

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-SIXTH PARLIAMENT  
FIRST SESSION**

**Wednesday, 2 May 2007**

**(Extract from book 6)**

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### **Joint committees**

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr Dalla-Riva, Mr Eideh, Mr Elasmarr and Ms Pulford.  
(*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr McIntosh and Mr Thompson.

### **Heads of parliamentary departments**

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey  
*Council* — Clerk of the Legislative Council: Mr W. R. Tunnecliffe  
*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Mr PETER HALL

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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP



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**Wednesday, 2 May 2007**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.**

**HOWARD FLOREY INSTITUTE OF  
EXPERIMENTAL PHYSIOLOGY AND  
MEDICINE (REPEAL) BILL**

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. T. C. THEOPHANOUS  
(Minister for Industry and State Development) on  
motion of Mr Lenders.**

**PETITION**

**Following petition presented to house:**

**Planning: Diamond Creek and Yarrambat land**

To the Legislative Council of Victoria:

This petition of materially affected Victorian stakeholders/landowners of 201–219 Ironbark Rd, Diamond Creek (M. Freeman), 175–199 Ironbark Rd, Diamond Creek (Adjungbilly Pty Ltd ACN 005 236 993, Freeman Family Trust), adjoining 40–60 Pioneer Rd, Yarrambat (D. L. Schnapp), 217–233 Pioneer Rd, Yarrambat (C. and D. Bennett) and in opinion of others of Ironbark Road and Pioneer Road whose lands were also of the Plenty Yarrambat Waterworks Trust district and urban district draws to the urgent attention of the house that they have not had any consultation on the Statute Law Revision Bill 2006, the Statute Law Appeals Bill 2006 and Water (Critical Infrastructure) Bill.

Following continuous representations to government, including petitions to Parliament, especially that of 16/11/2005 and Water (Resource Management) Act 2005 and Water (Governance) Act 2006, the petitioners still await corrective and equitable actions to their contentions regarding infrastructure irregularities, inequities, and errors/anomalies as pointed out. Parliamentary acts were put in place to specifically protect the urban reticulated infrastructure and any associated developmental rights/entitlements/capabilities of claims to residential or urban category lands such as ours. Hence, our major concern is that these new bills may result in further erosion of rights/entitlements pertaining to the lands and neighbouring lands and the acts may well still be relevant to the petitioners' claims, especially those pertaining to town and country planning scheme acts, Melbourne and Metropolitan Board of Works acts, water acts and land acts. Had the lands been translated correctly into their promised 'closest best fit' in the year 2000, which the petitioners believe to be residential I (or township), compliant with the then existing legislation, this zoning would have continued to protect their prepaid reticulated urban infrastructure and all other rights/entitlements. Therefore, the new bills would not be a concern to them.

Prayer

The petitioners hereby request the Legislative Council of Victoria to urge the Honourable Premier, Mr Steve Bracks, the Deputy Premier and minister of water/environment and Victorian communities, the Honourable Mr John Thwaites, the planning minister, the Honourable Mr Justin Madden, and the Victorian state government to:

Defer the abovementioned bills to enable the planning and infrastructure irregularities and contentious issues to be discussed with the petitioners and the above ministers and, hopefully, be mediated upon and resolved equitably.

Reinstate the said land to its urban status to ensure ongoing protection of its value.

Return the said land to the urban corridor by its inclusion in the new urban growth boundary (UGB) or other planning technique.

Rezone the said land to residential I (or township) to enable the Plenty Yarrambat Waterworks Trust district, and subsequent successors, to perform their duties.

Ensure the preservation of the provisions of the relevant acts that protect any infrastructure and associated development rights/entitlements pertaining to these lands.

Compensate/remunerate for the loss and damage, including the loss of value of lands and loss of distinctive urban infrastructure and any associated developmental rights or entitlements (which may have already been carried out due to implementation of old and new strategies since the year 2000) due to status change from urban residential (or township) to rural conservation.

Make equitable and fair corrections to any of the above lands if they were discriminatorily or fraudulently treated differently at any time in the past as compared to others in Ironbark Road, particularly those of the gazetted urban and waterworks district of Yarrambat and Plenty.

**By Mr BARBER (Northern Metropolitan)  
(6 signatures)**

**Laid on table.**

**BUDGET PAPERS 2007–08**

**Mr LENDERS (Minister for Education) — By leave, I move:**

That there be laid before this house a copy of the following 2007–08 budget papers:

- (a) Treasurer's speech (budget paper 1);
- (b) strategy and outlook (budget paper 2);
- (c) service delivery (budget paper 3);

- (d) statement of finances (incorporating quarterly financial report 3) (budget paper 4); and
- (e) budget overview.

**Motion agreed to.**

**Laid on table.**

**Ordered to be considered next day on motion of Mr LENDERS (Minister for Education).**

## PAPERS

**Laid on table by Clerk:**

Auditor-General — Report on giving Victorian children the best start in life, May 2007.

Statutory Rules under the following Acts:

Domestic Building Contracts Act 1995 — No. 25.

Health Services Act 1988 — No. 26.

## MEMBERS STATEMENTS

### Bushfires: volunteers

**Mrs PEULICH** (South Eastern Metropolitan) — Unfortunately I have experienced a bit of a technical hitch. I had my 90-second speech on my BlackBerry but it has just dropped out, not to be retrieved. Clearly hard copies are the most reliable form of information.

I would like to congratulate the City of Casey for providing an opportunity for members of the community to acknowledge the work of Country Fire Authority volunteers by recently holding a civic reception commending the involvement of local CFAs in the bushfire efforts during 2006–07. It was wonderful to see those men and women acknowledged and their work appreciated.

The gloss of the evening, however, was a little tarnished dare I say when in the middle of these proceedings we had Big Brother Bracks beamed on a very large screen — —

**An honourable member** interjected.

**Mrs PEULICH** — Hollywood Bracks! He was on a DVD, smiling in full glory, delivering a message. There was clearly a price to be paid for this civic acknowledgement. In addition to that we had the member for Narre Warren North in the other place, who is rarely seen at various civic receptions, take a very ready opportunity to deliver a speech on behalf of

the Premier. I was also disappointed to hear that many of my colleagues did not have the opportunity of attending similar CFA acknowledgements.

**The PRESIDENT** — Order! The member's time has expired.

**Mrs PEULICH** — And it is a shame that such opportunities are politicised.

**The PRESIDENT** — Order! I do not appreciate Mrs Peulich's continuing to speak when I had already indicated to her, seconds before, that her time had expired. It is not helpful; in fact I think it is disrespectful.

### Industrial relations: Labor Party policy

**Ms PULFORD** (Western Victoria) — Yesterday being May Day gives us an opportunity to pause and reflect on the struggle of working people for fair and decent conditions in their workplaces.

The modern celebration of May Day has its origins in the commemoration of the Haymarket riot of 1886 in Chicago, which was the culmination of a concerted struggle that began on 1 May. The workers were demonstrating for an 8-hour day. Australian workers had of course already claimed the 8-hour day in the 1850s, and we celebrate this achievement in March each year.

In a few months Australians will go to the polls and among other things this election will be about fairness in Australian workplaces. Australian workplaces are on a precipice. Last week the federal Labor Party released *Forward with Fairness*, which among other things will set in concrete 10 national standards ensuring a safety net for all working Australians. These 10 items are: the hours of work — 38 hours, and again restoring the 8-hour day; parental leave; flexible work for parents; annual leave; personal, carers and compassionate leave; community services leave; public holidays; information in the workplace; termination of employment and redundancy; and long service leave.

During the last federal election the Howard government did not talk much at all about industrial relations. Only after securing its Senate majority did it reveal its secret plans. If it wins again, I shudder to think what its agenda is for Australian workplaces. Australian voters have a clear choice, and I look forward to them voting for the restoration of fairness in our workplaces.

### **Anzac Day: remembrance**

**Ms HARTLAND** (Western Metropolitan) — I, like many other members of the upper house, have attended Anzac Day functions in the past week. Last week Sue Pennicuik and I attended a veteran's lunch where we had the opportunity to talk to a number of returned service members. They said they had thought it would be an adventure to go to war, only to be confronted with the brutality of it. They learnt that war was not the answer and to stand up to politicians who send young people to war.

The Greens believe Anzac Day is the day to remember and honour those who were killed or injured in war, including millions of civilians, such as those killed in the current Iraq conflict. Anzac Day is also a day when we remember the futility of war. And when we say, 'Lest we forget' we should also not forget the brutality of it.

### **Sunshine Swim and Leisure Centre: FINA pool relocation**

**Mr FINN** (Western Metropolitan) — I wish to raise this morning the plight of the people of Sunshine in their fight for a swimming pool. I have briefly raised in this house previously the visit before the last state election of an emissary of the then sports minister, now the Minister for Planning, Mr Madden, who went to Sunshine and made certain promises about a pool being delivered to Sunshine at no cost to the council or to the local community.

Unfortunately I have to tell the house that on two occasions now it has seemed that that is far from the case. Some millions of dollars are up in the air as far as the council is concerned. Quite frankly the Brimbank City Council is in no financial position to carry the can for this. It is clearly a case of a broken promise; it is clearly a case of the west of Melbourne again being taken for granted and used and abused by a government that has total contempt for the people who support it in very large numbers.

That obviously will change over a period of time, but I suggest to the current Minister for Sport, Recreation and Youth Affairs in the other place that he might like to rethink his decision with regard to this matter, provide the pool with the landscaping at no cost and thereby keep 100 per cent of the promise that was made to the people of Sunshine before the last election. Nothing else will do; nothing else will make them happy.

### **Walking: community grants**

**Mr EIDEH** (Western Metropolitan) — I wish to urge not only everyone within my electorate of Western Metropolitan Region but all Victorians to join in the latest initiative of the Bracks government and walk the walk. The Bracks government is initiating a number of brilliant programs to support a healthier community, including several designed specifically for the younger generation such as healthier school canteens and grants towards bike sheds. This program seeks to encourage people to establish and maintain walking groups to improve their own health and wellbeing. Increased participation in physical activity promotes health, fights obesity and also has the side effect of improving social skills, as the grants are targeted at supporting groups of people who would walk together. This series of grants follows on from the community walking grants provided under the 2004 Go for Your Life initiative, and shows that this government is committed to doing something about community health and wellbeing beyond its already strong commitment to treating those who are unhealthy. Walking is something we can all do, but it is so much more enjoyable in the company of a group of friends, as many Victorians have already experienced.

### **Ringwood Secondary College: maths and science grant**

**Mr TEE** (Eastern Metropolitan) — I would like to congratulate Ringwood Secondary College, which has received a grant of \$40 000 to upgrade its maths and science equipment. Ringwood Secondary College is a popular and growing school with over 1300 students coming from a large catchment area of 40 primary schools. The school offers an innovative and exciting maths and science program and is building a culture of excellence in science and maths within the school.

The grant will improve the maths and science performance of students from year 5 on. As we know, it is in these years that maths and science become a lot more challenging, and it is important that students have quality equipment and programs to support them during this time. This is exactly what this grant will do to help schools like Ringwood.

I want to congratulate the principal, Michael Phillips, on receiving the grant and on his ongoing work at the school. I also want to congratulate the Bracks government on this exciting and innovative initiative, which allows Victorian schoolchildren to reach their full potential. Ringwood is one of 189 primary schools, 52 secondary schools and 12 special development schools in Eastern Metropolitan Region that will benefit

from the Bracks government spending \$11.1 million on maths and science equipment upgrades.

### **Catherine Fitzpatrick and Michelle Pawsey**

**Mr ATKINSON** (Eastern Metropolitan) — I wish to comment to the house on the retirement from the cricket world of two bowlers. Members might expect me to talk about men's cricket and perhaps the retirements of Shane Warne and Glenn McGrath. In fact I wish to comment on Catherine Fitzpatrick and Michelle Pawsey. They have both been bowlers for Australia and Victoria. Indeed they have both been bowlers in a very formidable team at Dandenong which competes in women's cricket here in Victoria.

I was privileged to attend the presentation night for the Victorian Women's Cricket Association recently and to observe the retirements of Catherine Fitzpatrick and Michelle Pawsey. They have given great service to women's cricket, as I said, on both the state and international stages. Fitzpatrick was something of a demon fast bowler. She was the women's version of Mr McGrath, although perhaps a little bit more like Brett Lee in terms of being a bowler who was very much in the face of the opposition. She is a very formidable young woman. She and Michelle have great futures ahead of them now that they have retired from cricket. Women's cricket in Victoria is in great shape. I was pleased to see that Tony Dodemaide, the chief executive officer of Cricket Victoria, was there. I am sure Cricket Victoria will continue to be a great support for women's cricket in Victoria.

### **Bushfires: tributes**

**Ms TIERNEY** (Western Victoria) — On 21, 22 and 23 April events were held in 28 regional locations to thank firefighters, support staff, volunteers and community members. On Sunday, 22 April, I spoke at two events, one in Heywood, followed by an afternoon tea function at the Warrnambool Civic Centre. The events provided representatives of the state government with an opportunity to go out to many communities to directly thank people for all their hard work in very adverse conditions. Whilst the fires are now gone, we will not forget the tireless commitment demonstrated by so many, day after day. It gave people attending the events a chance to catch up, compare stories and think about how things can be done differently or not done differently in the unfortunate advent of fires in the future.

I would also like to take this opportunity to thank the Warrnambool City Council, the Moyne Shire Council and the Glenelg Shire Council for the role they played

during the fires and facilitating the thankyou events on 22 April 2007

### **Liberal Party: state council**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I rise to talk about the Liberal Party state council held last weekend and to recite to members on the other side the great vision and focus that the Prime Minister and the federal Treasurer demonstrated to the council and indeed to the rest of Australia. They very clearly outlined a future for Australians, unlike the diatribe we heard at the same time from the Labor opposition. If members on the other side would take the time to actually read Mr Rudd's speech, they would see it is very light on in terms of what he is proposing, apart from winding back the clock to the events of the 1880s, as mentioned by Ms Pulford in her contribution.

It was also interesting to see the great focus on Sunday from the Leader of the Opposition in the other place, Ted Baillieu. I was very pleased to see that we have a vibrant alternative government in the waiting, as opposed to the lacklustre, non-visionary government we are currently suffering. If there were ever an example of a government without any understanding of the future, it can be seen when we look at the government's water policy. Where in the budget is there any infrastructure spending on water and on developing solutions to the concerns about water in this state? There is none. This is yet another example of a government that is more interested in spin than outcomes.

**The PRESIDENT** — Order! The member's time has expired.

## **SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT**

### **Establishment**

**Mr GUY** (Northern Metropolitan) — I move:

That —

1. A select committee of seven members be appointed to inquire into —
  - (a) the sale or alienation of public land for development;
  - (b) the sale or alienation of public open space for the purposes of private use or development; and
  - (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges.

2. The committee will consist of two members from the government party nominated by the Leader of the Government, two members from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals, one member from the Australian Greens nominated by the Australian Greens Whip, and Mr Peter Kavanagh, MLC, from the Democratic Labor Party.
3. The members will be appointed by lodgement of the names with the President by the persons referred to in paragraph 2 no later than 4.00 p.m. on Friday, 4 May 2007.
4. The first meeting of the committee must be held no later than 4.00 p.m. on Monday, 21 May 2007.
5. The committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
6. Four members of the committee will constitute a quorum of the committee.
7. The chair of the committee will be a non-government member and the deputy chair will be a government member.
8. The committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders.
9. The committee may commission persons to investigate and report to the committee on any aspects of its inquiry.
10. The committee will present its final report to the Council no later than 30 June 2008.
11. The presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions.
12. The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Council will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Council.

We are in the first decade of a new century and already it is clear that communities and Victorians are becoming more and more concerned with the natural and built environments that surround us. Victorians are taking a keener interest in the form and style of our city that is our capital, and the character of the country and regional towns that make up our great state. Importantly Victorians are taking a much more proactive interest in the character of the neighbourhoods in which they live and in the preservation of the existing public open space in those cities and towns.

But since the turn of the century it is clear that public open space has come under attack. It has become a commodity to sell or develop, rather than to preserve. As land prices have risen dramatically across the city

over the last few years, principally near central activities areas, and moreover due to the establishment of a rigid urban growth boundary, the state government appears to have become a land speculator with its public land holdings. Unfortunately public open space has become more of a line item in the Department of Treasury and Finance's Excel spreadsheets first and a public, economic and social asset second.

This motion to establish a select committee has been put forward for debate today in the hope that this chamber will view this issue with exceptional importance, because once open space is lost, as we all know, it cannot be replaced. Further, it is clear that the Bracks government is disposing of public land across the state in order to get a quick financial gain with little or no regard to the open space that is being lost forever.

The proposed committee would be composed of two Liberal Party members, two members from the Labor Party, one member from The Nationals, one member from the Greens and a Democratic Labor Party member. It is the same formation as that of the Select Committee on Gaming Licensing. It is a formula that is fair and representative and, most of all, one that has been found to be working well in the first select committee that adopted this formula earlier this year. If it is formed, the committee will clearly have wide-ranging powers and the ability to call and hear evidence from many people across Victoria — from departments, developers, community groups and local people — all of whom have a role in shaping our cities and towns.

While some people may say during this debate that the existing standing committees can accomplish the work this select committee seeks to achieve, that is clearly not the reality. Standing committees have either half or a majority of government members and thus are unrepresentative of how this chamber is formed, given the way Victorians voted for the members of this house. Could anyone seriously expect that, if a committee is formed with more than half its members from the government of the day, it will be a genuine inquiry into the sale of public land by its own government? Is it believable that a committee formed with more than half its members from the Labor government will not work to tone down any evidence or language that may possibly not be in the government's best interests? I think not.

Members of the government say members of the opposition should ask questions in the house if we have concerns about this issue. Members of the government no doubt would say that opposition members should use the adjournment debate or members statements to

get our points across. The point is: is the government listening? Have any non-government members in this chamber had any success with any minister on an issue of significance when leading a deputation to them? A more salient point is: will a minister even meet with them?

The only way to achieve a real outcome and to find the answers to the issues surrounding the sale and alienation of public land is for this state to have a fair and representative upper house inquiry, as is proposed by this motion today. It is for members of the upper house to fulfil the role the house was designed to play: to be a check and balance on government — that is, for its members to ask fair, reasonable and tough questions about government policy such as the sale of public land, which is so profoundly impacting on the lives of so many citizens whom we represent today and may represent into the future.

I turn to address briefly the Melbourne 2030 policy. As members of this house know, the government is deeply committed to that *Melbourne 2030* document. It is a metropolitan planning strategy that aims by 2030 to load an extra 1 million people — the population of greater Adelaide — into the metropolitan area without any major expansion of the urban footprint. Its key aims are to maximise the use of vacant land in existing suburbs and to promote the construction of high-density homes — many in areas where low-density homes are currently the only style of home there, as I have pointed out in this chamber.

Before even debating the rights and wrongs of that strategy, the question that must surely be asked is: if we are going to cram an extra 1 million people into the Melbourne metropolitan area, predominantly into existing urban areas, surely we should be preserving our current open space at all costs? Surely public open space becomes even more important to the future of our city and our lives and our children's lives if our population rises from 3.7 million to 4.7 million people without any major growth in the urban footprint. How could the state government justify the sale of public open space — that is, the removal of public land — on the one hand and say it is promoting a policy of creating a fairer and greener city on the other hand? The two are totally inconsistent. I doubt there are many people who disagree with the proposal that Melbourne should become a more compact city, but, if it is to be a more compact city, the state government should be seeking to expand our stock of public open space, not sell it off.

A number of highly controversial land sales in Victoria have more or less come to a crescendo, and that has led

to moving this motion and its subsequent debate today. The former Kew Cottages site, which I am sure many members are aware of, is 27 hectares of parkland in the inner city area. There are numerous significant and very, very old trees and heritage buildings, which, apart from a dozen or so, will be lost forever. The former Royal Park Psychiatric Hospital site in Parkville has heritage buildings on 20 acres of prime inner city land, and there are thousands of trees throughout the site. In return for the land being used temporarily to house the Commonwealth Games athletes the government built 80 social housing units which will be provided to the community. That is quite amazing when it is compared to the 1956 Olympics. The 2006 Commonwealth Games were substantially larger than the 1956 Olympics, which provided around 800 freestanding homes for public housing — and that was 50 years ago.

The showgrounds site near Epsom Road is another example that I, for one, have brought to the attention of this chamber on a number of occasions. It is public land that was hived off for a new supermarket complex. It is not close to heavy rail, it is not in an activities area and is a proposal under which an existing heritage building would be turned into a bottle shop. The design of the supermarket complex that was considered by the government provides for a large, wide, open and windswept car park — a plan that is utterly in contrast to everything that Melbourne 2030, this government's bible for planning, says should apply. It certainly says urban planning should not be what has been put to the government in this proposal, but that plan nonetheless was being considered and still is being considered by the state government for development on public land.

The government has still not ruled out allowing up to 200 poker machines to be located on the showgrounds site just across the road from the city of Moonee Valley, a municipality from which the state government has said pokies have to be removed because it has too many. That is all being done in the name of Labor's Melbourne 2030 strategy, and there has not been a single constructive response from the government in this Parliament to elected members or those in the community who have raised this issue in quite a serious manner and with much concern.

Outer Melbourne has not escaped the government's eye either. Some members may be aware that there are 40 hectares of land at Devilbend Reservoir on the Mornington Peninsula which, as with land across the metropolitan area, the government plans to have sold off to the highest bidder. There are many examples of the sales of public open space across the state that are of deep concern, but I want to take this time to talk about two in particular. The first is Kew Cottages, which has

a very long history, as many members know. The 27-hectare parkland site is in Melbourne's inner east, right on the edge of the Yarra Bend parklands.

The future of the site becomes more clouded as every day passes, and the processes that have led to the development of this land have presented many questions that the current government appears exceptionally unwilling to answer. In its current proposed form the site will house up to 4500 residents on 27 hectares — that is, the population of a town the size of Anglesea. It is a site that is not near trams, is not near trains, has only a limited bus network nearby and is not near an activities area. The government has made no promises to upgrade schools close to the area or to upgrade water and road infrastructure to cope with the influx of the expected additional 4500 residents.

A project like the showgrounds project flies in the face of the *Melbourne 2030* document. In fact it is utterly contrary to the ideals of the state government's much-publicised planning policy. It adheres to very few, if any, of the principles of Melbourne 2030, yet it is one of the hallmark planning developments that the state government boasts about. The successful tenderer for the site was a Sydney company called Walker Corporation. It has since sold the site to Mirvac, which is now in the first stages of developing it.

But there is more about this site than meets the eye. In Western Australia Labor's Mr Fix-it, as we all now know, is a fellow by the name of Brian Burke. In Victoria Labor brings in a Mr Fix-it by the name of David White, and in New South Wales they bring in a Mr Fix-it called Graham Richardson. Graham Richardson is a man who prides himself on a whatever-it-takes attitude. It is a crash or crash through mentality that has typified a brutal, adversarial, win-it-or-wreck-it approach that many Labor politicians of today have been brought up to adhere to and still do.

Just before the Victorian election last year Mr Richardson ventured down to Melbourne to have high-level meetings with Bracks government officials. Whether or not he met the Premier is debatable, mainly because, not surprisingly, as one would imagine, the Premier refuses to say. Many people in the planning industry are saying that Graham Richardson was certainly down here to lobby the government on issues related to this site. Why would he not be? The question has to be asked: was Graham Richardson here to discuss the change of ownership and, if so, why? Those are questions we just do not know the answers to.

It is also important to note that Minister Theophanous, whose portfolio is responsible for the development of

the Kew Cottages site, was forced to admit that he met Mr Richardson when he came down from Sydney just prior to last year's state election. Again, as one would imagine, the minister has refused to say whether he met Mr Richardson and discussed the Kew Cottages site. He certainly will not say whether that was a topic entertained by both of them.

What do they have to hide? Mr Bracks and the government will not answer these questions and nor will anyone connected to the development. The committee controlled by the Labor Party certainly will not have the political will to ask the hard questions of those involved, and they are questions to which the community is seeking answers. However, I have no doubt that an upper house select committee will ask these questions.

I believe there are very good reasons why the likes of Graham Richardson are becoming involved in the development. That is because the project is worth close to \$1 billion in sales — \$1000 million dollars of public land. Kew Cottages is the fire sale of the century for the Bracks government, and it appears that Richo has come down from Sydney to ensure that it all goes right. A controversial fire sale of public open space, bitterly opposed by the community — —

**Mr Viney** — On a point of order, Acting President, in the light of Mr O'Donohue's continued raising of the matter of members reading their speeches, I draw your attention to the fact that the member is clearly reading his speech and has been doing so for the 12 minutes he has been on his feet.

**Mrs Coote** — On the point of order, Acting President, I am sitting beside Mr Guy and I can see that he is referring to copious notes, as he is the major speaker on our behalf.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Guy is to continue on his motion.

**Mr GUY** — I note for Mr Viney's interest that I certainly do have copious notes — in fact, about 30 or 40 pages of notes and documents that I will be reading from — —

**An honourable member** interjected.

**Mr GUY** — I certainly will be reading from them.

**An honourable member** interjected.

**Mr GUY** — I will be referring to these notes throughout my speech. While Mr Viney has made interjections throughout my speech, I would like to

remind the house that this is a serious issue. This is not a joke; it is the public fire sale of the decade. It involves land holdings worth \$1 billion. It is, as I was saying, a controversial sale of public land. I repeat that it is the fire sale of the century, and it is bitterly opposed by the community in the area. If we want the truth to be told here, we need to have a mechanism that will get it. A select committee is the only mechanism that will deliver the truth.

Another example I would like to draw to the house's attention is the suburb of Notting Hill. It was Australia's first preplanned neighbourhood, if you like, the first estate built by renowned builder AVJennings. It is a quiet, peaceful suburb with kids, families and people kicking the footy in the street. It is a place where the dogs do not bite. It is a place where people can live what many of us would regard as the great Australian dream, with a house on a block of land in the suburbs, where the neighbours are all still friendly to each other. However, Notting Hill is under siege, as residents know. In the last four years they have lost their day care centre, their kindergarten, their primary school and their secondary school.

Unfortunately when AVJennings built the estate it ran out of money, and the public land in the middle of the estate that was set aside to be a park never eventuated. As I stated, both the primary and secondary schools recently closed. It was those two schools that the community used as public open space. Realising that they were under siege, members of the community rallied together. They went to the local council and presented a plan for part of the site of the now closed secondary school to be used as public open space, because their suburb does not have any left. The council went to the government and was told that this was not a problem, so long as the council paid market rates for the land. This was a wild and ridiculous suggestion, as the government knew no council could possibly afford to do so.

