite see why. Being a donor IVF surrogate adopted kid seems like one label too many, and I'm glad that this new legislation will make future kids' labels less of a mouthful'.

In reference to possible bullying at school, Alice said that she did experience some mild taunts at school along the lines of her being a test tube kid, but what

finally stopped the taunts was Alice's challenge to those kids to imagine how their own conception came to pass.

Of course there are donor-conceived children who have been unable to access information of their donors under past laws, and all our hearts go out to those who want this information but are unable to obtain it. These children, now young adults, were conceived at a time when donor information was held in secret. However, this is not what this bill is proposing to do. All children will have access to their donor information, so fortunately this circumstance will never happen again, and therefore this argument should not be used to disqualify the obvious merits of this bill.

I have met with many families who live in my electorate and have much in common with my family. The differences are inconsequential as we swap parenting stories such as which local school we plan to send our kids to and how much sleep we are getting. I want to thank them for sharing their stories with me, but the differences that the law imposes on these families and their children is of the profoundest consequence and must be changed. All children — no matter what their family make-up and no matter what their method of conception — have the right to equality under the law. All parents — no matter what their sexual orientation or compromised fertility — have the right to equality under the law. To that end I commend the bill to the house.

Ms LOBATO (Gembrook) — I rise in support of the Assisted Reproductive Treatment Bill; however, I will be considering some amendments, and I will not be supporting the Research Involving Human Embryos Bill, as I have opposed this previously and my views on that can be read in *Hansard*.

In an ideal world it could be argued we would not need an Assisted Reproductive Treatment Bill. However, assisted reproduction has been around for decades and, as a Parliament, we cannot abrogate our responsibility to deal with what is already in existence; what we can do is regulate it.

What has changed since the introduction of assisted reproduction is the developments in technology, which have outstripped the capacity of existing laws to keep abreast of them. Laws first enacted over 20 years ago, when IVF (in-vitro fertilisation)was still in its infancy, have not been able to clarify legal questions or provide certainty about practices that are taking place in Victoria every day. Even with updates to legislation, the laws in operation have not been able to adequately cater for the circumstances faced by Victorian families.

One of these families is in my electorate — a family in which the biological parents of two boys are not legally recognised as parents because the children were born with the assistance of a surrogate mother. These children have always resided with their mother and father but face the difficult predicament of seeing the surrogate mother's name on their birth certificate. The parents who raise them have no legal recognition, and there are other families in Victoria who are facing the same difficulties.

The law needs to be updated as situations such as these were not even anticipated when it was first enacted. The 2008 Assisted Reproductive Treatment Bill is therefore needed to provide clarity and certainty to circumstances that already exist and to outline clearly the responsibilities and rights of all parties involved in assisted reproduction. It is also necessary to reduce the practice of Victorian citizens travelling interstate to treatment clinics in order to obtain access to procedures that are denied to them in Victoria. This makes no sense when these citizens can still ultimately become parents, albeit by travelling extensively.

This bill, while facilitating access to those treatments, also provides a level of scrutiny and regulation that does not exist with unregulated procedures. Rather than limiting access to fertility and driving those prevented from undergoing procedures to resort to travel and other means, this bill strengthens regulatory requirements in some key areas. It also gives legal recognition to parenting arrangements that already exist in Victoria and greater protection to children living in those circumstances that do not meet the description of a traditional family.

Although there are obvious benefits from this legislation, I firmly believe that as legislators we have an important role to set down guidelines and limits for the use of technology in order to protect everyone involved. I would like to put on the record that my overriding concern when looking at this legislation is to ensure that the rights and best interests of children conceived through assisted reproductive treatment (ART) are protected. This legislation makes some important strides in this area with, for example, the limits that are set for the number of genetic siblings able to be created by a donor, although I believe that the number stipulated in the bill is excessive and I will be supporting an amendment calling for a limit of five donations.

Setting such limits and requiring conditions to be met prior to the use of assisted reproductive technology allows for greater regulation of procedures. The

establishment of a patient review panel with a primary role in determining and deciding on applications for assisted reproductive treatment is welcome as one step in guiding its use and ensuring that what is happening in laboratories is open to scrutiny and expertise.

This bill provides for the management of registers with information on genetic heritage to be handed over to the births, deaths and marriages registry with its expertise in records management. This will create easier and simplified access to register information which will be held alongside birth registration records. It will also mean that security and privacy provisions that now apply to adoption records will be applicable to donor registers. However, it is important that any streamlining of processes does not water down the specialist and support services for donor-conceived children. These children do have specific needs, and steps need to be taken in any changes to regulatory mechanisms to ensure that there is a simplification of processes for access to information and not a complication.

Another concern I have had with ART is about the ability of donor-conceived children to access information about their genetic heritage. Current legislation which took effect in 1998 has not allowed donors to be totally anonymous, but without a retrospective component to this bill donor-conceived children born at different times will continue to have unequal rights according to the law to access information about their biological origins. Children continue to be denied complete identifying information about donors.

The very real ethical dilemmas that are raised by the use of ART do need to be highlighted. The use of this technology has long-term repercussions for the parties involved, and these repercussions have been most clearly articulated by children who have been born as a result of ART, especially through the use of donor eggs or sperm. Their stories demonstrate that ART is not just as simple as creating a baby to satisfy the need to raise a family. These children may be born into loving homes, but when the origins of their conception are revealed, many of them have a strong interest in knowing the identity of donors who are their genetic parents. The discovery of being born through the means of ART can have a dramatic effect on a person' s sense of self — of how they fit into the world, where they belong and who they are.

Again, I stress that this is no reflection of any deficit in the parenting they have received but is merely a reflection of how identity is shaped through knowledge of one's origins and parentage. A person's foundations can be sorely shaken once discovery is made that you are not who you thought you were.

I heard today the moving story of Myfanwy Walker who, on finding out that she was conceived through the use of donor sperm, felt that half of her was rendered void and taken away. She felt illegitimate and in limbo. She advocated strongly for the rights of donor-conceived children to have full access to all their records about both their biological parents and the legal parents who raise them.

In denying children born through such means full and complete information about their biological families, we are championing the rights of parents who may not want to divulge conception information and the rights of donors who may wish to remain anonymous over and above the rights of the children themselves. The children did not sign confidentiality agreements and feel dehumanised by a process that gives bureaucrats rights to their parentage information but denies it to them.

Children born through these means also coherently argue for truth in birth certificates — birth certificates that accurately portray the facts of their conception and birth. They argue that birth certificates should not be just about social or legal parentage but also about biological parentage. Every person who has ever trawled through records to trace their family tree will testify to the importance of biology in knowing who we are.

In separating parental rights from those who give biological origin to a child, this bill no doubt makes more workable the family arrangements that are already in place with same-sex parent families and one parent families. These families exist now, and this bill recognises their right to do so. The bill also provides consistency so that the partner of a woman who uses a donor to achieve pregnancy is considered a parent, whether that partner is male or female.

However, to translate that recognition of different types of parents to a denial of truth in birth certificates is a different matter altogether. It also needs to be recognised that when children born through donor or surrogacy arrangements grow up and learn about how they were created, the presumptions the law makes about who is and who is not a parent may not be shared by the person born with the use of assisted reproductive technology. As legislators we may decide that a donor has no right to exert parental influence, but a child may decide that such a donor is a father or mother, regardless of what the law says.

I also have concern that the ever-expanding range of fertility treatments sets up massive expectations that having children is a right for everybody, regardless of the emotional cost, and an inability to conceive renders one a failure. There are many couples who have tried and failed to have children through the use of ART, and as more techniques, procedures and interventions are created, there is enormous pressure for these couples to keep trying and to continue on the merry-go-round of fertility treatments in the endless quest to have a baby. Having a baby is a wonderful and beautiful thing, and yet as a society we are still inclined to label as failures people who do not or cannot have children.

The pressure to have babies at a given point of the life cycle means that we are prepared to continue to medicalise women's and men's bodies and subject them to all sorts of pharmaceuticals and procedures as part of this quest. Our continued medicalisation of infertility and of the human body, while providing hope to many people, nevertheless ends in disappointment for others whose hope for a baby of their own is never realised.

While the clinical effectiveness of ART continues to advance, there is no doubt there will always be fallout from these procedures — from those who fail to benefit from it or suffer adverse consequences because of it. Enormous amounts of emotional, spiritual, physical and financial energy can be poured into undergoing ART, and I am concerned that we still neglect to consider the effects on long-term mental health and wellbeing from this process. As I said, I support this bill but will be considering some amendments.

Mr BRUMBY (Premier) — I rise to speak in favour of the three bills that aim to modernise the current Infertility Treatment Act (IT act). Honourable members would recall that last year our government introduced amendments to the act to make Victoria the first Australian jurisdiction to allow somatic cell nuclear transfer for medical research. Honourable members would know that in my previous role as Minister for Innovation I was a strong supporter of stem cell research and somatic cell nuclear transfer. I argued strongly for that within government; I argued strongly with the then federal government; and I was pleased that our government was the first in Australia to lead research in this area. Since that time we have seen evidence of further positive research conducted around the world, including here in Australia, which shows the benefit of stem cell research and particularly somatic cell nuclear transfer.

At the time we made a commitment to separate the medical research provisions and the clinical treatment aspects of the laws regulating assisted reproductive technology. What this legislation does is fulfil this commitment, with the relevant sections of the IT act regarding cloning and research being reproduced as two separate bills: firstly, the Research Involving Human Embryos Bill 2008; and secondly, the Prohibition of Human Cloning for Reproduction Bill 2008. These two bills will allow for the continuation of the legislative framework that is currently in operation and is nationally consistent.

The Assisted Reproductive Treatment Bill introduces common-sense reforms to the law in this area, and it is guided at all times by the best interests of the child as the paramount consideration. I want to stress that, because these debates can be difficult debates. This is an area which was under consideration by the government for some time, but if you look at the recommendations which underlie this legislation, it is about what is in the best interests of the child.

It has, as I said, been a long and thorough process. The Victorian Law Reform Commission (VLRC) conducted a comprehensive review — I think it was a four-year review — which looked at Victoria's laws in this area and included the release of a consultation paper, three occasional research papers and three position papers. Importantly throughout that period it engendered a high level of community debate, and that is a positive thing. In fact during that time the VLRC received more than 1000 responses to the position papers. It held a series of consultation meetings to discuss specific aspects of the project and also made general progress on the reference. There were also meetings which involved members of the public, experts, community groups, service providers and statutory authorities.

It is an important point to make because I am well aware that there is a wide variety of views on this in the community. We charged the law reform commission with the task of looking at all of these issues and of consulting widely. As I said, it held a large number of meetings and received more than 1000 submissions.

The VLRC report on assisted reproductive technology and adoption was tabled in the Victorian Parliament in June last year. It found that Victoria's regulation of assisted reproductive technology had failed to keep pace with the emergence of new family structures and developments in reproductive technology. This is an important point to make, because new family structures

are being created now and the law has not kept up with what has been happening in our community.

The VLRC made 130 recommendations for reform of Victoria's law in this area. It recommended a more inclusive approach designed to protect, as it saw it, the best interests of children legally, medically and socially. In December last year, after the Attorney-General brought this paper to cabinet, the government announced that it would update Victoria's laws on assisted reproductive technology and surrogacy based on those recommendations. That was the process which occurred. We said this work would be subject to working through all the practical implementation issues. We therefore referred one particular issue, which was the recommendations on adoption, to the Health, Ageing, Community and Disability Services Ministerial Council. It is examining that issue in the context of a national approach.

On 9 September the Assisted Reproductive Treatment Bill was introduced into the Parliament. I believe the bill removes anomalies and inconsistencies from the current legislation. It creates a process and a legislative framework for the future regulation of assisted reproductive treatment (ART) which I believe is both more robust and more flexible. It builds in a range of protections and safeguards that are designed to ensure that complex treatment decisions are made in a transparent and more supportive environment. What underpins all of this is an understanding that we are really talking here about the quality of family life — and the quality of family relationships determines the emotional, social and psychological outcomes for children, not necessarily the family structure into which they have been born. A key theme of this is that good parenting is about giving children unconditional love. That is what I believe the law reform commission was saying in its report, and what I believe is coming through in this legislation. It is about providing children with a safe environment to grow up in. It is about protecting them from harm, and it is about teaching them to respect each other, to respect other people and to respect themselves.

Accordingly, I will be voting in favour of this legislation. Firstly, I believe it modernises Victoria's laws and brings them into line with those in other states. As I said, this issue has been under consideration by our government and by the law reform commission for some time. We needed to make a decision on this. We have made that decision, we have introduced the legislation, and it is subject to a conscience vote. Secondly, I will be supporting this legislation because I believe this bill provides better legal protection and improved safeguards. As I said, it provides a more supportive and transparent environment. Thirdly, I support this because the foundation of the VLRC's report is that it was motivated at all times by what it believed to be the best interests of the child. I accept its recommendation that we need to modernise the law and to do so in a way which focuses on the best interests of the child.

I know access to in-vitro fertilisation and surrogacy are difficult issues. I respect the right of each and every member of our Parliament to have a conscience vote on this. When commenting on this earlier today in a press conference I stressed that there will be a range of strongly held personal views in this debate. I think in this debate, and we have seen this already today, members should be open and honest, but they should be respectful of the views of others because there will be a divergence of views. I have come to this view after looking at the law reform commission's report and after detailed consideration in cabinet. I believe it does modernise laws and put in place a transparent and open process, and it is guided by what I believe to be the best interests of the child.

Mr STENSHOLT (Burwood) — I am also able to rise and speak in support of the Assisted Reproductive Treatment Bill — and I know we are debating the three bills together. I see this as a sensible bill. Carl Wood lived in High Street, Ashburton, in my electorate until a few years ago. It is some years since his pioneering work in reproductive technology, and it is only fitting that some 20 or so years later we are debating a bill to bring the legislation governing that work up to date.

I have noted some of the publicity, including some about a Victorian senator and his wife, in regard to surrogacy. I have some questions in regard to surrogacy and whether the legislation goes far enough. I propose to move an amendment in that regard, and particularly with regard to surrogacy arrangements where the commissioning parents' gametes are used. I am a little surprised that under the current arrangements where there is a surrogacy the name of the surrogate mother and indeed of her partner, if she has one, are put on the birth certificate. The commissioning parents may well have provided the sperm or the egg but their names are not immediately put on the birth certificate.

It seems to me a little odd that that is the case. It seems to me logically consistent that if the commissioning parent, be it a male or a female, is providing the sperm or the egg, they are actually the father or the mother and their name should immediately be put on the birth certificate because that is exactly what they are. I think

it is very strange that the name of the surrogate mother's partner, for example, if she has one, should be put on the birth certificate, particularly when the commissioning parents provide either the egg or the sperm or indeed both, and quite often it is both. I will be looking to move that they be given recognition from the beginning, which I believe is only right insofar as at least one of them is the parent. I will be seeking the support of the house in regard to making what I see as a logical and consistent move to ensure that the name of the male who provides the sperm or of the female who provides the egg is put on the birth certificate.

Two other bills are being debated. One is the Research Involving Human Embryos Bill. When we dealt with this legislation last time I was happy to support it. However, I felt that last time some clauses regarding hybrid embryos and the creation of hybrid embryos were snuck into the bill. It was meant to deal with stem cells and somatic cell transfer technology, but in the bill there was something about human sperm being used with animal eggs and creating hybrid embryos. I have some concern about this. I notice it is included in the bill. Clause 14(1)(f) refers to the creation of hybrid embryos by the fertilisation of an animal egg by a human sperm and the use of such embryos up to but not including the first mitotic division. I have a problem with creating hybrid embryos, and I will be moving for the deletion of that paragraph. I am sure the researchers can find other ways of testing the mobility of sperm rather than creating hybrid embryos.

I note also that in the Prohibition of Human Cloning for Reproduction Bill there seems to be an inconsistency in that clause 14, headed 'Offence — developing a hybrid embryo', talks about it being an offence if a hybrid embryo is developed for a period of more than 14 days, yet in the other bill it is allowed only for the first few hours before the first mitotic duplication of the cells. I find that is a rather big gap between just a few hours and 14 days and wonder why that is the case. It seems to me only logical, insofar as in the current act a licence can only be given in regard to those first few hours, after which the hybrid embryo — and remember, it is a human-animal hybrid — must be destroyed. I will be seeking to move to bring the bill back to the original intent, which is no more than that period which was intended in terms of the particular licence.

I am pleased the bill has been changed from the original bill. I moved a motion for this change last time and was assured by the minister that it would be changed, but it was not, even though there was a mistake in the previous bill. I find it disappointing that the minister was not prepared to acknowledged the mistake and make the change, either in the lower house or subsequently in the upper house. But it has now been made. This is in respect of note (b) to section 38OD of the current Infertility Treatment Act. It is redundant, of course, and I pointed this out last time with an amendment. It will not be replicated in this bill, and I am very pleased that this has happened. I noted that Senator Andrew Bartlett moved an amendment on the floor of the Senate in terms of research involving human embryos to remove the proposed subsections that would have allowed the limited creation of hybrid embryos for research purposes. As a consequence this note should have been removed as at the time in 2007 when I moved an amendment asking for it to be removed. So I am pleased that it has been removed.

My major point is that I still have a problem with animal-human hybrids, and I also have a problem with the inconsistency between the current clause 14 of the Prohibition of Human Cloning for Reproduction Bill and clause 14 of the Research Involving Human Embryos Bill insofar as it allows for the creation of hybrid embryos but only up to, but not including, the first mitotic division. I think that should actually be in clause 14 of the Prohibition of Human Cloning for Reproduction Bill. I note that clause 21 of the Prohibition of Human Cloning for Reproduction Bill mentions the fact that the licence applies only up to, but not including, the first mitotic division. Even in that bill there is a disjunction between clause 14 and clause 21. I will move some amendments in order to clear up that disjunction. I hope I will get the support of the house.

Mr MORRIS (Mornington) — I am pleased to join this concurrent debate; it is probably the first concurrent debate I have been involved with in the Parliament. We are of course dealing with three bills: the Prohibition of Human Cloning for Reproduction Bill 2008, which essentially re-enacts part 4A of the Infertility Treatment Act 1995; the Research Involving Human Embryos Bill, which essentially re-enacts part 2A of the Infertility Treatment Act, and the Assisted Reproductive Treatment Bill, or the ART bill, which, amongst other things, repeals the Infertility Treatment Act and introduces a whole new regime in that area, and also makes some amendments to the Status of Children Act and the Births, Deaths and Marriages Registration Act.

Before I get into the detail of the bill I want to express in the strongest terms my displeasure and disappointment at the decision the house took to debate these bills concurrently — to essentially limit the opportunity to speak on these three bills to a grand total of 10 minutes. The argument, I know, is that essentially

we are re-enacting existing legislation, but we are re-enacting legislation that has considerable impact for individuals and about which there are enormously divergent views held both by members and by the community. The speeches I have listened to in the last hour or hour and a half of the debate on these bills indicate the combination of potential voting patterns there might be once we finally get to the vote on this. The member for Burwood's comments made it clear that we are not in fact exactly re-enacting the same legislation. It is a great pity that that decision was taken; the decision by government members to limit debate on such a complex and sensitive issue is an extremely unfortunate one.