Why would the government not want these two school sites sold to the highest bidder? It is because, irrespective of the fact that no open space now exists in this small suburb, according to the *Melbourne 2030* document the land on which the two schools are located is right in the middle of the Monash University health research precinct. So it is not just an average surplus-to-government-requirements school sale anymore. It is a couple of plots of public land that are now worth millions upon millions of dollars more than they would be if they were schools stuck out in the suburbs somewhere else. Land on the edge of Notting Hill is already being sold for high-rise student accommodation. Right next to the old secondary school

is land that is being sold to have new office blocks of four or five storeys. So the sale of the high school by this government, so pious about its record in education, is because the government has seen the flashing dollar sign first.

Like Kew Cottages, there is more to this story than meets the eye. I am informed by the residents that the school closed on 22 December last year for good. By the end of January 2007 it was already deemed surplus to government requirements. It was not even a month later. This means that the Department of Education (DOE) had written to all other government departments and offered the land to them. After receiving replies it had then gone to all other schools in the area and offered it to them and got replies back. This was all done over the Christmas period. Then it declared the school surplus. Are we seriously expected to believe that the process to declare this school surplus was conducted by DOE over the Christmas period, that it contacted all involved and it was done in the proper way?

There is more about Notting Hill that we need to know about. A German school was approached and it became interested in establishing what is called a co-host school similar to, I am informed, one in Caroline Springs at the old primary school site. Surprisingly, the Department of Education refused to meet or talk to that school. When the Germans left a Chinese group came in. The department refused to talk to that group as well. We are talking about a school site a couple of kilometres away from Clayton and Springvale where those communities have large numbers. We should not be surprised. As I mentioned earlier, it is becoming clearer to all of us that DOE does not want to talk to any of these people because the monetary value of these sites is more important than the actual use of the school.

I should inform the house at this point that the Notting Hill residents association contacted their local MP, Hong Lim, the member for Clayton in the other place. The association never received a reply, and it did not contact him once but multiple times. It also sent over 130 letters to the then Minister for Education and Training, Lynne Kosky, now the Minister for Public Education. Ms Kosky appeared to have the same attitude in education as she does in transport because she did not want to hear about its letters; more than 130 letters were sent to her but she did not reply to a single one.

So Notting Hill is set to be a small suburb with no schools, no shops and now no public open space. The public land has been entirely sold off for development over the last few years because the state government is

obsessed with being a land speculator first. It is a suburb that will now have all the hallmarks of Melbourne 2030 — what the minister and this government want — with hundreds of additional people living in the suburb but with vastly reduced open space.

The main question we have to ask ourselves today is who speaks for these people? When the government is not listening, when the Department of Education is obsessed with selling off every scrap of public open space in this suburb for the highest price with no desire to negotiate reasonably, who helps these people in Notting Hill? How can we ensure that the processes to dispose of this public land were audited, examined and investigated so that they were done on proper lines? The answer is in this motion today and the proposed select committee.

There are many people who have been fighting the battle to preserve open space for a number of years. The battles have become ever more important as the discussions for a more compact city and regional centres become more and more, I guess, the accepted norm. This government needs to learn that people do not object to living in a more compact city. This government appears to be utterly obsessed with this idea, but it needs to understand that people do object to living in a more compact city that has less open space within it. To increase the density of the city at the expense of open space is no longer an option. The government wants to add an extra 1 million people into the metropolitan area without any significant expansion of the urban footprint. A government that has that kind of attitude and policy should be valuing existing open urban space. It should be appreciating open space, not selling it off.

The government has questions to answer when it comes to the processes by which open space is being disposed of, particularly in the last few years when land prices have risen dramatically, predominantly due to the imposition of an urban growth boundary. Questions surrounding the sale of open space at Kew Cottages, the showgrounds and Notting Hill are as relevant today as they were a year ago and as they will be in two or three years time. The government has conducted fire sales in the past, and it will continue to do so in the future. The problem Victorians have is that questions about the manner in which those sales have taken place — the secrecy behind them and the lack of openness, honesty and transparency on the part of a government that is remaining tight lipped — can only be answered by a select committee.

The current planning minister frequently says that he does not want to live in a city where you have to use a

litre of petrol to buy a litre of milk. I simply say to him: under his policy, and without this committee, we may be living in a city where you have to use that litre of petrol to go to the nearest park. I urge all members to support the motion.

**Mr VINEY** (Eastern Victoria) — I am pleased to join the debate and to respond to some of the issues raised by Mr Guy. I was disappointed that he would — —

**Mrs Coote** — You are not reading, are you?

**Mr VINEY** — There is not a lot to read. There is an amendment and a couple of very scratchy notes in my very poor handwriting, and not even half a page on a pad. One of the problems that meant I was disappointed in Mr Guy's contribution was his criticism of the integrity of joint committees. I know Mr Guy is relatively new to this Parliament, but I urge him to do a little bit of research and learn a little history. The joint committees of this Parliament have an enviable record throughout Australia, and even some considerable international repute. I name but one, the Road Safety Committee, which I have never served on but which has a reputation for having achieved substantial amounts of change in road safety in this community, so much so that the road toll has come down from, I think, around 1000 people per annum to just a few hundred, which is still of course too many. That is the kind of success and record joint committees have had in this place.

There have been academic studies of joint house committees in this Parliament that have talked about those committees being a model of how parliamentary committees can work effectively in a Westminster-style democracy. It is disappointing that Mr Guy believes it is not appropriate to send a reference such as this off to a joint committee.

The second point Mr Guy was making and of which he was giving us a number of examples — reading from his copious notes, in fact referring to his notes most generously — was about supposed atrocities in public land sales and alienation under this government. Again Mr Guy could do with a bit of a history lesson and a little bit of research. He described the alienation of public land in Victoria under this government as, firstly, the worst in a decade and then, about two sentences later, the worst in a century. I am glad he stopped at that point, because we would have had the worst since white settlement if he had kept going. He forgets the record of the Kennett government in this regard. The Kennett government closed over 300 schools, and they were flogged off, often for housing developments.

In fact when I ran for the Legislative Assembly seat of Frankston East at the 1999 state election one of the commitments that the Labor Party made in opposition was to buy back the Monterey Secondary College site, which had been closed by the Kennett government and sold to a housing developer. That site was in the heart of the Frankston North community, and we gave a significant commitment to that community to buy back that land. In fact we bought it back in our first term in government at a significantly higher cost than the Kennett government had sold it for. That land is now a public park in the heart of Frankston North, which is one of the most disadvantaged communities in our state. Unlike the Kennett government, which ripped a school out of the heart of that community, we invested in the community.

I give yet another example. Today we are constructing a substantial aged-care residential facility in Mornington at the site of the old Mornington High School. The proposition of the previous government, supported by the former member for Mornington in the other place, Mr Cooper, was to flog off that site for a housing development. This government resisted that proposal and is now building an aged-care facility on the site. They are just two of the hundreds of examples of the selling off of public land under the previous government.

Let us look at the opposition today. The opposition was absolutely mute on the Point Nepean Park debacle. The federal government was proposing to alienate a substantial portion of the Point Nepean National Park, and it was only really strong community activism and the leadership of this government that saved that park. The Liberal Party was mute on that matter.

It is our view that a matter such as this should be considered by a joint committee. There are good reasons for that, not the least of which is that joint committees in this Parliament are very well resourced. They have an executive officer, research officers and the experience and reputation of many years of practice. As I said, they have an outstanding reputation for what they achieve. It is our view that a reference of this matter to a joint committee would be an appropriate and proper way to go. We do not have a concern about a joint committee, or even for that matter a select committee, investigating this or any other matter.

This government has been very open and transparent about the way it does business, and we do not have an objection about there being a parliamentary investigation into this matter. The objection we have is the development that is taking place in this chamber under the new structure of establishing select

committees on anything. We already have a committee system that has served this Parliament extremely well over many, many decades, and we do not believe that it is appropriate to keep referring to a select committee every single item that members in this place have a concern about. For that reason I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this house requires the Outer Suburban/Interface Services and Development Committee to inquire into and report by 30 June 2008 on —

- (a) the sale or alienation of public land for development;
- (b) the sale or alienation of public open space for the purposes of private use or development; and
- (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges.

I do not believe this closes off the option of this house establishing a select committee into this matter in the future if, as Mr Guy has suggested, a joint committee does not adequately investigate the concerns of members opposite. Members opposite have 21 votes, the government has 19. They can establish a select committee at any point once they get all the numbers together. This does not close off that option. What I am saying is that this is a proper and appropriate process. If members opposite are unhappy with the investigations of the joint committee — and I do not believe they will be because in my experience joint committees take their responsibilities very seriously — in three or six months they can establish a select committee. But that should not be the first port of call every time a member opposite wants an inquiry into something.

This house has already referred the issues associated with bushfires to the Environment and Natural Resources Committee, of which I am a member, and I can assure the house the committee is taking its reference extremely seriously. As members of Parliament we have all taken on and understood our responsibilities to investigate the matter referred to us, and that is what committee members intend to do. I think, from memory, the inquiry into the bushfires was originally proposed, and Mr Hall will know, as a select committee.

**Mr Hall** interjected.

**Mr VINEY** — It was not? I apologise; I thought there were some discussions and we came to that. But in any case it was an absolutely appropriate reference. It is one that is supported by all members of the house and one the community would generally support. I do not see any reason for not using the same method to undertake an investigation into the matter of public land

and public open space — that is, by using the resources of the joint committee system.

In relation to the policy position the government has taken on public open space and public land it is my view that our public land is better protected in this state under this government than it ever has been. In the last financial year alone 4781 hectares of land was reserved for public purposes, but in fact only 15 hectares was sold. This is in addition to some pretty significant new reservations, including the Great Otways National Park and of course the 13 marine national parks and 11 marine sanctuaries that were established by this government — a world-leading initiative in marine protection.

Public land across Victoria is protected by a comprehensive array of legislation. We have the Alpine Resorts (Management) Act 1997, the Land Act 1958, the National Parks Act 1975, the Crown Land (Reserves) Act 1978 and the Forests Act 1958. There is a very comprehensive framework of public land management in Victoria. The government has put in place a number of policies on policing of Crown land which include the demonstrated public and economic benefit, an approval-in-principle requirement, a transparent lease allocation and process, appropriate lease terms and conditions and consistent lease documentation.

We have put in place the government land monitor to administer strict policies on the sale of public land. The monitor oversees all sales, purchases and compulsory acquisition of land by the Victorian government. The government land monitor is responsible for ensuring that government policy and instructions on the purchase, compulsory acquisition and sale of land is adhered to. That policy requires the sale of land to be through a public process, except in a number of very limited circumstances. The first right of refusal to purchase land no longer required by an agency must be offered to another agency which identified the land as being required for its purpose. This process is aided by a sales bulletin regularly produced by the government land monitor.

As I said earlier in the debate, this stands in pretty stark contrast to the performance of the previous government where not even public land with the highest level of protection under the National Parks Act was sacred. When it was in government the opposition excised a large area of the Alpine National Park at Mount McKay for a private ski field development. That decision was reversed by this government in 2001. The public has had to mount huge campaigns at great expense to prevent developments such as the one at Wilsons

Promontory. There was also, as I mentioned earlier, the closure of 366 schools between 1992 and 1999, many of which were subsequently sold for private purposes.

The performance of this government in terms of public land management is a pretty good record. If there are issues that are worthy of investigation by a committee, we have no objection to that. We have no objection to parliamentary scrutiny of government policy and government initiatives. Mr Guy gave examples which included the Kew Cottages and a school I do not know of in Notting Hill.

There has been a long history associated with Kew Cottages, and there has been a long history associated with the need for renewed living opportunities for people who were residents of that facility. Much of it came out of the tragedy of the fire that occurred in the 1990s — I cannot remember the exact year. I do not believe there would be an example of a land management program that had greater scrutiny than the development occurring in relation to Kew Cottages. There has been enormous public scrutiny in relation to that project, and it has all been driven with the express intent of delivering a community benefit particularly to people who were residents of those cottages and who desperately needed rehousing.

So while the opposition may well want to have a further parliamentary layer of scrutiny on issues such as that — and we do not have an objection to that — I think the proper process is to take it through a joint parliamentary committee. I do not believe Mr Guy covered himself in glory by casting aspersions about the performance of joint parliamentary committees. All members of Parliament take their place on those committees with considerable seriousness and responsibility.

The reforms to this chamber have provided an opportunity for the minor parties to be represented in this Parliament for the first time in its history, although members of The Nationals may see themselves as having been well represented in here over the years because they have been part of the mainstream political process and have represented particular parts of our community.

I do not believe the reforms to this chamber are a licence for this chamber to establish a select committee on everything and anything, and I am concerned that that is what is taking place here. The use of select committees has been invariably for political purposes, and certainly in the seven and a half years that I have been a member of this place select committees have invariably been used to inquire into matters that enabled

the opposition to score some political points. I suspect that is what Mr Guy is attempting to do in this process.

I do not think this house ought allow itself to be used for that purpose. There are ample opportunities for members in this house to make their political points. There are ample opportunities in terms of members statements, the adjournment debate, question time and opposition business on a Wednesday morning — or, with the new sessional orders, all day on a Wednesday if members want. There are ample opportunities for non-government members to raise issues, and to raise issues of scrutiny in relation to the government. If there are genuine matters of public policy that opposition members want to investigate and genuine matters where there could be added benefit to the public policy debate by having a parliamentary inquiry, then the joint parliamentary committee process is the way to go, and that is why I have moved my amendment. Of course the government reserves the right to make further amendments to this motion in relation to the structure of the committee, and Mr Tee will move them later.

Again we have a proposition before this house that 19 members — 47.5 per cent of the members of this house — get two out of seven positions on a select committee. So 21 members delivers five votes out of seven, and 19 members get two votes. This government has stood absolutely on the issue of proportionality. We have argued and delivered in terms of proportional representation in this chamber. Many of the new members of this chamber will not know this, but the Minister for Education, Mr Lenders, and I and others were part of a Standing Orders Committee process that reviewed and delivered proportionality in terms of question time, members statements, the adjournment debate and speaking times. We have always been committed to proportionality. When non-government members reach 21 in number in here, having benefited from our commitment to proportionality, that proportionality goes out the window.

According to the motion, proportionality only applies when non-government members benefit. When they do not benefit and it is not in their interests, then proportionality goes out the window. We think it is absolutely improper that 19 members of this house get only 2 representatives on a 7-member select committee, and no argument put will justify what the opposition does with those numbers every time it proposes such a committee. It is absolutely improper and flies in the face of everything this government has been trying to do to make this house properly representative.

Mr Tee will propose some amendments should our amendment to refer this matter to the joint investigatory

committee process fail. We are absolutely committed to openness, to transparency, to proper accountability and to good public policy; we are absolutely committed to that. We are more than happy for a joint committee to investigate these matters and to report back to the Parliament in the normal way. That is why I moved my amendment, and I urge members of the house to support it.

**Ms PENNICUIK** (Southern Metropolitan) — I am pleased to speak today on behalf of the Greens to support the motion before the house to set up a select committee of seven members of the Legislative Council to inquire into — and I quote:

- (a) the sale or alienation of public land for development;
- (b) the sale or alienation of public open space for the purposes of private development; and
- (c) the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges.

We take this to include the sale or alienation of public land or public open space for housing, industry, roads and/or utilities and to include the sale of heritage sites and heritage buildings and other built assets having existing or potential public uses.

I would like to make some comments about the setting up of a select committee to inquire into those matters rather than referring them to a joint committee. Obviously we support the setting up of a select committee. Parliaments all around Australia, including the national Parliament, set up select committees to inquire into important public issues, but until now it has not been the case in this Parliament. It is timely that we should now be setting up select committees to inquire into important public issues.

The Greens planning and open space policies call for development that will make our cities more sustainable and communities that are connected to each other and to the land. The Greens support measured urban consolidation and the protection of public open spaces. Planning decisions on these issues need to be ones which future generations can be thankful for. We need to reduce our ecological footprint and recognise that climate change, oil depletion and urban sprawl are signs that we need to change the way we live. Increased open space and habitat for native plants and animals in urban areas can be provided while minimising urban sprawl.

Urban open spaces need a firm legal basis, like that afforded to wilderness parks under the National Parks Act. Local governments and communities need genuine opportunities to participate in decision making about

planning and open spaces in their area. There is increasing pressure on public open space, particularly in urban areas and around green wedges but also in regional areas as land values escalate and population pressures increase.

The government, through Melbourne 2030, has targets for increasing urban density and wants to add another million people to Melbourne. Where is the target for increased open space to meet the needs of these future residents? Will it be the sort of open space those future residents need? Who will provide it? If it is to be local government and Parks Victoria, do they have the funding to deliver the vision? The Greens think not, so this inquiry is timely.

*Linking People and Spaces* was the government's 2002 strategy for Melbourne's open space network, and I will quote from that document:

The Vision

A linked network of open space for all to enjoy as a part of everyday life, preserved and enhanced into the future.

... so that open space becomes an integral part of our everyday life. Planning will also be undertaken now to meet Melbourne's future open space needs.

It goes on:

Open space is not only for recreation and conservation of environmental and cultural values; it is the foundation of urban livability. It underpins many social, ecological and economic benefits that are essential to the healthy functioning of the urban environment.

We agree. It states:

Open space belongs to the community.

We would like to see this committee review progress against that strategy. 'Public open space', as defined by those three words, is important because it means that however derelict and degraded and abused an area is — for example, much of Albert Park before the Kennett government attacked it; some of the area taken over for the netball and hockey centre in Royal Park; the grounds and buildings of Royal Park Hospital before it became a Commonwealth Games village, and we are still waiting for the promised finish to that development — it is still public open space, a precious almost irreplaceable resource in the urban context. Governments of all persuasions have been very quick to flog off public open space for short-term monetary gain and for long-term degradation of the public interest.

The issue of the use of public land and the protection of public open space is one of great concern to the community. Mr Viney mentioned one example of

parkland in Frankston; however, there are plenty of horror stories. People have been dismayed by the loss of public open space in their communities over the years and the long campaigns they have had to engage in to keep it. For example, the Abbotsford convent and surrounding open space was offered for sale by the Kennett government and the current government gazetted a planning scheme amendment to facilitate this. The public had no opportunity for input. It was community action that scuttled that bad plan, and the site remains open to the public thanks to that community action. The grand prix in Albert Park illustrates sadly how public open space can be alienated for private lease so that a foreign billionaire can use it for a car race at the expense of all other activities in the park for about a third of the year and the mounting losses can be covered from the public purse.

We are currently looking at a bill concerning the EastLink tollway. The issue of completing the ring-road with a link across the north-east green wedge cannot be far away from bursting upon an astonished world. Mr Guy has already mentioned Devilbend on the Mornington Peninsula, which the local community is fighting to preserve. All over Melbourne and Victoria individuals and community groups are fighting against alienation of public open space in their local area for other uses or they are fighting to stop the sale of public land for development — usually overdevelopment. It should not be this way. We need public open space now more than ever in this era of increasing housing density and diminishing private open space — that is, backyards.

I have been disturbed to see the use by developers of highly paid — probably obscenely paid — lobbyists to push their interests to the detriment of the planning processes and the public interest. This week's *Four Corners* program 'The dark arts', which looked at the activities of lobbyists, politicians and public servants in relation to a proposed development at Smiths Beach in Western Australia was very disturbing, to say the least. The *Age* reported on 28 March that Mr Graham Richardson was lobbying the Victorian state government on behalf of one or both developers involved in the redevelopment of the Kew Cottages site. The truth is hard to find because everything is so secret, despite this being a state-listed heritage site. Everything that is happening on the site should be transparent and open to public scrutiny. This issue is not divorced from the issue of donations by developers to candidates or political parties in local and state elections and in particular to parties that are in government. This is a recipe for undue influence at best and corruption at worst. But there is no crime and corruption commission here to keep a watchful eye out.

The foregoing has assumed this is all about the sale and alienation of urban public land. The National Parks Act provides a far better legislative basis than is available for urban public open space, but there are of course still many issues around the sale and alienation of public land in regional Victoria. However, while the Land Conservation Council and its antecedents have got a lot of investigation going on into reservation for biodiversity, the issues of public open space in urban areas have been comparative cinderellas. Enormities have been perpetrated with hardly any proper public inquiry, and the law relating to parklands and public open space is a mess.

The establishment of this select committee is timely, if not long overdue. I predict that it will attract submissions from individuals, community groups and local councils from all around Victoria who are frustrated and angry about this most important public issue. That is why we will support the setting up of the committee.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the motion and to congratulate Mr Guy on bringing it before the chamber. Let us be clear: this is a motion to set up a select committee of seven members to look at the sale or alienation of public land for development, the sale or alienation of public open space for the purposes of private use or development and the sale and development of public land and the relationship to Melbourne 2030 policy and the green wedges.

Let us make no mistake, this motion comes after more than seven years of this government's poor treatment of public land and a lack of focus on what is important about public land. A series of sites have been damaged by this government or not treated by it in the way the community expects. I make the point that in many cases the processes by which this has been done are unsatisfactory. The community believes they are unsatisfactory. Wherever you go in metropolitan Victoria there is an outcry for greater public open space, and in rural and regional Victoria there are similar demands for key sites to be protected. The fact is that this government has not protected those sites. The fact is that to date the Parliament has not been able to get to the bottom of how a number of these deals and arrangements on certain sites have been managed or handled. The community cries out to know the facts about the management of a lot of these public land sites that have been alienated or face alienation under this government.

The site of the former Royal Park Psychiatric Hospital in Parkville consisted of 20 hectares and nearly

2000 trees on parkland with heritage buildings. The Commonwealth Games village was built on that site to serve during the Commonwealth Games period and the site was developed by a developer through that process. The community understands that the Commonwealth Games had to be supported. Indeed it was a Kennett government initiative to get the Commonwealth Games to Victoria. However, the property deal that surrounded the development was not fully open to the community. The arrangements that are in place until 2011, if I am not mistaken, are open to significant question.

In an exchange with Ms Pennicuik just a moment ago Mr Viney talked about the Devilbend Reservoir on the Mornington Peninsula. That is a good example of public land that has — —

**Mr Viney** — Been protected.

**Mr D. DAVIS** — It has not, Mr Viney, through the Chair.

**The PRESIDENT** — Order! Through the Chair!

**Mr D. DAVIS** — The Liberal Party plan for Devilbend Reservoir was to protect the whole site, to protect all 1057 hectares of that land. You are going to sell 40 hectares on the north side of the property. You are going to flog it off. That is the truth.

**The PRESIDENT** — Order! Mr Davis will speak through the Chair. He will not engage in a personal debate with Mr Viney on my watch.

**Mr D. DAVIS** — I will not, President, but I am being provoked. The truth of the matter is that these are — —

**The PRESIDENT** — Order! Mr Davis may well be being provoked. I could say the same thing, although I will not. I would appreciate it if the member would help the Chair out.

**Mr D. DAVIS** — The truth about Devilbend Reservoir is that it is a very important piece of land in the centre of the Mornington Peninsula.

**Mr Viney** — Absolutely. That is why we are protecting it.

**Mr D. DAVIS** — But you are not, Mr Viney, through the Chair. The government is not protecting the whole site. The process by which the government slashed 40 hectares from the site has not been explained to the community. That site should have been moved into long-term public use in a transparent process. The government did not adequately explain to the

community why those 40 hectares had to be sliced off. In fact they should have come across with the rest of the land. It was an integrated site. Sites of this size rarely become available for broader community use or, as in this case, for protection as a conservation park. This site would act as a biodiversity centre on the peninsula, providing access to corridors for wildlife and other important values. I have to say that the Liberal Party was determined to protect the whole site. In my view the government made a historic mistake in selling off part of that site. However, my point here, and the point of this motion, is the government has not explained to the community why it moved those 40 hectares out of public hands. It needs to do that in a transparent and open way.

I make the point that there are a number of examples of this type. The Kew Cottages, or Kew Residential Services, site has also been talked about in the chamber today, and I want to add my comments about that site to those of others. I believe that that massive site in Kew — a site of great significance, its being contiguous with the large Studley Park — deserves a higher level of protection than this government has afforded it. I believe that the residents of that site have not been treated in a way the community would expect. I believe that the process by which this has been undertaken has been a travesty. I make the point that I know this area very well, having lived within a short distance of the site for well over two decades. I know the views of both the longstanding residents of the site and those who live in the vicinity of the Kew Residential Services site.

**Mr Jennings** — If you know that, you could not have just said what you said.

**Mr D. DAVIS** — I think the minister has not listened to the community of the Kew Residential Services site, and he has not listened to the community around the site.

**Mr Jennings** — I have been very actively participating in those conversations for a number of months.

**The PRESIDENT** — Order! Minister!

**Mr D. DAVIS** — I will not be deviated. I will continue — —

**Ms Darveniza** interjected.

**The PRESIDENT** — Order! Ms Darveniza is warned.

**Mr D. DAVIS** — My point is that that large area of public land was slated for development by the

government at a high density — a density that few in the community supported. The original proposal was for 7 to 10-storey towers. The original proposal was for a massive development. The community fought very hard to have that scaled back somewhat. Nonetheless 2000 people will go on that site. In my view that development is beyond the scope of how the site should have been progressed. It is a development that puts at risk many of the values held by the community around the site. The community should have been listened to. Instead the government called the proposal in and enabled the minister to take planning control. It took it out of the control of the council and the community. It is no secret that I personally did not support the urban design framework that the Boroondara City Council put in place at one point. However, it was simply ignored by the government as it called in the planning for the site.

The fact is that on this site there are trees to be protected — vegetation throughout the site that should have been more adequately dealt with. There should have been an understanding that if this sort of development was going to occur, the proper services should have been provided in the area. People who live in Kew understand that if you put thousands of people onto a site like that, you actually need to do something about the traffic and you need to do something about the sewerage. You also need to do something about Kew Primary School which is currently massively overcrowded on a very small piece of land, and it will suffer further increases in its school population without adequate support or without the possibility of adequate additional land.

My point is that this process has been bad. The community needs to get to the bottom of what has occurred here. The government has done an unusual deal with the developers; an unusual deal that will see the state government retain ownership of the land until its final sale to the final purchaser. This is a very novel approach. I am being generous in calling it novel. It is basically designed to squeeze the City of Boroondara and to avoid the developer having to pay rates to the city during the process as it goes forward. The truth of course is that the council should have been involved in these processes all the way through and the matter should not have been called in, in the way that it has been.