I will speak first of all about the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill. Essentially the bills split off parts 2A and 4A from the Infertility Treatment Act. This is legislation that took its final form last year following commonwealth amendments in late 2006 which arose from the Lockhart review commissioned by the then minister, the Honourable Julie Bishop, and from the Council of Australian Governments meeting in April 2007. The comments of others notwithstanding, it was clear at the time we had the stem cell debate — I think that is how it is generally known — that the intent was to split out parts 2A and 4A of the Infertility Treatment Act. There was a clear intent to introduce separate legislation. I supported that legislation at the time; I certainly support the intent of these two bills, notwithstanding the issues that have been raised, and I will be supporting them.

The ART bill — the Assisted Reproductive Treatment Bill — I find a little more problematic, because it is a bill that will result in considerable change to the current regime. The change is explicit even in the name of the bill. The change from the 'infertility treatment' legislation to 'assisted reproduction' is a change from, essentially, legislation for a medical issue — the inability to conceive. The legislation that enabled the medical profession to create and administer a therapeutic solution is of an entirely different nature to what is proposed with this legislation. The outcome will be a substantially different regime.

The bill is best summarised by the Scrutiny of Acts and Regulations Committee report in that it will remove the current statutory requirement that women be married or be in a de facto relationship with a male to access assisted reproductive treatment in Victoria; strengthen the protections for children by expanding access to information about their genetic history and clarifying parentage laws; provide for an expert patient review panel; expand the opportunity for altruistic surrogacy; update the laws — self-evidently — on ART and surrogacy; make some process changes to the Victorian Registry of Births, Deaths and Marriages; and create a deemed registration system.

They are comprehensive changes, and if the bill succeeds the long-term implications will be considerable. The headline change of course is the elimination of the current statutory requirements that women be married or in a de facto relationship. That is the critical provision, and basically everything else in the bill follows on from that.

The Scrutiny of Acts and Regulations Committee raised a couple of other issues, including whether or not embryos have human rights under the charter and, if so, whether or not clause 34(2)(b) applies. As is often the case with Scrutiny of Acts and Regulations Committee reports, the committee raises good questions which are worthy of debate, but unfortunately we rarely get the opportunity to do that. I expect that will be the fate of the questions it has raised with regard to this matter as well.

To come back to the central issue, the question I would ask is: does the community really understand what is being debated in this Parliament? In recent months we have dealt with several difficult issues, including the Relationships Bill and, of course, in the last sitting week in this place, the Abortion Law Reform Bill. I supported both of those bills, and while I made the decision based on my own views and how I felt they fitted within what happens in the state of Victoria, I made that decision confident that the community understood the question and confident that my decision had widespread community support. Whether you agree or disagree with that, you cannot argue that the community did not understand it.

However, in this case my view is that discussion has not been had. Notwithstanding the Premier's comments about the Victorian Law Reform Commission's report and the fact that it took four years and had over 1000 submissions, I suggest that in the context of the population of Victoria that is a very small figure. I respect his view, of course, but I disagree with that particular comment.

If this bill succeeds it will have profound implications for the structure of what we view as a family. It is a structure that is established and understood, and the conventions will be turned on their head. I have been accused of being many things in my time, but I have never been accused of being a social conservative. I do

not believe I am being overly conservative in this view, but I think this bill goes far further than where the people of Victoria are in terms of this discussion. In that sense and at this point in time I view the bill as social engineering. Victoria may well go there one day, although I would be surprised. But whatever happens in the future, I do not believe we are there yet.

I thank all those who put the alternative view. I understand the position that has been put, but respectfully I disagree with it. From my perspective this is not a change that has been discussed in the context of an election campaign. It is not a subject that we have had a series of meetings around the state on or widespread consultation about. There is no established need for the change at this stage, and there is no community desire for the change. There is no demonstrated failing in the existing process nor any judgements that have set aside the existing legislation, so at this point I see little merit in the bill, and I cannot support it.

Amendments to Assisted Reproductive Treatment Bill circulated by Mr HUDSON (Bentleigh) pursuant to standing orders.

Mr HUDSON (Bentleigh) — The Assisted Reproductive Treatment Bill is an important statement of public policy. I believe it should reflect community values and what is in the best interests of the child. All of the legislation passed by this Parliament in relation to children is based on that fundamental principle. This principle is paramount. It is embedded in the United Nations Convention on the Rights of the Child, the commonwealth Family Law Act, the Victorian Adoption Act, and the Children, Youth and Families Act. It is also embedded as the paramount principle in this bill. Regardless of the circumstances of their birth, all children should be able to exercise and enjoy certain fundamental rights.

In 2000 Tricia Harper articulated these rights at an Infertility Treatment Authority public seminar on the welfare and interests of a child born as a result of assisted reproduction. They include the right to a name, nationality and an identity, and to honesty and openness within the family, which means no secrets or lies about parents or other family members, or about family relationships; the right to access original birth records which record the identity of the child's mother and father — that is, birth records identifying both their biological mother and father; and knowledge of and a relationship or contact with both their biological mother and father during their childhood. The amendments I am moving to this bill are all designed to ensure that children born as a result of assisted reproductive technology can exercise the same rights as any other child in the community.

I deal first with the question of surrogacy. I have no doubt that there are cases of altruistic surrogacy in the community. These are likely to occur within families, and the law has not seen it appropriate to regulate what are essentially private arrangements. However, this bill requires us to determine what practices using assisted reproductive technology should be supported. I do not believe it is in the best interests of children to legislate to support any form of surrogacy through assisted reproductive technology. Surrogacy is the creation of a child with the express intention of separating that child from its birth mother. In this I believe we need to learn the lessons from over 50 years of experience with modern adoption practices. As with adoption, at the centre of surrogacy is the relinquishment of a child.

I have firsthand experience of the overwhelming grief and ongoing loss experienced by women who relinquished their children. These women acted out of altruism and believed they were acting in the best interests of that child. Long before I met my wife, at the age of 17 she placed her first child for adoption. Like surrogacy, adoption was seen as a legitimate way of managing a reproductive problem. For single young women at the time, giving away your child was made to seem a normal thing to do. These women all believed at the time that they were doing the right thing. For most of them the right thing was shaped by social norms and family pressures. But for the overwhelming majority of these mothers, the relinquishment of their child was an experience of vast pain and loss. They are fundamentally changed as women and their grief lasts for a lifetime. Research tells us that this is the experience of most mothers who have relinquished a child.

A national survey by Winkler and Van Keppel on the long-term effects on women of relinquishing a child for adoption found that the effects of relinquishment on the mother are negative and long lasting; that approximately half the women reported an increasing sense of loss over periods of up to 30 years, with the sense of loss being worse at particular times such as birthdays and Mother's Day; and that relinquishing mothers had significantly more problems of psychological adjustment. And yet in passing this bill we are going to facilitate arrangements that will confront women with the dilemma of whether or not to relinquish the child they have borne.

Through surrogacy we are creating the presumption that the child the woman has carried and given birth to is not her child, but in fact the child of the commissioning couple. With the indulgence of the house, I would like to quote an article written by my wife on the parallels between adoption and surrogacy:

> It is intended that her natural link should be diminished. It is intended that because of the circumstances of her birth she has no right to raise her child … as a consequence, because this is a birth unlike any other birth, the loss of that baby is ignored. There is no room to grieve or mourn the loss. It is a hidden grief and ironically it is an unacceptable grief both in adoption and in surrogacy. The fact is that a mother is expected to walk away from the experience without the usual attachments to an infant that a mother naturally might have. She is likewise expected not to grieve because she is seen to have participated in the decision to give away her child. She is apparently in control and as a consequence, she has no reason to grieve and perhaps not even a right.
>
> … A relinquishing mother in adoption was never told and nor could she ever have imagined the effect this experience would have on her. The reality is that it is not until one gives away a child and begins to live with the experience that one can ever begin to understand the enormity of it.

Whether you use your own eggs or the eggs of a commissioning couple, in gestating the child and giving birth you form the bonds of motherhood. In either of these situations a woman should not be put in the position of agreeing to give away a child without understanding the consequences of doing so. To quote the testimony of Lori Jean, a surrogate mother in 1988, to the national conference on surrogacy:

> We did as we thought we had to and what we thought at the time was right, gaining strength and insight too late that there was no goodness in giving away a child. The baby I promised was theoretical. The baby I wanted to keep was real.

We have now had 25 years of women telling us of the negative impact of giving away a child. We should not create the next generation of grieving women by facilitating through public policy the explicit creation of a child with the intention of giving it away. We should not through this bill place a woman in the invidious position of either relinquishing the child she has given birth to or reneging on the surrogacy agreement.

It is interesting that whilst the effect of this bill is to sanction surrogacy, the bill proclaims ambivalence about these arrangements by not permitting either a prospective surrogate mother or a commissioning couple to advertise the fact that they are willing to enter into a surrogacy arrangement. This suggests that we do not want to promote even altruistic surrogacy. If we do not, then we should not enshrine it in public policy. As a consequence I will be moving a series of amendments to remove the provisions in relation to ART (assisted reproductive treatment) and surrogacy. If these amendments are not successful I will have to consider whether I vote against the bill or abstain from voting on it.

The second group of amendments I will be moving relate to the rights of children to know who they are and where they have come from. Every child who is born using donor gametes has a right to a name, nationality and identity, including the identity of both their biological mother and father. Again, we need to learn the lessons from adoption practices in years gone by.

For years adopted children fought for the right to have access to identifying information about their natural parents. At the time the argument was that adoption had gone ahead on the basis that no information would be available, secrecy would be maintained and adoptive families could build a life with their adopted children on that basis. There was also a concern that the relinquishing mother would get a ‘knock on the door’ which could shatter the new life she had built since she relinquished her child. This view was not shared by relinquishing mothers, who argued for the right of their children to gain access to their birth information. The Adoption Act of 1984 for the first time provided access to identifying information not only for all future adopted children but also for those who had been adopted when the practice was shrouded in secrecy. The implementation of the changes bore out the confidence of the law-makers of the day that this information would be used wisely and responsibly. And it has been.

Likewise, donors were told that no information would be passed on, that they would be anonymous and there would be no contact. They provided their sperm for altruistic reasons and did not bear the shame that relinquishing mothers did.

For 25 years now there has been discussion about the importance of children having access to birth information to enable them to establish their identity. It is now time to lift the veil of secrecy for all donor-conceived children, including those who have been denied information up until now. We can no longer defend a situation where we continue to deny children, some of whom are now adults, access to information crucial to their identity based purely on the date of their birth. It is time to recognise that the best interests of children as adults are served by honesty, openness and information about their origins. In doing so the Parliament would be affirming the groundbreaking reforms of the Adoption Act and the UN Convention on the Rights of the Child.

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

Ms WOOLDRIDGE (Doncaster) — I rise to speak on the bills that are being debated concurrently, the Assisted Reproductive Treatment Bill, the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill. I would like to start by briefly running through what the bills seek to do. The purpose of the Research Involving Human Embryos Bill is to provide a regulatory framework to address concerns about scientific developments in relation to human reproduction and the use of certain human embryos created through assisted reproductive technology — which I will refer to as ART — or by other means. The Prohibition of Human Cloning for Reproduction Bill prohibits human cloning for reproduction or other unacceptable practices associated with reproductive technology.

The Assisted Reproductive Treatment Bill includes many clauses, and I will highlight some of the key provisions. Infertility is no longer regarded as the key criterion for eligibility for treatment; the test is whether, in the woman's circumstances, without a treatment procedure she is unlikely to become pregnant or give birth or is at risk of transmitting a genetic abnormality or disease.

There is also a requirement to have a criminal records check and a child protection check. If these show certain sexual offences or violent offences by the woman or her partner or that a child has previously been removed from the custody or guardianship of the woman or her partner, a treatment procedure will require the approval of the patient review panel.

The bill also includes clauses relating to a female partner who is not the mother being deemed to be a parent of a child. This is where a woman who has a female partner gives birth as a result of a procedure and her partner, if she has consented to the procedure, is presumed to be a legal parent of the child. This also applies to children already born.

In terms of surrogacy, treatment procedures can be given if the surrogacy arrangement has been approved by the patient review panel. A commissioning parent can be a male or a female who the doctor considers is unlikely in the circumstances to become pregnant or able to carry a pregnancy or give birth, or if it is likely to place her life or health or that of her baby at risk.

A surrogate mother must not receive any material benefit or advantage under the surrogacy agreement but may be reimbursed for costs incurred as a direct consequence of the arrangement.

The commissioning parents of a child born under a surrogacy arrangement may be able to apply to the court for a substitute parentage order, which is a new form of order created by the bill. In terms of regulation and administration there are a number of changes, including that information from registers kept by ART (assisted reproduction treatment) providers and other providers of artificial insemination must be provided to the registrar of births, deaths and marriages rather than the authority, and a patient review panel, as I have mentioned, is established. It is to hold hearings of applications made to it, and appeals may be made to the Victorian Civil and Administrative Tribunal on most matters if the panel's decision is adverse to the applicant.

I have a number of concerns about the process to date, and I am very concerned about the government's approach to these bills. Many elements of the bills are deserving of support, but the government has definitely over-complicated the process, making it very difficult to support the vast array of different clauses and different issues. The ART bill is very complex. It deals with assisted reproductive treatment, surrogacy, substitute parent orders, and changes to birth certificates and other records of parentage and modification of procedures and regulations. There is a lot in here, and we are being asked to debate in a short period of time some very complex and broad social issues.

The government has not sought to address the recommendation on adoption in the report of the Victorian Law Reform Commission (VLRC), which the Premier talked about earlier. It has separated that out but has incorporated everything else into this one debate. The issues could have been dealt with separately so that we could have had time to debate them in detail, so the community could have had time to engage in the debate and so that we could have had a genuine discussion on the broad range of issues that have been incorporated. Not only do we have a complex bill but we are debating two other bills concurrently. The issues dealt with in those bills are difficult as well and require separate consideration.

While it has been a long time in coming, taking five years to come through in the VLRC report, we have had a quick time frame in which to deal with it, which is concerning. It is only three weeks since the bill was first read. That has not left sufficient time for the community to engage in the debate or for us to have

consultations after seeing the government's final position on what the bill contains. There has been a lack of consultation on this complex legislation. A number of community and other organisations representing broader interests have said they have not seen the bill and have not had the opportunity to have input into the process.

Finally, unfortunately we have seen limited public debate on these issues. It is a mistake to debate this bill while the abortion bill is being debated in the upper house because the public focus has been on the abortion issue. These issues in this legislation are more recent than the abortion issues. Whilst still having been around, they have not been debated publicly over the years in the way other social issues have been debated. It is important that as law-makers we do not make the law in isolation; we need to engage the community in the process. I have been amazed that I have had not one representation from my electorate on these issues and quite a small number in relation to the broader engagement that we have obviously had on the abortion debate. We should have spent time engaging in a community discussion on this important issue.

I strongly support a number of areas of this bill. I genuinely believe that no-one should be discriminated against on the basis of their sexual preference or marital status, and I support access to ART for single women and same-sex couples. I have a number of lesbian friends who are wonderful, loving parents to their children, and I am confident that their children will have every opportunity to grow up to reach their full potential, equal to that of my married or heterosexual de facto couple friends. Equally I have single friends who for one reason or another have not partnered but have wanted to have children and who have gone on to do so very successfully. The reality is that the notion of the traditional family — a married couple with two kids — is no longer the picture of a family in Victoria. We have over 130 000 single-parent families and over 50 000 children with parents in de facto relationships, including same-sex couples, equalling nearly 30 per cent of all families.

I also support the clarification of parentage provided for in the bill. All people should have the right to know about their genetic origins and all processes should be put into place to assist that to be supported. It is important that non-birth mothers be recognised. We should not be making life more difficult for families with only one parent being able to legally deal with schools, medical procedures and the tasks that are part of daily life.

I also support both the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill in respect of separating the medical research provisions from the clinical treatment aspects. However, I have significant concerns about the extension of surrogacy laws, particularly in relation to partial surrogacy. The VLRC's terms of reference in relation to surrogacy state that the reference was limited, but it determined:

> Our cautious approach is also informed by the lack of detailed and longitudinal research into the potential impact of surrogacy on children and surrogate mothers … we do not yet have any data on the long-term consequences for children.

We are going to an extremely open system, and the best interests of the child are not even a consideration for the patient review panel in approving surrogacy. I am particularly concerned, as I have said, about partial surrogacy being freely available. An Australian study of women, who acted as gestational surrogates, found that for them not being a genetic parent of the child was an important factor; it helped them to treat the pregnancy as different to their own previous pregnancies and made it easier to give up the child.

The concerns of Monash IVF have been highlighted already in this chamber, and there are genuine concerns that there are issues for the surrogate mother. Melbourne IVF has told me that if partial surrogacy becomes legal, it will not be offering those services because of its concerns. I am concerned that we have not had a community debate on these issues and that we have not done the research to know the impact on children, and I believe both of these things should have happened. I am also concerned about the requirement for criminal records and child protection checks for all ART applicants, be they heterosexual, lesbian or single. That is approximately 8500 women and their husbands or partners per year. There is the ability to do a fitness-to-parent check if necessary, so the mechanisms are in place. I do not believe the checks that have been described as being a gross invasion of privacy or stressful, intrusive, demeaning processes should be included in this bill.

I have a number of other concerns which unfortunately I do not have time to raise. Many aspects of the bill warrant support. However, due to some fundamental concerns and a real failure of the government to consult on the bill and to allow community debate in the process, I will have to oppose the bill.

Mr INGRAM (Gippsland East) — I rise to speak on the three bills before the house and express my opposition to the process of concurrently debating the

three bills. My views on that were expressed when the motion to bring them together was before the house, but it is important that we discuss that decision because these are three complex and difficult issues and not necessarily all the one concept. The bills should have been dealt with as separate entities in their own right.

I will confine most of my comments in this discussion to the Assisted Reproductive Treatment Bill 2008, which is probably the most contentious of the three pieces of legislation that we are discussing. I state from the outset that I am a strong supporter of what I believe are traditional family values, and that probably influences my position on this legislation. I have listened carefully to a number of contributions and particularly note the contribution by the Minister for Sport, Recreation and Youth Affairs. I agree with most of the views he expressed in his discussion.

As all members have acknowledged, the community has shown a strong interest in these concepts and passionate views. While the matter has been overshadowed by our debate during the last parliamentary sitting week, I still think there is a strong sense of position for those people who understand what the debate is on. I also acknowledge the inconsistency and difficulty in the current laws for non-traditional families. I acknowledge that there is support for these changes even in a conservative rural electorate like Gippsland East, and I have had discussions with a number of people on the bill, and particularly with some supporters of the changes.

I mention one person, although not by name because he comes from a very small rural community and could be identified. He is a salt-of-the-earth farmer whose daughter is involved in a same-sex loving relationship. The couple have a child, and they have expressed their strong support for the legislation. I acknowledge those views. I understand those views are not traditionally the sorts of things that individual would have expressed to a member of Parliament, but because of his personal situation and that of his family, he understands the difficulty that his daughter and her partner have gone through in having a child and in the expression of their loving relationship with their child.