I also make the point that the vegetation and heritage protection of the site is under significant threat. This, again, is where the processes that are occurring — the secret and behind-door approach that this government has adopted with this development — is most concerning to me. I understand that an independent

report went to Heritage Victoria last week about the future of the 300-year-old river red gums on the eastern border of the site. Those river red gums have been damaged by the contractors' earthmoving equipment. It seems to me that when you are doing a large-scale development things can happen. I accept that contractors, developers and humans are not perfect, but what I am concerned about is that significant vegetation has been put at risk. The government has not moved to protect that vegetation. The government has not moved to enforce the vegetation protection overlay or the heritage protection tree zone.

Why, is the question that strikes me, has Heritage Victoria failed to act? Why has it failed to step in and enforce the permit conditions? Why has it failed to stop or put in place a system that will prevent further breaches? I do not understand why — —

**The PRESIDENT** — Order! Mr Davis should address his comments to the Chair rather than to the gallery.

**Mr D. DAVIS** — President, I do not understand why Heritage Victoria has not stepped in. But it is not just Heritage Victoria either; it is the Department of Sustainability and Environment. The vegetation protection overlay is the responsibility of the DSE. Why has it not stepped in? The council made the DSE aware of this. The DSE wrote to the council, as I understand it, earlier this year — in February, if I am not mistaken — saying that it was investigating. Nothing further has happened and yet development on the site has continued.

It seems to me that it is not only the native trees, the river red gums on the site, that need protection; there is also a stunning avenue of introduced trees that also needs to be protected. The community deserves a guarantee that the law will be observed, that breaches will not occur, and the government needs to accept that it has a responsibility. Heritage Victoria needs to accept that it has a responsibility to ensure that the rules and the law is enforced on this site. It is not clear to me why that has not happened, but this is another example of the way this process is operating. There is a hand-in-glove approach between the government and the developer; the community, the council and other interested parties have been just cut out of the process and are unable to understand precisely what is going on day to day.

There are real issues, and the issue of public land and other land is much broader. It was only a few months back, in the last Parliament, that this chamber dealt with a ratification motion — a ratification motion that was

introduced and passed in the lower house within 24 hours — alienating public land. If people are interested in the detail of my criticisms, they can look at the contribution I made at the time. The motion concerned the piece of land at the quarry near Frankston, the Whittlesea site in the north, and the marina site on the north of Port Phillip Bay near Werribee. The government pushed forward and crunched the ratification motion concerning those three sites through this Parliament in exceptionally speedy time. The motion was crunched through in a way that did not allow proper examination and crunched through in a way that alienated public land, perhaps justifiably. But the truth is that no-one in either chamber had sufficient time to even examine the issue, to understand the issue in full or to question the government in the way that was required. Instead the government forced the legislation through, alienating certain parts of the public estate.

It is interesting that the idea of public land seems to have been lost. Public land for public enjoyment AND public purposes seems to have been lost by this government. It has not understood that public land needs to be protected and that there needs to be a proper process before key pieces of public land are alienated into some development approach. Let us be very clear that I am not arguing that public land should never be moved into private ownership and that development should never occur like that.

What I am saying is that there needs to be a process to test how that occurs. We need to get to the bottom of what processes the government is using at the moment because the fact is that no-one knows. These decisions are made internal to the department. They are made by the minister, perhaps. As Ms Pennicuik quite rightly pointed out in her contribution, we have had the intervention of New South Wales Labor power brokers in Victoria in recent times. Mr Graham Richardson flew down to meet at the Kew Cottages site with Mr Theophanous, the Minister for Major Projects, who is responsible for the Kew site and many other sites around the state.

**Mr Guy** interjected.

**Mr D. DAVIS** — The Arthur Daley, as Mr Guy correctly pointed out. We know that Mr Richardson also met with a series of other Labor figures, including members of the government, while he was in Victoria. It is not clear precisely who has been — —

**Mr Jennings** — Did he meet with me?

**Mr D. DAVIS** — Did he meet with you? Did he? I am not sure.

**Mr Jennings** — Have you asked me? Has anybody in the chamber asked me?

**Mr D. DAVIS** — President, through you, the minister seems to be indicating that he may well have met with Mr Richardson. I am not sure if that is true — —

**Mr Jennings** — I can assure you and the house that I have not.

**Mr D. DAVIS** — But it highlights the point that I make. The community deserves from the government a list of whom Mr Richardson met with and whom he did not meet with. We need to know which government ministers were on his shopping list, and we need to know which of the government's chiefs of staff and senior advisers were also met with. I do not believe Mr Richardson came down here for a picnic. I think he came down here for reasons associated with his business. As Ms Pennicuik has told the chamber, in Western Australia there is a very damaging arrangement operating in regard to property development, and there needs to be caution exercised in Victoria when Labor powerbrokers like Mr Richardson come to Victoria to influence certain developments and decisions. The community has a right to know whether Premier Bracks met with Graham Richardson. The Premier has been coy on that.

**Mr Jennings** — Ask the question.

**Mr D. DAVIS** — I did ask the question, and he gave a very coy answer.

**Mr Jennings** — Where?

**Mr D. DAVIS** — Through the press, I have to say, President. The Premier gave a very coy answer, which made me think that either he or his chief of staff had in fact met Mr Richardson. I do not know the answer to that. Mr Richardson knows the answer, and the Premier knows the answer — or perhaps Mr Pallas knows the answer, if it was the Premier's former chief of staff he met with. These are matters of great concern regarding public land management in Victoria, and I think the community has a right to know what processes are going on.

Returning to my central points, there is a long list of issues in public land management in Victoria. We have seen the government's development plans for the Camberwell station site. Again they are plans being imposed against community wishes. That whole process stands in a freeze-frame at the moment with the

community waiting to see precisely which way the government is going to jump. The truth is of course that the community has made its views very well known. It does not want intense development in and around that site. It wants to protect the heritage aspects of the railway station, and that was demonstrated by a number of large public gatherings that were held in and around that site. The community is concerned about Melbourne 2030 and how it will impact on certain public sites. We need to be clear about the increasing density that is going on with 2030 and the need for proper public land support. More population seems to mean a need for greater parkland and greater public open space rather than less public open space.

Indeed it is my view that when high-density developments are occurring there should be a requirement to look at the provision of sufficient public open space. I do not see why that is a big ask from the community. If we are going to increase density, people need places for recreation and a whole range of community and social activities. That use of public land just reinforces the importance of this motion. It is a timely motion. There are long-term issues at stake. There are management issues about a number of these large projects about which the government has not been open, has not been transparent and has not been accountable in the way it has managed them. There are specific issues of an urgent nature that I think a committee such as that proposed by Mr Guy could tackle. I would like to see such a committee look at issues like heritage protection on some of these sites and why the state government is not taking the steps it is legally required to take to protect them. I commend this motion to the house. I think Mr Guy has done the right thing in moving the motion.

I am not sure that a joint committee, given the other work that a joint committee might have in train, is necessarily the best way to achieve these outcomes. I think a committee focused sharply and directly on these matters may well be a better way of achieving the outcomes the community would want from such an investigation. The idea of sending the issue off to a joint committee is a second-best option rather than a first option. We need to ensure that there are good processes in place, but they need to be transparent, sharp and quick processes, because there are some matters that need to be dealt with as a matter of urgency.

In the case of the Kew Cottages site there is very little time to waste, and a select committee could quickly get to the bottom of what has occurred and get an understanding of what remedies and what approaches might best be used. There has to be a very close examination of the processes occurring now in the

department and the close linkages with developers in an evolutionary way that occurs on site after a contract is signed and where there is no accountability in the process.

I will give the chamber one more example. Aside from EastLink the Melbourne Convention Centre project is arguably the biggest project of its nature in this state at the moment. What we saw there more than 12 months ago was the signing of a contract by this government with Plenary Group. I cast no aspersions on Plenary Group and its particular activities. It is the government that I have a question with on this. We had the letting of a large contract, and, let us make no mistake about it, this is a massive contract.

**The PRESIDENT** — Order! Mr Davis!

**Mr D. DAVIS** — The contract has 1038 pages, for those who may wish to avail themselves of some reading, but they will be surprised as they wade through it to discover that there are massive omissions from the document. There are large sections of the document that are empty. Much of the detail of the contractual arrangements as they relate to finance is missing. That is a problem. The contract had been in place for 12 months before it was posted on the government tenders website, so there was a 12-month hiatus before the community could even begin to look at the document, which was sliced down as the government took out any damaging or troublesome information.

What is more, as the contract goes forward there is an agreed-to arrangement. The government has begun to notify the developers of modifications — for example, in the case of the hotel site, an additional five storeys. Let us have a think about that: five additional storeys on a massive commercial development. Five storeys at 28 rooms per floor is what I make it out to be on the plans I have seen. Twenty-eight times five is 140 rooms or suites. Some country members may have recently stayed in a reasonable quality hotel in Melbourne in the last week or two — I do not know — and I would be interested to know what the going rate is for a hotel room. I would say maybe \$400 a night. In my back-of-the-envelope calculation that makes it \$20 million — —

**An honourable member** interjected.

**Mr D. DAVIS** — No, this is a massive new development — —

**The PRESIDENT** — Order! Mr Davis — for the last time!

**Mr D. DAVIS** — I am sorry, President. I was responding to the interjection.

**The PRESIDENT** — Order! I am not interested in why.

**Mr D. DAVIS** — On a back-of-the-envelope calculation it seems that \$20 million a year would be the windfall to the hotel group from those changes that have never seen the light of public scrutiny, those changes that have not been advertised to the community, those changes that have been made in the dead of night, as it were, by the planning minister simply signing off on changes on that site. That is a \$20 million a year windfall for a group that has a 25-year concession on that site. If you keep multiplying it out, it is about \$500 million, it seems to me — a windfall for a developer that has not gone through a proper tender process for those changes.

Let us think about the failed tenderer who was dismissed. The government said, 'You do not get the contract, but they do'. The company given the contract has been given highly commercially significant modifications. I understand there will also be a massive air bridge which will go across the ingress to the convention centre site and which will darken and close part of the site. Again, the development plans are being done on the run. It has only been several weeks since the plans got to the department and then to other authorities. This process is being done on the run without community involvement, which is inconsistent with the incorporated document — which, for those who do not know the jargon, is the planning document, if you like, for the convention centre site. These changes appear to be inconsistent with what is in the incorporated document. They are being made in the dead of night without community oversight or input, without the community having the capacity to say yes, no or to change it. That capacity is not there. These developments are occurring, and they will be very significant for the future shape of the city.

The convention centre site — it is an important example, because it just happens to be the biggest development of its type under way at the moment — is behind on its time line, and that is not unusual. Think about the strip of public land around the Yarra River juxtaposed with the site. The original incorporated document — the planning document for the site — and the contract did not envisage the involvement of the old wharf sheds that run around the edge of the river. It was not envisaged that those sheds would be completely subsumed into the development. Now we find the government has done another deal with the developer and has put \$30 million of government money into it.

What is the process that has occurred here? Is that what the community wants for those wharf sheds? Has the community had input? Has it had any say? The wharf sheds are structures of heritage relevance, and they have a stunning position around the water. From my understanding — getting to the bottom of what the arrangement is with those wharf sheds is the sort of work the committee could well do — the government is in effect saying these sheds will now totally be part of the development and provide an additional windfall for the Multiplex Plenary group and its development approach. It may well be that having the sheds fully integrated into the site is a good outcome — I pass no judgement on this because, like almost every other Victorian, I have had no opportunity to see in detail the chain of argument and the plans for exactly how it will occur — but we do not know that, because the community has never had a say in or the capacity to look at it.

Today I have tried to put on the record my support for Mr Guy's motion. I have listed a number of examples from around the state — and there are many more — where the planning process and the government's use of its extraordinary powers have not led to good outcomes in terms of the protection of public land. Real questions remain regarding several of these examples. Some of these are live issues, involving matters of protection and urgency. A strong case emerges when you look across the sweep of sites around Victoria that have not been protected by the government in the way they should have been. It is for that reason that I urge the house to support Mr Guy's motion.

**Mr HALL** (Eastern Victoria) — I am sure that one thing that none of us will disagree with in this debate is the importance of public land. Whether it is used for recreation, for the delivery of services or just as a community meeting place, we all appreciate the presence of public land close to where we live. It is absolutely vital that we maintain an appropriate balance of public land in the communities in which we live. Therefore, when public land is being disposed of, or indeed acquired, this should be subject to some degree of scrutiny.

The issue of public land, and the debate we are having this morning, is important, but let me get this off my chest first of all: one thing I am disappointed by is the lack of support shown by Mr Guy's own party regarding this motion. Given that this issue is so important, and given that the motion proposes the important step of setting up a select committee to inquire into this matter, it surprises and disappoints me that Mr Guy has lacked support from his own party —

**Mrs Coote** — Excuse me!

**Mr HALL** — In respect of that, Andrea Coote, the Deputy Leader of the Opposition, has sat here through the debate — as has Mr Guy; David Davis came in later — and I commend her for it. But if you look at the others in the chamber, you see that the Labor Party has had strong representation all morning, the Democratic Labor Party has been represented by 100 per cent of its membership throughout this debate, the Greens — except for a bathroom break taken by their speaker — have had 66.6 per cent of their party here, and we Nationals have had 50 per cent of our party here.

When others argue in this chamber about proportionate representation on committees et cetera I say, 'You ought to have a look at the way people participate in debates in this chamber, because it is the minor parties that participate man for man at a greater level than the major parties'. There will always be an argument from me when Mr Viney and others argue on the basis of proportionality. Why do we not have those people who are interested in a topic serve on this committee? Indeed I think the minor parties represent themselves well in terms of participation in debates and on committees of this chamber.

I say to Mr Guy that I commend him for moving this motion; it is an important topic. I feel somewhat sorry for him that he has not been supported to the extent he should have been by members of his party. It is an important step and an opportunity for non-government parties to move notices of motion through the general business program we have on Wednesdays in this chamber.

Having got that off my chest, let me go to the issue before the house. We are looking at setting up a select committee to look at certain aspects of the disposal of public land in Victoria.

**Mr Jennings** interjected.

**Mr HALL** — I will say what I want to say anyway, so it does not matter. This particular select committee is to provide scrutiny for the disposal of public land in Victoria. As I said in my opening remarks, there is also a need to have some scrutiny of the acquisition of public land in Victoria as well. In recent years we have seen some significant increases in the classification of public land, for example, in the increase in national parks we have had in this state. Yet that acquisition and increase have not been accompanied by appropriate resources being put into maintaining that public land to the degree to which it should be maintained. You would have heard from me, and you will hear it a lot from

country people, that we do not well enough look after the public land we have in this state now. So as well as providing scrutiny of the disposal of public land there should also be scrutiny of the acquisition and maintenance of it.

Public land is particularly important in the area defined in the Melbourne 2030 strategy. That particular term is mentioned in this motion. I agree that public land in heavily populated areas is scarcer than it is in less populated areas and therefore it becomes more critical for those who live in heavily populated areas. Those of us who live in the country are fortunate that there is land where we can stretch our legs to walk and exercise and generally to meet. Certainly it becomes a crucial issue in metropolitan Melbourne. I will not elaborate on some of the examples which have been quoted here this morning — Kew Cottages, Royal Park, the showgrounds, some land in the Mornington Peninsula, Notting Hill and Docklands. They are all important in their own right.

Equally I say there are lots of parcels of public land that have been disposed of or acquired in country Victoria and regional centres. It is my view that they should also be the topic of consideration by the proposed select committee if it is supported by the house this morning. In country areas we have plenty of examples of government buildings that are no longer used — new facilities have been built or they have been replaced. We need to look at the processes whereby that public land on which there were previously government buildings, including hospitals and schools, has been disposed of.

Public halls are another example when councils or government look to sell them off. VicTrack is an owner of much public land in country Victoria. Quite often the disposal or acquisition, but particularly the disposal, of some of those lands by VicTrack is the subject of much local community discussion. I expect that with the invitation being extended to people in the eighth term of reference to make submissions to this committee there will be a lot of people in country Victoria who have strong views on public land acquisition or disposal who will make submissions to this committee.

In the past it was common in this chamber to have legislation that was a land reservation revocation act of some sort go through in every session of Parliament. It commonly described certain parcels of land for which the government was revoking the reservation applied to the land for the purpose of some other development. That was the way in which public land disposal in those particular instances could be scrutinised by the Parliament itself. I have seen fewer of those land

reservation revocation pieces of legislation go through this chamber in recent times.

I want to turn to the issue of the scrutiny of disposal of public land, to which I am adding the acquisition of public land. I do not think we have had an argument against the need for some sort of scrutiny. Even the government argued that such scrutiny could be performed by an all-party parliamentary committee. Essentially I think its words were that it is not opposed to some scrutiny over the disposal of public land; it is more that it is opposed to the way in which this motion proposes to perform that scrutiny, by the establishment of a select committee.

If you look at the different ways in which these actions are scrutinised, the Auditor-General is a very good scrutiniser of government actions. If you look at the reports of the Auditor-General that periodically come before this house, you will often see comment on the government disposal of certain public lands. I think the Auditor-General is a fiercely independent person by the nature of the position, which has been demonstrated consistently by a number of auditors-general. That particular position serves the most worthwhile scrutiny function, and I am sure it will continue to do so. But because of the resources available to him, the Auditor-General does not have the ability to scrutinise all public land that has been disposed of by a government. The Auditor-General has to be selective in being able to provide some degree of scrutiny.

The Public Accounts and Estimates Committee is another vehicle for scrutiny of the disposal of public land. Obviously when assets are received from that disposal then various ministers involved can be questioned by the Public Accounts and Estimates Committee which provides a scrutiny function.

There are two other ways in my mind in which we could provide that scrutiny. The first is by a committee of Parliament. The government has argued by way of its amendment to this motion that this matter could be scrutinised by the Outer Suburban/Interface Services and Development Committee. I am not saying that it could not, but I do not believe it is the best way of doing it. The second way is to establish a select committee of the Parliament, which this motion seeks to do.

I want to comment about the amendment moved by the government seeking to refer this inquiry to the Outer Suburban/Interface Services and Development Committee of the Parliament. That may have worked had there been some discussion on the terms of

reference prior to a proposal to refer this as it stands to an all-party parliamentary committee

Mr Viney gave an example of the motion I moved some weeks ago to give a reference to the Natural Resources and Environment Committee on the management of public land and its impact on bushfire risk. In responding on this point I remind the house, and Mr Viney in particular, that the best way of providing a reference to an all-party parliamentary committee is to sit down and discuss with all the parties what you want to do and get some agreement on the terms of reference before you come into the chamber and debate it. By its very nature an all-party parliamentary committee provides pretty much a bipartisan analysis of a topic under discussion, but it will only do so if there is some broad agreement as to the terms of reference. I am critical of the government giving all-party parliamentary committees references without any debate or input from the other parties that are participating on those committees.

It would be helpful if there were some agreement as to what subjects those committees were undertaking and what terms of reference were assigned to them, and it would produce better outcomes. As it is, the vast majority of references to all-party parliamentary committees are passed by a simple resolution in the Legislative Assembly, where the government has the numbers, without any debate whatsoever. I cite as an example the position with the Education and Training Committee, of which I am a member. The committee was given two references and did not have any say in the priority of those references or in the terms of reference themselves. We are working at the moment on a reference on a school dress code — that is, we are looking at school uniforms. My response is that, important as that topic is I could list probably 50 more important topics in the education area that the parliamentary committee would be better spending its time on.

The point I was making was that if there were some genuine debate, some sitting down and talking to members of that committee and the parties of those members as to what would be appropriate terms of reference for that committee, then we would have better inquiries. If the government would like the Outer Suburban/Interface Services and Development Committee to look at this issue, then why not sit down with the Liberal Party, The Nationals, the Greens, the Democratic Labor Party and the Independent in the other place, and ask, 'What are your views on this? Let's have a discussion about this to see if we can come to some agreement about what we should be looking at and how we go about it'. That is the best way to give a

reference to an all-party parliamentary committee. That is the way the terms of reference this house agreed to were given to the Natural Resources and Environment Committee on the management of public land and its impact on bushfire risk.

The other comment I make about the amendment moved by Mr Viney and why The Nationals will be opposing it, is that giving this reference to the Outer Suburban/Interface Services and Development Committee would not provide any real focus on public land in country Victoria. I am firmly of the view that we should be giving consideration of public land disposal in country Victoria equal weight with a consideration of public land disposal around the city of Melbourne and the outer suburbs. I do not think it is appropriate for that reason that this reference be given to the parliamentary committee suggested.

I indicate that The Nationals will be supporting the motion, but it is our strong view that the topic should not be looked at as a political witch-hunt. We do not believe that will serve any worthwhile purpose. This chamber is in its infancy in the use of select committees in this Parliament, and we are yet to see what will be the real effectiveness of those and how they will work. It is our fervent hope that they will work constructively and will bring about outcomes that will serve Parliament and the people of Victoria well. If any of the select committees established by this Parliament becomes just a simple political witch-hunt and things are achieved for political purposes rather than for substantial beneficial purposes, then we would certainly review our participation on such a committee.

I will probably be the nominee for The Nationals on this committee if this motion is passed this morning. It will be my intention to ensure that the committee operates in a balanced and constructive way. I am sure that was the intention of Mr Guy in establishing this as well. That is why I have said that we should be looking at not only the disposal of land but acquisition as well. Although the terms of reference do not provide for the committee to look at acquisition, perhaps some of the submissions will force the committee, if it is established, to look at some of the acquisition issues.

At the outset I can say that I am not opposed to public land being disposed of or, vice versa, I am not opposed to public land being acquired, but there needs to be a proper look at and consideration of the purpose of a disposal or acquisition. We will be supporting this motion. The Nationals will be doing all they can to ensure that the select committee works in a constructive way. It is a big commitment from all of us to participate in such a committee, and that is why we need to ensure

that that committee will operate efficiently and constructively.

The last comment I want to make is in response to a comment made by Mr Viney, who said he was worried by the trend to seek to establish select committees on almost everything that came into this chamber. I would share some concern if that were the case. I do not think that as a chamber with 40 members, given the structure we look at for select committees, we could have select committees on five, six or seven different topics running at the same time. It is my view that the maximum we can physically and financially support is two or three select committees, so we need to be selective and judicious in deciding what are appropriate topics to be the subject of a select committee inquiry. We are in our infancy.

There is currently a select committee running on the gambling issue. If this motion is passed this morning we will have a select committee running on a public land issue. Those are both important topics in their own right. It is our view that we want to make the select committees work in a constructive way. We support the motion and encourage others in the chamber to do so.

**Ms PULFORD** (Western Victoria) — I want to make a couple of comments on the debate so far. Ms Pennicuik seemed to be unaware that the Devilbend site has been saved. It was no longer needed by Melbourne Water, and the government had a process of extensive public consultation. All of the land, apart from 40 hectares, is being preserved. A distinction has to be made in this discussion between public land and public open space. Sometimes lines in the debate get blurred. This was not public open space, but all the proceeds from the sale of the 40 hectares will be invested in the ongoing maintenance of the remaining space. I wanted to respond on that point.

In his opening comments, Mr Guy, as he often does, talked about housing affordability and growth boundaries. An article in the *Australian* of 17 March states:

Australian Property Monitors operations director, Michael McNamara, says arguments from housing lobby groups that releasing more land is the key to improving affordability is 'a myth'.

Demand for housing is extremely flat and developers haven't been able to sell the projects that they've got, let alone launch new projects — so we totally dismiss the argument that releasing more land on our cities' outskirts is going to affect affordability.

The article goes on to point to available housing lots that have already been zoned for residential

development in Australia's major cities and indicates that in Melbourne there are 81 000, or eight years supply, of lots zoned for development. The article further refers to the impact on affordability and suggests that in many cases capital city prices are much more affected. It quotes Macquarie Bank analyst Rory Robertson as saying, 'For lots of people a better house meant a better house closer to town'. He also referred to a surge in demand for better houses closer to the beach.

The use of land has to be taken in the broader economic context as well as in the context of the impact of financial deregulation on people's capacity to lend ever greater amounts of money.

Under the Bracks government's current arrangements public land and significant state assets have never been better protected or managed. It is ludicrous to suggest that a select committee is required to inquire into the sale of public land given the rigour and transparency that is now in place. In the last financial year 4781 hectares of land were reserved for public purposes and, in contrast, only about 15 hectares were sold. This is in addition to significant reservations including the Great Otway National Park and many marine national parks and marine sanctuaries. Public land across Victoria is protected by a comprehensive array of legislation and policy, including the Alpine Resorts (Management) Act, the Land Act, the National Parks Act, the Crown Land (Reserves) Act and the Forests Act. These statutes together provide a complete framework for the management of public land.

The transparency, accountability and consistency of the administration of processes of public land management are what sets this government apart from the Liberals. The government has in place the government land monitor to administer strict policies about the sale of public land. The policy requires the sale of public land to be through a public process in most circumstances and that the first right of refusal to purchase land that is no longer required by a government agency is to another agency which might have identified the land as being required for its purposes. This is in contrast with the previous Liberal government and Liberal Party members opposite. The previous Kennett government sold and developed public land with no public consultation and no transparency. Not even the National Parks Act was sacred. The Liberals were keen to develop Victoria's iconic public assets, including the Twelve Apostles and Wilsons Promontory. Members of the public had to mount significant campaigns in opposition to prevent these developments going ahead.

In his contribution Mr Guy accused the government of being obsessed with selling public land. He said that

open space once lost cannot be replaced. This strikes me as the pot calling the kettle black. Public space that the Kennett government sold, in so many cases, had a school or hospital on it. There were 366 school closures between 1992 and 1999, many of which resulted in the sale of public land to the private sector. We all remember the advertisements from the state election, do we not? One can speculate that they shut schools and hospitals so they could sell the land. Let us also not forget the Point Nepean debacle where Liberal Party members in the federal government were not in any way hampered by their state colleagues in their attempt to sell Point Nepean. This motion is essentially about the opposition's public relations problem. Their own campaign review admitted as much — that they were light on for ideas. We know they stand for closing and selling things and not a whole lot more.

I support the amendment moved by Mr Viney that this issue be considered by the Outer Suburban/Interface Services and Development Committee. I note Mr Guy is a member of that committee, and I wonder if he doubts his own ability to pursue his agenda in the forum in which he already has the opportunity to have a say on this issue. Duplication is unnecessary. It would be an outrageous waste of taxpayers funds to establish a select committee to examine this issue. Victoria has an enviable reputation in public land management and the government will continue to dedicate its efforts to the ongoing protection and enhancement of public land.

**Mrs COOTE** (Southern Metropolitan) — I have much pleasure in speaking on this motion presented to the chamber today by Mr Guy, which deals with public open space. As Mr Guy and David Davis have outlined in great detail and in a very articulate way, public open space is a particularly important issue for this state. It is something that this government has not dealt with adequately. The motion details a lot of the issues involved with the use of public open space and the expectation of Victorians for public open space into the future to make this a better place for all Victorians to live.

Areas such as Notting Hill, Royal Park and the Kew Cottages were mentioned in the debate this morning. I will come to the Kew Cottages in a moment. David Davis outlined in great detail and in a very objective way the history of this government's attitude towards public space and its lack of transparency in dealing with it, as indeed did Matthew Guy. If we look at the debate today, there is one element missing. As I said, Matthew Guy spoke very articulately on what is involved with public open space and put the suggestion about how we can properly scrutinise the government on this vital issue of public open space.

Ms Pennicuik spoke at length about public open space and looked at the issues for the scrutiny of government in select committees across the country. Her contribution was commendable. She put very clearly for someone so very new to this chamber exactly what we should be doing in this chamber and indeed our role in the scrutiny of government as members of this Parliament.

Mr Viney spent his 20 minutes bemoaning the fact that he cannot get his own way. Ms Pulford made quite an extraordinary contribution in which she bagged the Kennett era once again. The most disturbing element of that contribution was that she said the establishment of a select committee would be a waste of taxpayers money. Let us be absolutely certain that it is our role to scrutinise government. Maybe Mr Viney and his party cannot get their own way in the new configuration of this place with the very good members that we have from the non-government parties. It is refreshing to hear a member of the Democratic Labor Party and members of the Greens make their contribution to debate. I believe they have raised the level of debate in this chamber. The scrutiny of this government is absolutely vital if we are to move forward.

However, there is one element of this debate that has been left out, and in the short time I have left I want to raise it as an issue. The Minister for Community Services in an interjection said that we should not be playing politics with the current residents of Kew Cottages. All of us agree with that. In this debate, aside from David Davis, no-one has mentioned the current residents of Kew Cottages. I think we would all agree about deinstitutionalisation that it was fraught with difficulty and moving many people into the community was difficult and challenging. I also think that in many instances it was the right thing to do. I quote from an article in the *Age* of 19 August 2003 in which Barbara Carter, the then acting public advocate, states:

The experiences of people with intellectual disabilities moving out of institutions have been overwhelmingly positive. People flourish when they are given the opportunity to be part of the community. They have more control over their daily lives, they develop a wider circle of friends and they become involved in a greater range of activities. At the same time their support needs and need for medical care can be met.

In 2002, at the time of the budget, the Bracks government in the *Growing Victoria Together — Innovative State. Caring Communities*. document, said:

Announced the closure of Kew Residential Services (Kew Cottages), rebuilding new homes for residents from 2002.

We are now in 2007. Of those 20 residential units that were promised only 1 is partially completed. This is certainly not good enough. Where are these people going to get their voice? Where are these people's voices going to be heard?

We are talking about millions of dollars for developers. We are talking about hundreds of thousands of dollars for local and interstate lobbyists when we have 100 people still living at Kew Cottages who need to be relocated and who have been promised they can be relocated. Still, in this debate today we have an amendment from Mr Viney suggesting that this inquiry be referred to a joint parliamentary committee, and I might add that in his amendment it is the Outer Suburban/Interface Services and Development Committee that he proposes. What will its members know about the needs of these residents? What will they care about the needs of these residents?

Mr Viney says that we should have this joint committee. He said in his contribution to the debate that, if it does not work, it can come back here after two to three months. Two to three months more! How long have these people been waiting? When is their voice going to be heard? It is a great pity that the Minister for Community Services is not still in the chamber, because quite frankly someone has to be the voice for these people. It is important to debate this issue and have it heard for all Victorians.

**Mr TEE** (Eastern Metropolitan) — I am proud of the fact that that the Victorian government has taken the initiative to ensure that we do not have urban sprawl in Melbourne and that we do have the capacity to accommodate the growing population of Melbourne in a way that, as Mr Guy has said, means we do not have suburbs where you use a litre of petrol to buy a litre of milk.

Melbourne 2030 is about limiting urban sprawl, with its expensive infrastructure costs, expensive public transport costs and expensive power and sewerage delivery costs. Melbourne 2030 is also about protecting the lungs of the city, the green wedges. It is about ensuring that those wedges do not become a concrete urban sprawl. It is important to realise, though, that only a small percentage of the green wedges is publicly owned. The overwhelming majority of green wedges land is privately owned. The challenge for us as a government is in how we get the balance right so that we assist those private land owners in being able to maximise their use of the land in a way that is consistent with ensuring that these spaces are not overdeveloped. That is why the government has funded public land management plans to help private owners

utilise their land in a way which is consistent with limiting overdevelopment.

I might add that our approach is in stark contrast to that of the opposition. As Mr Viney said, the Liberal Party when in government gladly overdeveloped, sold off public land and sought to utilise the Alpine National Park as a private ski field. It gladly sought to develop Wilsons Promontory and the Twelve Apostles. The Liberal Party's response is to say that the Kennett era was some sort of historical anomaly, some sort of historical accident, some sort of bad dream for the Victorian public. But the reality is that its policy approach is unchanged. At the last election the Liberal Party policy in relation to green wedges was only to protect that small percentage of green wedges that was held in public hands. That policy would see the overdevelopment of all but a very small percentage of the green wedges. If the Liberal Party had its way, the lungs of Melbourne would have been concreted over. This policy was tested and rejected by the electorate at the last election, and I am concerned that this motion today is another attempt to revisit that failed policy. It is another attempt by the Liberal Party to promote a policy of overdevelopment, of concreting over the green wedges.

On this side of the house we are happy for that policy to be scrutinised. We are happy for the Liberal Party policy to be scrutinised by the public and scrutinised by the relevant committee. But I am opposed to this issue being sent to a select committee which is stacked to ensure an outcome that promotes the Liberal Party agenda. That is why I am supporting Mr Viney's amendment to send the motion to the appropriate committee, a committee that has ALP, Liberal Party and Greens representation. But if Mr Viney's very sensible approach fails, I will be putting forward further amendments that reflect the outcome of the election. In fact I will do so now. I move:

1. In paragraph 1, omit "7" and insert "9".
2. In paragraph 2, omit "2" (where first occurring) and insert "4".

In essence, my amendments seek to ensure that the size of the select committee is increased from seven to nine members and that the government's representation is increased from two to four. This reflects the outcome of the last election, which, as I said, rejected the Liberal Party policy of concreting over our green wedges. I am very concerned that the select committee will be used by the Liberal Party to relitigate its failed policy.

Having lost the debate in a fair election process it now wants to relitigate its policy in a committee which is

stacked in its favour. Liberal Party members know that stacking the committee is the only way they have any chance of promoting their policy. I urge the house to support Mr Viney's amendment, and failing that to support my amendment.

**Mr ATKINSON** (Eastern Metropolitan) — I am keen to speak in this debate, particularly following the last speaker, because Mr Tee drew an extraordinarily long bow in providing some sort of motive to the Liberal Party which is so far-fetched as to be ludicrous. When the government takes debate to this level to try to camouflage what is really its intent — which is to blunt the scrutiny of government activity to prevent the house from using the instruments available to it to fairly, on behalf of the public of Victoria, inquire into matters of relevance and importance to the people of Victoria, and then perhaps to recommend on protocols that might safeguard the interests of the people of Victoria — it is demonstrating that it is far from the transparent government that it so often claims in its rhetoric. This government has gone to extraordinary lengths, if Mr Tee's contribution to the debate is to be accepted by this Parliament as a party line as distinct from some extraordinary notion that he dreamed up under the shower this morning. This is an amazing line and it is absolutely ludicrous.

The reality is that the Liberal Party's proposition before the house today has absolutely nothing to do with an attack on the green wedge. The green wedge issue interests me because part of my electorate, and indeed part of Mr Guy's electorate, involves green wedge areas. We are both very cognisant of the importance of those wedge areas to Victoria and particularly to people in Melbourne. We understand there are some people in the development community who have their eyes on parts of the green wedge and would suggest that perhaps that is not the best use of that land, but there is certainly a recognition by the Liberal Party that the green wedge policy — which stood during the time of Liberal governments — is a policy that is very important to Victorians and to people in Melbourne.

What interests me about the notion that Mr Tee introduced into the debate today is that I have cause for alarm about some development proposals that I have heard have been surreptitiously approved of late by this government within green wedge areas. Surreptitiously under this government there have been approvals for development in the green wedge. That very issue of the integrity of the green wedge might well be one of the matters this committee looks at. The developments that I refer to, on which I have sought further information, might well be a matter of particular interest to the committee because the green wedge is a very important

part of Melbourne's overall planning regime, and supports our notion, if you like, of Melbourne as a very livable city.

I support this motion for a number of reasons, and I reject both of the amendments. Indeed the Liberal Party will be voting against both of them. In the first instance, the Liberal Party is opposed to the amendment that would refer the investigation off to an existing committee — the Outer Suburban/Interface Services and Development Committee. We reject that amendment in part because of matters referred to by Mr Hall relating to the scope of what inquiries might be made.

At this time the focus of the all-party committee is clearly on the fringe areas of Melbourne — the metropolitan area's outer edges — and many of the issues it is considering relate to the conflicts between city uses, farming uses and in some cases even recreational land uses. So that committee is very much focused on the fringe areas of Melbourne. It does not have a mandate at this time, and I suggest that even with this amendment there is not an effective mandate suggested by the government that would allow it to inquire into matters concerning land in Victoria more broadly, or indeed land in the inner metropolitan area. Places like Kew Cottages have been mentioned in the course of this debate, and clearly at this time the mandate would not allow for that to be pursued adequately by this committee on the amendment that the government has moved.

I think the whole proposition is really to fob off this inquiry; to try to have a review of our practices bottled up and managed through the government's majority process to ensure that there is really no effective scrutiny of the proposals. I do not think the government has a lot to be fearful of in this whole inquiry — or it should not have. I would have thought there was a lot to gain from this inquiry. I see this as a constructive and positive step forward. It is one of the reasons why I have no problem at all in supporting Mr Guy's motion.

In terms of the second proposal put by Mr Tee, effectively it is a fairly naked attempt to hijack this whole process. He has already suggested that Mr Viney's amendments ought to get up. As I have suggested, Mr Viney's amendments are designed to try to bury the whole notion of this inquiry by sending it off to a committee that does not really have a mandate to do the work, but he thinks it can be got rid of with a sideways handpass. So Mr Tee says, 'Yes, that is the way to go. But in the event it is not agreed to by the house then the government has another way of trying to control the process, and that is to stack the committee

and to increase its members by adding two extra members — —

**Ms Darveniza** interjected.

**Mr ATKINSON** — Ms Darveniza was not in the chamber at the time and so probably she has missed the amendment being moved. The amendment seeks to add two extra members to the committee and, extraordinarily, both of those members would come from the government. So it is an attempt to stack the committee. It is unfortunate that Ms Darveniza was not in the chamber to hear Mr Tee's reasoning because it was simply to say that the committee ought to reflect the outcome of the last state election. Indeed, this house does reflect the outcome of the last election, much to the chagrin of the government, because what has happened is that the Greens and the Democratic Labor Party have representation in the house now, and have an opportunity to contribute. As Mrs Coote said in her contribution to this debate, I also believe that the standard of debate in this place has improved, in part because previously government members treated this place most discourteously, very often not participating in debates at all. Where they did participate in debates they relied on the fact that they had the numbers rather than on any need to explain the motives or the actions of the government to try to win the intellectual debate. Now, because this is a hung house, government members are spending a lot more time trying to win the intellectual debate, and I think that is for the betterment of this chamber.

In this case I do not think Mr Tee won the intellectual debate with his viewpoint that the government ought to increase the number of people on the committee simply to reflect the outcome of the last election. I think the substantive motion put before the house by Mr Guy adequately reflects the results of the last election because it incorporates an opportunity for the minor parties to participate in this process, and I think they have a significant interest in the matters that would be referred to the select committee.

The Nationals draw their membership and support from regional and rural Victoria. Many great decisions are made by governments that affect local communities in regional and rural Victoria, and it is more than appropriate that they be represented. If we were to talk about the green wedge then I would have thought that the policies relating to the green wedge were of absolute importance to the Greens party, and therefore it would seek to have a view on those issues and more broadly on the use of public land. I am sure that Mr Kavanagh, no doubt given the electorate he represents and some of the public landholdings within it

and the understanding he has also shown for rural and regional Victoria, would also share a significant interest in the use of public land.

As Mr Hall said in his contribution to the debate, all members of this house recognise the importance of public land and the proper utilisation of public land. There is a recognition that the needs of communities change, and it is possible at times that public landholdings ought to be sold and other land acquired for public purposes. We look at facilities such as hospitals and so forth, which need to be established in communities and require landholdings that are perhaps not already available to the government. This is an ongoing process; it is not a situation where you just sit on a parcel of public land and say, 'This is what we have and we will simply protect it' for some bizarre reason.

**Mr Hall** — Roads are another good example.

**Mr ATKINSON** — Indeed acquiring land for roads and in some cases disposing of land that is no longer required for roads. One of the road reservations that I have a particular interest in in my electorate — this goes to part of my argument in supporting this motion — is the reservation for the Healesville freeway, which starts at Springvale Road and proceeds through to Vermont. That reservation has been planned for decades, and there is land held for the purposes of constructing that freeway. It has been my long-held view that we do not need that freeway. I we get it right with some of our other facilities, including public transport in the eastern suburbs and certainly the Scoresby freeway going forward — EastLink as it is now known — we do not need the Healesville freeway land reservation.

That raises the question of what is to happen with that land. It is a great parcel of land. It is in an area that has a very high land value in terms of residential value, but it is an area where the community would expect, want and, I believe, deserve to have some ongoing access to public open space. That raises the question of how that is to be achieved. Are we to expect that the City of Whitehorse would pay millions of dollars to buy that land which, I would argue, as many members before me have, is surplus to the needs of government?

It is interesting that the only reason why that land has not been sold in the past is that VicRoads cannot be assured that the proceeds of a sale will be returned to it for road purposes. In other words, the bureaucrats at VicRoads have avoided selling land that is no longer really needed in a public policy sense because they do not want that land to go into general revenue and be lost

to VicRoads. That is a policy issue that this committee could and should look at; that is a positive thing that is not party political — it is not partisan — but ought to be investigated, because there is land lying there for a purpose that is unlikely to be required for that purpose.

There are a range of issues in terms of the community's access to that land in the future: whether or not it can be used for some public open space, how much of it might or ought to be available for private development, whether or not there are other government purposes that that land could be used for — perhaps a hospital or something — given that the government has used in a different way land that was to have been provided for. Land was certainly provided by the Kennett government for a public hospital at Knox in Wantirna Road. There are also issues, as I have said, of where the proceeds of that land go — whether or not they should go back to the agency to allow it to reinvest in other road acquisitions that it has to make or whether they should go into general revenue.

There is a similar dilemma in my electorate at Junction Road, Nunawading, with land which is surplus to the Eastern Freeway requirements. That has been under discussion in two election campaigns so far, so that matter stretches back over five years. The City of Whitehorse is concerned that it should protect that land against development. Certainly the local community wants to see that land used for recreational purposes and is concerned about any threat of further development on that land. All of the policy questions, if you like, and the practice of government in terms of disposal of land seem to have come to nothing after over five years. It seems to be at a stalemate despite the member for Mitcham sending out letters from time to time telling people that the matter is moving along and that he hopes for a great conclusion. It is not happening; it has not happened for five years. Yet that land also raises the question of the processes that have stopped a suitable community resolution for this land and its having been held up.

I also look at an area like Dandenong, which is now subject to plans for an urban redevelopment program. I welcome those, and I think it is most appropriate that we look at what we can do to revitalise the Dandenong CBD (central business district). It is a significant district. It is basically the second largest CBD after Melbourne. It is a gateway to Gippsland and South Gippsland. I think it holds a very important status both historically and in a contemporary sense in the Melbourne metropolitan area. As I said, it is subject to an urban renewal program and the government has formed an authority to try to redevelop Dandenong to aid that urban renewal process.

I think that is appropriate. It is an important project. However, I have some concerns about the scrutiny and the land deals that must inevitably be associated with the revitalisation of Dandenong. I note that two of the private sector parties represented on the organisation that is guiding that urban redevelopment have a very significant vested interest in what happens in Dandenong — in other words, two entities with substantial commercial investments in Dandenong are represented on the organisation that is guiding this urban renewal project in Dandenong. I think that needs to be considered very carefully, because it is open to abuse. I am not suggesting that either of those companies might seek to unduly influence processes, but there is an opportunity for that to happen in the existing circumstances. The assembling of parcels of land and the disposal of land are often very important components of achieving an outcome in any urban renewal project. I think that needs to be looked at carefully in terms of this government's administration. It is an appropriate matter for this committee to examine.

I am also mindful of the number of schools being closed by this government, making the sites available. I refer to schools in Ferntree Gully in my electorate and to schools in the city of Monash and Broadmeadows. I understand there are some in Albert Park, and no doubt other members could chip in with further schools that are subject to closure by this government. That means school sites are no longer being used for their primary purpose, and there are question marks about how they will be used in the future. I understand and accept that there is an established process for looking at government land-holdings. Where land is no longer required for a particular purpose, there is a process whereby that land is shown to other departments and in most cases to local government, as a protocol, to enable them to consider whether they might have a use for that land before it is subject to sale. That is the regular process, and we need to establish that that process has been adhered to. We need to establish whether that is the right process and whether other aspects should be taken into consideration by government — government valuers and so forth — when it looks at disposing of land.

Mr Hall referred to the amendment that has been moved to send this matter off to an all-party committee and spoke about the value of some of the references to all-party committees. I have to say that I prefer a focused committee formed for a particular purpose that works under specific terms of reference and gets the job done, rather than having committees take on work that is not relevant to their expertise, is not relevant to the mandate they have and in many cases is simply

make-work. I have a real concern at the moment because I am on the Economic Development and Infrastructure Committee and we are supposed to be working on two inquiries at the moment. One is on biofuels and the other is on financial services. Unfortunately the government has made announcements in both areas in the last couple of weeks which make the work we are doing absolutely irrelevant.

The government has already made announcements on what it is doing with biofuels, so why are we as a parliamentary committee investigating them? We are underresourced, yet we have also been asked to look at financial services, despite the fact that the Department of Innovation, Industry and Regional Development — one of the minister's own departments — is already conducting a separate exercise looking at financial services in conjunction with a highly credentialled accounting firm. We do not need make-work on committees. We need to be focused on proper work, we need proper terms of reference and we need to make sure we address issues that are of concern to the community.

The government is trying to derail the motion moved by Mr Guy, but I think this is a very important motion. The substantive motion deserves the support of the house, because we need to look at and scrutinise a number of procedures. As I said, in many cases the committee might refer to the community aspirations for land. It would certainly refer to matters in regard to the national and state park system we have in Victoria. It certainly would refer to some of the local reserves. It might well refer to the green wedge areas, though not, I would suggest, in the terms Mr Tee raised — as some sort of bogeyman, saying that the Liberal Party's real agenda is to try to somehow destroy the green wedge. The committee might refer to the green wedge in the context of how we ensure that some of the existing transgressions of green wedge areas are addressed and considered very carefully. It might well consider whether we need to put some further protocols in place.

An area of government that would welcome a vigorous and fair dinkum inquiry as moved by Mr Guy is local government. Local government is often at the end of the queue when it comes to government decisions on public land. In some cases local government is expected to pick up the tab. In fact, with the Junction Road land I referred to in Nunawading that runs alongside the Eastern Freeway, it has certainly been the contention of the member for Mitcham in another place, Mr Robinson, and other members of the government that the Whitehorse City Council should pick up the tab. The council has obviously resisted that.

Several million dollars is involved, and the council is concerned that this is a rather heavy impost on it given that the land is already in public ownership. It is protesting that, and the matter of who should pay remains unresolved. However, this goes to the point that in respect of so many of the decisions that are made on public land local government is expected to pick up the pieces. We need to understand what local government's position is on some of these matters. We need to understand whether the protocols that are in place to meet local government's needs in assessing public land disposals are adequate.

We also need to look at whether our processes in terms of private development of public land are adequate. One of the real concerns I have as a member of Parliament is the tender system. When it comes to public land disposals it is quite possible that some of the land will be sold by tender. I only have to look at the new convention centre to see an example of what is wrong, in my view, with the tender system. That major project was put out to tender by this government, and one of the companies that lodged a tender has now dramatically changed the scope of the project. The other party in the tender had no opportunity and no access to government to put in a bid that might have paralleled that of the successful tenderer.

Often we see in the tender process a company put in a bid to win the tender and then sit down with the government and say the plan does not work so it needs to change the project. It says it needs to shift the boundaries and do different things, and the government says that is terrific because it wants some good press releases out of it. The reality is that it has been a total corruption of the tender process, because if the project was not viable weeks or days after the tenders closed, then it was not viable when those very tenders were being formulated. Proper and genuine proposals from genuine developers are being put at risk by people who are trying to play a tender game rather taking an interest in proper and legitimate development in this state under fair rules that allow the government to properly analyse and scrutinise tenders and compare them. If we are going to have tenders, then they need to be handled properly.

Coming back to the motion, my concern with regard to this tender matter is that the disposal of public land could well involve tenders, and organisations or companies could well put in tender bids which reflected something that the government might be enthused about only to find that subsequent to the transfer of that land private development proposals were varied markedly and not to the benefit of the local community. There are many issues here — and they are policy

issues. They are not about simply trying to run a witch-hunt against the government. I suggest that this is a very constructive motion. There are many policy issues that this Parliament ought to have a look at. The government's position could be strengthened and aided by the work of this committee. The terms of reference are adequate and apposite to the work that needs to be done to ensure that the interest of Victorians in public land is protected and that the protocols are established for the proper disposal and indeed perhaps acquisition of public land.

Both amendments ought to be rejected by this house because neither is an attempt by the government to genuinely enter into this investigation of public policy on land disposal and land development. Both amendments are attempts to simply sidetrack or derail the process and to manage it from a control point of view rather than embracing the opportunities Mr Guy's motion provides to the house. I urge members of the house to support Mr Guy's motion and reject those amendments.

**Ms DARVENIZA** (Northern Victoria) — I am pleased to rise and make a contribution to this debate. I oppose the motion put forward for the opposition by Mr Guy, and I support the amendments that have been put forward by the government. There is no need for a select committee to be set up to look at the issues of the planning for and the sale and development of public land as we already have a whole range of joint parliamentary committees that have references and would more than adequately be able to deal with a reference of this nature, if that were seen to be necessary.

I particularly want to take up the issue raised by both Mr Guy and David Davis when they used the example of the sale and use of the land at the Kew Cottages site and the lack of public land being made available through the closure of the Kew Cottages intellectual disability services facility, which has been there for a very long time. The process was put in place by this government to see the residents of Kew Cottages moved into community residential units. At the moment around 377 residents from Kew Cottages have been rehoused in the community, about 100 residents still reside at Kew Cottages and are awaiting rehousing in the community, and there will be new housing on the site. Modern residential accommodation for some 20 residents will be made available on the grounds of Kew Cottages.

I mention a little bit about what the government has done, because I will compare the process and procedures the Bracks government has gone through in

relation to the deinstitutionalisation and relocation of residents at Kew Cottages with how the opposition behaved when it went through very similar processes when it was in government. It is simply outrageous that the opposition should come in here and that members like David Davis and Mr Guy should use Kew Cottages as an example of the government having failed to properly consult in relation to the use of the land or the services that are going to be available and the configuration of those services for the clients as well as in relation to the planning and the protection of the heritage value of that particular site.

There has been extensive consultation with stakeholders and the community about all those issues, particularly with the residents of Kew Cottages and with the parents and support associations that have a real interest in the ongoing services for the clients at Kew Cottages. Initially members of the parents association were opposed to their children and relatives being moved out of Kew Cottages into community supported accommodation. We had extensive consultation with the clients and with that particular group of parents, and they now fully support the arrangements that have been put in place. They support the service configurations, as does a whole range of other parties that are interested in the services that will be provided to those vulnerable individuals.

As well as that, there was extensive consultation around planning for the land use. Half the profits from the sale of the Kew Cottages site, which is a very valuable piece of land, will go back into delivering disability services for the clients, the intellectually disabled people in Victoria. Public land is still being made available on that site. I want to compare that with how members of the opposition behaved when they were in government and were faced with similar sale and development of public land on which congregate care facilities, some of those older institutions that were closed down, were located.

Members opposite have the gall to come in here and use the example of the Kew Cottages site. I put to them: what about the former Larundel Psychiatric Hospital at Bundoora, which was closed down under the Kennett government? What consultation was undertaken with the community, not only those who were interested in the services that were being provided for the people who utilised the services there — the psychiatrically ill, in that case — and their families but also the community around it that was impacted on by any planning for the use of the land that Larundel was on? What consultation took place about the heritage value of some of the buildings of that particular institution? The answer is that there was none. What did members

opposite do when in government? They simply sold it off, lock, stock and barrel, to developers. Yet they come in here and criticise members of the Labor government when we have undertaken extensive consultation about that bundle of land that Kew Cottages stood on.

**Mr Guy** interjected.

**Ms DARVENIZA** — Mr Guy probably does not remember what members opposite did. I do not know what he was doing back then, when Larundel was decommissioned, but members opposite did nothing. There was no consultation; they simply sold off the land to developers. I suggest that Mr Guy and David Davis take a bit of a drive through the grounds of what was the Larundel hospital site, do a bit of a lap and tell me where members opposite left any of that land for public access. I ask them to find me a block that is used for public access. Certainly some heritage buildings have been protected, but that was because the community got behind them and fought really hard to make sure that they were protected. That is Larundel.

That was not the only place that members opposite closed down when in government. That is not the only bit of land involved with the delivery of services to the psychiatrically ill and the intellectually disabled that those opposite sold off to developers. I remind them about the Kingsbury Training Centre, which was on a bit of land, again, out there around Bundoora. What did those opposite do when in government to ensure that there was some consultation about that centre, that there was some protection of heritage buildings and that any of that land was kept for public access? Again, I invite members to take a bit of a drive.

*Honourable members interjecting.*

**Ms DARVENIZA** — Members opposite do not like to be reminded of the way they behaved when they were in government. Members on this side know that if they ever got back into government that is the way they would behave again. They come in here and put forward an argument that we need a select committee to look at the way that the government is dealing with the sale and redevelopment of government land, when their hands are dirty, dirty, dirty given the way they dealt with this issue. They did not have any consultation at all with the community.