I understand the difficulty of all members with this issue. It is not necessarily black and white, or as clear cut as a lot of people make out, but I have strong personal views that a family unit is a woman, a man and a child; in my view that is a natural family. My comments are not readily accepted in some areas, but this change is a bridge too far and is not accepted by the broad majority of my community.

It is important that we acknowledge in this place that the traditional family unit does not have a mortgage on values, love or successful parenting. Our society has faced a lot of challenges in raising families and raising young people to be good contributors to society, no matter where they are. It is important that we attempt to get the best position for our young people to come forward.

Society has changed and there is a range of diverse household units, blended families, de facto units, single parents, same-sex and more traditional units, and all face many challenges in raising young people. As a father of four I know the difficulty of raising children, not only as a parent, because children always throw up challenges that you would prefer not to have, but I also have a number of close friends who are single parents and I know the difficulty they have in raising young children. I understand the challenges of making sure that we get our young people into a position where they can best contribute to society.

It is my view that both males and females are required to provide the family environment. Both males and females provide a different and necessary complementary nurturing for children. Some people will probably disagree with my comments, but we know for a fact that nowadays young boys really struggle going to schools where they may be without male role models. We know that not having that male role model places particular challenges on the development of young boys.

I understand the reasons for the introduction of this bill. A comprehensive and lengthy process has been undertaken in developing the bill, but I cannot support the changes. In my view it is again a bridge too far and will not be accepted by the majority of my community.

A number of other changes within the legislation are complex and difficult — for example, surrogacy. There is some support for that and the current laws are probably difficult. We know that altruistic surrogacy exists and is being conducted. A number of things contained in this legislation are already going on in the community and in our society. We probably should be dealing with some of those issues, but it is important that as elected representatives we also represent the views of our constituencies.

I make some brief comments in relation to the other bills — the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill. I have been in this Parliament for a number of years and had a number of discussions about

research involving human embryos. I have traditionally supported those changes because of the important scientific developments that have come out of them. I know there are other people in this place who disagree with those views, but bringing those laws into a nationally consistent framework is a good thing for the Parliament to do.

With those words, I will be opposing the Assisted Reproductive Treatment Bill 2008. I will be giving careful consideration to and will make a contribution on any of the amendments that come forward. I know a number of amendments have been circulated. I will probably make further comments on the other legislation during the consideration-in-detail stage.

Amendments to Assisted Reproductive Treatment Bill circulated by Ms CAMPBELL (Pascoe Vale) pursuant to standing orders.

Ms CAMPBELL (Pascoe Vale) — Humans have never had a say in their own conception, gestation, mode of delivery or parenting arrangements under which they are raised, so why the ethical debate about assisted reproductive technology (ART), particularly the use of donor gametes and surrogacy? There is a worldwide trend to put the wishes of adults to become parents via ART before the needs of the children so produced by the process. My contribution will examine the principles that should apply in ART, specifically using donor gametes, and the results of placing prospective parental wishes ahead of the inherent dignity of each and every child. It focuses on the ethics of ART based on the evidence of the experiences of donor-conceived offspring. It particularly considers whether the interests of the child to be born of such arrangements should be paramount to those of the adult using such procedures.

Firstly, I will examine the rights of the child and the desires of the commissioning parents. Secondly, I will examine some of the human rights instruments which bear upon this discussion. Thirdly, I will examine identity confusion and kinship loss from the perspective of the donor-conceived people. Fourthly, I will examine the effect of the donors — that is, the sperm and egg providers and the surrogacy — upon the commissioning couple whose reconstructed relationship can have an impact on the family and home dynamics and thus upon the donor-conceived person.

The worldwide trend in the reproductive technology industry, including those members of the legal fraternity and governments that support the industry, is to utilise their vast financial and increasing numerical strength to expand their market to include more infertile couples and single people. In the process the reproductive industry is redefining the term 'parenthood' and attempting to reframe the law. In this current environment it is difficult for the voices of donor-conceived people to be heard, as we heard today in K Room in Parliament House.

I hope my contribution will give a voice to donor-conceived people and, through reasoning and reference to evidence, will show that many donor-conceived people are correct in their contention that assisted reproductive technology using donor gametes is unethical as it deprives children of their identity and kinship. The error of ART lies not only in intentionally breaking the link between a loving act of a man and a woman who are committed to each other for life but also in severing the provision of lifelong parenting to that child. The child-parent bond from the moment of fertilisation is replaced with a laboratory manufacturing process that severs one or more links between the genetic, gestational and social parents. I argue that the only place for a child to be conceived is within a child's genetic parents' family and that there should be no intention or premeditated act of its parents to have a child whose genetic, gestational and social parents are different.

The question is: does an adult who wants a child have a moral right to one? Or is the critical question: morally, does any adult have the right to a child who is knowingly created and required to pass personal quality control measures in a scientific laboratory and then guaranteed a life independent of either its mother or father, or in some cases, both? When surrogacy is used the child is not only removed from both his or her genetic parents but is implanted into a carrier who is to incubate, not maternally bond with, the child. For the first nine months of life the child is not with its parents. The person closest to it is deliberately emotionally distant, so that at birth he or she can be handed to the commissioning parties. If the principled answer is yes to the first question, then without qualification the following can occur: any single male or female is entitled to a child created for their specific needs and presumably to their specifications or requirements, any fertile male can use surrogacy to have a genetically linked child, any fertile woman can buy sperm and self-inseminate, any woman when she is fertile can have a one-night stand with the intention of creating a child and any infertile woman can organise a surrogate via egg and sperm collection. Under those conditions the nature of the provision of care, indeed love, for the resulting child would then be a secondary or incidental consideration.

The following questions have to be considered from the child's viewpoint. Does any adult ethically have the right to create a child who they intend to socially parent but who biologically belongs to others? That is where the voice of the children comes in loudly and clearly. To bring into existence a child who will be intentionally deprived of their mother or father or both is to deny that child a basic right, therefore I do not believe it can be done ethically. This contention is supported by a range of instruments, such as the United Nations Universal Declaration of Human Rights that was formulated after the personal horrors and social dysfunction of two world wars. I would like to briefly mention the human rights instruments. First of all, we have the Universal Declaration of Human Rights, in which the themes most relevant to donor offspring and genetic information include: everyone has the right to life, liberty and security of person, which is article 3; protection against discrimination, particularly relevant to denial of access to medicinal advances because genetic heritage is unknown, which is article 6; no-one shall be subject to arbitrary interference with his privacy or family, which is article 12; and everyone has a right to a nationality and not to be arbitrarily deprived of it, which is relevant to gamete and embryo trading, which is article 15.

Principle 2 of the Declaration of the Rights of the Child states that:

> The child shall enjoy special protection … to develop … in a healthy and normal manner and in conditions of freedom and dignity. In …laws … the best interests of the child shall be the paramount consideration.

Principle 6 states that:

> The child … wherever possible, grow up in the care and under the responsibility of his parents …

Principle 9 states that the child:

> … shall not be the subject of traffic, in any form.

Both the Universal Declaration of Human Rights and the Declaration of the Rights of the Child have been ratified by and have the force of law in Australia. The United Nations Convention on the Rights of the Child, which was formulated after the emergence of donor-conceived children, states in article 3:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 7 states:

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

Article 8 states:

> … Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations …

Members should read the UK Human Fertilisation and Embryology Act 1990, the England and Wales High Court case of Joanna Rose and our own Infertility Treatment Act which highlights that the first guiding principle must be that of the child.

Identity confusion and kinship loss was outlined so eloquently today in room K for members who had the chance to hear the personal stories. Myfanwy Walker, a donor-conceived Australian, argued that having to justify wanting to know where 50 per cent or 100 per cent of one's DNA originates is incredibly galling and discriminatory. There are examples in all sorts of literature, such as Joanna Rose's case which is well documented on the internet, and there is also the case of Christine Whipp and many other donor-conceived people.

Because the contributions from members are limited to 10 minutes and we cannot do justice to this piece of legislation in that time, I will have to conclude quickly. Ethical actions do not lead to identity conflict, genetic bewilderment and donor-conceived people having an intruding presence within the family and between couples who socially parent them. Scientific advances may be able to unchain us from traditional methods of conception, but they cannot release us from the ancient human desire to know where we have come from. International human rights instruments have highlighted how important this is. I wish to sum up my contribution by giving Myfanwy Walker the last say. She said:

> If conception via donated gametes is a last resort/second best option for parents, can it not be understood that it is also second best for the child?

I decided to run for Parliament because the Kennett government was going to introduce surrogacy. That was a deciding factor. I will be voting against surrogacy.

Dr SYKES (Benalla) — I would like to make a brief contribution to these bills. I commence by expressing my disappointment with the concurrent debate on three pieces of legislation which thereby limits debate on each of them.

I wish to take the opportunity to put on record some of my views and values in relation to children and families. The starting premise from my perspective is that we must do what is in the best interests of the children. Their best interests are served by having a loving, caring and responsible mother and father. This is best achieved when children are born to parents in a long-term, stable and heterosexual relationship.

Let me make it clear that I respect people's rights to choose and express their own sexual preferences. I have some very good friends who are homosexual. In fact the godfather of one of our children, our son, is a very good friend of ours and our friendship has endured for 40 years. But I believe that the Assisted Reproductive Treatment Bill goes too far. The bill shifts the goalposts in relation to eligibility for infertility treatment. No longer is the treatment going to be restricted to infertility due to medical conditions, but now social reasons and sexual preferences may be included.

As other speakers have stated, this bill treats children as a commodity. It provides for the use of modern technology to deliver a child into an unnatural family situation. That is not to say that what I refer to as an unnatural family situation cannot provide a loving and caring environment for a child. However, I believe on the balance of probabilities that a loving, caring and stable heterosexual relationship provides the best chance for a good start to life and the upbringing of a child.

I can understand how two females can provide a loving family, especially when one parent has carried a child in her womb. Last week I was lobbied by two such women with a lovely child. In their case they appeared to have an ongoing involvement with the biological father of the child. I understand that the legislation, as it stands at the moment, fails to adequately address a number of concerns and issues that confront that loving family relationship. But that being said, I still believe on the balance of probabilities that children born to a family of same-sex parents would not have the same chances of a good family start compared to children born into a loving, stable and heterosexual relationship. If we then extend the application of this bill to single female parents, male couples or single males, I become increasingly uncomfortable about the future prospects for children in those circumstances.

I have a major concern about the issue of surrogacy. In my farming life I regularly use a surrogate female to bear calves of a different genetic origin. In my case the surrogate mother gives birth and raises the calf until weaning, and I am comfortable with this commercial application of surrogacy and use of technology as it relates to farming animals. However, I am not comfortable with the use of surrogacy where a human is being treated as an incubator with apparent scant regard for the connectivity between the surrogate mother and her unborn child. I believe the connection starts well before birth, and to think that you can remove a child from its natural mother at birth shows a lack of understanding of basic human emotions.

The members for Bentleigh and Monbulk have expressed very clearly their concerns about surrogacy and related matters, and I congratulate them for the clarity of expression of their concerns. Similarly, the member for Gippsland East has presented a clear statement on his views and those that he considers represent the majority of his constituents.

The issue of extending the use of assisted reproductive technology by single parents causes me concern. Single parenting is tough. My daughter has experienced this following the breakdown of her marriage. My two female staff members have experienced this following the death of their partners. All would agree that the presence of a loving and caring male partner makes it a lot easier to raise children and provide the best possible start to life for young people.

Again, as indicated by the member for Gippsland East, the situation we have in our primary schools where there are major problems with young children due to the absence of a good male role model in their life highlights the importance of the presence of a loving mother and a loving father. Whilst we cannot ensure that that occurs at all times for a wide variety of reasons, we should not facilitate the exacerbation of that problem by allowing the use of technology to create this situation.

I would like to conclude my remarks by saying that I will not be supporting this bill. I believe it has gone too far and does not reflect the community attitudes that prevail or the fact that a loving, caring and stable heterosexual family is the best basis for looking after the interests of children, which is our primary objective and which has been agreed to by many previous speakers.

Amendments to Assisted Reproductive Treatment Bill circulated by Ms KAIROUZ (Kororoit) pursuant to standing orders.

Ms GREEN (Yan Yean) — I am very pleased to join the debate on the Assisted Reproductive Treatment Bill. The bills before the house are necessary to update

Victoria's law on assisted reproductive treatment and surrogacy.

Victoria has been a world leader in the area of reproductive technology, but the time has come for our laws to be modernised in line with what is happening in our community. It is not necessarily what we think might be ideal, but we do have to recognise the reality.

I congratulate the government for referring these matters to the Victorian Law Reform Commission, and after extensive consultation over a five-year period — and those who have not availed themselves of the report may want to ignore it — but the fact is that the VLRC report was tabled in this place over a year ago in June 2007.

Although I have known many women over the past 20 years who have accessed reproductive technology, my main concern for those women over those years was a concern for the impact of reproductive technology on their long-term health. I felt strongly as a feminist that public funding of public health campaigns needed to focus on awareness of the causes of infertility and the need for less invasive procedures to address women's infertility. I worried that many of these women were not fully informed about the then relatively low success rates of reproductive technology in the 1980s and 1990s and that the happy stories told as miracles in *New Idea* were not always the outcome of reproductive technology. I recall a fantastic woman I played netball with who had successive failed IVF treatments, and I felt angry for her that she was not first advised to give up smoking and lose some weight in order for her to maximise and optimise her chances of becoming pregnant and giving birth to a healthy baby. Those concerns I had in the past reinforced for me why we as legislators cannot shirk our responsibilities to regulate reproductive technology in the best interests of women and children.

In 2003 I had a very deeply personal experience when my beautiful girlfriend Paula Benson was diagnosed with and survived ovarian cancer, which was fortunately caught in the early stages. Now, against all odds, she and her husband Stephen are the proud parents of a beautiful daughter Isabella, who is almost two. Any reservations I had about reproductive technology and what that might mean were certainly dissolved when I first met Isabella lying on her dad's tummy and gurgling happily. I do not think there could have been any child who was more loved and supported. Isabella's birth would not have been possible without two wonderful women, but I am concerned that our laws in this state have not kept up with this beautiful outcome. It was a very stressful situation, with her parents having to go interstate and with Paula, the mother of Isabella, not being treated and not being seen under our laws as actually being her mother.

Many gay couples have chosen to have children, and the rights of those children are not adequately being addressed by the laws as they now are. We as legislators should not be in a position where we judge how people want to parent, but we need to make laws that protect children, however they come about.

Last week when I went to a meeting of the Plenty Historical Society where a mother and daughter presented a book of a family history it made me think quite deeply. They talked about a much-loved aunt who had felt she could never marry because she had been illegitimate and that she did not have the right to have a life, to marry or to have children. It really made me think that our social mores move on and change over time. That is one of the reasons why we need to support change in this area.

I want to thank the Rainbow Families Council and many other organisations that have advocated for these changes, including the many parents and families who came in and spoke to members of Parliament over time, especially today, and most particularly the wonderful Alice Kirkman, whose life and creation have been the subject of much media speculation over the years. I think we realise what a well-adjusted young woman she is when we hear her talk about her origins. For me, as a legislator, it really underscores the reasons why we need to support families in those situations.

I have always been concerned about some of the things that have happened overseas that I have perceived as meaning children have been seen as commodities in a commercial sense, whether through surrogacy or adoption. Sometimes high-profile people, in the United States in particular, appear to regard their children as a commodity, although it is not for me to judge them. Certainly for the families that have come to speak to me about the need for change, particularly the Kirkman family, and for Paula, Stephen and Isabella, there is a need for the law to support the choices they have made. As the mother of two sons, one who is gay and one who is straight, I believe both my children should be able to be parents in their own right and that the law should support the choices they make.

I would particularly like to thank Women's Health in the North, firstly, for its advocacy over recent periods in the abortion law reform debate, and now its particularly

strong advocacy endorsing the principles of the Assisted Reproductive Treatment Bill. I commend the bills before the house.

Dr NAPTHINE (South-West Coast) — We are debating concurrently three pieces of legislation: the Research Involving Human Embryos Bill, the Prohibition of Human Cloning for Reproduction Bill and the Assisted Reproductive Treatment Bill. The Research Involving Human Embryos Bill seeks to take the current provisions with respect to controls on research on embryos out of the Infertility Treatment Act 1995 and put them in their own act. This is a position that the Parliament and many members of the Parliament and many members of the Liberal Party have promoted for some time. While I may have some misgivings about some aspects of these provisions, the alternative is to have no controls or limitations on research. Therefore I will not be opposing the bill.

There is a similar situation with the Prohibition of Human Cloning for Reproduction Bill, where we are taking current provisions in the act and putting them into separate legislation, which I believe is a sensible legislative approach. If this legislation is not supported we run the real risk of having no controls on human cloning and other related inappropriate techniques, and therefore I will not be opposing that legislation either.

The Assisted Reproductive Treatment Bill is an important and complex piece of legislation which has some strengths, some weaknesses and some problems. To put it in context and to give some history, I will quote from *Wikipedia* with regard to in-vitro fertilisation (IVF). It says:

> The first pregnancy achieved following in-vitro human fertilisation of a human oocyte was reported in the Lancet from the Monash team in 1973 —

we in Victoria, Australia, should never forget the leadership that was provided by researchers in Victoria and Australia on this very issue, which has been a worldwide success —

> although it only lasted a few days and would today be called a biochemical pregnancy. This was followed by a tubal ectopic pregnancy from Steptoe and Edwards in 1976, resulting from the successful partnership with Bob Edwards which resulted in the birth of Louise Brown in 1978, Courtney Cross, also in 1978, and another unnamed birth from Oldham, the world's first IVF babies. This was followed by the birth of Candice Reed in Melbourne in 1980.

Further it says:

> This was followed by a total of 14 pregnancies resulting in nine births in 1981 with the Monash university team.

Since that groundbreaking research and work there have been literally thousands of live births through IVF, bringing much happiness to the children and their parents. I think that in talking about this legislation we need to celebrate the work of our researchers, particularly the pioneering researchers and the pioneering parents who were involved in this groundbreaking legislation which has helped develop IVF techniques to the quality and standard that they are today. It is virtually an everyday occurrence that infertile couples are able to benefit from having children brought into a loving relationship through this technology.

I am particularly proud of the role I played in the preparation, presentation to and passage through Parliament of the Infertility Treatment Bill 1995. This was work that I did over a number of years as a parliamentary secretary with a number of very high-quality legal people from within the Department of Human Services, who worked very hard to present the legislation. The act has stood the test of time in an area where major technological and social changes have taken place. It was groundbreaking legislation. It was very forward-looking legislation which I am proud of, which the people who worked on it can be proud of and which this Parliament can be proud of. I am very pleased that many of the key elements of the act have been retained in the current legislation, including the vital role of counselling, the role of the Infertility Treatment Authority and many of the key offences which would prohibit unacceptable practices.

However, I have some real concerns about what I believe are some significant and fundamental changes in the proposed legislation. In particular I want to refer to the fundamental guiding principles. In the current act the guiding principles in section 5 are as follows:

> (a) the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount;
>
> (b) human life should be preserved and protected;
>
> (c) the interests of the family should be considered;
>
> (d) infertile couples should be assisted in fulfilling their desire to have children.

The second component of that section is:

> These principles are listed in descending order of importance and must be applied in that order.

It is absolutely critical to the interpretation of the act. In the new legislation we have a different set of guiding principles, and we do not have anything that suggests

there is a hierarchy to those guiding principles. The whole issue of whether the interests and the welfare of the persons born are to be absolutely paramount and the highest in the hierarchy of guiding principles has gone.

The other thing which I think is significant is that there is no mention and a deliberate deletion of any reference to 'family' in the new guiding principles, and I think that is fundamentally wrong. I think family is the basis of our society, and so I think that deletion is wrong.

There are some valuable additions to the guiding principles. In particular, I value the addition of clause 5(c), which says:

> children born as the result of the use of donated gametes have a right to information about their genetic parents

I think that is a very important issue, and we took a significant step in 1995 in that direction. I would expect this legislation should go further, but while it is in the guiding principle, that guiding principle is not reflected in the legislation. There is no requirement for information on genetic origin to be included on birth certificates. It is absolutely vital for an individual to be able to access such information for their physical health — they need access to material about their genetic origin and its relationship to genetic diseases — and also for their psychological health.

Yet when we look at clause 9 with regard to self-insemination, and look at changes to the status of children legislation and the surrogacy provisions, we are actually legislating contrary to one of the guiding principles in terms of access to information about genetic parents. I think that is totally wrong.

But my greatest concern with this legislation is that it has gone in the wrong direction. The previous legislation was driven by the interests of the child; every clause and every item was measured to see whether it was in the interests of the health and welfare of the persons born under the legislation. While it is in the guiding principles here, it is not reflected in the bill.

This bill is much more about meeting the interests, wants and desires of adults to have children to satisfy the needs of the adults rather than acting in the best interests of the child. It is not a child-focused bill, it is an adult-focused bill, and that is fundamentally wrong. It is misleading to have those guiding principles there and then to portray them in the body of this legislation. I think that is the most disappointing thing about this legislation.

While those fundamental issues in terms of guiding principles 5(a) and (c) are spelt out in the legislation, they are betrayed in the body of the legislation, whether it be through the status of children changes, the surrogacy changes, the lack of information provided on birth certificates, or the fundamental gateways for access and decision making with regard to access to assisted reproductive technologies. In all of those aspects in the bill itself, the driving choice and the driving force is about meeting the wants, needs and interests of the adults concerned with scant or little regard to the health, welfare and long-term interests of the children. That is why, tragically and unfortunately, I will be opposing this legislation.

I strongly support assisted reproductive technologies. Victoria, and Australia, has been a leader in assisted reproductive technologies. Many families have benefited from assisted reproductive technologies. Many children have been born as a result. But this legislation has simply got it wrong. It has moved away from a child-centred focus where the child's interests are paramount to a focus where the interests of the adult are paramount over those of the children.

Ms MUNT (Mordialloc) — I am pleased to rise this evening to speak on the Assisted Reproductive Treatment Bill 2008. This legislation repeals the Infertility Treatment Act 1995 and amends the Status of Children Act and the Births Deaths and Marriages Act, and it includes several other new provisions in relation to the regulation of assisted reproductive technology generally that were not referred to by the Victorian Law Reform Commission.

Key provisions include the removal of the requirement that women be married or in a de facto relationship with a man to access ART (assisted reproductive technology) in Victoria, and that complex treatment decisions are made by an independent expert patient review panel. The bill also clarifies and removes anomalies in parentage laws to recognise non-birth mothers and commissioning parents in the surrogacy arrangement — I will talk about the register a little later on in my contribution — and updates Victoria's laws on surrogacy and the posthumous use of gametes, and replaces the system of licensing ART clinics with a deemed registration scheme.

I must be honest in my contribution and say that I looked for reasons not to support this legislation. I was troubled by some of the arrangements for surrogacy, and they bothered me. That is because my father always said, 'A child has to know that they are loved, and a child has to know where they came from'. I was

particularly interested to know how the details of that child knowing where they came from would be organised in this legislation. I have listened to the Premier's contribution and many other contributions, and I believe every member of this house truly believes that the child must be the paramount consideration in any legislation in this respect. Adults may want to form families, they may have a longing for a family, but the child must be the primary consideration.

To that end, I have asked questions on how the children will know where they came from, and I am comforted by the arrangements that will be put in place under the register of births, deaths and marriages. It is my understanding that the records will show the names of the birth mother or father and the other parent, and the register will also keep information on any donor who may be involved in the conception of the child.

We listened to one such child earlier today in one of the rooms in the Parliament. Alice Kirkman explained that she wanted access to that information. She found out who the donor who assisted in her conception was. She had no desire to have a relationship, but she did desire to have that knowledge. I think that is fair enough. I can support these arrangements because I believe these children will be able to access the information they may need as they are growing up. We see this with children of adoption too; it is like an earlier form of adoption and the need to know that information.

I also believe a loving family is not necessarily a father and a mother. A loving family can be a whole range of different arrangements that suit those parents, those children or others. Sometimes it is grandparents who parent grandchildren. There is a whole range of families now. It is not so much the sex of the parent as the love of the parent that determines whether that is a loving family. Once again, when we talk about families and the protection of families, in today's world those families come in a range of different shapes and colours and configurations. It is unfair to discriminate against any particular family on the basis of who the two adults are. I can never support discrimination in any form anywhere. We should support those families in providing the love and the nurturing that a child needs to grow to adulthood.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Ms NEVILLE (Minister for Mental Health).

Ms MUNT (Mordialloc) — This legislation is the result of over four years of consultation by the Victorian Law Reform Commission. I thank the parliamentary library for the excellent briefing papers it has put together for members of Parliament not just on this legislation but on a whole range of bills that have come before the house, but particularly this one. The paper says about the Victorian Law Reform Commission:

> In presenting its recommendations on legal parentage for same-sex couples, the commission noted that 'children are already living in diverse families, and will continue to do so'.

By not supporting all of the diverse families in our community we are discriminating against them, and we are discriminating against the children in those families growing to fulfilled adulthood. I have been contacted by different individuals and groups in my electorate. Once again there has been a diverse range of views, as we find with such matters of conscience, but I am comfortable with supporting those children born into these different arrangements and those families in our community that manage to live productive and loving lives. I find that I can support this legislation.

I also mention that a few members have said that family breakdowns and single parents make things difficult. Heterosexual relationships can break down in the same way that same-sex relationships can. There is no guarantee when any family is formed that that family will last forever, but we can try to guarantee the rights of the children as they come into that family. I support the legislation before the house.

Ms THOMSON (Footscray) — I know we are concurrently debating three bills, but I wish to concentrate on the Assisted Reproductive Treatment Bill 2008. This has been a unique opportunity for us as members of Parliament to bring into the chamber our personal views and to delve into our consciences and think a little bit more thoughtfully about the bills before the house. I know every member has done that in a very considered way. The member for Benalla's contribution horrified me. He compared surrogacy of animals to the surrogacy of women, and that is appalling.

I will concentrate on a couple of areas covered by the bill, because there is a lot in this bill to talk about and we have a limited amount of time in which to do it. I thank those parents from the Rainbow Families Council who took the time to come and see me in my office. There were requests from many families to do the same, but I advise them that I am not the person they need to speak to. I have decided what I want to do; they should go and speak to the people who are yet to make their decision. However, I want to thank them for sharing their stories, and importantly for bringing their children in. I am as clucky as all get-out and seeing

these babies was fantastic for me, and they let me hold them. I thank them very much for that; I really appreciated it.

What really determined this for me is that we have people choosing to have children and bringing them into very loving environments. There is nothing that says that heterosexual parents provide the best environment for children. It is often the parents who have struggled to have children who make the best parents. They know how much they care for those children because it has been part of a much thought out process. It is not an accident. It is something they have to consciously set about doing. That is true of heterosexual couples and it is true of same-sex couples. Thought has to be given to whether they want to have children, whether the timing is right, how they are going to go about doing that, and we have made it far more complex. Ultimately this is about the child. It is about the children who have already been born in these relationships. We have to accept that these relationships occur and children will continue to be born in them, and those children have a right to be treated in the same way as every other child.

I want to concentrate on the issues of birth certificates and surrogacy. I heard the members for Monbulk and Bentleigh talk about birth certificates. When you think about it, initially you want the child to know the history of their origin because it may help them in later life. There is no doubt that they can get access to that information when they turn 18. The reality is these practices have been in place for some time in relation to adoption, and those practices are being continued for surrogacy and for those who are donors. The issue for me is what you use your birth certificate for. You use your birth certificate to go and get a passport. You use your birth certificate to identify who you are in a number of legal requirements. You might produce your birth certificate for settlement documents to prove who you are when you are signing up for a property. You might have to produce it for many reasons. Does everyone who sees your birth certificate need to know how you were conceived? I do not think so. That is why for me the decision about what goes on the birth certificate is about who your parents really are.

We have heard many stories today about those parents, be they two mothers or two fathers and about where one parent has no right to sign an authority to let a child go on an excursion. The alternative, which is worse still, is when a child is taken to a hospital, one parent — and they really are the parent — has no right or no say in the treatment that child gets. What happens in the situation of that being an emergency? So there is an issue about the birth certificates.

The way it works for adoption, as I understand it, is that once the adopting parents have adopted, the original birth certificate is then closed and a new birth certificate is issued, and that is the birth certificate that is handed out — as it would be for passports or authenticating who you are — and they, for all intents and purposes, are your parents. I see no reason why that should not be the same for children who are conceived through surrogacy, or where a donor has provided their sperm or egg. I think that is a very appropriate way to do it.

These are matters that the individual child should know. But let us be clear about this. This is an education requirement, and parents should be encouraged to tell their children about their origins. And from speaking to some of the parents we met today in Parliament House and the mothers who came to see me in my electorate office, they tell their children. In some cases the donor is involved with the child, and in some cases they are not, but their children are aware of how they were conceived. But the birth certificate is not the way for a child to be told.

No child should find out from their birth certificate who their parents are. A child should be told in a very sensitive and informed way as they are growing up, through the appropriate stages, so it is not a shock to them. They should not have to find it out through their birth certificate. That is why money will be set aside for a campaign to encourage parents to tell their children about how they were conceived and their coming into this world, and money will be given to the authority for a Time to Tell campaign with parents to ensure that they are informed enough to understand the sensitivities around children's need to know. That really is important.

That brings me to surrogacy. I want to talk about this issue, because it is important. Members will have heard lots of people talk about issues and examples, and of course the most obvious one is that of Paula Benson and Stephen Conroy, who were prepared to share their story with the public in the hope that it would change the laws. I am glad this piece of legislation is here, and I am proud to be able to support it. Here we have a donor egg, a surrogate mother and the father's sperm — it creates a child and life.

Can I say in relation to surrogacy that intense counselling is undertaken to ensure that all parties are capable of living with the results of the decisions they make. It is not one session; it is many sessions. It is for

something to be worked out — it is clinical procedure everywhere that this practice occurs — to ensure that all parties are willing to participate in the process, fully understanding what they are doing.

The clinical practice is that no woman can be a surrogate mother unless they have already had a child and are in the process of raising or have raised it, so that they can give informed consent and understand the meaning of being a surrogate mother, and so the point is not reached that at the end of a pregnancy a woman would want to keep her child — or the child she is giving birth to, not necessarily her child.

We have heard from women who have been surrogates and who have said, 'I knowingly entered into this. I do not feel that I am the mother of the child that I gave birth to. That responsibility lies with the woman for whom I was the surrogate'. They do that knowing that. I think we have to give women who make this choice some respect in that they have looked into it fully, they understand the repercussions of what they are doing, and they will make the right decision for themselves; and we should not necessarily consider that they cannot.

Mr BAILLIEU (Leader of the Opposition) — The Assisted Reproductive Treatment Bill (ART bill) emerges from the drawn out Victorian Law Reform Commission process which concluded in March 2007 with the final report entitled *Assisted Reproductive Technology and Adoption: Final Report*. That report was first commissioned in 2002, but the final report and recommendations were not released until after the 2006 state election. The issues raised were, as a consequence, largely quarantined from the attention of two state elections, and it has proceeded somewhat under the public radar. That report included some 130 recommendations in a dozen categories. Some but not all of those recommendations have been picked up in this legislation.

As others have noted, this bill covers a range of provisions, including administrative matters, reference protocols, surrogacy, availability of treatment, posthumous provisions, changes to the Status of Children Act, and database and privacy issues. Others have recorded the history of IVF (in-vitro fertilisation) in this state; I do not intend to repeat that story, suffice it to say that I have supported and will continue to support the provision of IVF services. Of these three bills, I will not be supporting the ART bill.

Some may be curious that I will be opposing the ART bill, but no-one should be surprised. I made my views clear before the last election, as I indicated recently in the debate on the abortion bill. I was asked then my views on a range of what might be described as social issues. I gave my answers frankly and honestly; others chose not to. My views were clearly reported, and I have repeated them. My views have not changed. The availability of IVF was one of those issues. I support the provision of IVF and applaud the work done by doctors, scientists and other medical professionals who have developed and now provide those services. They have assisted many people.

I seek to look at this particular issue from the point of view of a child. I support the provision of such services for infertile heterosexual couples. That was the basis for the establishment of the service, and I believe that basis is supported and expected by the community.

I have a basic view — that in the provision of fertility services, the state, which effectively licences and sponsors such service, has an obligation to recognise the expectation, and indeed the right, of a child to have a father and mother. At the same time I recognise that for some children, regardless of IVF services and for a variety of reasons, that may not be the case. And in some cases that will be with regret. But that should not, in my view, absolve the state from a responsibility to respect that right and not anticipate otherwise on behalf of a child.

Now I also recognise that some children are raised in different circumstances, and with love and care. I trust that will always be the case. Sadly, some will not share that experience. There are no guarantees in life.

I do not seek to make any judgement about the personal lives of adults caring for children, except to say they must care for those children. In their many forms and in the vast majority of cases, they do a great job.

The permutations of different family and caring relationships are seemingly endless. The hypotheticals often raised in the prosecution of assisted reproductive treatment debates are, likewise, endless. Life is full of complexities — highs and lows. What I believe we owe children conceived by assisted reproductive treatment is a simple start. Complexities are there for children to embrace in their own time.

I am sure that I would not always accord with the views of Professor Margaret Somerville, an Australian and indeed international medical ethicist. But I listened with interest to an interview she gave in May last year on the ABC. I did agree with her suggestion that providing a same-sex couple with the right to have children 'simultaneously takes away the right of children to have

a mother and a father' and that children are the only ones who do not give consent to this. I realise it is not possible or perhaps appropriate to prevent that from occurring, but I do believe it is problematic for the state to participate in the assumption of those rights.

Many people I know have participated in the provision of IVF services. Some have enjoyed success, joy and love as a consequence; others, disappointment. Some have found their own way through the complexities. Their views on this legislation vary. I respect their views, and I respect the views of those who support the legislation. My views, however, are my own, and I have made them clear.

Members will at this time be very much aware of the high levels of interest and attention the current debates on abortion have received. The community has been activated by that debate. But that debate has itself obscured consideration of this equally important issue. This debate too arouses passion. In my view it would be a shame if this legislation did not receive similar public scrutiny.

I recognise the position of children who are in the care of people in same-sex relationships, and I acknowledge some of the issues those carers face on a daily basis. There may well be cause to make changes to deal with some matters, but I believe there are other ways to satisfy those concerns.

This debate also includes conjunctional debate on the research and cloning bills. These bills reflect a splitting of existing legislation. That was a splitting we have previously supported. In the past I have spoken on and supported these provisions, and I will be supporting them again in this vote. As I said in the debate on the Infertility Treatment Amendment Bill in April of last year in regard to the components of the bill that are reflected in these two additional bills, this legislation offers medical and scientific potential. I also noted that these provisions were in line with federal moves through the Lockhart review. I have previously said in the public arena that in regard to IVF or assisted reproductive treatment legislation my preference would be that it be approached on a national basis. I regret that has not been the case with this bill, and I regret that this bill has not received the public scrutiny that I believe it deserves.

Accordingly, I will be opposing the ART bill and I will be supporting the research and the prohibition of cloning bills, albeit noting the commentary from the member for South-West Coast and the necessity to amend the latter bill in transitional terms in the event of the ART bill not being successful.

The SPEAKER — Order! Before calling the minister I inform the house that earlier today a point of order was raised by the member for South-West Coast seeking clarification as to the order in which these three bills will be voted on.

I have sought advice from parliamentary counsel and met with the leader of government business, the member for Kew in his role as manager of opposition business, the Clerk, parliamentary counsel and a representative of the Attorney-General's office. The consensus view formed was that the bills will be voted on in the following order: the Research Involving Human Embryos Bill 2008, the Prohibition of Human Cloning for Reproduction Bill 2008 and the Assisted Reproductive Treatment Bill 2008.

The reasoning behind this decision is that if the Assisted Reproductive Treatment Bill were voted on first and succeeded, it would repeal the Infertility Treatment Act in its entirety, including all of the current provisions dealing with embryo research and cloning. If the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill did not pass, the Victorian community would be left in a situation where there would be no laws governing embryo research or human cloning.

However, if the Research Involving Human Embryos Bill and the Prohibition of Human Cloning for Reproduction Bill are passed but the Assisted Reproductive Treatment Bill is not passed, the Infertility Treatment Act will remain in force. This would mean a duplication of the embryo research and cloning provisions in their stand-alone bills and also in the Infertility Treatment Act. However, if this were to occur, amendments could be made to the Infertility Treatment Act to remove the relevant duplicated parts of that act. As the default commencement dates for all three bills is 1 January 2010 there is ample time for amendments to be made to the Infertility Treatment Act, if required.

Ms NEVILLE (Minister for Mental Health) — I am pleased tonight to have the opportunity to speak on the three bills before the house. I will be supporting all three bills, but because of time constraints I will focus my comments on the Assisted Reproductive Treatment Bill. As we have heard tonight there are a number of complex issues for the house to grapple with. There are many competing views and beliefs within the chamber, just as there are in the broader community. But of

course we have had the assistance of the Victorian Law Reform Commission (VLRC) in better understanding these issues and working our way through the complexity of the legal and social issues that surround assisted reproductive technology and surrogacy.

It has been a long road to get to this moment commencing back in 2002 when the VLRC was asked to conduct an inquiry and report on the laws that govern the use of assisted reproduction in Victoria. We then saw the report tabled in the Parliament, and subsequently this bill was introduced in September.

Before I deal with some of the details of the bill I want to comment on the guiding principle that underpins it — that is, that the welfare and interests of the child shall be regarded as the paramount consideration. This is the same principle that underpins the Children, Youth and Families Act. It was the starting point for the work that the VLRC undertook, and it runs right through the legislation now before us. The reason I stress this is that this bill is not about catering to particular sections of the community or prospective parents but is rather about responding to the very real need of children currently being born outside the clinical system with the assistance of technology outside Victoria and in many cases being denied the legal rights and protections that are conferred on other children.