But there is more. It was not just Larundel and the Kingsbury Training Centre that members opposite sold off without leaving even a slice of land for public access. Do members remember the very old Mont Park psychiatric facility? The services that were provided at Larundel have now been mainstreamed into our general

health services. Mind you, it was closed down under the Kennett government, and I could go into detail of how those services were sadly depleted. It was only when the Bracks Labor government came to power that some more money was injected into mental health services. I will not go down that path, tempting as it is.

The former Mont Park Psychiatric Hospital was on a very big site. The grounds were probably not quite as big as those that Kew Cottages were on, but they would have been close to that size. When they were in government what did members opposite do about consulting?

**Mr Vogels** — Eight years ago!

**Ms DARVENIZA** — Mr Vogels, even though he is out of his place, says it was eight years ago. It was eight years ago, and in the eight years that we have been in government we have put in place open and transparent processes in the way that we deal with the sale and development of government land. Even Mr Atkinson acknowledged those processes. I would like to talk a bit about those processes, but there are more examples. I want to run through them because it is important that members opposite are reminded of how they behaved when in government. I cannot help myself in this. They have come in here and used the example of the Kew Cottages facility and the moving of those clients out into the community, which has been done in a way that involved an enormous amount of consultation, with an enormous amount of effort to work with the community and the clients — and is something that they never did when in government.

*Honourable members interjecting.*

**Debate interrupted.**

## SUSPENSION OF MEMBER

**The PRESIDENT** — Order! Mrs Coote's reference to the member standing by her first name is unacceptable. In fact I previously directed that her leader remove himself for such a transgression. I now direct that she remove herself for 10 minutes.

**Mrs Coote withdrew from chamber.**

**Debate resumed.**

**Ms DARVENIZA** (Northern Victoria) — I was talking about Mont Park. Again I invite members of the opposition to get into their cars and drive out there, take a bit of a spin around what was the old Mont Park hospital site and tell me if they can find a bit of land

there for public use. There are fantastic houses there; it is a great development. There are a few houses out there that I would not mind living in — it is a lovely development. But I ask: how much consultation was there around the planning and sell-off and how much of the money raised from the sale of that land to those developers went to providing psychiatric services for the people who were using those services? The answer is: none.

What members opposite did at the same time as they were selling off the land to developers was cut, cut, cut psychiatric services. They were closing beds and community facilities and sacking and retrenching nurses. They had an absolutely scorched-earth approach to our mentally ill. Again I suggest that members take a bit of a drive around Mont Park and I ask them to find me a bit of land that is being used for public access. That is not what the government is doing at the former Kew Cottages site, where some of the land will be used for public access.

But there is more. Members opposite were vandals when they were in government. No wonder for eight years they have not had a shot. I like to use these opportunities to remind us all of the way they behaved when they were in government. We do not want to see them back in government for a very long time.

Plenty Hospital was another psychiatric facility. Those opposite should take a spin around what was Plenty Hospital and find me a bit of land for public access. They will not be able to find any. They will not be able to find public access land there or any consultation that happened. There is a heritage building at Plenty Hospital, but again it was the community that fought really hard to make sure it was protected. We have Larundel, Mont Park and Plenty hospitals. I remind members about Pleasant View drug and alcohol facility. What did those opposite do with that? They sold it off. Who to? Developers. Was there any land left for public access? No. Was there any consultation? No. Was any of the money used to go back into drug and alcohol services? No. What did they do? They closed down more of the drug and alcohol services, and I could rattle those off as well. Janefield was in a nice rural setting out past Bundoora. Again, find me a bit of public access land there. They will not be able to do it.

It is outrageous that the opposition should bring a motion like this when we know we have parliamentary committees that would be able to deal with these matters. The record of those on the other side speaks for itself. When they were in government they showed no inclination at all to consult with people or have a process that was open and transparent, unlike the one

we have put in place since we have been in government. This motion should not be supported.

**Mr GUY** (Northern Metropolitan) — I want to thank members for their contributions to debate on this very important motion. The amendments moved by Mr Viney and Mr Tee should not be supported. With regard to Mr Viney's amendment, the Outer Suburban/Interface Services and Development Committee, of which I am a member, has a brief to look at issues surrounding councils outside the doughnut of the city. It does not have a brief to look at councils and issues within councils in the centre of the city or, as Mr Hall correctly pointed out, in country and regional Victoria. A substantial part of this motion deals with the proposed committee hopefully being able to look into such matters.

An example of the exceptionally important issues which must be examined was given by Mr Hall when he referred to the alpine fires and the fires in 2003 which devastated landholdings right next to public land. Certainly the Outer Suburban/Interface Services and Development Committee will not be able to look into such issues, nor will it be able to look into the showgrounds site, nor will it be able to look into Kew Cottages which, as we have all heard today, go to the absolute heart of this motion.

I also want to thank Mr Atkinson for his references to local government, which are exceptionally important. As he said, local government would no doubt appreciate the opportunity for feedback to this committee. Some important issues have been raised. Notting Hill, the showgrounds, Devilbend, Kew Cottages, Royal Park and Camberwell station are all of tremendous importance, and I would urge all members in this chamber to vote against the amendments and for the substantive motion.

**Mr Viney's amendment negatived.**

**The PRESIDENT** — Order! Mr Tee's amendment 2 is a test of his amendment 1, and the two amendments will be voted on collectively.

**Amendments negatived.**

**The PRESIDENT** — Order! The question is that the motion moved by Mr Guy be agreed to. All those in favour say aye, against nay. The ayes have it. Therefore the motion is won.

**Hon. T. C. Theophanous** — We would like a division, President.

**The PRESIDENT** — Order! I am informed by the Clerk that in fact the minister did say no, and on that basis I am willing to accept that there was a nay. Therefore I call for a division.

**Bells rung.**

**Mr P. Davis** (*Speaking covered*) — On a point of order, President — —

**The PRESIDENT** — Order! Just as a matter of interest, the Leader of the Opposition no longer has to perform that party trick. That has now changed, but I appreciate the fact that historically he would have had to.

**Mr P. Davis** — Thank you for saving me from embarrassment, President. The point of order I wish to raise is that this division is out of order. The reason it is out of order is that you, President, declared the result of the vote on the voices quite properly given the circumstances at the time. The circumstances were that you called for an indication of the ayes and the noes. Those indications were given, and consequently you declared the result of the vote. As far as we are concerned this is highly disorderly and improper and the result is therefore — —

**Hon. T. C. Theophanous** — You are reflecting on the Chair!

**Mr P. Davis** — I am reflecting on the minister, in fact. There is no purpose served in having this division because, President, you have already declared the result of the vote on this matter.

**Hon. T. C. Theophanous** — On the point of order — —

**The PRESIDENT** — Order! I am not taking another point of order. The fact of the matter is that by and large the member is correct insofar as I did make a ruling. However, the minister did offer a nay that was heard by the Clerk. While it was not heard by me it was heard by the Clerk, and I have absolute confidence in his informing me of that fact. Therefore, while there may have been some confusion, I have the right to review what I declared and to conduct a division.

**House divided on motion:**

*Ayes, 20*

Atkinson, Mr	Hartland, Ms
Barber, Mr	Kavanagh, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms

Drum, Mr  
Finn, Mr  
Guy, Mr  
Hall, Mr

Petrovich, Mrs  
Peulich, Mrs  
Rich-Phillips, Mr (*Teller*)  
Vogels, Mr (*Teller*)

*Noes, 18*

Broad, Ms  
Darveniza, Ms  
Eideh, Mr  
Elasmar, Mr  
Jennings, Mr  
Leane, Mr  
Lenders, Mr  
Madden, Mr  
Mikakos, Ms

Pakula, Mr  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr (*Teller*)  
Tee, Mr (*Teller*)  
Theophanous, Mr  
Thornley, Mr  
Tierney, Ms  
Viney, Mr

*Pair*

Koch, Mr

Pulford, Ms

**Motion agreed to.**

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

**QUESTIONS WITHOUT NOTICE**

**Budget: schools**

**Mr P. DAVIS** (Eastern Victoria) — My question without notice is to the Minister for Education. Why has the government failed to fund its Victorian schools plan to rebuild and modernise 500 schools beyond 2008–09?

**Mr LENDERS** (Minister for Education) — The forward estimates go for four years. The government has committed for four years to spend \$1.9 billion in this area. I would have thought on the issue of absolute basic constitutional law, it would be an absolute disgrace if this government were to commit beyond that. I am not sure which world the Leader of the Opposition comes from, but I would have thought on planet Earth parliaments make appropriations for the current financial year and put the commitments of a government into the forward estimates for the following three financial years. I would have thought that was open, transparent and accountable.

In the debate on the Victorian schools plan Premier Bracks went out and committed this government to rebuilding or modernising every school in Victoria within the next 10 years. We are on the Treasury benches for the next 4 years. I hope we are on the Treasury benches for more than 10 years, but for the 4 years of this term for which we have a mandate we have outlined a plan which commits us to works on 500 schools in that time. In the budget yesterday the Treasurer announced the first 131 schools — more than 25 per cent. He announced the first \$555 million of the

\$1.9 billion — more than 25 per cent as a commitment for this government. I am rejoicing that in 131 communities in Victoria today people are seeing that the government is committing itself to capital works in education. It is the biggest spend in education in my lifetime and probably in the history of this state. I am delighted with that. If the Leader of the Opposition thinks that somehow or other this government can bind governments into the future — —

**Mr Drum** interjected.

**Mr LENDERS** — I take up Mr Drum's interjection. Not even Ms Bishop would be that Stalinist, not even Ms Bishop would do this. Obviously the Leader of the Opposition wishes to outdo Ms Bishop in his zeal and zest. We are committed; we have delivered; we put our money where our mouth is — and provided the Parliament passes the budget the Victorian people will see it in action as of now.

*Supplementary question*

**Mr P. DAVIS** (Eastern Victoria) — I thank the minister for his response, but it begs the question as to how well he has examined his own forward estimates. I therefore ask the minister: will he inform the house if the Victorian schools plan will be funded from borrowings?

**Mr LENDERS** (Minister for Education) — I enjoy Philip Davis's questions. My only regret this day in question time is that Mr Dalla-Riva and Mr Rich-Phillips will not give up their seats on Public Accounts and Estimates Committee for Mr Davis. I would love to spend three quality hours with him going through the estimates clause by clause at the Public Accounts and Estimates Committee.

**Mr P. Davis** — Let's go for coffee.

**Mr LENDERS** — I take up his offer across the chamber for a cup of coffee to discuss it. In his budget statement the Treasurer eloquently took us through the issue of net debt, taking up Mr Davis's comment. The Treasurer eloquently took us through it. He compared Victoria where it is now to the past. If you measure debt by state debt and by unfunded superannuation liabilities — guess what, President? — Victoria's debt today is the lowest as a percentage of GSP (gross state product) that it has been for the last 50 years.

I was born in 1958, and at no time since I was born has the state had less financial liability than today under the stewardship of the Bracks Labor government. It is a shame Mr Eren is no longer in this house, because he used to at this stage interject, 'AAA, here to stay'. I am

sure Mr Eren is thinking it as the member for Lara in the Assembly as I speak now, because AAA is here to stay. Mr Davis asks, 'Are we going to fund this out of debt?'. This government has funded more than \$6 billion in education expenditure since its election on that glorious day on 18 September 1999 and the swearing-in on 20 October 1999 without a cent of debt on schools. In fact we have brought down the net financial liabilities of government during our time in government.

The Treasurer correctly put superannuation liabilities and state debt together, and the two of them together have gone down, down, down to the lowest level in 50 years. If the Leader of the Opposition thinks that having the lowest debt in 50 years is too high, I guess he is asking the government — I am not putting words into his mouth — not to do the land tax cuts, not to do the social housing package, not to do the education package and not to do the investment in transport. If that is what anyone is asking the government, our answer is: sound financial management, delivering on services and building for the future mean you do all of the above.

We intend to fund this in a prudent manner, as we have all our initiatives. We have an ongoing operating surplus in the order of \$400 million running out through the forward estimates period. We will deliver our 131 schools in the next financial year. We will deliver the 369 remaining in this commitment for the next three financial years. We will do that while bringing down the net financial liabilities of the state. We will deliver services and deliver them prudently while the economy grows. That is the sort of thing that makes everyone on this side of the house proud to be Labor and proud to be part of a government with sound financial management, a social conscience and a heart that actually beats. This is making Victoria a better place to live, work and raise a family. I congratulate the Treasurer on his budget — the best financial outcome in 50 years.

**Budget: aged-care residential support**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Community Services. The Bracks government is supporting seniors and older Victorians to live healthier, safer and more independent lives at home. Can the minister inform the house how the Bracks government is supporting better services for older Victorians requiring residential support and care in their local communities?

**Mr JENNINGS** (Minister for Community Services) — I thank Ms Broad for her question and her concern about the wellbeing of seniors right across the

state. I am pleased to say that the Bracks government has responded yet again in this budget to the needs of older members of our community, making sure that we make significant investment in home and community care (HACC) services and residential aged-care services, something where no other state in Australia has anything like the track record of the Bracks government.

Starting on that point, we have redeveloped 43 residential aged-care facilities throughout the state during the life of the Bracks government. I have been privileged to be responsible for the project management and delivery of those major redevelopments. We are adding to that stockpile of commitment, a resounding commitment to the people of Victoria, regardless of where they live in the state, to make sure they receive quality residential aged care at a time when they need it. The good news for Philip Davis — he issued a challenge to us a little while ago about inviting members of the opposition parties: well here is an open invitation — is that when the projects in Nathalia and Leongatha are completed he and his colleagues are more than welcome to join me on what will be a great day in the community when these facilities have been redeveloped to make sure that members of their communities have access to ongoing residential aged care in communities that otherwise might feel under stress and under siege. They know that the Bracks government will stand beside them when their seniors need that degree of support and encouragement.

We will create the economic activity. A couple of minutes ago Minister Lenders was talking about the capital program in education and other aspects of the Bracks government's capital program. I am worried about the time in which we can schedule these projects to make sure that we have sufficient construction capacity in the state, because it is going gangbusters this year — \$3.8 million worth of capital investment will be rolled out during this year across Victoria thanks to the commitments made by our government.

We are also investing in residential aged-care rehabilitation services in the metropolitan area. Mrs Coote, as a determined spokesperson on these issues, will be keen to know that we are doing some work at the Caulfield General Medical Centre. Minister Lenders will probably be too busy building schools to be at the opening, but he is very welcome, as indeed are my colleague Mr Thornley and other members of this chamber who will be there on what will be a great day.

We also recognise the value of being able to provide support to enable people to stay at home. The vast majority of seniors want to stay at home. They want to

be independent, and they want to have a high quality of life in their home. We recognise as a government that we are obliged to support their care needs at home and to provide timely support, whether that be in nursing care, personal home care, help around the home or Meals on Wheels. We want to make sure those services are available. A little more than half of the \$160 million commitment we made in the budget announced yesterday by the Treasurer is \$83 million to grow the home and community care program. It is a significant contribution made by the state. We more than match the funding requirement that is part of the HACC agreement across this nation. Victoria is the only state that more than matches its state-commonwealth contribution. We are very pleased to continue that into the future.

People might also require additional assistance. We recognise, in terms of the disadvantage, that some seniors who are particularly frail and uncertain of the quality of their lives might need some additional support. As part of yesterday's announcement we are increasing personal alerts available to seniors. I am pleased to say that when we came into government there were a bit over 8000 personal alerts available to senior citizens across Victoria; now more than 21 000 personal alerts are available to seniors to provide that extra degree of security. If they feel at risk, they press the button and there is somebody on call who will respond to their personal alert.

We also recognise that to have a good quality of life you need to be able to see your way round. Part of the initiative we launched yesterday is that an additional 3000 pairs of spectacles will be provided at no cost to disadvantaged members of our community — low-income seniors — across Victoria and 6000 sets of dentures. If you cannot eat well, you cannot maintain a good nutritional balance and you cannot have a good quality of life. We recognise that there is a need to provide those to the most disadvantaged seniors in our community. I am pleased to say that I am part of a government that recognises our commitment to the community and has responded accordingly in the 2007 budget.

### **Budget: business investment**

**Mr D. DAVIS** (Southern Metropolitan) — My question is to the Minister for Industry and State Development. Minister, you have chosen to downgrade the importance of Victoria's investment attraction efforts, which you have cut from \$66.6 million in 2004–05 to a planned \$24.1 million in 2007–08 at a time when Victoria's share of Australia's international trade has fallen to historic lows.

*Honourable members interjecting.*

**Mr D. DAVIS** — Why?

*Honourable members interjecting.*

**The PRESIDENT** — Order! I call Mr Elasmar.

**Mr P. Davis** — On a point of order, President, I clearly heard the member ask the question, and he asked, ‘Why have you chosen to downgrade the importance of Victoria’s investment’, so he asked a question.

**The PRESIDENT** — Order! Just to clarify the confusion, I am aware now that I have two options: to ask the member to restate his question, even though I did not hear him ask it in the first place, or to move on. I am inclined to the former, but I may not be so lenient next time. Mr Davis can ask his question again if necessary, because I did not hear his question the first time.

**Mr D. DAVIS** — My question is to the Minister for Industry and State Development. Why has the minister chosen to downgrade the importance of Victoria’s investment attraction efforts, which he has cut from \$66.6 million in 2004–05 to a planned \$24.1 million in 2007–08, and why has he done this at a time when Victoria’s share of Australia’s international trade has fallen to historic lows?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I thank the member for his question. Firstly, in relation to the strength of the Victorian economy, as the Treasurer has outlined in the budget, we are very proud of the achievements of this government in reducing business costs and providing the circumstances which allow for the expansion of the Victorian economy. I might say that when you look at some of the initiatives that are in the budget, you see that there is a significant number in order to gear up growth in the economy and to assist business, including export assistance that is in the budget.

I refer the member to the fact that there is \$9.9 million to encourage export growth by expanding the Opening Doors to Export program and creating a new Victorian export network website, there is \$9.3 million in the budget to support small business by continuing with the small business commissioner, there is \$8.1 million to boost our strategic industry development program, focusing on Victoria’s competitive strengths such as defence and so on, and there is \$2.1 million to create new tiger teams of industry leaders to chase footloose investment opportunities and, with the Victorians

Abroad program, to use the expertise of expatriate Victorians to generate additional investment.

Beyond that we are also facilitating access to more skilled workers and better training facilities under an \$89 million plan to address the skill shortage, which is actually an indication of the strength of the economy. We are suffering from a significant skill shortage in a range of skill sectors, so we have put an \$89 million plan to do that. We have a \$30 million package to build stage 2 of the automotive centre of excellence at the Kangan Batman Institute of TAFE and to relocate the automotive program to the new state of the art Docklands facility. Members who have not been down to see that facility should go down and look at it, because it really provides a major impetus to the automotive industry.

I might say that I take exception to the member’s comments in relation to the way exports are developing in this state. In fact we have a significant increase in the amount of exporting that is occurring. I have in the past indicated to the house how in just one sector alone, the automotive industry, we have dramatically increased the amount of exporting by that industry. We now have a circumstance that, whereas 15 years ago the majority of cars built in this country were sold in this country, now 45 per cent of the vehicles built in Australia are exported overseas — 45 per cent, which is almost half of the cars built, go to overseas markets and generate export earnings for this state. It did not happen by accident. It happened because of very careful investment and assistance. As well as that the government is involved in a significant program to renew its overseas offices to facilitate and to continue the export drive that is occurring in manufacturing industry.

Finally, I am involved in the government in the not too distant future releasing a statement on manufacturing in which we will outline a very comprehensive plan going forward for reinvigorating our manufacturing industry. Beyond that I want to finish on this aspect, which is never indicated by members opposite as being part of the way we generate these export capabilities and generate the economic growth in the state, and that is by reducing business costs. For example, in the current budget — —

**Mr D. Davis** — Land tax is up 102 per cent under your government.

**Hon. T. C. THEOPHANOUS** — The member mentions land tax. I will take up the member’s interjection. We are very proud of the achievements under land tax — —

**Mr Finn** — Did you say you are proud of it?

**Hon. T. C. THEOPHANOUS** — Under the previous government the rate of land tax was 5 per cent. That was its record, which Mr Finn supported. We have now reduced the rate of land tax in this budget to 2.5 per cent. As the Treasurer said today, for a critical part of land tax payments, in the band up to \$4 million, we are the lowest of any state. As the Treasurer said today, it is pretty difficult to get lower than the lowest, because that is where we are. I indicate to the member in relation to land tax that we have had a \$508 million reduction. We have a further 10 per cent. Listen to this, David Davis, because you don't like it: on WorkCover we have had 10 per cent, 10 per cent, 10 per cent and 10 per cent.

**The PRESIDENT** — Order! The minister, through the Chair.

**Hon. T. C. THEOPHANOUS** — That is 40 per cent in total of reductions in WorkCover under this government. That is the record of achievement we have been able to accomplish to get business going again. That is why we are getting economic growth that is the envy of other states and economic growth that is driving this economy and creating jobs. That means that if you look at the budget estimates going forward you will see that we will have an unemployment rate in this state of 5 per cent. We are proud of this record, and we know that Victorians appreciate the work that is being done by this government in keeping the economy running.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — Given the minister's answer to the question, why has he cut spending on the investment attraction output group from \$66.6 million in 2004–05 to a planned \$24.1 million in 2007–08?

**The PRESIDENT** — Order! I am of the view that that is not a supplementary question. I believe it is almost a verbatim repetition of Mr Davis's original question. Therefore, he is done.

**Budget: Aboriginals**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Minister for Aboriginal Affairs. Will the minister inform the house how this year's budget will improve the lives of young indigenous Victorians?

**Mr JENNINGS** (Minister for Aboriginal Affairs) — I thank Mr Elasmarr for his concern about the wellbeing of Aboriginal people in the state and

about the youngsters in that community. I am sure he shares with members in this chamber an unswerving commitment to ensure that they have enriched lives and reach their full potential. Sadly that has not been the case for many generations of Aboriginal children across this nation.

The Bracks government has provided consistent support, and that is indicated through its commitment to A Fairer Victoria, with \$122 million in the last two budgets specifically allocated to community development programs in the Aboriginal community. We are continuing that tradition this year by announcing a further \$19.5 million that is designed to support the wellbeing of Aboriginal people beyond their access to the mainstream service provision to which all citizens in the state of Victoria should have unfettered and equal access.

Beyond that we have provided particular support that relates to the wellbeing of Aboriginal children. We have provided through this \$19.5 million allocation a significant investment of \$11.5 million for a range of early years support programs. They will include maternal and child health initiatives and parenting capacity and family strengthening programs. A specific subsidy is going to be provided to ensure that three-year-old Aboriginal children have greater access to kindergartens. This continues the Bracks government's commitment in this budget to opening up access for all four-year-old Victorian children whose parents hold health care cards and concessional arrangements.

We are extending that important initiative in Aboriginal communities so that it applies to three-year-old children to try and ensure they have a better start at kindergarten, a better start in life and a smoother and easier transition into school life. That is a very important thing in terms of providing for the wellbeing of Aboriginal children now and into the future. We know that education and a good start to life builds a solid foundation so that better opportunities may come through job opportunities and housing opportunities and enhance their quality of life right throughout their lives. We have recognised their particular needs and provided that support.

Within that \$19.5 million allocation we have also provided support to a number of Aboriginal community organisations for assistance with administrative arrangements to try to streamline the relationship between government and Aboriginal community organisations. We are trying to get our act together to make sure that we do not ask Aboriginal community organisations to inappropriately go through the hoops and to ensure that together we have confidence in the

partnerships between government and community organisations and that there is governance capacity and the ability to undertake the roles and responsibilities that various programs may charge community organisations with.

In the last few years we have seen great progress in Aboriginal community development in the state of Victoria, but we still have some way to go in seeing that translated into quality-of-life indicators — for example, through life expectancy, which is one important measure. Certainly we hope that we will make a significant contribution, in partnership with Aboriginal people, to ensure that all Aboriginal children are optimistic and enthused about the potential for life and that we as a community support them to reach their maximum potential in the years to come.

### **Budget: Aboriginals**

**Mrs COOTE** (Southern Metropolitan) — My question is for the Minister for Aboriginal Affairs. The Aboriginal Heritage Bill exposure draft was released 10 days ago, foreshadowing an additional 57 pages of regulations and red tape for Victorian industry. Will the minister confirm industry estimates that the cost of engaging registered Aboriginal officers to evaluate sites under these regulations will be between \$215 and \$6400 per site, even for minor works?

**Mr JENNINGS** (Minister for Aboriginal Affairs) — What I can confirm to the member, to the chamber and to the Victorian community is that the regulatory impact statement that has been distributed in conjunction with the regulatory regime that she quite correctly says has been introduced in the last fortnight indicates that there is a clear net financial gain to the state of Victoria from the introduction of these regulations. Indeed it has been estimated by Allens Consulting and verified by the Victorian Competition and Efficiency Commission that \$10 million will be the net benefit to Victorian businesses and the Victorian community over the life of the regulatory regime.

As part of that analysis it is pointed out that an estimated \$35 million over the first 10 years of the life of the regulations will contribute to a reduction in the costs that businesses have previously incurred through the unfortunate circumstances which I have talked about on many occasions in this chamber and in the community. Businesses want to go about their development proposals. They receive planning approvals and they get to a certain part of their development only to discover that they have been negligent in relation to their responsibilities under the commonwealth Heritage Act. That has led time and

again to costly delays in the nature of those developments.

The intent of the Victorian law and the new regulatory environment is to ensure that cultural heritage is done up front; that the analysis and the approvals are undertaken before planning approvals are given. The government confidently believes, and the regulatory impact statement clearly indicates, that there will be a net saving to Victorian business by doing those approvals up front and having the planning regime incorporate cultural heritage protection in the years to come, which has clearly not been the case under commonwealth law for the last 20 years.

### *Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — How many registered Aboriginal officers does the department intend to hire for this purpose and at what cost to the taxpayers?

**An honourable member** — A good question.

**Mr JENNINGS** (Minister for Aboriginal Affairs) — No, it is not a very good question because the last budget papers and these budget papers have a cost attributed to cultural heritage protection. That was in last year's budget, which was pinned to the introduction of the act. It is in this year's budget. It is not a very good question. It is in the budget paper.

### **Budget: schools**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Education, John Lenders. Can the minister inform the house about how the Bracks government is delivering on its commitment to make education its no. 1 priority?