Continuing rapid technological and medical advances have led to our laws across assisted reproductive treatment and surrogacy being out of date. Today many children are born as a result of the use of assisted reproductive treatment and surrogacy and, as I said, in some cases this occurs outside a clinical and legal framework. These children deserve better; they deserve legal rights and entitlements. They also have a right to information about their genetic parents and origins, and this legislation will achieve that. Unfortunately for these children they have fewer rights and less protection by virtue of the types of families into which they were born.

Importantly, this bill provides for some very particular checks and balances for prospective parents. These requirements build on the recommendations spelled out in the VLRC report. This means that any person wanting to access ART must provide a criminal record check and consent to a child protection order check. A presumption against treatment will apply if any applicant's criminal record check discloses relevant sexual or violent offences or if a relevant child protection order — a custody to secretary order, a guardianship to secretary order or a custody to third party order — has been made against them. Of course rights of appeal will be provided, but as Minister for Community Services I am particularly supportive of this mechanism which ensures that the welfare and interests of a child to be born through ART are paramount and protected. Further to this, the legislation also recognises the importance of children being told they were donor conceived and having access to the identity of their donors by encouraging parents to disclose this information to their children. One of the guiding principles of the ART bill is that children born as a result of the use of donated gametes have a right to information about their genetic parents.

The importance of children knowing where they came from cannot be overstated. The sense of identity that is formed from this knowledge underpins the sense of who we are. We know only too well the impact on people who do not have this awareness or knowledge of where they came from. I know of former wards of the state and children who were adopted in the past who have been denied information on their origins, who speak of a fractured or incomplete sense of self. Discovering and accessing this information for the first time is often a life-changing experience. It can also be a traumatic one if it has been a long time coming.

It is for this reason that donor registers and associated counselling services from the Infertility Treatment Authority are being relocated to the births, deaths and marriages registry. Information about a child born from a donor treatment procedure should be held for the purpose of that child knowing where he or she came from and should be treated separately from the infertility needs or treatment of their parents. In terms of donor-conceived children being told of how they were conceived, this bill remains consistent with current Victorian law. Although in my view it is critical that children are informed of their genetic origins — and this is now reflected in our use in Victoria of open adoptions — it is not possible and would not be enforceable to place a meaningful legal requirement on parents to inform their children of their genetic origins. However, this government will provide additional support to enable parents to have what is not often an easy conversation with their children about their origins and genetic make-up. That is why we will be continuing to support the Infertility Treatment Authority's Time to Tell campaign, to encourage these tough but brave conversations and to ensure that the resources and counselling services required to make them happen are in place.

In relation to surrogacy, again the best-interests principle underpins the new laws. The current laws around surrogacy are a fiction. Altruistic surrogacy is

legal in Victoria. Unfortunately the current law requires the surrogate parent to be infertile in order to access assisted reproductive technology. In practice this means that to access altruistic surrogacy couples need to travel interstate. In addition altruistic surrogacy is now largely unregulated in terms of providing the appropriate protections and establishing appropriate responsibilities for the parties involved, and this bill will provide a range of protections for the woman commissioned to become a surrogate mother, for the commissioning parents, and most importantly for the child to be born.

We all know of high-profile cases that have led to significant community debate about the need to change the laws in relation to surrogacy in Victoria, but there are many similar stories, and one in particular sticks in my mind. The mother of a young woman in my local area came to see me a few years ago to tell me her daughter's story. Her daughter had unfortunately been diagnosed with cancer and as a result had had a hysterectomy. She was in her 20s, recently married, and had a strong desire to have a family. They were able to put aside eggs for potential future use in a surrogacy arrangement. They then discovered that although legal in Victoria, surrogacy was basically impossible.

Although surrogacy creates complex relationships and is difficult and challenging, can I say as a politician that this couple would be better off without children or that the child that could be born as the result of what would be a complex relationship should not be born because it is challenging? I feel I cannot say that. Even if I were inclined to say it is too complex for us to deal with these issues, the reality is that children are being born in these arrangements now, and it is my responsibility to ensure that we enhance their rights and protections as much as possible. That is what this bill does.

Families come in all shapes and in my role as Minister for Community Services I am acutely aware it is not the formal family structures that guarantee a child's safety and best interests. The risk factors that bring children into child protection are not single parenting, whether a person is gay or whether a child is with their non-biological parents. It is unconditional love, it is stability, it is openness and honesty and a desire to protect and care for children that deliver the best outcomes. Children are being born into a range of family situations now, and it incumbent on us to ensure that the entitlements, rights and protections are equal for all children in Victoria. That is what this bill does; I commend the bill to the house.

Mr WELLS (Scoresby) — I rise to speak on the Assisted Reproductive Treatment Bill and say from the outset that I will be opposing this bill. A number of my concerns have been covered by the member for Box Hill in his contribution, so I will not go over those areas again. What I would like to do, though, is focus on clause 44, which deals with surrogacy costs, and I would like the minister, maybe in summing up or in the consideration-in-detail stage, to explain how the issue of surrogacy costs will work in practice.

Clause 44 states:

> (1) A surrogate mother must not receive any material benefit or advantage as a result of a surrogacy arrangement.
>
> Penalty: 240 penalty units or 2 years imprisonment or both.
>
> (2) Subsection (1) does not prevent a surrogate mother being reimbursed for the prescribed costs actually incurred by the surrogate mother as a direct consequence of entering into the surrogacy arrangement.
>
> (3) To the extent that a surrogacy arrangement provides for a matter other than the reimbursement for costs actually incurred by the surrogate mother the arrangement is void and unenforceable.

The explanatory memorandum on clause 44 states:

> This clause makes it clear that, to the extent that a surrogacy arrangement may provide for a matter other than the reimbursement of costs actually incurred by a surrogate mother, the arrangement is void and unenforceable.

I ask the minister to answer the questions raised by the scenarios I will put forward.

The first scenario for which I seek an explanation is one in which the surrogate mother gives birth to the child but for some reason the commissioning parents refuse to accept the newborn. What happens then in regards to the costs? Is the surrogate mother able to sue the commissioning parents for the cost she has incurred, and further, for damages, and what happens with regard to the maintenance of that child over the next 18 or 25 years? If the commissioning parents refuse to accept the child at birth, what happens in regard to the costs of maintaining that child until adulthood?

Scenario no. 2 is that the surrogate mother is proceeding with the pregnancy. During the pregnancy it is discovered that the unborn baby has a severe disability. The commissioning parents want the surrogate mother to abort. The surrogate mother refuses. The commissioning parents then walk away. What happens to the child and to the costs of maintaining the child until adulthood?

Scenario no. 3 is that the surrogate mother refuses to hand the child over at birth. Does the surrogate mother then have to compensate the commissioning parents for ongoing costs that they have incurred?

The fourth scenario is that if during the time of the pregnancy the commissioning parents divorce, separate or suffer a death and refuse to accept the child at birth, what happens in regard to the surrogacy costs under clause 44, and what actions, legally or otherwise, would the surrogate mother have against the commissioning parents?

I have put forward four scenarios. My attention is drawn to clause 44 in the explanatory memorandum. The third paragraph states:

> This clause makes it clear …

The clause does not make it clear, and I seek an explanation from the minister to reassure the house that the surrogacy costs under clause 44 will be transparent. I understand in a perfect world and where every surrogacy works perfectly that this clause, as it is written now, will cover it. However, in the four scenarios that I have put forward it is fair that we have an explanation.

Mr BATCHELOR (Minister for Community Development) — I would like to briefly comment on the three bills that are part of this cognate debate that will be the subject of a conscience vote here tonight and on remaining days. I will take a somewhat more personal view in my contribution as other members have more than adequately covered the technical entrails of the three bills.

The human embryo bill and the human cloning bill are simply splitting the relevant parts of the Infertility Treatment Act. This is designed to deliver on the government's commitment to do this, which was made at the time of the recent stem cell debate in the Victorian Parliament. It does not create new laws as such but delivers on that commitment to split the existing legislation, so of course I will be supporting those two bills before the house.

The Assisted Reproductive Treatment Bill seeks to end existing institutionalised discrimination in Victorian law. I find discrimination abhorrent, disgusting and repellent in any cultural setting, and I find it doubly so when it is incorporated within our statutes as it currently is. It is totally unacceptable to me and I think to the general community to discriminate on any basis, particularly on the basis of race, religion, gender, class, country of birth, language or sexual orientation. Our existing laws discriminate in favour of some in our society and as a consequence they disadvantage others. They do this on the basis of sexual orientation. This analysis is constructed both on a philosophical point of view and supported by the analysis of the Victorian Law Reform Commission. My abhorrence to these discriminatory laws is also based on my observations of close personal friends.

I consider myself to be lucky to have amongst my dear personal friends two women who are in a stable, long-term, loving and supporting relationship. Some time ago they decided to bring a child into their relationship and into the world. Arrangements were made and one of the women gave birth to a wonderful son. Their child is growing up; he is a healthy, well-adjusted boy living in a loving and cared-for relationship — the family home. This family home is full of joy and the everyday activities that young boys get up to surround him: games of football; birthday parties; Harry Potter; Vegemite sandwiches; sleepovers; Christmas presents; favourite TV shows; and visiting homes of friends, fortunately including our home. In these circumstances, in this reality and in all consciousness, I cannot say that this is wrong or wicked or that it should not be sanctioned by the Victorian statutes. In such circumstances it should not be discriminated against by Victorian legislation.

As a consequence of seeing this example of a loving family I will not be supporting the continuation of laws that discriminate against same-sex couples. Accordingly I will be supporting the Assisted Reproductive Treatment Bill before the house.

Mr WYNNE (Minister for Housing) — I rise to support the Assisted Reproductive Treatment Bill, along with the other two bills being debated cognately with it, the Research Involving Human Embryos Bill, and the Prohibition of Human Cloning for Reproduction Bill. I will be voting in favour of all three bills.

In my brief contribution tonight I want to concentrate specifically on the Assisted Reproductive Treatment Bill. As members of the house would be aware, in 1984 Victoria led the way and was the first jurisdiction in the world to enact legislation regulating assisted reproduction through the Infertility (Medical Procedures) Act 1984. It was a groundbreaking piece of legislation which brought to many infertile couples the opportunity, through a regulated and legislative environment, to enjoy the birth of a child. Medical technology has proceeded rapidly since then, and legislation has subsequently been enacted to, in effect,

address those technological changes. In October 2000 the Attorney-General and the former Minister for Health sought support from the Victorian Law Reform Commission to conduct an inquiry into and report on the laws that govern the use of assisted reproductive technology (ART) in Victoria, and in particular the desirability and feasibility of expanding the eligibility criteria for access to assisted reproductive technology and adoption.

What a powerhouse the Victorian Law Reform Commission has been in so many areas of our law. The reforms that have been undertaken by the commission, which was reinstated by our Attorney-General, stand this Parliament in good stead because of the extraordinary efforts it has undertaken in a whole range of social areas to assist the government in its deliberations and in the framing of legislation. In many respects its work has been absolutely groundbreaking. There is no doubt that the ART bill further attests to the excellent work that the law reform commission has undertaken. It has been a four-year process to develop the recommendations that have led to the legislation before the house, with 130 recommendations and more than 1000 responses to the commission's reports and various consultation papers, as well as its three occasional research papers. I would submit that by any measure this has been perhaps the most extensive consultative and research process ever undertaken by the commission.

The ART bill will repeal the Infertility Treatment Act and introduce a number of very important provisions. The first is new and revised principles to guide the administration and carrying out of functions and activities in relation to assisted reproductive technology in Victoria. The bill also removes the current invalid requirement in the act that women be married or in a de facto relationship with a man to access assisted reproductive treatment in Victoria, establishes an expert statewide patient review panel, strengthens protection for children born through ART in Victoria, removes existing anomalies in eligibility for altruistic surrogacy laws, introduces new criteria for surrogacy arrangements with the assistance of the Victorian clinic and clarifies the law in relation to the posthumous use of gametes.

There is a range of other matters that attend the bill, but I indicate to the house that the particular matter I want to address is fundamentally removing the invalid requirement in the act that women be married or in a de facto relationship with a man to access ART. This is a fundamental wrong. This is a human rights issue, and in my view it is one that is perhaps the most important in this bill. Why is it for me as a legislator in this house to say that there is only one type of relationship that is valid — that is, a relationship between a man and a woman — in relation to the rearing of children? Clearly that is an inappropriate response and one that I fundamentally reject.

There are those on the other side of the house who have suggested in this debate that it is only a man and a woman who can properly raise and nurture a child in a loving relationship. I fundamentally reject that proposition; it is wrong. I know there are many people, and my colleague who spoke just before me indicated from his own experience — and indeed from my own, I can point to many examples in my own area — of loving relationships of same-sex couples where children are not only wanted but are nurtured, deeply loved and live in very appropriate and supported arrangements.

This really goes to the core of the question of ending this fundamental discrimination. This is a really fundamental human rights issue, and I strongly support the Assisted Reproductive Treatment Bill because it ends a fundamental wrong that has been a part of the legislative framework in this state for many years. I commend the bill to the house.

Mr LIM (Clayton) — In speaking on the Assisted Reproductive Treatment Bill, I indicate that I will be voting in support of all three bills in this cognate debate. I do so for several key reasons: firstly, the very real potential to find cures for serious diseases and illnesses; secondly, the meeting of our human rights and freedoms obligations. There are other reasons for supporting these bills, which I will canvas later.

Inevitably, developments in science will lead the law. As legislators we have a responsibility to respond in a timely manner and to provide a legislative and regulatory framework. That is not to say that we should provide scientists with a blank cheque, and we certainly do not do this in the Prohibition of Human Cloning for Reproduction Bill. Rather, it is our role to reflect community standards, encourage that which has the potential for our citizens to enjoy healthier and more fulfilling lives, and to prohibit those things which by any standards of decency are not consistent with our basic humanity.

Some of these judgements may be subjective and a matter for our individual consciences. However, we can all agree that to clone a human being for reproductive purposes is too horrible, too abhorrent to contemplate. So I do not consider the Prohibition of Human Cloning

for Reproduction Bill at all controversial. Perhaps it might already be possible for science to take an embryo cloned in a test tube and bring it to birth as a human being. However, as representatives we say on behalf of society that that possibility is so horrible we will never allow it. It makes sense for this to be enshrined in its own act of Parliament separate to research and clinical issues.

I have found consideration of the Research Involving Human Embryos Bill straightforward as it continues the legislative provisions we determined last year but now quite sensibly places these provisions into a separate bill to the reproduction legislation. I supported the bill last year and will again now. Last year I made the point that therapeutic cloning for embryonic stem cell research provided the potential for organ and limb repairs and cures for degenerative illnesses and diabetes.

For me the overriding principle is that where it is in the grasp of humanity to provide those who are suffering with the very real prospect of cures or better health, so it should act. A secondary consideration is that Victoria has the lion's share of Australia's medical and health research, and the state should protect and enhance this industry for both economic and health reasons.

The third bill, the Assisted Reproductive Treatment Bill, introduces new provisions. In summary, these include removing the invalid requirement that women be married or in a de facto relationship with a man to access ART (assisted reproductive treatment) in Victoria. The member for Richmond passionately and clearly articulated the point. It will provide that complex treatment decisions are made by an independent, expert patient review panel; it will clarify and remove anomalies in parentage laws to recognise non-birth mothers and commissioning parents in a surrogacy arrangement; it will update Victoria's laws on surrogacy and the posthumous use of gametes; and it will replace the system of licensing ART clinics with a deemed registration scheme.

I also support this bill. The existing act is in breach of federal human rights legislation in regard to relationships. I do not believe a marriage certificate between a man and a woman is a guarantee of good parenthood. Rather it is the commitment to wanting children and nurturing, loving, protecting and supporting them that makes a good parent. Further considerations in supporting this bill include not forcing Victorians to go interstate for infertility treatment and ensuring children born into such arrangements and their parents are not left in legal limbo. It is also preferable that where possible infertility treatment be performed in proper health settings rather than individuals resorting to their own arrangements.

This is good, socially just and progressive legislation which I am proud to support.

Mr RYAN (Leader of The Nationals) — This debate accommodates three pieces of legislation, the Research Involving Human Embryos Bill, the Prohibition of Human Cloning for Reproduction Bill and the Assisted Reproductive Treatment Bill (ART bill). It is being conducted as a concurrent debate, so the three bills are being debated contemporaneously.

The principal bill, if I may term it so, is the Assisted Reproductive Treatment Bill. It has been discussed in great detail by the member for Box Hill in his contribution, and I do not intend revisiting the commentary of the member for Box Hill by providing an exposé of what the bill contains. Each of us has only 10 minutes to speak on these combined pieces of legislation. I refer those who wish an explanation of these pieces of legislation, particularly the ART bill, as it is termed colloquially, to the contribution of the member for Box Hill.

These are difficult bills to debate because they are about life and death. They are about the dignity of life and things that are essential and important to all of us individually, not only within this house but beyond its walls. The pivotal aspect of the ART legislation is the way in which it changes the approach which thus far has been adopted concerning assisted reproductive treatment. Principally, infertility is no longer the key criterion for eligibility for treatment. Under this legislation the test is whether in her circumstances without a treatment procedure a woman is unlikely to become pregnant or to give birth, or is at risk of transmitting a genetic abnormality or disease. Accordingly we have a change in the way in which the legislation is termed: we have assisted reproductive treatment rather than infertility treatment.

This bill encompasses a raft of complex issues across a broad gamut of people's lives and the ways children are brought into this world and are accommodated in their growth. It touches upon issues of relationships and of associations between people who are in families in the broad definition that today would accord with that expression. But fundamentally it is around the change in the way the legislation addresses infertility as no longer being a key criteria for eligibility for treatment.

That is where many of us within this chamber part company in the sense of our basic approach. The

legislation touches upon the fundamentals of societal structures. It touches upon issues of families as they have historically been defined and the way in which they are defined in the world in which we all now live. Very particularly, it deals with issues concerning the interests of the child, first and foremost, as being an absolute imperative for the purposes of this debate and for issues more generally to which the legislation refers.

This should not be an issue around what is in the best interests of the people who desire to have a child. Rather, it should be an issue around what are in the best interests of the child who is brought into the world.

The second-reading speech contains the following statement at page 3:

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

I do not agree with that assessment. Others will disagree with me, but from my perspective in putting my contribution to this debate I simply do not agree with that concept. I believe it is important that we respect the fact absolutely of a marriage being between a male and female. I believe it is important that we respect the fact that children have their best opportunity in life when they are brought up in a loving family relationship, as historically it has been defined, which comprises a man and a woman.

I accept readily that these days notions of marriage per se are not necessarily the structures under which families exist. Often it is for a variety of circumstances that the man and a woman who comprise a relationship are not necessarily married, but I still believe that the best opportunity for a child to make his or her way in this world is in a circumstance where they are part of a family which engages a man and a woman. I have difficulty with the content of this legislation in as much as it seeks to depart from that basic principle.

It happens in life that sometimes the criteria cannot be met otherwise, sometimes by accident or by illness. It may be that one or other of the partners who would otherwise comprise a man and a woman in a relationship is lost, and that in turn has import for the children of that association. It happened in my own case. My father fell terribly ill when I was 12 years of age. He died when I was 17; he was 39. My younger sister is six years younger than me. My older brother is four years older. My mother was left to raise us as the three children of the family, and she did it on her own. The point is that it happened in that case by dint of illness. It happened by way of everything apart from by design. This legislation intends, by design, that we do not have at the start the association that I think is so essential to giving children the best opportunity to be able to make their way in the world. Insofar as that particular element of the bill is concerned, I have difficulty with it. Of itself, it causes me to determine that I will vote against it.

I say also that there are many other elements to the legislation apart from the one issue that I have referred to here that, taken in totality, represent a basis for concern on a number of fronts. Others have spoken about those. I do not intend to take up those points. Suffice it to say that I think there are other aspects of the legislation which also cause concern and which, if I had the time to examine them in detail, would also add to the conclusion that I have reached, primarily around this pivotal point that I have nominated.

The other point I wish to refer to is the legislation in relation to prohibition of human cloning for reproduction. We have had this debate in different forms over a period of years in this house. I have stood in this place and talked about the fact that science inevitably will progress. Science, for certain, will have further developments with the passage of time.

The issue is whether we have science lead these debates. with and legislation chasing science and trying to catch up with scientific development, or whether we try to have legislation out there and invite science to catch up with it. By its nature, the position generally tends to be the former and not the latter. Scientific advances occur; we are then left with the situation of legislation trying to catch up with them.

I said for years that we ought to be very careful about therapeutic cloning and the like. When the relevant debates were first happening in this place I was assured that therapeutic cloning would never occur. Only last year, as I recall, we saw in this chamber the passing of legislation which accommodates that very issue. Inevitably science is going to have further developments. We have to make basic decisions about the way in which we are going to view issues to do with the dignity of life.

I have said in this place many times that we need to be very careful about the development of stem cells and the like, because if science is allowed to have its head, we are going to have the situation occur which we now see with that particular piece of legislation. We have the opportunity now to vote against it, and I think we

should. For the various reasons I have advanced, I am opposed to these three pieces of legislation.

Amendments to Research Involving Human Embryos Bill circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CARLI (Brunswick) — I rise in support of the three related bills. I want to focus on the Assisted Reproductive Treatment Bill. There has been a lot of debate today in the house about human rights in relation to the bills. I thought I would use a human rights framework to describe the bills and to demonstrate that they are supportive of human rights.

A fairly fundamental issue that has been raised is that the Federal Court of Australia in 2001 found that the requirement that a woman be married or in a de facto heterosexual relationship to access assisted reproduction treatment was invalid, because it was inconsistent with the commonwealth Sex Discrimination Act. The issue of discrimination is fundamental. Nondiscrimination is a pillar of human rights, and some of the worst violations of human rights we have seen have involved discrimination against specific groups.

Often characteristics are used to discriminate against groups, particularly characteristics such as sex and sexual orientation. This bill will ensure that there is no discrimination in terms of access to ART (assisted reproductive technology). It also recognises the right of the child to know the donor — this relates to blood ties and the genetic donation — and that is provided for via the fact that the births, deaths and marriages register will have the donor on the register itself.

There is also a commitment in the legislation to encourage parents to disclose, so there is obviously provision of that right to the child. The child then having a relationship with the donor is something that may or may not happen; that is not part of the bill. What is important is the right of the child to have that knowledge and the right of the same-sex parents to certainty about the legal status of their family, siblings, donors and extended family. That is provided for in this legislation; it provides for both nondiscrimination and the rights of the child.

It also needs to be said that the Universal Declaration of Human Rights and all modern human rights charters provide special protection for families. Families are seen as a natural — and the foundation — unit of society. That is the issue. Generally families are recognised to transcend the nuclear family. It is not envisaged that the family is simply father, mother, child. That diversity needs to be protected.

Families can include blood relationships and statutory ties like marriage and adoption, but they can also include registered relationships between same-sex couples. They may also include the offspring of ART, cohabiters and other specific relationships that can differ from society to society but that have a social and cultural value in that society.

I am aware of and have friends who are in same-sex relationships — loving families of same-sex parents with children — and they are clearly not discriminated against in my community and in our society. I think those families in our society and in our culture have the value of a family and that value is protected. It is a fundamental human right to protect the family in the form in which it exists in our society and in our culture. That form includes rainbow families. I have not only had the great pleasure of having friends, as have other members, who are same-sex parents of children, but I have also had rainbow families in my community who have come to visit and speak to me in my office. My observation is that they are caring and genuine families and that they are accepted as such broadly in society. It makes no sense to discriminate against them in law, which is what was found by the Federal Court.

We have to eradicate discrimination of this form; that is a basic element of any human rights agenda. This legislation does that: it repeals legislation, it protects the rights of the child and it protects the rights of the family, which is a fundamental building block of any human right we want to promote on a global scale as a universal value. I commend the bills. I particularly want to commend the Assisted Reproductive Treatment Bill, because I think it fundamentally furthers human rights in Victoria.

Mr DELAHUNTY (Lowan) — I rise to speak on these three bills: the Research Involving Human Embryos Bill 2008, the Prohibition of Human Cloning for Reproduction Bill 2008 and the Assisted Reproductive Treatment Bill 2008. First of all I have to express again my extreme disappointment that these three bills are being debated concurrently. That does not give opportunities for members of Parliament from all sides to be able to focus on the bills; they are very different in lots of ways.

The first bill, the Research Involving Human Embryos Bill 2008, is really about excising part 2A of the Infertility Treatment Act, the regulation of certain uses involving ART (assisted reproductive treatment)

embryos, other embryos and human eggs and re-enacting these provisions in a stand-alone piece of legislation. I can understand why that should have been debated separately; it could have been done quite quickly.

The second bill, the Prohibition of Human Cloning for Reproduction Bill, re-enacts the provisions contained in part 4A of the Infertility Treatment Act to prohibit human cloning for reproduction and other unacceptable practices associated with reproductive technology. As all members know, this bill also corrects an erroneous part of current section 38OD of the Infertility Treatment Act 1995, which remains in federal legislation. The bill makes it clear that research involving human hybrid embryos is prohibited.

The bill I want to spend a fair bit of time talking about is the Assisted Reproductive Treatment Bill 2008. I know this bill has come about because of a Victorian Law Reform Commission report. I commend a lot of the work that the commission does, but at the end of the day we, as parliamentarians, must be the ones who make the decision. The commission can talk about the issue from a legal point of view, but it does not always talk about the issue from an ethical or scientific point of view. I understand the commission has received a lot of submissions and has put forward this report, but I say again that as with the abortion debate we, as the lawmakers of the state, must be the ones to debate this bill and to vote not only according to our consciences but on information we have in relation to the bill.

The first concern I have about the Assisted Reproductive Treatment Bill relates to clause 5, which sets out the guiding principles. There is no mention of families in the clause. Clause 5 has five paragraphs. The first paragraph states:

> (a) the welfare and interests of persons born or to be born as a result of treatment procedures are paramount …

We would all agree with that. I remind the Leader of the House that the provisions that have been deleted from the former guiding principles of the Infertility Treatment Act include:

> (b) human life should be preserved and protected …

I think members would agree with that, but it has been removed. The next paragraph states:

> (c) the interests of the family should be considered …

That is not even mentioned in the new guiding principles. I mean by 'family', the husband, the wife — the partners — and the children. Families must be protected. I am a member of the Drugs and Crime Prevention Committee, which is looking at the offences regularly committed by young people. The most common cause of the problem is the lack of family support and the break-up of families. I know that happens in homogenous societies, but at the end of the day if we have a good strong base of family life we do not seem to have the problems that we see occurring in the community. The other provision that has been deleted from the guiding principles of the Infertility Treatment Act is:

> … infertile couples should be assisted in fulfilling their desire to have children …

Four new guiding principles have been added. They include treatment procedures for the purpose of exploiting, in trade or otherwise; children having the right to information about their genetic parents, and I strongly agree with that; and the health and well-being of persons undergoing treatment procedures being protected. The last one is that persons should not be discriminated against. A member spoke about that in his earlier contribution. The word 'families' has been deleted as a guiding principle from this bill, which concerns me greatly. Infertility is not a key criteria for eligibility for this type of treatment. I am informed that many traditional families look for this type of treatment. Many, many families across Victoria look for this type of treatment, and I feel they will be pushed back down the list if this legislation is passed in its current form.

In relation to surrogacy, some parts of the bill concern me greatly, but I will not have the time to go through those provisions in detail. It is interesting to note that counselling must be received by all parties undergoing surrogacy. In the last sitting week we were debating the Abortion Law Reform Bill, and we were not offering counselling to couples undergoing that procedure. In this case to have a child through surrogacy, you must have counselling.

Under this legislation the female partner is deemed to be a parent of the child. If the partner is male, he will be called a father, and if the partner is female, they will be called parents. My question to the minister is: what if there is more than one partner? If there are two males, will they both be called fathers? If there are two females, will they be both called parents? We could end up with a father, a mother, a parent and another parent, or you could have two fathers. I am trying to understand how the child will explain to the community that he has a mother, two fathers and maybe two parents. That may happen in certain circumstances. I ask the minister to explain that in summing up.

I also say that the protection of the best interests of the child is what drives me. This bill requires counselling before in-vitro fertilisation or assisted reproductive treatment. Clause 13 states:

> Before any woman consents to undergo a treatment procedure, the woman and her partner, if any, must have received counselling (including counselling in relation to the prescribed matters) from a counsellor who provides services on behalf of a registered ART provider.

Clause 18, 'Counselling requirements', states:

> Before a person gives consent under section 16, the person must have received counselling (including counselling in relation to the prescribed matters) from a counsellor who provides services for a registered ART provider.

Clause 48 states:

> Before a woman may undergo a treatment procedure referred to in section 46, the woman must undergo counselling, by a counsellor providing services on behalf of a registered ART provider, in relation to the prescribed matters.

In three different clauses we see that counselling must be provided. I do believe that should happen in the best interests of the child. I believe it should have been offered to families and included in the Abortion Law Reform Bill, which we debated in the last sitting week.

As I said, I strongly support opportunities for childless couples to have children, the greatest gift of life. I have three children, and they have produced four grandchildren, with one more to be born, hopefully safely, in a couple of weeks. In-vitro fertilisation (IVF) gives the opportunity for this to happen. However, children should not be treated as commodities; they must be told the truth about their natural and genetic heritage. I believe — and the Leader of The Nationals spoke about this — that too often the interests of the prospective parents are considered before the interests of the children.

I am also greatly concerned about the change to birth certificates that this bill allows. I am informed that about 20 per cent of those undergoing IVF successfully have children. We have seen a decrease in adoption rates in Australia. Many families want to have IVF, but unfortunately because of cost, discomfort and other matters it does not happen. With this bill we will see families being pushed down the list. I think we will see major concerns raised by families who cannot get access to IVF programs.

In the last few minutes I have left I compliment Casterton Memorial Hospital, which is in my electorate and which in 1999 started operating an IVF clinic in a cooperative partnership with the Monash IVF centre. It has allowed country people to go through the IVF program. Its IVF clinic has one of the highest success rates of all IVF clinics in Victoria — I know there are 15 or 16, and I think about 7 of those are in country Victoria.

Earlier this week the coalition's shadow cabinet went to Monash University and saw the great work it has been doing. I commend Monash University for providing great outreach services to country Victoria, particularly in IVF.

I commend many of the members who have spoken for the way they have conducted this debate. I particularly commend the member for Monbulk, the member for Box Hill and the Leader of The Nationals for focusing on family issues. It should not be about what adults want but about what is best for the child. For those reasons I will not be supporting the Assisted Reproductive Treatment Bill.

Amendments to Research Involving Human Embryos Bill, Prohibition of Human Cloning for Reproduction Bill and Assisted Reproductive Treatment Bill circulated by Mr STENSHOLT (Burwood) pursuant to standing orders.

Mr PERERA (Cranbourne) — I wish to support the three bills before the house and speak briefly on the Assisted Reproductive Treatment Bill. The world would be an entirely different place if all people were heterosexual. Everybody could legally marry and easily produce babies through the traditional method as and when they wished, and children would always be born to happy families with mum, dad and other siblings — this is probably the thinking behind the opposition to the bill.

If that were the case, the bill would be redundant. We know very well that this is not the reality, whether we like it or not. There are a lot of single parents bringing up kids; there is a large gay community; there are people having difficulty getting pregnant or delivering a healthy baby — the bill acknowledges this present day reality.

It enables a diverse range of families to have babies through assisted reproductive treatment (ART) and become legal parents. It might be a couple who needs in-vitro fertilisation (IVF) to bring the egg and sperm together. It might be a woman whose eggs will not fertilise but who could get pregnant using eggs from a donor. It could be a man who uses a sperm donor to become a father. It could be a single woman, two women or even two men.

There is no evidence to suggest that these people cannot be good parents or that their children will be disadvantaged. The Victorian Law Reform Commission recognises that a parent's sexuality or marital status is not the key determinant of the children's best interests; rather it is the quality of relationships and processes within families that determines the outcomes for children.

People with parental responsibilities need to have their role legally recognised for their own sake but more particularly for their children's wellbeing. The bill amends the Status of Children Act to transfer parenting rights from the surrogate mother to the commissioning parents when children are born through the use of donated gametes. The bill will provide for acceptance as a legal parent of a female partner of a woman who gives birth to a child through assisted reproductive treatment (ART). If the bill is passed, the non-birth mothers can consent to medical treatment for the child. If a non-birth mother dies without a will, children born to the female partner will be entitled to shares in her estate.

Altruistic surrogacy is currently legal in Victoria. The surrogate mother is to gestate an embryo produced by the commissioning couple to give birth to a child for the couple. It does not make sense for the surrogate mother to be infertile. By removing this restriction, the chances of finding a surrogate mother from immediate relatives or circle of friends will increase. This will increase the probability of the child establishing connectedness with the surrogate mother as well.

The bill enhances the current system of access to information by enabling a donor-conceived child to obtain information about their donor before the child turns 18 years of age, if the child is sufficiently mature. The register will maintain all the details of the people involved in a child's life.

Alice Kirkman, who was conceived through a combination of in-vitro fertilisation and surrogacy about 20 years ago, says that she appreciates the donation of the donor but her dad is the bald guy in glasses whom she builds stuff with, not some stranger. The bill is designed to reflect the modern realities of our society by protecting the best interests of the child to be born.

I thank the Kirkman family and the Rainbow Families Council for their presentation. I commend the bill to the house.

Mr JASPER (Murray Valley) — I indicate at the outset of my contribution that I will be moving a reasoned amendment to the second reading motion on the Assisted Reproductive Treatment Bill. I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the Scrutiny of Acts and Regulations Committee has carried out its analysis of public submissions on the bill'.

On many occasions legislation is brought before the Parliament when I believe there has not been enough time for us, as parliamentarians, to be able to assess it or obtain contributions or input on it from our local community.

In listening to the contributions made on this legislation I have heard many members refer to the actions and investigations undertaken by the Victorian Law Reform Commission and to the recommendations of that commission. I say to the house that until legislation is introduced here and we can assess and debate its effects, we do not know what a bill will contain.

This bill being debated today was introduced into the house approximately three weeks ago. I believe we have not had enough time to be able to undertake appropriate consultation with organisations and individuals in our electorates and be able to make an appropriate contribution to debate on it.

When we look at this legislation it is apparent that the huge consequences of it will be felt right across the Victorian community. Again I say there needs to be more investigation and consultation for us to be able to get appropriate responses and to make appropriate contributions to debate on the legislation.

The reason I was keen to move the reasoned amendment was on the basis of the investigations and the report provided by the Scrutiny of Acts and Regulations Committee. Detailed information has been provided, and concerns have been raised by the representatives and the executive staff of the committee. The committee earlier this week unanimously moved that there should be an investigation and inquiry into the three bills.

The committee executive will advertise for written submissions, which are to be received by the Scrutiny of Acts and Regulations Committee by 3 November. Public hearings, if required, will be on 17 and 18 November. We need to hold this legislation over so it can be assessed by the Scrutiny of Acts and Regulations Committee and get the appropriate responses. I am very much aware of the information provided in the *Alert Digest* which was tabled today, but apart from that we need to allow time for people to

respond and for the committee to assess that information and report to Parliament.

There is no provision that restricts the Parliament from assessing legislation before the house, and my view is that it is quite clear from the recommendations of the all-party committee — to which representatives from the Labor Party, the Liberal Party and The Nationals unanimously agreed — that we should undertake an inquiry into the legislation. That is the critical part of this.

It is important to understand that we need to review the provisions in the legislation before Parliament, not only as they relate to the act but also as they relate to the Charter of Human Rights and Responsibilities. A number of concerns have been raised about how the Charter of Human Rights and Responsibilities applies to the legislation. It is disappointing that the committee will not receive contributions from people and organisations so it is able to assess that information appropriately and then report to Parliament.

When we look at the legislation before the house it is important to understand the information provided in the *Alert Digest*. Extensive information on the bill and assisted reproduction technology has been provided in the *Alert Digest*. There are concerns relating to the surrogacy arrangements, the volunteer register and the status of children. These are the sorts of issues that have been brought to the committee's attention. Issues in relation to the Births, Deaths and Marriages Registration Act 1996 were raised by the committee executive, and a range of issues and concerns relating to the Charter of Human Rights and Responsibilities were also raised, not only in relation to the right to privacy and family without discrimination on the basis of impairment, marital status and sexual orientation — which supports the information that has been presented by some members — but also in relation to the limits to the test as set out in section 7(2) of the charter.

An issue that has been raised is whether embryos have human rights under the Charter of Human Rights and Responsibilities. That issue was debated in this house a couple of weeks ago, and it has been raised again with this legislation. There is no doubt the issues that have been raised with the committee need to be reviewed as they relate to the Charter of Human Rights and Responsibilities.

I turn to the other two bills. The Prohibition of Human Cloning for Reproduction Bill also raises concerns, particularly about the delayed commencement of the legislation, and the Research Involving Human Embryos Bill raises the same issue about delayed commencement. The bills also raise other matters relating to the charter. They are issues which the committee wants to raise with the minister for his response prior to this legislation being debated. The all-party committee has a responsibility to undertake the inquiry, get responses and provide a detailed report to Parliament, and the legislation should be debated after that has taken place. That is apart from the fact that this legislation is being brought before the Parliament and being pushed through with only three weeks to get the appropriate responses from our electorates and a range of organisations.

There is no doubt that two of the bills before the house — the Prohibition of Human Cloning for Reproduction Bill and the Research Involving Human Embryos Bill — have been taken out of the Infertility Treatment Act 1995. As I understand it, they are identical to the provisions that have been in effect in Victoria for a number of years. They probably should be able to be supported, but as far as I am concerned I will be opposing the Assisted Reproductive Treatment Bill on the basis of the information contained in the legislation. I have strong conservative values, and I place a lot of importance on the family unit and the heterosexual relationship between a man and a woman.

I am strongly opposed to the major piece of legislation, the Assisted Reproductive Treatment Bill, but the other two pieces of legislation appear to be bills that could be supported on the basis that the provisions are really being taken out of the Infertility Treatment Act and being reproduced in their particular acts. They are identical to the provisions that have been operating for many years within Victoria. I reserve the right on those two bills but indicate quite clearly my objection and opposition to the Assisted Reproductive Treatment Bill 2008.