**Mr LENDERS** (Minister for Education) — I thank Ms Mikakos for her question. It is a great question about what the budget is doing to make education our no. 1 priority, and I am proud to say to Ms Mikakos and to the house that it is our no. 1 priority.

**Mrs Peulich** interjected.

**Mr LENDERS** — I take up Mrs Peulich's interjection about it being overdue. In the last year of the Kennett government less than \$100 million was spent on capital works for schools. In this budget alone \$555 million has been allocated — a sixfold increase. Talk about being overdue. This government is making up for the neglect during all of those years and is investing in the future of Victoria's children. It is

investing in the future of Victoria's economy by putting this huge investment into schools in Australia.

In Victoria what we have done with the capital in this budget, as I said in response to Philip Davis, is to commit \$555.1 million to the modernisation or rebuilding of 131 schools in the state of Victoria, and 89 schools will be modernised. The modernisation of a school means an existing school will have major capital works done on rebuilding, whether it be for a science block, a tech wing or other major capital investment. So there will be 89 school modernisations, but 89 is not just a figure; today in 89 school communities parents will walk in the school gate and know there has been an investment in their community and in the future of their children. In addition there is \$50 million for seven new schools in growth corridors.

**Mr Guy** interjected.

**Mr LENDERS** — Mr Guy might like to see Victoria become like Los Angeles with sprawling growth corridors everywhere, but in our planned Melbourne 2030 growth corridors seven communities will have new schools. We will also have four replacement schools where existing schools are no longer fit for their purpose, and the government will invest in four total replacements.

**Mrs Peulich** interjected.

**Mr LENDERS** — Mrs Peulich would know about disrepair in schools because she voted to close 300 schools and sack 9000 teachers in her former life as the member for Bentleigh in the other place. We are rebuilding with regeneration projects in eight areas at a cost of a further \$93 million. Anybody who has been to Broadmeadows, Dandenong, Eaglehawk, Echuca or Kyabram will know that there has been longstanding underspending on schooling — and this government is rectifying that.

Further, we have another \$35 million for land acquisition in the growth areas. We also have a \$14 million investment to replace small rural schools with permanent facilities.

**Mr D. Davis** interjected.

**Mr LENDERS** — David Davis does not care about small rural schools. He voted for the closure of schools under the Kennett government. He was there talking about the toenails. On this side of the house we care about small rural schools, and from the day of its election the Bracks government has governed for the whole of Victoria; it does not have a toenails approach. I see Ms Pulford nodding her head, because she comes

from a regional community that was scoured by neglect. This government is putting resources into small rural communities to rebuild schools so those schools that had a handful of portables and no commitment from government — —

**The PRESIDENT** — Order! The Leader of the Government, and in fact every member in this chamber, is more than aware of my position of late in regard to answers to questions, particularly on the issue of debating them. I will keep reminding the house on any occasion that I need to until the message gets through, but I seek the minister's assistance in the matter.

**Mr LENDERS** — In response to Ms Mikakos, this government is investing. Her question was: what are we investing in capital? Is education our no. 1 priority? What are we doing for the future? President, I was contrasting with the past, but in response to Ms Mikakos the biggest spend in the history of this state is what is in the budget. The figures I have been going through show that investment.

A final area of expenditure is the ultranet, with a \$60.5 million investment in state-of-the-art computer technology — —

**Mr P. Davis** interjected.

**Mr LENDERS** — If Philip Davis wishes to ask me questions on the ultranet every day as a subset of education, I will be delighted to stand shoulder to shoulder with our 1594 state schools, which are getting it. The investment in schools in Victoria is there. It is a fantastic outcome. Mr Vogels is actually trying to pre-empt the ultranet by getting onto the parliamentary IT system. Let me say that the ultranet is far superior. It is making Victoria a better place to live, work and raise a family. It is a great investment.

### **Disability services: aids and equipment program**

**Mrs COOTE** (Southern Metropolitan) — My question is to the Minister for Community Services. I refer to the many disabled Victorians waiting for the aids and equipment which would add to the quality of their lives. These include electric wheelchairs which cost in the vicinity of \$16 000 each, specialist shoes at \$900 per pair and vehicle modifications which cost in the vicinity of \$20 000, and I ask: how many disabled Victorians are now on the waiting lists for disability aids and equipment?

**Mrs Peulich** — I suppose you can't answer this one either.

**Mr JENNINGS** (Minister for Community Services) — I think Mrs Peulich should understand that I can answer any question that comes my way in this chamber. I do not think I have had any difficulty answering any questions that the other side has put in my direction in the last four or five years. I do not think there has been a great deal of difficulty.

There are 23 000 people who currently have access to the aids and equipment program. Yesterday, as an introduction to what was announced in the budget, I informed the house that we are supplementing that program with \$9.5 million that we found within the 2006–07 budget. In fact the Premier and I announced in the days leading up to the budget that we had tried to augment the recurrent budget by having that one-off commitment. Yesterday that was supplemented by a further \$20 million that has been allocated to the program going forward.

**Mrs Coote** — How?

**Mr JENNINGS** — You don't think that I am being apposite to the question? You don't think I am responding to you and the community about where we are heading with this program?

**The PRESIDENT** — Order! The minister should answer through the Chair, with no debate.

**Mr JENNINGS** — President, I have no illusions about my importance, but I thank you for the comments. What I have indicated to the people of Victoria is that there have been about 5000 people waiting to get access to this program. Indeed the announcements and the commitments we have made will make significant inroads into various elements of the waiting list — for instance, the needs of children on the waiting list at the Royal Children's Hospital will be removed by the announcements we have made in the last week. It is our intention, as much as we can, to try to spread the funding that has been available to meet the wide range of needs that members in our community have, and any sensible person in this community knows that for far too long there has been a disproportionate cost borne by the parents of children, and indeed the loved ones of many people with disabilities in our community. The motivation and the intention of the government is to respond with compassion and consideration to meet those needs.

So regardless of whatever the number was — and the number was perhaps not the most relevant aspect of this question — the issue is: do we as a community stand up and respond to the needs of Victorians in their time of need, and do we allocate funding in accordance with

that need? The answer to those questions is that the Bracks government recognises its obligations and is rising up to meet them.

**The PRESIDENT** — Order! This issue of the answering of questions is starting to become of more than a little concern to me. I am a patient man on occasions. However, I draw to the attention of government members in particular the fact that standing order 8.03 pertains to how questions should be answered. If there is a will to change the standing orders by members of this chamber, they can do so. Until such time I will apply the standing orders. I will not lose patience, but at some stage the house will become more than a little frustrated if we continue down this road.

*Supplementary question*

**Mrs COOTE** (Southern Metropolitan) — Are disabled people over 30 years of age treated as a lower priority for aids and equipment than children with a disability?

**Mr JENNINGS** (Minister for Community Services) — In my previous answer I drew to the attention of the chamber the fact that we recognise that there are various needs which occur during the life of Victorian citizens. In fact their needs may change over time, and there are various elements within the program that are designed to meet specific needs, and the allocation of funding and resources has been segmented to try to respond in a timely fashion to those needs. In that context some people may construe it as there being a different priority within the program. I do not accept that there is a variation in terms of responding to need. I understand that all Victorian citizens, regardless of their age and regardless of their circumstance, have every right to receive support through this program.

**Budget: education**

**Mr PAKULA** (Western Metropolitan) — My question is to the Minister for Education. The Bracks government is meeting future challenges and investing in services that matter to families. Can the minister outline how the state government budget initiatives are supporting teachers and students to deliver excellence in Victorian school education?

**Mr LENDERS** (Minister for Education) — I am delighted to take Mr Pakula's question. Just as I told Ms Mikakos and the house that in this budget \$555.1 million is being invested in capital works in schools, I am delighted to let Mr Pakula know that an extra \$349.1 million is being spent on education output

initiatives. Mr Pakula is, again, one of the people in this house who delights in the delivery of services to schools in the state, and I congratulate him on his interest. I know he has a great interest in the schools in the Western Metropolitan Region in particular.

For the benefit of the house, these are some of the outputs that are being delivered in the budget. Firstly, there will be 300 teacher assistants, one in every government secondary school in the state, by the end of this term. This is significant, because the blueprint for government education is actually to let teachers teach and not to be in a situation where they are spending their entire lives filling out paperwork, because our friend from Moscow on the Molonglo makes them fill it out all the time. Ms Bishop likes people to fill out paperwork. We want teachers to be teaching our students to equip them for the future. The 300 teacher assistants are exactly what will enable that. They will take away from teachers some of the jobs they do that are not teaching — the most obvious example is collecting money for excursions and various other things like that — so that teachers can teach. This is a very important initiative that will assist teachers in assisting our students to be equipped for the 21st century.

We also have a \$1.4 million contribution for 50 scholarships per year for science graduates. If science is one of our great initiatives, one of the great innovations to assist us, we need to be supporting science graduates, and this is one of the areas in which we are doing that. We have an after-hours ethnic school program. Community language schools will receive an increase in annual per capita grants from \$100 to \$120, and that comes to \$3 million per year. In a multicultural community where many languages are taught it is not just fantastic for the cultural heritage of Victorians but it is also great for our trade capacity to have greater language skills around. This is significant funding. As well we have ongoing funding for the five Victorian School of Languages centres in regional Victoria. The Nationals MPs and all the members from the three rural regions will be delighted that there is investment in those regional communities.

We have maths and science equipment grants. Every government primary school in this state and every government secondary school will be the recipient of one of these grants. Mr Atkinson and Mrs Coote may not be interested in what is happening in schools in their area and the grants that go to them, so they may not be interested in this. They are clearly more interested in other areas, but all the school communities in this state — every primary school, every secondary school; all the 1594 government schools — are

delighted that the state government is committing to science in their schools and making these maths and science grants come forward.

Secondary schools can receive up to \$55 000 — —

**Mrs Peulich** interjected.

**Mr LENDERS** — President, Mrs Peulich seems to ask, ‘What is the relevance of this?’. I will draw the house’s — —

**The PRESIDENT** — Order! Mrs Peulich’s constant interjections are noted, and she is warned.

**Mr LENDERS** — The maths and science grants are something that will make a material difference in every government school in this state.

The government is also committed to non-government schools per capita grants of \$30 million over the period. We govern for the whole state, not just the 1594 state schools but also the 702 non-government schools. In addition to that we have an \$83 million rollover of funds for the next four years to these schools to assist them further in delivering education in Victoria.

We have also recommitted \$79.9 million for our 256 primary welfare officers in schools. This is an area that was delivered for the four years of the last Parliament, and it has been extended. Interestingly, the Leader of the Opposition raises issues in this place about the welfare of students and what we are doing as a government. I can happily say to the house and to the Leader of the Opposition that one of the significant things here with this funding of primary welfare officers is that where it matters, the interface between students and community, this government is putting in resources to assist in that area. The government puts its money where its mouth is. We have delivered \$349.1 million in response to Mr Pakula’s question where it matters in 1594 government schools and also 702 non-government schools so that students will get the best education possible in the state of Victoria.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I draw the attention of members of the Greens in particular to the fact that it is not appropriate to be either acknowledging or conducting any sort of conversation or exchange with members of the gallery.

**Mr LENDERS** — Education is this government’s no. 1 priority. We have delivered capital and we have delivered recurrent funding, and that is not just so we can spend money in a budget. That is the absolute best

investment for the future of this state. Our students coming through schools are our future — they are the future of our economy, they are the future of our society, they are the very fabric of our society. The more we can invest in those students the better. I have said in this house before that education is a gift that lasts a lifetime, and this budget is the biggest single contribution to education in the history of the state of Victoria — I do not use the words lightly. It is an investment, and this government is very proud of that investment.

### **Port Phillip Bay: channel deepening**

**Ms PENNICUIK** (Southern Metropolitan) — My question without notice is to the Minister for Planning. I thank the minister for his letter of 30 April confirming that he has declined to extend the period of public exhibition and comment for the supplementary environment effects statement into the proposal to deepen the shipping channels in Port Phillip Bay. I turn to another aspect of this supplementary environment effects process, which again denies the community fair and meaningful participation.

The terms of reference for the supplementary environment effects statement panel allow it just four weeks to complete its task and do not allow for the cross-examination of expert witnesses at panel hearings except by panel members. The first panel hearing allowed extensive cross-examination of expert witnesses and was a fair process. Will the minister try to restore some credibility to this process by extending the panel hearing time to at least three months and reinstating the right of the public to question expert witnesses, so we can get to the truth of the matter?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome the member's interest in the channel deepening process and in particular the planning process that is currently under way, the panel hearing and the terms of reference for the panel hearing. As members would appreciate, this has been, is and will be a comprehensive process. We have seen an initial hearing, an environment effects statement which was scrutinised and more questions raised. It is my understanding that the Port of Melbourne Authority went out and did the necessary work from the initial panel hearing and presented a supplementary environment effects statement to answer the queries raised by the initial panel hearing. It is a comprehensive document in the order of 14 000 pages.

This has been probably the most expensive and exhaustive process ever undertaken. In every sense of the term it left no stone unturned. I am conscious that

we want to see this process brought to a conclusion. Regardless of whether it is good, bad or indifferent to anybody in this chamber or members of the community, it is important that these processes do not go on forever. I am very mindful of getting the balance right and giving people every opportunity to advocate for their positions. Whether they support or do not support the project they have to have the opportunity to make a submission. They have been given that opportunity, and we have ensured that it will be delivered in a timely manner. We believe we have the balance right. No doubt you can never make everybody happy when you have processes like this. However, it is important that we give everybody the opportunity to make submissions, and I believe this process does that.

### *Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — Given his answer, is the minister still prepared to assure the Victorian public that four weeks of panel time and no cross-examination of witnesses represents fair and meaningful participation?

**Hon. J. M. MADDEN** (Minister for Planning) — I appreciate the member's specific interest. I believe this process will do justice to the project. I am not pre-empting the outcome in any way, because I look forward to hearing what the panel report says in relation to submissions. A 14 000-page supplementary environment effects statement is absolutely comprehensive; we have mentioned this before. If people have a specific concern, no doubt it will be covered somewhere in that document. They can make their point accessible through that document, and they can make a submission to the panel. I understand that people want a longer period of time to make submissions — I appreciate and acknowledge that. However, this has been an extensive, lengthy process and I am obliged as the Minister for Planning to make sure we resolve this matter in one direction or the other as quickly as we possibly can. I believe this process will do that sufficiently and that a resolution can be determined in relation to this project in sufficient time.

### **Budget: urban renewal**

**Mr SCHEFFER** (Eastern Victoria) — My question is also to the Minister for Planning. Victoria has a reputation as one of the world's most livable places, and the Bracks government's long-term plan to protect our state and build safe and attractive neighbourhoods undeniably keeps that reputation intact. I ask the minister to inform the house how the Bracks government's 2007–08 budget delivers on its commitment to urban improvement and revitalisation

that will continue to help maintain our reputation as one of the most livable places in the world.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Scheffer's interest in all matters to do with urban renewal. One of the great things about yesterday's announcement is that there was so much in it. It is not easy to wade through all the good news that my colleague the Treasurer announced in the other place yesterday. No doubt there are some headline topics about housing — I know that has been mentioned — about education and about transport. There are a number of big-ticket items — —

**Mr Finn** — Not much in the west.

**Hon. J. M. MADDEN** — I know Mr Finn will be interested in this answer.

**Mr Finn** interjected.

**The PRESIDENT** — Order! Mr Finn!

**Hon. J. M. MADDEN** — Being new to the Footscray area in every sense of the word, Mr Finn will be interested in my answer. I suggest through you, President, that Mr Finn calm down for once and listen to my answer. Fifty-two million dollars of urban renewal money will go to Footscray.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — It is in the west. I would be interested to hear from Mr Finn what part of the west that is not. Footscray is well and truly the heartland of the west.

**Mr Finn** interjected.

**The PRESIDENT** — Order! Mr Finn is warned!

**Hon. J. M. MADDEN** — I look across the chamber to members of the Greens and see this announcement has drawn a smile from them, and that is no mean feat. There is \$52 million for the revitalisation of central Footscray. That is a great announcement because this is about urban renewal. It is about modernisation of the pedestrian links from the station, upgrades in the main town centre and facilitation of new development strategies to bring business into the area. This is about opportunities for people in the west. This complements Melbourne 2030 and transit cities.

One of the great advantages of the Footscray station may not be recognised by many people on the other side of the chamber because they may not have travelled through the it on that many occasions, but I suggest they do. However, many rural connecting trains

run through Footscray station. This is a great investment not only in terms of the Footscray precinct but also for those who may want to commute from regional locations like Geelong, Bendigo or Ballarat or other places because their train lines run through that centre. This is a great way of bringing people from rural centres into activity centres like Footscray. This has some great attributes. While it is specifically about the western suburbs heartland, it is also about investment in the transit city connections to rural Victoria.

But there is more. President, I know you will be particularly pleased with the other announcements I have here. Seven million dollars will be contributed to stage 1 of a \$400 million project at Greensborough. That should illuminate some members on the other side of the chamber in whose electorates this will be located. Not much illuminates them, but we would like to think that would be the case with this. The \$7 million contribution to this \$400 million project in Greensborough will include a new split-level town centre with wide-ranging civic, community and commercial facilities and a major world-class regional aquatic centre. Those who are keen on swimming will get great use out of this.

In addition we are seeing \$5.8 million being directed to Geelong. I know that will hearten many people in this chamber. I know members of the other place were very excited about this. This money will be used to acquire land in and around the Geelong station precinct to enable future pedestrian links to the new Transport Accident Commission building and the waterfront, as well as detailed design and scoping works for the station and cultural precincts.

These are great announcements. What they signify is not only investment in urban renewal which complements Melbourne 2030 but that local governments are able to work collaboratively with the stakeholders themselves, work with the state government, work with commerce and work with housing developers — all those sorts of stakeholders will have that work complemented by investment from the state government. What we will see is not only urban renewal but we will also see more jobs. If there is one thing the Labor government is about, it is jobs, jobs and jobs. As well as that, this will produce more housing options so that there will be choice in the marketplace. There will be safer, more attractive and more livable suburbs and towns that are communities as well. It will again reinforce and cement Victoria's place as one of the world's most livable places — a great place to live, work and raise a family.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Education) — I have an answer to question on notice 50, which Mr Barber was seeking during the last sitting week.

**Mr DALLA-RIVA** (Eastern Metropolitan) — In relation to standing order 8.11 and questions on notice 48 and 49, those questions were asked on 15 February. I have emailed Minister Theophanous today advising that if I have not received notice I will be asking for an explanation.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I am not sure whether the question is to me or through me to a minister in another place. I will check those two questions about which I have been asked and report back to the member.

## HOUSE COMMITTEE

### Membership

**Mr LENDERS** (Minister for Education) — I move:

That —

1. (a) Five members be appointed to the House Committee.
- (b) The committee will consist of two members from the government party nominated by the Leader of the Government, one member from the opposition nominated by the Leader of the Opposition, one member from The Nationals nominated by the Leader of The Nationals and one member from the Australian Greens nominated by the Australian Greens Whip.
2. Members will be appointed to the committee by lodgement of the names with the President by the persons referred to in paragraph (1)(b) no later than 4.00 p.m. on Friday, 4 May 2007.

**Motion agreed to.**

## STATUTE LAW REPEALS BILL

### *Statement of compatibility*

**Mr LENDERS** (Minister for Education) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Statute Law Repeals Bill 2006.

In my opinion, the Statute Law Repeals Bill 2006, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

### Overview of bill

The bill repeals acts of Parliament that have become redundant because they are spent in effect and no longer serve any purpose.

The acts to be repealed are listed in the schedule to the bill. The schedule includes many amending acts that are spent in effect as they have amended the principal acts. The schedule also includes principal acts that have no ongoing operation.

### Human rights issues

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

This bill does not raise any human rights issues.

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

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

### Conclusion

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

HON. JOHN LENDERS, MP  
Minister for Education

### *Second reading*

**Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Education).**

**Mr LENDERS** (Minister for Education) — I move:

That the bill be now read a second time.

The bill before the house, the Statute Law Repeals Bill 2006, is a regular mechanism for reviewing Victoria's statute books. The bill is vital to the orderly management of the state's statutes, so that the laws remain clear, relevant and accurate.

The bill repeals redundant acts, which chief parliamentary counsel has identified as being redundant. The acts to be repealed are listed in the schedule to the bill.

The majority of these redundant acts are amending acts which are spent in effect and have no further purpose. The amending acts contain transitional and substantive provisions. The transitional provisions are no longer required because of the passage of time or subsequent legislative enactments. The substantive provisions are no longer required because they have amended or repealed the provisions of the principal acts which they were enacted to amend or repeal. These amending acts include the Melbourne and Metropolitan Board of Works (Amendment) Act 1981, the Public Sector Management

(Amendment) Act 1995 and the Treasury Legislation (Repeal) Act 2005.

Any residual effect of the transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The bill also repeals principal acts which have no ongoing operation, such as spent appropriation acts and other redundant principal acts like the Town and Country Planning (Planning Schemes) Act 1979 and the Grain Handling Improvement Authorities (Abolition) Act 1984 and the State Board of Education (Repeal) Act 1992.

The bill is part of the Victorian Parliament's regular housekeeping arrangements. It will repeal redundant acts which have no further function and should be removed from the Victorian statute book. The bill will ensure that Victorian statutes are updated and maintained in a regular and orderly manner to ensure they remain relevant to the Victorian community.

I commend the bill to the house.

**Debate adjourned on motion of  
Mr RICH-PHILLIPS (South Eastern  
Metropolitan).**

**Debate adjourned until Wednesday, 9 May.**

## ROAD LEGISLATION AMENDMENT BILL

### *Committee*

**Resumed from 1 May; further discussion of clause 1  
and Mr DALLA-RIVA's amendment:**

1. Clause 1, page 2, lines 11 to 15, omit all words and expressions on these lines and insert—

“(d) to amend the **EastLink Project Act 2004** to redefine the meaning of trip;”.

**The DEPUTY PRESIDENT** — Order! I remind members of the committee that when we reported progress on this bill last night we were on clause 1, Mr Dalla-Riva's amendment 1. At the time I reported progress I had an indication from Ms Pennicuk that she had a question in relation to this clause.

**Ms PENNICUIK** (Southern Metropolitan) — My question was in regard to clause 16. I ask the minister if he knows why the distance specified is 200 metres. I query why the distance is 200 metres when, for example, under VicRoads it refers to land adjacent and under the CityLink act it refers to land that would affect CityLink. It is curious that there is a prescribed distance, and I ask whether the minister knows the reason.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — The issue here is

that I have been asked during the course of the committee stage how many properties would be affected by the 200 metres and a range of other questions. I have tried to answer questions on application. I have said that mainly it would be applied, at least in the first instance, around the tunnel area itself. As to the question of why the distance is 200 metres and not 250 metres or something of that nature, I am not really in a position to be able to say. I imagine that this distance was deemed to be the sort of distance that would be required in order to successfully bring about the objectives of the act itself.

**The DEPUTY PRESIDENT** — Order! I would like to comment on the committee process. Legislation passed by the Parliament is scrutinised by the courts for the purposes of making judgements. The courts pay particular attention to second-reading speeches and to the deliberations during the committee stage, because the committee stage teases out the intent of the government in regard to its legislation. Therefore questions that are put by members need to be answered thoroughly and effectively. This information is important, not just to the judgement of members in deciding how they will vote but indeed to the interpretation of legislation subsequently. I urge ministers to ensure that they provide adequate answers to the questions that are asked during the committee stage.

**Ms PENNICUIK** (Southern Metropolitan) — I asked the question because we now have three definitions in three acts as to land for a referring authority, and I thought using such a prescribed distance required, or certainly invited, a reason.

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I am advised that following what must have been sustained and considerable consideration of this issue by the minister and others in constructing the legislation, it was considered a reasonable distance that would pick up any activities that could affect the roadway.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I have one final statement, as it were. What we are seeing from the minister's response and from reviewing what was discussed last night is that there is no clarity from the government as to why it has picked a 200-metre zone, as is provided for in clause 16, which is the very issue that we are trying to have amended in this committee stage. I again implore non-government members to consider this amendment in its entirety and to support the opposition's amendments as they stand.

**Bells rung.**

**The DEPUTY PRESIDENT** — Order! I advise members who have come back to the chamber that we are voting on amendment 1 to clause 1 standing in Mr Dalla-Riva's name. I wish to make a statement to the committee. I live in close proximity to the freeway and to an area that has been mentioned in debate. It is outside the 200 metres but not far outside the 200 metres. I have made the judgement that I am in a position to vote because, one, I am outside the 200 metres and, two, because my position is a shared position with the general community and not of particular benefit to me. Nonetheless I thought the committee ought to be informed of that before I cast my vote. As I indicated last night, it will be my approach in future in order to speed up the voting for me to indicate to the committee my vote before the tellers begin their count. On this occasion I inform the committee that I will vote in favour of the amendment.

**Committee divided on amendment:**

*Ayes, 16*

Atkinson, Mr	Hall, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms ( <i>Teller</i> )
Davis, Mr D.	O'Donohue, Mr ( <i>Teller</i> )
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr

*Noes, 22*

Barber, Mr	Mikakos, Ms
Broad, Ms	Pakula, Mr ( <i>Teller</i> )
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms ( <i>Teller</i> )
Madden, Mr	Viney, Mr

*Pair*

Koch, Mr	Smith, Mr
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**Amendment negatived.**

**Clause agreed to; clauses 2 to 20 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Hon. T. C. THEOPHANOUS** (Minister for Industry and State Development) — I move:

That the bill be now read a third time.

In so doing I would like to thank members for their contributions to the debate in both the second-reading and committee stages.

**The PRESIDENT** — Order! The question is:

That the bill be now read a third time and that the bill do pass.

**House divided on question:**

*Ayes, 24*

Barber, Mr	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms	Pennicuik, Ms
Drum, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hall, Mr	Smith, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr ( <i>Teller</i> )
Leane, Mr	Thornley, Mr ( <i>Teller</i> )
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr

*Noes, 14*

Atkinson, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms ( <i>Teller</i> )
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr ( <i>Teller</i> )

*Pair*

Eideh, Mr	Koch, Mr
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**Question agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**INFERTILITY TREATMENT  
AMENDMENT BILL**

*Second reading*

**Debate resumed from 19 April; motion of Mr JENNINGS (Minister for Community Services).**

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the Infertility Treatment Amendment Bill. The opposition on this occasion will allow each and every member of the parliamentary party the opportunity to vote as they see fit in terms of their conscience and free

will. The community of course has a very diverse range of views on the substance of the matters discussed in this bill. It is an important bill that the community has discussed in great detail.