Mr THOMPSON (Sandringham) — In considering the Assisted Reproductive Treatment Bill 2008 I contend that the dominant consideration in the bill and in legislation passed by this house should be the best interests of the child. Where the bill precludes access to information regarding genetic inheritance, I argue that it discriminates against the best interests of the child. I also contend that every child has a right to a mother and father. The rights of children should come ahead of the desires of adults.

I attended the bill briefing and raised a question about a surrogacy arrangement. What would be the situation where a surrogate mother did not wish to undertake an abortion if the commissioning parents in the surrogacy

arrangement did not wish to have the child owing to a breakdown in the relationship or in the event of a disability being detected in the child? Is a disability a cleft palate or harelip or dwarfism? Who would be left carrying the cost if the surrogate mother elected to take the child to full term? These questions were not properly answered in the bill briefing other than by our being told what I understood to mean that the responsibility then fell to the surrogate mother. For how long should that surrogate arrangement and surrogate responsibility be exercised? Five or 10 years? Many children with disabilities in my electorate reach the ages of 50 and 60. Is that the length of time the surrogate mother will carry the responsibility?

There is an interstate example where a lesbian couple commissioned an ART (assisted reproductive treatment) child, and twins were produced. It was then a case of suing the doctor because they felt they had not ordered twins; they had ordered one child. Apparently the relationship had suffered and they sought legal redress. As we consider legislation like this, what will be the ramifications later on?

There is also the circumstance where under a surrogate arrangement a child could end up having three mothers: the surrogate mother, the gamete donor and the social mother. I argue that one of the most important aspects of the relationship between parent and child is the genetic relationship. Inherent in that relationship is the medical history and the family history. I am not underestimating the important role that a social mother might otherwise undertake in the raising of the children.

The question of donors is addressed by the bill. It is limited to the parenting of up to 10 children. There are examples in overseas literature — in the United States many decades ago — where it was suggested that doctors involved in this process may have parented up to 100 children. The implications of that and the possibility of an incestuous relationship occurring later are problematic. It is statistically improbable but nonetheless statistically possible.

In terms of the right of children to know their origins, there have been a number of representations made to parliamentarians by an organisation called Tangled Webs, which represents the interests of children whose circumstances have been regulated or whose conception occurred prior to the regulation of this particular area.

I would just like to note that there was a former researcher at Prince Henry's Hospital a number of years ago who regarded it a great feature of his work that records containing the identities of natural parents were destroyed following a successful conception. I regarded it at the time as an absolute outrage, and I still regard it now as an absolute outrage that people were denied more or less in perpetuity the opportunity to know who their biological parents were and what the nature of their genetic inheritance might be, albeit that the perspective of the doctor at the time was that he did not wish to complicate inheritance rights. It is my view that some of the pioneers in this field did not have due regard and understanding for the needs of children who have a fundamental right to know their genetic inheritance.

In English literature there are a raft of examples described by authors who had occasion to write about people who did not know their parents or who had the opportunity of finding out the identities of their natural parents only later in life. In William Golding's novel *Free Fall*, Sammy Mountjoy pondered throughout his life who was his natural father. Which revolution, which celebration did he represent as a result of his life and his existence? From time to time his mother said that his father was a clergyman, at other times a soldier — although sometimes Sammy Mountjoy felt his mother might have been past the officer stage at the time of his conception.

In his prelude to *Under Western Eyes*, Joseph Conrad pointed out that Razumov looked upon all Russia as his heritage. He regarded himself not as a product of any people but as a child of Russia because he never had the opportunity of knowing who his natural parents were:

> Being nobody's child he feels rather more keenly than another would that he is Russian — or he is nothing.

Dickens's *Bleak House* recounts the story of Esther Summerson and Lady Dedlock and their many interactions. From a distance Mr Guppy observed that there was a definite biological connection between Lady Dedlock and her daughter, Esther Summerson, which was not apparent to others, but there was also an unmistakable genetic imprint and resemblance. There are a number of very fine descriptive passages in that book which articulate and define the human interaction and reaction that took place when the biological relationship between mother and daughter was discovered.

In Dickens's *Oliver Twist*, Oliver says after an embrace with his friend Rose that he gained and lost a mother, a father and sister in the one moment.

Finally, in Emily Bronte's *Wuthering* Heights there is the story of Heathcliff, about whose background not

much is known. The implication is that his uncertainty in life and his personality were a product of not knowing his genetic inheritance.

To the extent that this bill precludes the opportunity for people to have a clear understanding of their genetic inheritance and who their biological parents are it is deficient in protecting the rights of people and also in retrospectively providing a stronger framework for those people who do not know who their biological parents are to gain access to that information.

I would now like to turn to a number of issues relating to research in this field commissioned by the Victorian Law Reform Commission and to overseas research. There was a submission to the Superior Court of Justice (Ontario) in relation to the effect of legal recognition of the marriages of gay and lesbian couples on their children. In an affidavit he filed, Steven Nock, who has since died, made a number of remarks in relation to the characteristics of good research design and highlighted the pitfalls that result from the failure to apply proper design techniques.

Essentially Nock said there is difficulty in coming up with a large enough study of 'couples' who have the same criteria — age, income, education, sexual orientation, background. He pointed out that the sampling problem is so difficult that it is not possible to obtain conclusive results that may be relied on to make very important, or potentially irreversible, policy decisions. There are also the convenience samples, where there is a snowball effect of people being recruited to a study because they come from more or less the one sociodemographic group, but it may not be representative of wider groups.

Nock further said that the length of the study is also important — a longitudinal study carries more weight than a cross-sectional study. He stated:

> Without evidence of change, there is very little one can say about cause.

All the articles that this particular fellow reviewed in his research — and some numbers of which were studied in the Victorian review — were regarded as being defective for design flaws and limitations. He said that in most cases the data was collected by a single researcher; only one of them relied on a longitudinal design; the researchers rarely reported reliability of measures used; the reliance was on self-selected samples; almost all samples of homosexuals had extremely high levels of education; researchers failed to incorporate statistical controls to deal with extraneous influences between their samples; response rates, where noted, were typically low; and the sample sizes were too small. He concluded:

> … the only acceptable conclusion … is that the literature on this topic does not constitute a solid body of scientific evidence.

He also stated:

> Given the potential consequences of an incorrect conclusion, such research seems warranted before any body, legislatures or courts, come to any conclusion about domestic arrangements with unknown consequences for children.

Turning to the question of the birth certificate, I contend that a child has the right to have their full genetic inheritance noted upon their primary birth certificate, because that is really who they are and it reflects their medical heritage and their relationship with people in the wider world. These are just some of the concerns that have been expressed about the bill before the house. I conclude by saying that in our democratic society it is important that all people are respected. In the present debate, though, it is my view that the best interests of the child should prevail.

Mr HULLS (Attorney-General) — I want to thank all members for their contributions to this very important debate. I also want to thank all of those people in the community who have shared their personal stories and their views on the matters we are debating and who participated in the Victorian Law Reform Commission's review. I also want to thank members of the Victorian Law Reform Commission, who considered these matters very carefully and in depth over the four years of their review. I can assure the house that each and every member of that commission has an independent mind and takes his or her duty very seriously.

I recognise that these are very challenging issues for many people, but the reforms being put forward in the Assisted Reproductive Treatment Bill (ART bill) — and I want to concentrate on that — are practical, common-sense and indeed necessary reforms. The law needs to respond to what is already happening in our community. There are numerous anomalies and gaps in the Infertility Treatment Act and the Status of Children Act, anomalies and gaps that compel people to travel interstate and overseas to undergo treatment or to arrange procedures in private because they are excluded by the current legislation. That has all sorts of difficulties attached to it.

There are also anomalies and gaps that have resulted in complex court cases to determine the effectiveness of the legislation. Most importantly there are anomalies

and gaps that deprive children in some family types of the full range of rights and protections to which they should be entitled. I believe these reforms are justified. They have been the subject of extensive research, consultation and consideration by the Victorian Law Reform Commission, as well as the subject of extensive debate in the Victorian community. They are overdue and, most importantly, they are in the best interests of children.

I want to touch very briefly on some of the issues that have been raised, and in particular the best interests of the child. The principle of the best interests of the child is at the very centre of this bill. In carrying out all activities and functions under the proposed act, the best interests of the child are to be of paramount consideration. Contrary, I might say, to the statements made by the member for Box Hill, this principle will clearly guide the patient review panel in all of its deliberations, including when considering whether to approve a surrogacy arrangement. An inclusive approach to surrogacy and ART will promote the best interests of children by giving people access to safe medical treatments, counselling services and the registration of details about donors and surrogate mothers.

In relation to surrogacy, the bill recognises that surrogacy arrangements are occurring in our community now. I believe the legislation takes a measured and cautious approach to their future regulation. The key concern of the bill is to ensure that a woman intending to act as a surrogate understands the implications of her decision and gives free and informed consent.

In relation to access to donor information, several members have raised the issue of information being available to donor-conceived children. Victoria already has a regime for collecting and disclosing donor information. The ART bill makes a number of changes to the current regime which are designed to enhance access to donor information. Donor registers will now be maintained by the registrar of births, deaths and marriages alongside the birth register. The adoption and family records service will perform the counselling currently undertaken by the Infertility Treatment Authority (ITA). I believe these agencies are very well placed to integrate these new responsibilities within their existing functions.

Donor-conceived children under 18 will now be able to access identifying information about their donors without their parents' consent if a counsellor considers they are sufficiently mature, and the regulatory authority VARTA (Victorian Assisted Reproductive Treatment Authority) will have enhanced powers to provide community education to support the best interests of donor-conceived children and conduct community consultation in relevant areas.

In relation to the reasoned amendment that has been moved, I certainly will not be supporting it. The issues addressed in the Assisted Reproductive Treatment Bill have been the subject of extensive public consultation over the past six years. The Scrutiny of Acts and Regulations Committee has done a very extensive, indeed forensic, job in relation to this particular piece of legislation, and the debate in this house does not need to be held up by further work being undertaken by SARC. The members of the committee will go about their business and they will do it well, but that should not preclude a debate taking place in this house in relation to this very important piece of legislation.

I conclude by saying that this very important bill is the result of careful consideration and, as I said, extensive consultation over a period of six years. I believe it will provide Victoria with a robust yet flexible regime for the provision of assisted reproductive services into the future. Most importantly, it will enhance the best interests of children born as a result of assisted reproductive treatment and surrogacy.

In relation to the other two bills that we are debating conjointly, they simply replicate what the existing law is and transfer that into stand-alone pieces of legislation. I certainly will be supporting all the bills before the house.

Mr CLARK (Box Hill) — Pursuant to standing orders I wish to advise the house of amendments to the Prohibition of Human Cloning for Reproduction Bill 2008 and request that they be circulated.

Amendments to Prohibition of Human Cloning for Reproduction Bill circulated by Mr CLARK (Box Hill) pursuant to standing orders.

The SPEAKER — Order! The Chair has been advised by all parties of a conscience vote on the Research Involving Human Embryos Bill 2008, the Prohibition of Human Cloning for Reproduction Bill 2008 and the Assisted Reproductive Treatment Bill 2008. I remind members that it will be a personal vote. I will put the questions separately in relation to the second reading of each bill.

RESEARCH INVOLVING HUMAN EMBRYOS BILL

Second reading

Motion agreed to.

Read second time.

Ordered to be considered in detail next day.

PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL

Second reading

Motion agreed to.

Read second time.

Ordered to be considered in detail next day.

ASSISTED REPRODUCTIVE TREATMENT BILL

Second reading

The SPEAKER — Order! I will now put the question in relation to the reasoned amendment to the Assisted Reproductive Treatment Bill. The member for Murray Valley has moved a reasoned amendment. He has proposed to omit all the words after 'that' with the view to inserting in their place the words which have been circulated and are in the hands of honourable members. The question is:

> That the words proposed to be omitted stand part of the question.

As I have received prior notice of a conscience vote, the division will be conducted as a personal vote.

House divided on omission (members in favour vote no):

Ayes, 49

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr (*Teller*)
Brumby, Mr
Cameron, Mr
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Overington, Ms
Pallas, Mr
Perera, Mr
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 32

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr (*Teller*)
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr (*Teller*)
Weller, Mr
Wells, Mr
Wooldridge, Ms

Amendment defeated.

House divided on motion:

Ayes, 48

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Brooks, Mr
Brumby, Mr
Cameron, Mr
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Lim, Mr
Lobato, Ms
Lupton, Mr
Maddigan, Mrs
Marshall, Ms
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Overington, Ms
Pallas, Mr
Perera, Mr
Richardson, Ms (*Teller*)
Robinson, Mr
Scott, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 36

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Mulder, Mr
Napthine, Dr
Northe, Mr
O'Brien, Mr

Campbell, Ms	Powell, Mrs
Clark, Mr	Ryan, Mr
Crisp, Mr	Seitz, Mr
Delahunty, Mr (*Teller*)	Smith, Mr K.
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Ingram, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs (*Teller*)
Kairouz, Ms	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Merlino, Mr	Wells, Mr
Morris, Mr	Wooldridge, Ms

Motion agreed to.

Read second time.

Ordered to be considered in detail next day.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Community Development).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Bayside: water plan

Ms ASHER (Brighton) — My adjournment issue is for the Minister for Water. The action I seek of him is to convince the Minister for Planning to support the City of Bayside's plan to reduce water use.

The background to my issue is that Bayside council has produced a document entitled *Sustainable Water Management Plan*. This is a good document which indicates how the area can reduce water consumption. In Bayside, water use is very high. Brighton and Beaumaris are very high users of water, and the reasons for this are large gardens and sandy soil, which of course cannot be modified. The council wishes to reduce its own use of water in parks and open space where the majority of council uses apply. The council manages the largest individual water use sites in Bayside, including Dendy Park, Brighton public golf course, Landcox Park, Kamesburgh Gardens and Hurlingham Park, all of which are familiar to me.

The council has also put forward amendment C44, and I refer to page 11 of the council's *Sustainable Water Management Plan*. Amendment C44 proposes a good plan for reduced water use, and I quote from the document.

> The amendment was developed from a model-planning scheme set out in the clean stormwater — planning framework. The amendment strengthens the strategic basis for the introduction of stormwater quality requirements for new developments. This will involve the introduction of new local policy establishing statutory requirements incorporating water-sensitive urban design (WSUD) into new developments.

You would think this was good policy, but it has sat on the minister's desk for three years. It would appear from the government that we have a competing policy. While on the one hand the Minister for Water is telling various people to reduce their use of water — and we have our own issues with that because we believe the government should have increased the supply of water — at the same time the Minister for Planning is not permitting Bayside council to reduce its use of water. I call on the Minister for Water to exercise whatever semblance of authority he has and call on the Minister for Planning to approve Bayside council's scheme.

Palliative care: Ballarat East electorate

Mr HOWARD (Ballarat East) — I raise a matter for the attention of the Minister for Health. I ask the minister to take action to support community palliative care services right across Victoria, but particularly for people within my electorate of Ballarat East.

We know that palliative care is a sensitive area of great need for people who are in the latter stages of their life and who are dying. It is amazing that around 50 per cent of people who die in Victoria have palliative care needs. Not just people dying of cancer but also people in the later stages of organ failure and those with neurological conditions are in need of palliative care.

We know that those individuals and their families need' significant care, and I am pleased to see that across my electorate this is generally offered very well — in Ballarat through Ballarat Health Services at Gandara or through Ballarat Hospice Care — either in care situations in hospital-type environments or in people's own homes. It is great to see that it ranges right across my electorate in Hepburn shire and also in Macedon Ranges Shire, where sound palliative care arrangements are offered.

I have noticed that the demands on palliative care continue to increase at a rate of something like 4 per cent per annum. The government is committed to ensuring that Victorians living with life-threatening conditions along with their families are provided with the appropriate care and services in sensitive and right environments that meet their needs. In 2006–07 community palliative care services provided care to

nearly 6800 people at a cost of $23.7 million. In this last budget the government increased funding for home-based and inpatient palliative care services by $4 million to $78 million.

I ask the minister to take action to clarify where this funding is provided and to ensure that the services provided in my electorate of Ballarat East are noticed and that they get a share of this to meet the growing needs of the people in my electorate.

Police: Mooroopna station

Mrs POWELL (Shepparton) — The issue I would like to raise with the Minister for Police and Emergency Services concerns the lack of police staff at the Mooroopna police station. The action I seek is for the government to increase police numbers in the Shepparton district to allow for the replacement of police officers at Mooroopna police station and at other stations that are serviced by the Shepparton station which will allow officers to go on leave knowing they will not leave the community underresourced and at risk.

I have raised the issue of the need for extra police officers in the Shepparton district for many years. In 2006 I presented a petition with more than 2000 signatures from Mooroopna alone. After that presentation there was a slight increase in the number of police officers in the area.

The Mooroopna police station has four full-time and one part-time officer, but due to stress leave, sick leave, parental leave, recreation leave, work-related leave or mandated days off, often only three or fewer officers are on duty. I have been advised that during the last 10 months, three of the five officers have taken stress leave and have not been replaced. This has put an enormous strain on resources at the Mooroopna station and causes further stress on those officers working under enormous pressure. In an effort to cope with the critical understaffing, the police station closes at about 4.00 p.m. each day during the week to allow police to complete their duties. The station closes during the day when officers are out on duty and is often closed over the weekends.

Our local police do a wonderful job under difficult conditions, but we as a community are saying, 'Enough is enough'. The Police Association said in its September newsletter that it is concerned about the unsafe working environment of some of its members because of what it calls chronic understaffing. The information provided by the Police Association shows that Greater Shepparton needs an extra 50 police officers.

North Mooroopna Neighbourhood Watch has written to me letting me know that, sadly, after 20 years of active community involvement it is going into recess. The decision is made because of the lack of police presence at meetings and residents are not able to get information or receive statistics on a regular basis. I met with representatives of the combined service clubs of Mooroopna, who are angry and concerned about the lack of police numbers, the regular closing of the station and the need for a new police station at Mooroopna.

I also met with Pam Power, the president of the Mooroopna Blue Light organisation, who is also concerned about the shortage of police numbers. Mooroopna is a growing town with many new homes being built and new families coming in to Mooroopna. The current population is about 10 000. Mooroopna Blue Light is a police initiative where young people can attend events in a safe, managed environment. Police attend the Blue Light disco and have a good relationship with the youth. Youth crime has decreased dramatically in the area. Pam Power is concerned that the Mooroopna Blue Light disco will have to close if insufficient police numbers continue.

As well as being short on police numbers, the Mooroopna police station is about 50 years old and is outdated. Our police deserve to work in a safe and healthy environment and this government is letting them down. I urge the government to replace the Mooroopna station and to increase police numbers in the town.

Schoolies week: Surf Coast

Mr TREZISE (Geelong) — I raise an issue with the Minister for Police and Emergency Services relating to so-called schoolies week. In the coming weeks we will see an influx of year 12 students into the resort towns of Lorne and Torquay. As members would know, schoolies week will see hundreds, if not thousands, of young people swarming into these towns looking to relax and celebrate the end of a long and stressful academic year. The action I seek is for the minister to ensure that adequate policing resources are working alongside local government officers and local communities in ensuring that schoolies week is a successful and safe one for not only these young people but also for local residents and local businesses.