Like much of the legislation we have seen over recent years, this bill makes linkages between state and commonwealth legislation that regulate in their different ways parts of particular industries or human activities. In that sense it falls into a pattern that we see very often now where our Parliament has to work with decisions made by ministers, premiers or sometimes prime ministers and others. In this case decisions have been made in the federal Parliament that impact here in Victoria and nationally. This bill dovetails with many of those decisions.

I say at the outset that I have had an enormous amount of correspondence regarding this bill, the Infertility Treatment Amendment Bill 2007. I have had people speak to me in the street, by letter, email and text message. I have endeavoured on each occasion to examine what they have said in a thoughtful and fair way to take on board the points that have been made by each individual person. I place on record the thoughtful approach that so many have adopted where complex issues have been discussed and complex arguments put. I think it has been a challenge for each and every member of this chamber, no matter what their political party, to get their heads around many of these issues.

I have also attended a number of the briefings that have been put on by the department and in particular organised by the shadow Minister for Health, Helen Shardey, in another place. I believe the Liberal Party owes a great debt to Mrs Shardey for the genuine and generous way in which she has worked her way through these difficult and challenging issues. I thank, too, those who have given up their time to provide those briefings; they have helped each and every one of us to work through particular issues in individual sections of the bill.

I am also cognisant of the comments made in the Scrutiny of Acts and Regulations Committee brief on the bill. As I was saying to someone today on another bill, it is one of the committees of the Parliament that I pay a great deal of attention to. There are very few pieces of legislation on which I do not closely read what the Scrutiny of Acts and Regulations Committee has said. I have done that on this occasion. It is important to draw attention to the particular work of that committee.

The main purpose of the bill is to amend the Infertility Treatment Act 1995. Some of us remember other

amendments to that act as it has gone through various iterations and changes over time. The bill modifies the current regulatory framework to allow the use of somatic cell nuclear transfer in stem cell research. It does that while retaining the existing prohibition on human cloning for reproduction. As I said, the bill is complementary to the commonwealth act of 2006. The community was also closely involved in debate about that act. The steps that followed are that the different states will pass acts. Victoria is the first of the states to take that step. I understand why Victoria might have taken that decision. I understand the importance for Victoria, while acknowledging arguments put to me in other ways and on other matters.

The main provisions of the bill insert a new definition of a human embryo which allows for entities such as those that have arisen from somatic cell nuclear transfer to be defined as embryos. It should be noted that unfertilised eggs, as distinct from human embryos, will be used for the purpose of somatic cell nuclear transfer.

The bill also allows for application to be made to the National Health and Medical Research Council licensing committee for a licence authorising a number of steps. They could include several of these: the use of excess assisted reproductive technology embryos; the creation of embryos other than by fertilisation of a human egg by human sperm and the use of such embryos; the creation of embryos other than by fertilisation of a human egg by a human sperm that contains genetic material provided by more than two persons for the use of such embryos; the creation of embryos using precursor unspecified cells from a human embryo or a human foetus and the use of such embryos; research and training involving the fertilisation of a human egg by human sperm up to but not including the first mitotic division outside the body of a woman for the purposes of research or training in assisted reproductive technology (ART); and the creation of hybrid embryos by the fertilisation of an animal egg by human sperm and the use of such embryos up to but not including the first mitotic division if the creation or use is for the purpose of testing human sperm quality only and the creation or use must occur in an accredited ART centre.

The bill amends the act to enable entry, inspection and enforcement in relation to non-licensed facilities and raises the maximum penalty to 15 years imprisonment. Clause 23 of the bill removes the offence of creating a human embryo clone to provide somatic cell nuclear transfer under licence. However, it remains illegal to place the embryo in a human body or the body of an animal.

I can understand why people have reacted to many of those changes, and I can understand the genuine response of people to what appears to be a loosening or loss of control in this area. I in no way diminish the importance of such impulses, because those human impulses are a very valuable protection for us as a community. They are a line; they set some boundaries on what we as a community, as humans and as researchers can do.

I should state in discussing this that I am a very strong supporter of biomedical research in this state. It is a very important part of our industry and of our future. I do not for one moment imagine that Victoria has achieved what it has in having a significant cluster of biomedical research and biotechnology without being prepared to step forward sometimes in ways that the community has been uneasy about, has lacked security on or has not had a full understanding of. This matter is a little different in the sense that there is a broader understanding in the community. There has been significant discussion of it, which is important.

The processes through the federal Parliament were very important in raising community understanding of these issues. I know that as somebody who has a human health science background I am perhaps more cognisant of some of these areas than others, and that having worked in certain areas of research myself in the past I have some understanding of research protocols and the need for proper boundaries and controls on research. The need for proper boundaries and controls does not in any way, in my view, mean that you should prevent or stop thoughtful, balanced research which is checked and fully looked at through the proper ethical processes and which falls within the boundaries set by the parliaments — in this case the federal and state parliaments — and the National Health and Medical Research Council.

I put on record in this chamber my support for the National Health and Medical Research Council and its critical linchpin role in funding, supporting and guiding — controlling to some extent — research in our country. It is a body of significant reputation both here and internationally, and I for one have confidence in the regulatory role of that body. To that extent I have confidence in its role in regulating the interplay between these federal and state pieces of legislation. I am not pretending that that is easy or that there are not imperfections in that process, but I am saying that in general it is a body that I have considerable regard for and I believe it has a critical role. I believe it is right that we in Victoria have taken a bipartisan step forward. I traced Victoria's long history in biomedical research in organisations such as the Florey institute and the

various other centres which have been so much a part of that history and which are continuing to go forward into the future in a very important way.

I pay tribute to the work of previous governments — the work of the Hamer government and the Thompson government which was continued by the Cain and Kirner governments. The work of Mark Birrell, a former minister in this place, with the science and technology initiative in the late 1990s was an important step, and to that extent the work continued now by the Treasurer, John Brumby, is within that tradition and within that sweep. We support those steps.

A bill was debated last night in the other chamber that looked at bringing together a number of our research institutes in a cluster that would strengthen the size of that neurosciences cluster and in doing that give it the weight and capacity internationally that is needed to push forward into areas that go to the future of research in Victoria, Australia and internationally. I should put on record a strong view that I have about biomedical and biotechnology clustering in Australia. I place on record a broader concern about the dissipation of the biomedical cluster that is strongest in Victoria. The poaching — I am not using too strong a word there — by other states of research focus or research resources is a concern to me from a national perspective as well as from a Victorian perspective. It is important to place on record that Victoria needs to be in the lead. We need to be strengthening our biotechnology and biomedical research efforts as much as possible. We need to be building on that cluster in Victoria.

We are a country that punches well above its weight internationally. However, according to international standards, we are not the greatest of players. If you look at the size of the efforts of the United States of America and Europe, in the long haul there is a risk that Australia, if it dissipates its research efforts into smaller fragmented groups, whatever the loose coordination might be between the states and centres, risks diluting its strengths in such a way that it will end up with a much weaker sector.

It is for that reason in part that I think the community accepts that Victoria should be at the forefront of biomedical research. This bill in part seeks to do that. I am in no way reflecting on other arguments, but there is a legitimate view that to be at the forefront you do need to have the best regulatory environment. This is a positive step in terms of the regulatory environment. Having Victoria at the front of the other states is a stronger position for us. We want Victoria to be in a position where as a state we are able to offer security to scientists within a proper and robust regulatory

framework so that they understand the limitations but are given scope within ethical boundaries to make decisions and to conduct research which will put Victoria and our industry at the forefront of this research internationally.

There is a risk if this legislation is not passed that it may result in some of this research not being undertaken in this state. A view has been put to me quite strongly — and in the end a legal argument may have to be resolved — that the commonwealth legislation provides the arrangement that would allow that research to go ahead in any event. Insecurity of legal position is in itself a brake on development, a brake on investment and a brake, in this case, on research. If this bill adds security, and a signal and a lead, that is an argument in its favour. It is not a trump argument but is an argument of merit and weight.

I should say that the genesis of the bill goes back to the Lockhart review. In a former role I read that review very closely and thought it was a very thoughtful and erudite contribution that sought to place the ethical considerations within proper bounds given the complexities of a lot of this. I support the positions that were put in the Lockhart review and to that extent I think the underpinnings of these steps and changes are robust. I know that not only I but many members of this chamber have had a series of briefings provided and have individually talked to a number of scientists. I will not name them one by one, but I thank each and every one of those for the work they did. It is important that the link between parliamentarians and scientists is strengthened. There is a need for parliamentarians to understand the work of scientists, to understand where research is going and to have some cognisance of the importance of this biotechnology and biomedical research activity for Victoria into the future.

A strong range of other views have been put to me and as far as possible I have communicated with each one of those people in a sensible way to try and understand their points. I have read very closely the points that have been made. I do very sincerely respect the views of many others in this chamber and in the other chamber with whom I have had discussions, some of whom have a different viewpoint from me. I not only respect their view but I have learnt something significant from those discussions.

Amendments were moved in the other place that sought to split this bill into two parts. While that may be a longer-term strategy or process that has validity to it, I think in the current climate, given that there is a federal review under way, that is not a helpful step in terms of the aims and objectives of this legislation. If at a later

point it is shown there is an argument to come back and break this bill into several sections — a research and a treatment section, as it were, stripping that down to its essence — that is something that may well be of merit.

I am very much aware that Victorian efforts internationally to position the state are of importance, and I welcome those efforts. As I said before, the security of the regulatory environment is very important. That is a persuasive matter on one level to me. I make the point again that so many people have put their views on this, but I have on this occasion decided to support the bill.

**Mr DRUM** (Northern Victoria) — It is a tough time in this Parliament because I think in my heart of hearts we are going to get rolled and this bill will be passed. There are many arguments that I would like to put forward, and I will see how I go on that. Many members will speak about the need to protect our state's scientific industry and remain at the forefront of science. I just do not get that. We have a genetically modified food industry in this state, yet we do not want to have anything to do with it because we are scared of it. We have put a moratorium on it for years. We do not want genetically modified science or experiments taking place in this state because it scares us; we do not want to go down that path. We let those scientists who are at the forefront of genetically modified foods make a living somewhere else in the world because we are scared of this technology.

Even with our timber industry, because we do not want to destroy or damage our timber forests we import \$2 billion a year of timber from Indonesia and other places around the world. We let our timber industry be decimated. That is okay, that is a decision we make because we do not want to damage what we have in this country. Yet we get these scientists who tell us, 'Unless you let us do this research we are going to leave'. Let them go! Then if they want to have the ability — —

*Interjections from gallery.*

**The PRESIDENT** — Order! I am terribly sorry to interrupt the contribution of Mr Drum; I know it is a serious matter. I remind members of the gallery that there is no opportunity for the gallery to participate in the debate. If there is any indication from the gallery that an attempt will be made, I will immediately clear the gallery and those people will not be allowed back in.

**Mr DRUM** — I suppose what I am doing is flagging to future speakers that this idea about remaining at the forefront of the science debate and

needing to make sure our scientists are encouraged to stay here and do this type of research in our state does not wash with me. If others want to make an issue of it, that is up to them. But there are a plethora of examples we could roll out where this state has decided it does not want to do certain things so moratoriums and bans have been placed on them. When we last debated similar legislation in this house we enabled scientists to do research using surplus IVF (in-vitro fertilisation) eggs and sperm in a very restricted manner. We said then categorically and unanimously that we would never ever go down the slippery slope of enabling cloning to take place in this state, and the two pieces of legislation were passed concurrently on that occasion.

As we put in place the ability for the surplus IVF donor sperm and eggs to be used and for that process to take place, we were just as diligent with the safeguards we put around that type of work and that type of research so that we effectively made sure we were going to ban cloning forever. It is three and a half years since we had that debate and we are back here again now relaxing the restrictions on the work these scientists can do with this research. We need to be able to say that we have put in place a tight legislative framework that ensures we will never allow this research to go down the path of reproductive cloning or down the path of extending the 14-day limit to 28 days.

I hope everybody in the chamber realises that at one stage we were all 14-day-old embryos. I hope everyone realises that. Nothing happened to us from the time we were 12-day-old embryos to the time we were 15-day-old embryos. We were simply nourished and we went from 10-day-old embryos to 15-day-old embryos. Nothing else intervened before we became 28-day-old embryos. Nothing special happened; we were simply nourished. Then we became two-month-old embryos. Again nothing happened to us. Then we became three-month-old embryos. I do not know when it was that we supposedly came to life. It really worries me that we are going down a slippery slope within a period of three years.

Everyone in the chamber is effectively being asked to believe that we are not alive if we are 10-day-old embryos. When you have an informal coffee or an informal chat with other members in a typical after-dinner discussion and the question 'When does life begin?' is asked, a lot of people have a serious problem with saying that a 6-day-old embryo or a 10-day-old embryo is in fact life. I want to touch on the views of the Minister for Health in the other house and the opinion of life she summarised in the second-reading debate in that house. She gave quite an

extraordinary view of what she believes life to encompass.

I just cannot get over the fact that none of these eminent scientists seem to be able to tell us when life begins. They are trying to tell us that life does not begin at conception; that life begins at some other stage down the track. At the time we last had this debate in this chamber my nephew's wife had been able to bring into the world a three-months-premature baby. It happened only two days before I got to my feet to speak in that debate. I thought to myself at the time that going back 20 or 30 years that would not have been possible. We just do not know what is going to be possible in the future, and we certainly do not know where this slippery slope is going to finish.

With this bill we are effectively creating a new category of human being that has no rights — a new status. We are not worrying about the rights you have in the workplace; we are talking about the rights you have as a human. We are saying that up until 14 days you have no rights whatsoever. The only difference between that 14-day-old embryo and this 14-day-old embryo is that some scientist has the ability to determine what is going on. This is just so profoundly disturbing that I do not know whether everybody in this Parliament really understands what they have been asked to talk about and vote on. I just really do not know whether or not everybody has done — I hope they have — the necessary homework in this particular area.

If people, as David Davis has alluded to — I am sure others will stand up and speak for the motion, and good luck to them if they have done their research — have a true belief that this is going to create more benefits for our society than negatives, then good on them. That is what this Parliament is about. I have a personal fear — and I do not mind saying this — that there will be people on the government side of this chamber who will simply vote for this bill because they believe it to be the right thing to do by their party. They will do so without giving the whole issue serious consideration.

I only make that comment because I have had too many people tell me they believe it to be the case. I cannot prove whether that is true or not, but I hope people have done their work on this bill. I hope people are able to come into this Parliament free of any pressure and simply put on the table what they think is the right thing to do, so that they can take that to their graves in 20, 30 or 40 years time. We are all going to face that time. We all need to look back on our careers in Parliament and ask, 'Did we do the right thing? Did we make the right decision whenever it was possible?'. I hope we can truly say we did in this area.

As has been said, it was a unanimous decision back then to put a comprehensive ban on reproductive cloning, and we increased the penalty to 15 years imprisonment should anybody clone a human embryo. In the four years since that debate nothing has changed to support the abandonment of that comprehensive ban, except that scientists have convinced us that we need to change. Without any proof, without any evidence, without any support for the argument, they have been able to convince us that we now need to go this extra step. It is quite worrying that they have been able to do that without the slightest piece of evidence that they are anywhere nearer to helping this society.

With respect to the embryonic stem cell technology that we are talking about here, again the proponents of this bill have used the words 'therapeutic cloning'. There is nothing therapeutic about this. This is simply an embryonic stem cell research bill. It has nothing to do with the Infertility Treatment Act. I do not know why this bill is part of the infertility treatment legislation. It has nothing to do with infertility. This is all about research into embryonic stem cells. The fact that it is even within this category of legislation should send alarm bells ringing for people wanting to deal with this issue on its merits.

We know that the Governor of California, Arnold Schwarzenegger, has thrown \$3 billion at this type of research, in a state where the restrictions surrounding research are far more relaxed than they are in Victoria and in Australia. In California they are using the \$3 billion to work on the process of somatic cell nuclear transfer. As part of that they have spent \$35 million on a program to win over the people of California, to tell them that the process is safe, that it is harmless and that it will create enormous benefits for the community. In Australia we are spending \$115 million on this type of work, and in Victoria we are spending over \$11 million on this type of research.

I hope people do not play the compassionate role, thinking they are being compassionate by holding out hope to so many of our families who are raising children or who have older relatives with Alzheimer's disease and so forth. I hope they do not think they are raising their levels of compassion by enabling this research to continue, potentially helping so many people who are going through the process of insulin injections because of diabetes, or who are watching a loved one's life wither away because of Alzheimer's disease or Parkinson's disease. They think they are being compassionate by enabling this legislation to go through so that this type of research can go on.

You could argue with religious fervour if all of these benefits were able to be proved and if scientists were able to stand up and say, 'Listen, we have done this work overseas, and we have done work with animals and we have not one skerrick of an issue. We can prove to you that we can fix all of these diseases and all of these illnesses'. If they could do that then you would have to go back to your religious beliefs to make these arguments. But that is simply not the case. We can stand up here and argue that we are being asked by a scientific fraternity to enable this type of research to go ahead without one skerrick of evidence to suggest that it can help us. They are asking us to give these families some hope. They say, 'We have to give the families hope. We need to be able to show them that they have a chance to have their loved ones lead a somewhat normal life'.

I have received some letters, and I do not know how many other members have received letters. One letter is from a lady called Angela Shanahan. She talks about the fact that she is bringing up a child with a severe and profound disability. She talks about how in 2002 the federal Parliament was convinced to allow research on frozen IVF embryos on the promise of cures using stem cell research. At that stage expectation was very high. On 24 June 2004 researchers in the IVF program announced that they succeeded in reproducing a human embryonic stem cell line from a frozen embryo. The newspapers took the story and went crazy with it. There was wild speculation with headlines such as 'Stem cell cures in five years: scientists'. That is what was being screamed by the *Canberra Times* and in the *Age* newspapers. The *Sydney Morning Herald* claimed, 'Stem cell triumph opens door for cures'. The *Telegraph* said, 'World breakthrough in stem cell research'. What does that do to a family that has had its hopes lifted, has expectations abounding that scientists will come good on all of these promises? The headlines are from 2002 and 2004.

This lady tells us that this is a most heartbreaking issue. Her family continually have their hopes raised only to have them smashed when there is nothing to show from this type of research. A 2004 story said that stem cells would help us cure diabetes, heart disease and Parkinson's disease so that the blind will see and the lame shall walk. Cures for diseases such as Alzheimer's disease would be among the benefits. Angela Shanahan goes on to say that four years later the claims were:

being flogged by unscrupulous entrepreneurs and state politicians, to an avid press which regards families like mine as nothing more than good human interest fodder.

That is what she says she is to the whole debate. Let them roll out her kid. Let the child barrack like hell for

the scientists who could potentially bring about a cure, but then her family would no longer be a story. She goes on to say:

The most notorious was the filmed demonstration staged to influence MPs by the flag bearer of stem cell researcher Alan Trounson who claimed that stem cells had been used to make a rat walk.

When he was reviewed by his peers Alan Trounson was forced to apologise because those claims were fraudulent. At the time the *Australian* became Alan Trounson's chief defender, but even it could not defend him on scientific grounds. All it was able to say was that he meant well. He made the most unscrupulous claims about what he had been able to achieve and all the paper was able to say was that he meant well.

While this debate is going on we know about all the people who are having so much success with adult stem cell technologies. It is being used to treat a whole range of diseases such as cancers and the like. Those successes are being achieved each and every day of our lives. In this country 700 000 people have benefited from adult stem cell research and technologies, and yet we want to throw what limited money we have at something that gives us absolutely no benefits.

Members in this chamber should not fall for being compassionate. For goodness sake, I have four kids and I have this debate in my mind every day. What if one of my kids had one of these diseases that the scientists profess to be able to fix? How would I vote then? When you have those thoughts in your mind you really have your beliefs tested. It is something we all have to face, and we all have to make some very tough decisions.

There is an issue surrounding how we will achieve somatic cell nuclear transfer, which has to do with the process of taking a cell and then taking the nucleus out of it and using the nucleus to fertilise a mature egg. One of the areas of this debate that has really been minimalised is about where we are going to get the eggs. Where are we going to get the enormous number of eggs needed for scientists to do this research? We know that in England it has further descended down the slippery slope where women are now paid. They are paid a subsidy if they are in the IVF program, so they might get their IVF treatment at half price if they are prepared to donate a number of eggs to the program. It is really worth noting some of the other trends in egg harvesting around the world so that we can deal with this embryonic stem cell research.

Evidence given to a US congressional hearing about a month ago shows that research was fudged, the results, if any, were dubious and there were potential horrific

side effects for the women involved. It showed that when the eggs were harvested by hyperstimulation of the ovaries the ovarian suppression created the amount of eggs that were needed. Professor emeritus of sociology at California State University, Dr Diane Beeson, testified before the hearing that evidence is coming in that egg harvesting is dangerous.

It was stated that a similar project had been run in Korea and 35 women's groups were now suing the South Korean government for harmful side effects. Some deaths had been recorded, but Dr Beeson said one of the most destructive consequences appears to be a leap in abnormalities in the later offspring — that is, children conceived after the harvesting. These include growth retardation, poor bone development and an eightfold increase in rib deformity. Dr Beeson has called for a moratorium on embryonic stem cell research and has significant support for that. Canada has recently adopted a moratorium.

Dr Beeson made an interesting point: California's massive financial investment has 'led advocates to obscure major scientific and technical obstacles to the research'. We are finding that they have invested so much in this technology that they are no different from a problem gambler — they are going after their returns. They are prepared to pour good money after bad and to obscure the results, the dangerous side effects and all the data that is now coming to the fore. Dr Beeson said that, for example, there had been no public disclosure that cloning achieved so far had a tendency to form tumours in adult hosts. That has not come to the fore, yet it is in fact 100 per cent true.

While women have effectively been left out of this debate, what has happened in the UK, Korea and the USA should, again, be sounding alarm bells right through the whole debate. It is dangerous, and it is creating abnormalities in the later offspring of some of the women who have donated to the program.

We would be exceptionally hasty in jumping onto this bandwagon. We have an enthusiasm for clearing the decks to ensure that we have more embryonic stem cell research. There seems to be some deep-seated belief that we have to do this or we might get left behind. I want to know who we are worried about getting left behind. Are we getting left behind the Koreans? We know how deceitful and fraudulent their claims were, and there is no other way to talk about that. Much of what the Koreans were doing was listed as evidence in the Lockhart report. Some people are going to stand up here in this chamber later today and use the Lockhart report as a reason why we should be supporting this bill. We know that much of the evidence in the

Lockhart report was based on what was happening in Korea. The Korean research then turned out to be totally fraudulent, and the scientist was embarrassed out of the scientific field. It is very difficult to understand why we need to go down this path when so much of the research is shrouded in deceit and secrecy and the facts are held back from us. It is a situation where there has been little oversight and accountability on the research and the blurred results have simply led to outright global fraud.

Much of the argument as to why I am urging members to knock this bill down is based on the opposing argument that has been put forward as to why it should proceed. Without being judgmental of other people, the best way to show why this should not happen may be to look to the people who are proposing this legislation, hear what they say and then try to deconstruct that.

Again without being judgmental, the Minister for Health in the other chamber, Bronwyn Pike, in her summation of the second-reading debate on this legislation spoke about life and what it is. I had a chat earlier on about where life begins and what life is. Without quoting her, the minister said that it has got to be a lot more than the mere physiological state of being. She said that you needed to understand terms like 'abundant life', 'wholeness' and 'interconnectedness' and all these things tended to create a state of being connected. She said that working together in a community seemed to much more realistically capture people's aspirations for life than just a purely physiological definition of what life is about. She said that for her real life was about reaching our full potential. It is fine to be able to reach your full potential, but it is pretty hard to reach your full potential if at 14 days someone says that your time is up.

The Minister for Health also talked about receiving love and about enjoying family and human relationships — that is what life is for her. The proponent of this bill is saying that real life is about receiving love and enjoying family and human relationships and about developing in body, mind and spirit. You cannot develop in body, mind and spirit if someone takes the body part away. I find it really difficult to understand the person who said that in the other chamber and who is proposing that this bill go ahead. It is quite scary to think that that is the lead, that these are the types of statements we are following if we vote for this bill. We need to be very cognisant of this issue.

I want to address one other aspect and it concerns the limited resources. If you do not necessarily believe in the issue about life, that is fine, that is your decision. If

you do not believe that we are doing anything wrong, that is fine, but then you come back to the argument about money. In the world we live in we as MPs are continually looking to the government to give more money to more areas to try to create a better life for so many of our people. All of us in this chamber have been touched by cancer in some way. Many of us have been touched by diabetes. Many of us have been touched by many of the other diseases for which some progress has been made in endeavours to find cures. Let us forget about stem cells for a moment and think about what all this time and investment could do in some other areas of urgent medical research. At the Walter and Eliza Hall Institute of Medical Research this year just \$20 million has been earmarked to try to find a cure for cancer. Could we possibly increase that funding if we were not throwing bucketloads of money at this?

What about the Australian National University, where a mere \$326 000 is going to find a better way of screening for and treating liver cancer? At the University of Western Australia just \$498 000 is being invested in new ways of treating asthma. Many of us have been down the path of trying to treat somebody who is having a serious asthma attack. How much do you think the University of Sydney would appreciate more money? It is getting just \$662 000 to research dialysis treatment. A lot of people in the chamber have been down the path of having to support somebody receiving dialysis. Melbourne University is getting \$376 000 to help develop vaccines for hepatitis C and B. The research institutes around here are receiving just \$376 000 to try to develop some sort of vaccine for bird flu, which could become one of the greatest scourges this country has ever seen. The University of Adelaide is getting just \$10 million to search for a potential end to infertility and miscarriage. Consider the amount of pain, grief and loss associated with miscarriage, and we put \$10 million towards it. We have to be kidding ourselves if we are going to throw unlimited resources at embryonic stem cell research when they cannot give us one possible benefit to the community. It is all 'Believe us, trust us and down the track we will give you the results'.

In summary, I ask members to truly think about what they are voting for. You want to create another subset of life. You want to be able to create a special category of Australian who has no rights. The scientists cannot tell us when life begins, so I believe it begins at conception. We want to create this other life where you have no rights whatsoever until you reach the age of 14 days. They want us to believe that down the track it will not go to 28 days, that it will not go to two months, that it will not go to three months. We have moved so far in the past three years that it is very hard to believe

what these people say about anything. The scientific research is shrouded in deceit. It is fraudulent behaviour. It is extremely dangerous for potential female egg donors. We are being asked to strengthen the hold science has over societal values. Members are being asked to believe a whole lot of stuff.