Schoolies week is now an entrenched institution for school leavers and a time for young people to celebrate

the year with friends and peers, but it is also a time when young people mix those celebrations with alcohol, and there is potential for trouble. Having said that, I must say that in recent years trouble has been minimised thanks to the important work that the police have put in, in conjunction with officers from the Surf Coast shire and the local community, especially local businesses.

As the house would be aware, at this time the police are very much under pressure to ensure that not only the schoolies are safe but importantly that the local residents are also safe. Of course among thousands of partying young people you get one or two who will go down to Lorne or Torquay specifically looking for trouble, and it is these people who spoil the whole week for many others. I know the minister is well aware of the importance of the issue, and I therefore look forward to his action to ensure that schoolies week in 2008 in the Surf Coast shire is safe and successful.

Rail: Ringwood station

Mr R. SMITH (Warrandyte) — I direct my request to the Minister for Public Transport. The action I seek is for the minister to commit to funding the full $60 million for the redevelopment of Ringwood railway station. Since being elected I have campaigned on this issue at length. I have gained a great deal of public support for that campaign, so I was very pleased to hear that finally the Premier was coming out to my electorate to make a funding announcement. I have to say the announcement was very carefully controlled and stage managed. In fact Maroondah City Council was sent a list from the Premier's department, telling it who it could invite and who it could not invite. Maroondah council was happy to comply with that request under the leadership of card-carrying ALP mayor, Tony Dib — and I hope if he runs again he actually declares his allegiances to the Labor Party instead of running under the disguise of an independent so that people can make an informed choice.

When the Premier arrived he did not look that happy to see me, and when I welcomed him to my electorate, he said he had thought he was in the Bayswater electorate. I have with me tonight a map of my electorate boundaries, and perhaps we can ensure that the Premier gets this so that the next time he visits my electorate he knows where he is. The Premier's announcement detailed $39 million for Ringwood transit city, but was it for the station? No, it was for a bus interchange and a pedestrian crossing. Further to that we were told that the funding will be allocated over three years, so we can assume that the interchange and the crossing will not be finished until at least 2011.

The Premier also claimed the funding will deliver a new town square to the area. That is pretty confusing to the people in my area, because it is well known that QIC — the developer of Eastland shopping centre — is donating the land and funding the establishment of the town square as part of its contractual arrangement with Maroondah City Council. In my opinion, as a real slap in the face to QIC's generosity, Maroondah's Labor mayor not only failed to highlight that misconception in council's press release but actually perpetuated it. The press releases of the council and the government are incredibly misleading, as they intimate that the government's $39 million investment will be responsible for one and a half thousand ongoing jobs and that it will make Ringwood the economic and employment hub of Melbourne's east. Personally I think that QIC, with its half a billion dollar development of Eastland shopping centre and surrounds, can probably take most of the credit for those expected outcomes. But that is this government — all spin and no substance.

It is certainly worth noting that on the same day that the Premier made time for this announcement, I attended a public meeting in Cranbourne where residents' very homes are at risk. The common question at that meeting was, 'Where is the Premier?'. It is a measure of this government's priorities when the Premier can make time for a photo opportunity but cannot make time to allay people's fears about their homes. This government needs to get its priorities straight, listen to the community and in the case of the Warrandyte electorate fix up Ringwood station.

Employment: West Heidelberg

Mr LANGDON (Ivanhoe) — I raise a matter for the Minister for Community Development. The action I seek from the minister is assistance from the Victorian government to help people from Victoria's disadvantaged communities to get a job. The Victorian government should be proud that our economy remains strong despite global pressures and our unemployment rate is still low.

Last financial year more than 50 000 new jobs were created in Victoria, but we face a paradox here in Victoria where some people are still struggling to find a job and some employers are crying out for skilled workers. There are still too many Victorians who are missing out on employment and the benefits that come from having a job.

The paradox exists because many unemployed people need a hand to develop the skills and experience that employers are looking for. We have heard in this house

that the Brumby government has recently invested $316 million in our skills sector and $300 million in innovation. The Victorian government is working with business to create jobs for the future. We also need to invest in programs specifically targeted at those people in Victoria's most disadvantaged communities who are doing it tough.

One such community in my electorate is West Heidelberg. I am very familiar with the area because that is where my office is located, and I am very proud to serve those people. The median income is about $660 per week, but the Australian average is about double that, at almost $1170. The unemployment rate is still about two and a half times the national average. Clearly more needs to be done.

A targeted, place-based approach is needed from the government to help people in disadvantaged communities such as this, and I call on the Minister for Community Development to deliver such a program. I ask the minister to explain to the house what the government could do to assist the people of West Heidelberg. I know the minister has visited the area and met many residents. I concede that many ministers have visited West Heidelberg and the Minister for Gaming who is at the table tonight was out there recently.

I ask the Minister for Community Development to assist those in the disadvantaged area of West Heidelberg. It is an area whose residents are extremely hard working and loyal, and I am sure the minister can assist them.

Goulburn-Murray Water: grazing licences

Mr TILLEY (Benambra) — I raise a matter for the attention of the Minister for Water. The action I seek is for the minister to take on a full and thorough investigation into the outrageous price increases in grazing licence rates imposed on farmers of north-east Victoria through the Goulburn-Murray Rural Water Corporation. This year farmers have received unreasonable rate increases from Goulburn-Murray Water of between 1500 per cent and 2000 per cent on last year's rates with no explanation as to the reason. Farmers in my constituency have gone from paying $350 last year up to $7500 this year, and that figure excludes GST.

As originally agreed, farmers paid from the high water mark to 4 foot below that water mark and farmers have called on Goulburn-Murray to explain the process of how these staggering rate increases have been calculated but as yet no-one has given farmers the courtesy they deserve by explaining the reason for the increase.

Not only do farmers have to pay these extravagant costs but the responsibility has been pushed on to the farmer to maintain, sustain and manage these areas with zero contribution from the authority. Lease agreements make no mention of Goulburn-Murray managing or maintaining the leased land. The added cost to the farmer is significant and this seems an incredible injustice of sorts whereby the farmer pays both the cost in rent and management.

Farmers, as we are all aware, are in a particularly vulnerable position. Much of the land leased to them is of poor quality, and in some areas it is virtually unsustainable. It can be impossible for farmers to improve the land lease, yet in these difficult economic and stressful times any piece of land that is sustainable, no matter how low the quality, is vital to the farmer. We are talking about the very livelihood of farmers.

I might include that this is a matter of extreme significance to the Minister for Agriculture, who should be paying particular attention to this issue in the face of wild dog attacks, the ongoing implications of a decade of drought and little or no increase in the marketplace in the price of cattle. All this means that farmers struggle every day to put meat on our tables. Financially farmers teeter on a knife's edge, and they are being squeezed off their land by ludicrous rate charges.

What is the reasoning behind these rate increases? Is Goulburn-Murray Water being unrealistic in its charges or have these rental rates been designed to push farmers off their land? Is Goulburn-Murray Water applying this state government's policy on prohibiting grazing and moving livestock from these areas of land?

I ask this hollow, Labor state government that is all talk and no action to sit up and take note of the very real issue of the welfare of our farming community, people who provide and sustain our nation and our state. These things are taken for granted in urban areas.

Consumer affairs: Browns Gas

Mr SCOTT (Preston) — I raise a matter for the attention of the Minister for Consumer Affairs, who I note is in the house. I ask the minister to take action to warn consumers of the Browns Gas fuel efficiency scam, which is promoted currently in a number of places, including on the internet. There is a website — www.water4gasAustralia.com — which advertises this scam, including kits such as the Electrolyser Complete for $190 including GST, or a multipack of six

electrolysers in parallel for large diesel engines for $1440 including GST.

The Browns Gas scam essentially revolves around the conversion of water into hydrogen and oxygen which is then burnt in the engine, using electricity produced from the engine. Of course you can burn hydrogen because it is combustible, and you can burn it in an internal combustion engine. The essential problem is that it takes more energy to electrolyse hydrogen from water than the energy you receive upon burning it. Even if you buy a kit that works at 100 per cent efficiency, the process will lose 16 per cent of the energy. Of course in the real world there is no such thing as a 100 per cent efficient process.

The process is simply a scam that relies on people's fears about rising fuel prices to squeeze money for a useless product which will reduce engine efficiency rather than increase it. It is often sold with claims of a 40 per cent increase in fuel efficiency and other such ridiculous notions. Anyone with a rudimentary understanding of chemistry and physics knows this is complete rubbish. I urge the minister to take action to warn consumers against the scam artists who for their own gain exploit the fears and genuine problems people face with rising fuel prices.

Drought: government assistance

Mr CRISP (Mildura) — I raise a matter for the Minister for Agriculture. The action I seek is the immediate reinstatement of the fixed water and drainage rate rebate and the local government rates rebate as part of drought relief. Goulburn-Murray Water's advice is that inflows have been mostly consistent with the dry scenario, and this will mean final allocations will be insufficient to meet the requirements of horticulturalists in the Murray Valley. Being at only 13 per cent of allocation on 1 October is a major disappointment to Victorian irrigators.

Victorian irrigators are disadvantaged compared to South Australian irrigators where the government is prepared to underwrite water purchases to ensure the survival of permanent horticulture. There is some evidence emerging that there may be enough water to allow for a temporary water market to work and to provide stressed horticulturalists with sufficient funds to purchase water. At the recent annual general meeting of Sunraysia Rural Counselling Service Mr Chris Norman from the Department of Primary Industries reported that there were 1400 farm entities in the greater Sunraysia region, and the counselling service reported that 943 of these are its clients. Clearly the horticulturalists are in trouble.

Victorian horticulturalists now confront the situation where the South Australian government has committed $67 million to purchase water for irrigators. This level of support will advantage the retention of permanent plantings in the South Australian Riverland. There is a risk to Victorian horticulturists that South Australia will be able to purchase a disproportionate share of the available temporary water, thus further disadvantaging Victorian horticulturalists.

There is a lack of government commitment to drought relief, particularly water and local government rate relief, which if implemented would give stressed growers in the northern part of Victoria some financial resources so that they could go to the temporary water markets. Water and rates relief also are causing increases of personal and financial stress on dryland and irrigation farmers.

Victorian farmers are being disadvantaged by the Brumby government's delay in supporting drought relief. I call upon the minister to hurry up and implement the drought relief program which we had last year, which delivered real benefits to our growers and farmers, and that their needs be met before South Australia takes all the water.

Dandenong-Frankston–Wedge roads, Carrum Downs: traffic lights

Mr PERERA (Cranbourne) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to support the need for the construction of traffic lights at the intersection of Wedge Road and Dandenong-Frankston Road, Carrum Downs. Many residents living in the Carrum Downs area have contacted my office advising me that they find it very difficult during peak periods to turn right from Wedge Road onto Dandenong-Frankston Road to travel towards Dandenong or the city.

The area around Wedge Road has clearly increased in residential development over the last few years. Many residents have advised my office that they frequently use Wedge Road for many day-to-day needs, including travelling towards the Shri Shiva Vishnu temple in Boundary Road, directly across the Dandenong-Frankston–Wedge road intersection; travelling to and from the Carrum Downs Cricket Club, Carrum Downs Tennis Club and scout hall, all of which are located along Wedge Road; travelling to and from McCormicks Road, which is the home to the new Carrum Downs Plaza shopping centre; Oak Tree retirement village; Carrum Downs Secondary College and substantial residential development; and travelling to and from the Sandhurst residential estate. Bus

services also use Wedge Road with the introduction of the new 832 and 833 services. Both routes connect with the new 901 SmartBus service.

I commend the residents from Carrum Downs who have put this request to me with passion and energy. Consequently I have no hesitation in strongly recommending that the construction of traffic lights at this intersection be duly supported.

Responses

Mr BATCHELOR (Minister for Community Development) — I thank the member for Ivanhoe for raising the issue of jobs for disadvantaged members of his electorate. As all members of Parliament would know, the member for Ivanhoe does a great job for the disadvantaged people in many places, particularly in places such as West Heidelberg. His action request is really another example of his good ideas and the hard work of the member for Ivanhoe.

The member for Ivanhoe is correct in identifying the paradoxes that exist here in Victoria and probably across Australia. Despite a tight labour market there are still too many Victorians who do not have a job. That is why the Victorian government through the Department of Planning and Community Development has supported the Urban Renewal Employment Enterprise program (UREEP) with a $27 000 community enterprise grant for program evaluation.

The paradox that I mentioned and the member for Ivanhoe mentioned has really been exacerbated by the previous federal government's 'job first' approach in the labour market. The 'job first' approach assumed that unemployed people already had the skills and experience to get a job as soon as those jobs theoretically became available. This is really typical of the uncaring conservative side of politics, which believes people should be required to get jobs themselves and they should be left to their own devices.

The Victorian government knows that many people do not have the skills to find a job or to keep one. We know that if you do not help people to build these skills, they can be trapped in a cycle of joblessness. That is why the state government has been investing over the last four years in new ways to help people make the transition into meaningful employment. We have been particularly focused in my department on supporting community enterprises that offer people opportunities to build their skills and to gain work experience and, in particular, opportunities for people who often struggle to access mainstream employment and training services.

Through investments in A Fairer Victoria we have now supported more than 80 community enterprises across Victoria. Altogether they have helped create more than 380 jobs and helped more than 490 people go through job-specific training. That is why in this year's budget we announced an additional $2 million for a new community enterprise catalyst.

In addition to our community enterprise program the Victorian government is working together with community organisations that seek to increase the rate of employment in disadvantaged areas such as West Heidelberg. Last month an evaluation report of UREEP, which is run by Mission Australia, was launched. The Victorian government supported this initiative by contributing some $27 000 towards the evaluation through our community enterprise program. UREEP has provided 12-month-long landscape and construction traineeships for 33 Heidelberg West and East Reservoir residents. The research has shown that by offering people additional support — —

Mr Thompson — On a point of order, Speaker, the manager of government business is speaking into the early hours of the morning. I raised a point of order last sitting week about family-friendly hours. It is now 12.35 a.m. Members can rest in their rooms but the staff of the Parliament, such as the Hansard staff, the security guards and the library staff, are required to remain here. I think it is worthwhile pointing out the disparity between what the Labor Party said about introducing family-friendly hours and its failure, at the hands of the minister at the table, to deliver on that undertaking when the welfare of staff is at stake.

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

Mr BATCHELOR — We would have been home a lot earlier if it had not have been for the deliberate and provocative interjections from the member for Sandringham. What we are trying to do is to help people who are disadvantaged get jobs. I know that is not important to the member for Sandringham, but it is important to the member for Ivanhoe.

Mr Thompson — That is outrageous!

Mr BATCHELOR — It is outrageous, and you should apologise for it.

Mr Thompson — That is outrageous! Apologise!

Mr BATCHELOR — The research I have been referred — —

Mr Thompson — Apologise! That is an outrageous remark and an untruth.

The SPEAKER — Order! The member for Sandringham!

Mr BATCHELOR — You are an apology; you are a pathetic apology.

The SPEAKER — Order! I remind all members that it is indeed very late, and even the Speaker's patience is running a little short. I ask the minister to conclude his response to the member for Ivanhoe.

Mr BATCHELOR — Thank you, Speaker, for that support. We have been undertaking this research, and it shows that by offering people additional support such as flexible training, we are able to set up them and their communities for a much brighter future. More than 15 people have gained ongoing employment directly from UREEP. That is 15 people who had previously been long-term unemployed. They had had low confidence, and they had been dependent on welfare, but now they are actively participating in their communities by holding down these jobs.

UREEP involved Mission Australia establishing relationships with Apprenticeships Plus, Kangan Batman TAFE and the Victorian government's place-based neighbourhood renewal project in West Heidelberg and East Reservoir, and the member for Ivanhoe knows what a successful program the neighbourhood renewal program is in his area. As well as providing real work experience and accredited training, UREEP also helps participants to develop relationships, confidence and self-esteem and to really become job ready.

The community enterprise program, the government's place-based programs and initiatives such as UREEP are fantastic examples of this government's ongoing commitment to tackle long-term unemployment for those who are disadvantaged. We will continue to focus on this program area, because we know it works and it helps people, particularly those who are disadvantaged.

We are currently looking at how more community and social enterprises might be established here in Victoria. We would like to expand the program. Labour market programs that straddle the sometimes different priorities of employers and would-be employees are difficult to establish, but it is clear these community enterprises have been quite successful in doing that.

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate the matter raised by the member for Preston in relation to an internet-based scam involving a product being advertised by the name of Browns Gas. I commend him for his work in drawing this matter to my attention. I was not aware of it, but it appears to be an out and out scam which has been around at a time of relatively high fuel prices. The material he has provided to me this evening talks in part about the great tradition of fuel consumption scams — —

Ms Asher interjected.

Mr ROBINSON — No, he has in fact just given it to me now, which is fantastic, is it not? It is the way adjournment debates are meant to work.

Some of the devices involve magnets being clamped to fuel lines, assorted vacuum advance devices, intake vortex generators and magical carburettors. All of them are designed to do only one thing — to fleece people of their money. The only claim that would be remotely accurate in relation to the mentioned 40 per cent is that the scammer hopes to clean people out of their hard-earned 40 per cent quicker than the last person.

I will ask Consumer Affairs Victoria to look at this issue to see what action can be taken. If there are people involved locally, we will have action taken against them. If people are based overseas, it may not be possible to have effective action taken against them, but nevertheless we will get the message out that scams like this are designed to do one thing — fleece people of their hard-earned money at a time when there are concerns about high fuel prices.

The SPEAKER — Order! The minister is to respond to other matters raised.

Mr ROBINSON — Although I said it was not possible to separate water, I did think for 1 minute that the Deputy Leader of the Opposition might be separated from water or at least the water portfolio last week, but gladly that has not happened. But in her adjournment matter this evening, she sought to raise an issue about Bayside City Council's plan to reduce water use. I will have that matter passed on to the Minister for Water.

The member for Ballarat East raised an issue for the attention of the Minister for Health in relation to the support of palliative care services in his electorate. I will have that matter passed on.

The member for Shepparton raised an issue for the Minister for Police and Emergency Services in relation to the resourcing of the Mooroopna police station. I will pass that on.

The member for Geelong raised an issue for the attention of the Minister for Police and Emergency Services in relation to schoolies week and the influx of young people to coastal towns. He is seeking adequate numbers of police officers to monitor activities and enforce the law there at that time. I will pass that matter on.

The member for Warrandyte raised an issue for the attention of the Minister for Public Transport in relation to Ringwood rail station redevelopment funding. I will pass that on.

The member for Benambra raised an issue for the attention of the Minister for Water in relation to water rate increases from Goulburn-Murray Water. I will have that matter passed on.

The member for Mildura raised an issue for the attention of the Minister for Agriculture in relation to the reinstatement of certain rebates as a part of drought relief. I will have that matter passed on.

Finally, the member for Cranbourne raised an issue for the attention of the Minister for Roads and Ports in relation to traffic lights on the Dandenong-Frankston Road at Carrum Downs to assist with turning traffic. That matter will be passed on.

The SPEAKER — Order! The house stands adjourned.

House adjourned 12.44 a.m. (Wednesday).