I want to finish by saying in my mind when a baby is six days old, it is an embryo. It is very small, it is being nourished and it goes through the pregnancy cycle. When it is born, it is still useless. It would die within a day if it was not nourished. When it is a year old, the baby is still useless and would die within a couple of days if it was not nourished. If a three-year-old baby was left on its own, it would die within a couple of days if it was not nourished. Nothing changes with this being, with this thing. From the day it is conceived until it is five, six or seven years old it is hopelessly useless on its own. It needs to be looked after, fostered, nourished and cared for until it eventually gets to the stage where it can look after itself. For us to turn around and say we can put a specific date on that, to me, is criminal.

**Mr SCHEFFER** (Eastern Victoria) — Like other members I have received very many emails, letters, telephone calls and today a number of messages through my pager from people letting me know their views on cloning and a range of matters that have bearing on the Infertility Treatment Amendment Bill. I have read this correspondence respectful of the fact that each of us comes to the complex matters raised in this bill with perspectives that are shaped by our personal history. I have tried to consider the positions put in those letters and emails in the light of what I think is the public benefit. I take this opportunity to thank the individuals and organisations that have let me know their views.

I think it is important to say at the outset that while I personally support this legislation, my reason for voting for its passage in this house is based on my assessment of whether or not the public good is advanced by allowing the use of somatic cell nuclear transfer in stem cell research under the conditions specified in the bill.

Some who contacted me are staunch supporters of the legislation on the basis that they feel it is important for governments to set a responsible framework within which stem cell research can be conducted and that would lead to profound medical benefits for people now and in the future. These people believe that legislators should base their decisions on reason and science, and they believe that the voices raised against the legislation are largely informed by religious faith. Others expressed their concern that the bill seeks to

overturn the ban on human cloning, and that claims that cloning human embryos would lead to breakthroughs in medical treatment are groundless. They feel that the results from using adult stem cells are far more promising and ethical. They feel that scientists have failed to prove, even at the conceptual stage, that embryonic stem cell research will deliver results.

A medical practitioner who emailed me called the Infertility Treatment Amendment Bill the Clone and Kill Bill. Judging from the attachments he provided, he believes that this bill will enable the creation of cloned embryos that would have the potential to develop into human beings to be used in stem cell research. Judging from the material contained in the attachments, the writer believes that all embryos, whether or not they are created by fertilisation by human sperm, are members of the human species and on that basis should not be used for research that would lead to their destruction.

One priest who emailed said that human embryos are human persons even if they are the product of cloning, even where such embryos are the result of inserting into a human egg the nucleus of another human cell.

Another priest wrote to say he believes that all human embryos, no matter how they are created or what they consist of, are truly human. He said there is no need to use human embryos for stem cell research as there are alternatives. The Australian Christian Lobby wrote to say that the research that will be permitted under this bill involves experimentation upon human life, and that it is concerned that agreeing to the changes set out in the bill may lead to further unacceptable practices in the future. It believes members of this Parliament should vote against the bill on that basis.

A woman wrote, and I quote:

... facts are facts, and babies are babies no matter how young. An embryo is a little human, if you leave it alone for nine months you will have a little baby. Life is precious and no-one has the right to decide if you can create life for a couple of days or weeks only to kill it, no-one has the right to do that.

Others emailed to say that they were concerned that under the legislation women would be treated as commodities and that overseas a number of deaths had resulted from procedures that would be encouraged under the provisions of this bill. Women in particular expressed concern over the thousands of complaints in the USA about the serious negative effects from the use of drugs to stimulate a woman's ovaries to produce multiple follicles. Another opinion I received held that ethical considerations could be set to one side because there are good scientific grounds that make embryonic stem cell research unnecessary as great advances have

been made from therapies derived from umbilical cord blood, for example.

I believe that these views can be grouped into six positions as follows, and they are not in any particular order. The first is the scientific argument that says that despite the difficulties involved in the use of human embryos, stem cell research is worth doing because ultimately it will develop treatments for many diseases that severely afflict many people. The second is the view that holds that cloning human embryos will not lead to advances in stem cell research or lead to improved medical treatments and that scientists have not provided sufficient proof that even the concept is valid. The third view is that the ethical issues are so fraught and ultimately morally compromising that it is better to give up on embryonic stem cell research and work on adult stem cells, which the evidence shows has been more successful to date.

The fourth view proceeds from the belief that human life is sacred and that any kind of embryo, whether it was created through fertilisation by a human sperm or whether it was created through the insertion of the nucleus of a human somatic cell, is nonetheless a human person and that it is therefore unethical for such embryos to be used for experimental purposes and then destroyed. The fifth view is the slippery slope argument that says that in 2003 the Parliament agreed to using excess embryos, which otherwise would have succumbed, for embryonic stem cell research and is concerned that now we are back here shifting the goalposts so that the embryos can be cloned for the specific purpose of scientific experimentation. This view is concerned that incrementally we are moving closer and closer to accepting totally unethical practices.

The sixth and last, but by no means least important, issue is that the bill creates circumstances in which women will be exposed to exploitation as researchers compete to obtain women's eggs for further research.

In response to these very serious concerns that have been raised by constituents, I begin with the observation that it is indisputable that we live in a time of astonishing technical achievements in very many fields. Whether all of it is for the public benefit is another question, but I find it almost impossible to believe that advances that are under way in medical research will not over the next decades find ways of treating a broad range of human ailments. I am unconvinced by the view that embryonic stem cell research will not deliver positive results, even though there will be costs and we need to make sure that these are responsibly and ethically managed. The point of the

legislation is to assist researchers, within legal constraints, to find out — to widen our knowledge. On the matter of whether adult stem cell research will produce results that are superior to embryonic stem cell research, we have heard leading scientists argue for some time that if real gains in knowledge are to be made it is absolutely necessary for them to work with embryos. The parliamentary library's current issues brief on this bill says that adult stem cells:

... are considered multipotent, which means they have the capacity to differentiate into a set of defined cell types, but cannot, at this stage, be manipulated into differentiating into any cell type. It is this limitation of the adult stem cell that has led stem cell researchers to consider the use of stem cells derived from embryos, which are pluripotent in nature, and thus have the potential to develop into almost any cell type.

The current issue of the *Melbourne University Magazine*, which members would have received over the last couple of days, contains a discussion on stem cell research with Professor Loane Skene, who is an expert in health and human ethics, and the dean of the faculty of science, Professor Peter Rathjen, an expert on cell specialisation differentiation. The fact sheet accompanying the article states that adult stem cells may have less potential than embryonic stem cells. They are harder to locate, smaller in number and DNA may be damaged with age.

I am also not persuaded by the slippery slope argument, even though I know that we cannot ever be sanguine about issues as important as those surrounding human cloning. Individually and collectively we need to exercise caution and tread carefully whenever it is likely that our decisions will have wide and unseen ramifications. But I think that our social, legal, scientific, trade union, industrial and political institutions, both here and across the world, are mature enough to demand a rigour in our collective thinking that will ensure that safeguards and protections will be set in place so that frameworks will be adjusted from time to time in the light of new information and developing perspectives.

I am optimistic that as a society we can collectively manage this process. I am also not persuaded by the argument put by those who believe that all embryos are potential human persons and that therefore it is unethical to use them for experimentation for purposes that may lead to a greater good. While I absolutely agree that it is unacceptable to sacrifice an individual human being for the general good, I think the argument is inappropriate in these circumstances.

The bill defines a human embryo as either the result of a human sperm fertilising a human egg cell or as a

discrete entity that has arisen from a 'process that initiates organised development of a biological entity with a human nuclear genome or altered human nuclear genome that has the potential to develop up to, or beyond, the stage at which the primitive streak appears'. The concern is whether the embryos created through the somatic cell nuclear transfer process can potentially create cloned human beings. My advice is that the technical ability to do this is at present virtually impossible. The chances of success are almost negligible. Even though the nuclear transfer process that created Dolly the sheep more than 10 years ago has been successfully applied to a range of mammalian species for the production of agricultural animals, pets and endangered species, it has been unsuccessful in primates and is unviable for human beings with today's technology.

The concern is that the somatic cell nuclear transfer method that will create clones for stem cell research today will inevitably lead to the creation of cloned human beings tomorrow. I do not believe there is anything inevitable in this method. The solution is to set limits and the bill does that by very clearly prohibiting any action that involves human reproductive cloning.

The bill retains existing prohibitions on the creation of a human embryo by the fertilisation of a human egg by human sperm for a purpose other than achieving pregnancy in a woman, and it prohibits the creation of a human embryo by the fertilisation of a human egg by human sperm which contains genetic material provided by more than two persons. The bill also retains the current prohibition on placing a human embryo clone in a human body or in the body of an animal. It retains the prohibition on developing a human embryo outside the body of a woman for more than 14 days and on developing a hybrid embryo for more than 14 days. Other prohibitions that are retained are listed in the bill. Taken together they will prevent the kinds of abuses that are of potential concern.

The last issue that was raised in the emails that I received related to the matter of egg donation and the possible negative impacts that could have on women. I understand that the National Health and Medical Research Council (NHMRC) will establish consent procedures designed to protect women against abuse and exploitation in the event that they are asked or volunteer to donate their eggs for stem cell research.

I have read the material that raises concerns about the impact on women of a green light for embryonic stem cell research. I have looked carefully at the submission prepared by the Women's Forum Australia to the Scrutiny of Acts and Regulations Committee. I agree

that it is critically important to ensure that women are protected from any kind of coercion in relation to obtaining eggs. But infertility treatment has been around for nearly three decades and during that time, across the world as well as in Australia, there has been considerable experience about what kinds of regulatory protections need to be put in place to ensure that women make free decisions and that their consent is genuine.

I have read the relevant sections on information giving, counselling and consent in the NHMRC's 2004 draft *Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research* that were updated this year. I believe that these are sound procedures that will be further developed in the light of experience. Many individuals and organisations monitor the development and implementation of the consent process and the impacts on women of medical procedures used to obtain eggs. Those individuals and organisations will of course continue to be vigilant. I do not believe that voting down the bill before the house will affect the positive development of those protocols.

In conclusion, I again thank all those individuals and organisations that took the time to write to me and to other members of Parliament to express their opinions and to seek to influence the outcome of the vote. I thank also the parliamentary library research service for the production of the excellent issues brief on this matter. I believe that this bill will enable research to be conducted that in time will bring very great benefits to the community, and on that basis I support it.

**Ms HARTLAND** (Western Metropolitan) —

Before I begin, I thank members who have already contributed to this debate. I know that this is a very difficult bill and I hope that we will be able to go away from this debate respecting each other's opinions even though they will be incredibly diverse. I also acknowledge the efforts of our electorate officers, who have done an amazing amount of work to assist us in writing our response. The Greens are grateful for the work of the members of the Lockhart committee who conducted extensive community consultations and undertook an exhaustive literature review in order to make the recommendations which gave rise to this bill. I also take up Mr Drum's point about the Lockhart committee and the Korean research. In the briefings that I attended with members of the Lockhart committee, they made it very clear that they understood the fraudulent nature of the Korean research. I thank also those who have organised a number of briefings both for and against this issue.

Today I am speaking on behalf of the Greens. Even though this is a free conscience vote, the three Greens MPs have come to a collective position. We have decided to support the bill to allow scientists to move forward with medical research which has immense potential and which may result in the development of cures for serious diseases and alleviate human suffering. However, I will propose an amendment in relation to strengthening provisions to keep information in public hands. I understand that it may be many years before we see concrete results from stem cell research.

The biggest medical breakthroughs, such as the discovery of penicillin, were made possible by several years of dedicated research with scientists pursuing a number of different avenues. While I respect the opinions of those who do, I do not believe that an embryo less than 14 days old is a human and that destroying it in the process of undertaking medical research amounts to murder. As the members of the Lockhart committee noted, there is no consensus for this view, and people within the community hold diverse views on the moral status of an early embryo. These views are not necessarily determined by the political or religious groups we belong to, which is demonstrated by the fact that four members of the Lockhart committee considered themselves to be church-going Christians and that a conscience vote has been permitted for this bill.

Given the absence of consensus that therapeutic cloning is wrong and given the potential benefits to society, we should consider removing the criminal prohibition on this form of medical research. To do so would be consistent with laws already in place. Abortion, which I also support, is allowed in Victoria if there is a serious medical or mental health danger to the woman, and that requirement is broadly interpreted. The destruction of embryos that are a by-product of IVF (in-vitro fertilisation) is also permitted to allow research into helping infertile couples to conceive. Finding cures for serious diseases is at least a worthy purpose. Again and again I have heard the slippery slope argument — that is, that allowing therapeutic cloning will lead to reproductive cloning, which is associated with images of reprehensible outcomes such as the production of a race of super beings. I oppose such reproductive cloning, as do many people in the community. This bill specifically prohibits it. Embryos cannot be transplanted into a woman or allowed to develop for more than 14 days. To do so is a criminal offence punishable by 15 years imprisonment.

It has been interesting to note that the outcry about the perceived destruction of potential life does not extend to animals, which are capable of experiencing pain and

suffering and yet routinely suffer through various forms of medical research. It can take a number of attempts to produce an animal clone, resulting in the suffering of hundreds of animals as their eggs are harvested or they are surgically implanted with embryos. It is common for cloned animals to suffer respiratory problems, deformities, cancers, weakened immune systems, and premature death. That was the fate of Dolly the sheep. I am opposed to such practices involving animals and humans alike.

While on the subject of animals, I have spoken to many members of the public who have told me that the bill proposes to create human-animal hybrids using animal eggs and human sperm. They were understandably concerned about this and I have made it a priority to find out the truth about what scientists are proposing. The proposal is to test the ability of human sperm to break through the membrane of the nucleus of an animal egg, most likely a hamster egg. It will not result in the fusion of egg and sperm, it should not result in the creation of an embryo and the cells must be destroyed within 14 days. The penalties for not doing so are high. I am confident that human-animal hybrid creatures will not be created under this legislation.

With all animal testing scientists are compelled to reduce, refine and ultimately replace animal experimentation. We need to ask them whether there is a non-animal alternative. In this case and in the case of creating stem cell lines using a human nucleus inserted into an animal egg, the alternative is to use donated human eggs. The use of human eggs raises all the issues we are dealing with today. It will be open to members of the public who oppose animal testing to choose not to have sperm function tests. After a great deal of thought, I have decided not to oppose this element of the bill.

Another commonly expressed concern is that the need for eggs may result in the exploitation of women through social disadvantage or workplace or family pressure. The example of the Korean research has been noted a number of times. While these concerns must be taken seriously, so must the rights of women to exercise autonomy over their own bodies by choosing whether or not to donate eggs for beneficial research, as they do when they donate tissue, bone marrow and so on. Australian legislation and regulations impose conditions to minimise the possibility of egg donors being exploited. The sale of eggs is banned, advertising requires the approval of the Minister for Health and egg donors are only permitted to be compensated for reasonable expenses. We are not going to see blonde university students selling their ova on the internet for thousands of dollars, as occurs in America.

To further protect women from exploitation the National Health and Medical Research Council (NHMRC) has developed guidelines ensuring that donors give voluntary and informed consent. Consent must be in writing, mandatory counselling must be provided and information is provided on a range of matters including the risks, the potential benefits of the research and the fact that the donor may not be entitled to profits from treatments subsequently discovered. Given these safeguards, one runs the risk of being called paternalistic, to say the least, in arguing that women are not capable of giving informed consent. As I said before, I have attended a number of briefings given by all sides of this debate. I do not know how other people have felt, but I have found it incredibly patronising to be repeatedly told that women are not capable of giving informed consent or thinking for themselves.

While the guidelines specifically state that there is no compensation for egg donors, including compensation for time, I believe egg donors should be able to claim expenses for earnings lost during donation. The importance of this is clear when you look at so-called altruistic donors — people who donate their eggs specifically for the purpose of medical research to benefit the community. It is important to make sure that women are not disadvantaged by a decision to donate their eggs for a purpose that they may see to be of substantial benefit to the community.

One of my concerns throughout this process is that we have been told by a number of people opposed to the bill that there is insufficient data on the long-term health effects on women who have received IVF treatment. IVF treatment is very similar to the treatment women undergo for super ovulation. IVF specialist Professor Gab Kovacs, Louise Johnson, chief executive officer of the Infertility Treatment Authority, and Dr Adrienne Pope, president of the Fertility Society of Australia, have informed me that such studies have been and continue to be done by scientists working in the area of fertility. Because the research being done at present only uses women who have specifically volunteered for such studies, a bias is created in the results.

Findings so far indicate there is no overall increase in breast cancer associated with IVF, although it is important to understand that IVF treatment has only been available for just over 20 years, so some questions remain about the long-term cancer risk. Some studies have shown a small risk of uterine cancer in women who have ovulation disorders, and other studies have shown a small increase in ovarian cancer. So far there is no information about the effect of fertility drugs on

women with a strong family history of breast or ovarian cancer or women with a personal history of cancer prior to infertility treatment. It is absolutely vital that funding continues to be provided for future research into the long-term effects of IVF and particularly research focusing on these groups.

We should also remember that while stem cell research has exciting prospects, it is only a small step towards relieving the global disease burden. Internationally the most pressing need is for adequate water, sanitation and immunisation for developing countries. In Australia the most substantial problems are obesity, heart disease, diabetes and the appalling health disadvantage faced by indigenous Australians. These issues are best targeted by preventive action delivered through the public health system. For example, chlamydia, the most common cause of infertility, could be effectively targeted by a government-led campaign of advertising and education on safe sex practices, especially for young people. In dedicating resources to sophisticated long-term research, the benefits of which may take some time to be realised, governments should not neglect their responsibility to address more immediate health problems.

As Kerry Nettle and Bob Brown noted in the federal debate, the Greens have also been concerned about the commercialisation and privatisation of stem cell research. The Lockhart review looked at these issues and reported that people are concerned that benefits and profits remain in the public domain through public ownership and that therapies remain available within the public health system. The United Kingdom, which is at the forefront of the public sector research program, has a national stem cell bank to ensure that embryonic stem cell research stays as far as possible in the public domain and in public control. Commonwealth legislation requires the NHMRC to report the setting up of a national stem cell centre within six months of commencement. My proposed amendment is that the minister should report within six months of commencement the setting up of a publicly run national stem cell centre in which licence-holders are required to deposit any stem cells they derive.

The NHMRC's draft ethical guidelines on the use of assisted reproductive technology are open for submissions until 11 May. I will be making a submission about issues including compensation for donors, a recommendation that IVF clinics require consent forms to be signed to enable them to gather long-term health data from the future medical records of patients and on animal rights issues.

Finally, I will address some of the other issues that have been raised with me. Firstly, some people have been concerned that scientists will not be able to obtain a sufficient supply of eggs, and will turn to aborted fetuses or cadavers as a source of eggs. Again we point out that women are fully autonomous beings capable of consenting to the use of their eggs in research. At present eggs from aborted fetuses are too immature for scientists to use in therapeutic cloning; however, if scientists develop this capacity, women should also be able to choose whether to dedicate ova from their fetuses for the benefit of research when undergoing abortions.

As for cadavers, I fail to see how the donation of eggs differs from the donation of other organs and tissues. I do, however, recommend that future organ donor forms make specific reference to consent for the donation of ova. Today I updated my organ donor records. I have ticked the box to donate all organs and tissues, and this of course includes my ova.

When talking to people about the bill I have been struck by the lack of knowledge in the community about this technology, which has led to some of the more alarmed responses to this bill. The lack of public information about the issue was also noted by the Lockhart committee. The public should be given sufficient information to have an informed opinion about new technologies. The speed at which the bill has come through the Parliament has concerned me. Public education is of the utmost importance to make sure that our decisions reflect the will of the community. As a result I strongly recommend that the government implement the recommendations of the Lockhart committee for public education and consultation programs in the areas of research relevant to this bill.

I have received an enormous number of letters, as I believe have most members, from people concerned about the bill. They are worried that the bill will allow all sorts of horror-show scenarios to take place. These are not arrogant or ignorant people, but there has not been enough education for people to fully understand what is before the Parliament. I, as a member of Parliament with staff helping me, have taken almost three weeks to gather all the information that I require to respond to the bill. How are the public able to do this?

In conclusion, as legislators we are expected to have the wisdom of Solomon when we are only ordinary mortals. We can only do our best and cannot foresee the future. This is a complex bill, and it has taken a huge amount of work to address all the issues, but I have

made up my mind based upon what I think is the best outcome.

**Greens amendment circulated by Ms HARTLAND (Western Metropolitan) pursuant to standing orders.**

**Mrs COOTE** (Southern Metropolitan) — In the parliamentary Liberal Party we have a very democratic approach to making decisions about bills presented in this Parliament. We have an open, and frequently heated, debate within our party room, and during this debate all members can voice their concerns and raise issues relating to the subject at hand. Once the vigorous debate is concluded and a vote is taken, that decision is binding on all Liberal Party members, regardless of their personal positions on the issue at hand. This is what belonging to a political party is all about, and we take this responsibility very seriously.

In some instances it is comforting to be able to say, 'It was a party room decision, and I abide by that decision'. Very often one can have a view about an issue but be happy with the majority vote, trusting that the experts in the field in the party room have ensured that all facts are correct and that the decision complies with our Liberal values. To have a conscience or free vote therefore places a great deal more pressure on each individual. It is our personal decision, not a party decision. I therefore wanted to investigate all aspects of the Infertility Treatment Amendment Bill and make a decision based on the scientific facts, what would be best for the state, the comments of the constituents I represent and my own conscience.

This bill questions and challenges the very essence of the creation of life. It offers potential hope to thousands of people who suffer from debilitating diseases and to their families. It questions basic religious fundamentals. It takes us out of our cocoon of comfort and makes us search our own souls in an era in which it is all too easy to sublimate our true beliefs.

I have great respect for all the people who took the time to write to, phone, email or otherwise contact me and the other members of this Parliament. I did not always agree with their point of view, but I am humbled that they took the time to express their opinions, in some instances in several handwritten pages. These people are exercising their democratic rights. For this reason I took their comments very seriously indeed when making my decision.

What is my opinion and how did I come to it? I had to have a look at myself and question my values, ethics and religious opinions, and consider my long-term

responsibilities, family reaction, personal factors and above all the concerns of the people of the Southern Metropolitan Region, who I have the honour of representing. In short I had to decide for myself what I really believe and what I am most concerned about in regard to this piece of legislation. As with other bills presented in this Parliament I had to look at the facts and understand the major points of differentiation.

If we have a closer look at the bill, we see it says:

The main purpose of this act is to amend Infertility Treatment Act 1995 to modify the existing regulatory framework to allow the use of somatic cell nuclear transfer in stem cell research, while retaining the existing prohibition on human cloning for reproduction.

I would like to go into some of the background. In June 2005 the then federal Minister for Ageing, Julie Bishop, who had responsibility for the issue, appointed a six-member legislative review committee to review the commonwealth Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002. It was chaired by the late John Lockhart, QC. The report, together with its 54 recommendations, became known as the Lockhart review. It is summarised and well documented in the bill we are debating today. I thank the people concerned and the government for including such a comprehensive summary of the Lockhart review. These facts assisted me in making my own personal decision. It was good to have it incorporated into the bill, and it is there for the public to research. The public does not often have the opportunity to get as much detail and background. I commend the government for including it.

In 2006 Senator Kay Patterson introduced a private members bill in the federal Parliament to ratify the recommendations of the Lockhart review. Senator Patterson's bill, the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006 was passed by both houses of Parliament on a conscience vote much the same as we have here today. I would like to put on the record my admiration for Senator Patterson for the courage she had in bringing that bill to a successful conclusion. I firmly believe future generations of Australians will be the beneficiaries of her courage and persistence.

The bill before us in this Parliament brings Victoria into line with the commonwealth legislation and the legislation to be passed in other states. There has been some discussion about whether or not the commonwealth legislation could constitutionally override a Victorian decision and whether therefore there may have been no need to bring this piece of

legislation into this Parliament. I disagree with that premise because, even if it is constitutionally and technically correct, I believe Victorians need to confront this difficult issue and stand up and be counted. We have seen an enormous amount of interaction with the public over this issue. Most of the people who have spoken on this bill prior to me have said they have been contacted by people in their communities by letter and email, so Victorians are debating this issue. I also believe there is far more work to be done in the community on this issue. I commend Melbourne University for putting this debate in its latest magazine, which has been circulated to all of us as parliamentarians. The issues in the Lockhart review are discussed in the magazine. It is important for young people today to look at and understand these issues. I commend Melbourne University students for putting this debate out into the public forum.

I concede that reproduction technology is a subject that people know very little about. From the numerous briefings we had I would have to suggest that members of Parliament could do with some more education on reproduction processes. It was interesting to see that many people were not conversant with what this legislation means and what its ramifications are, but indeed I believe very basic principles of reproduction were still not really clear to some members of our Parliament. I think Victorians are going to stand up and have a closer look at this issue, and I am pleased the debate is occurring.

As I said, the Lockhart review recommendations have been summarised very thoroughly in the bill. I would like to talk about a summary of chapter 17 of the review. It says:

The purpose of the review was to seek views, values and 'standards' of the community regarding the views of the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002 and to make recommendations accordingly. Australian society is not made up of one single homogenous community but is composed of many different communities. The committee observed that the 'standards' evidenced by these communities varied enormously. Accordingly, moral and social concerns raised by ART (assisted reproductive technology) and embryo research must attempt to take into account these diverse and sometimes competing values.

Certain moral values are held in common across most communities as is reflected in broad support for medical research aimed at understanding, preventing and treating disease. There is widespread support for medical research to assist people to have children (including a general acceptance that IVF —

in-vitro fertilisation —

may involve the 'wastage' of some embryos).

While human reproductive cloning does seem to be widely condemned, views on human embryos are not so clear. Some feel they have the status of humans; others do not. Obviously these competing views cannot always be reconciled. With the lack of a defined consensus on the issues, the committee's recommendations were crafted in the hope that they were consistent with shared values, taking into account the needs, beliefs and concerns of the whole community.

I think that is what the debate in this chamber is all about. We have heard people tonight voicing one opinion and others voicing another. It goes to the very heart of how difficult this issue is for so many of us. The decisions that we make tonight are not going to be easy. Those people who have approached us have made us stop and think about their views. That is the democratic process in operation.

As members of Parliament we were fortunate to have with this bill access to all sorts of experts in this field. I thank all of them for the time and knowledge they shared with us. It was informative, they were generous with their time, they answered some very difficult questions, they were honest in their personal approaches, and certainly we all in this chamber owe them a debt for the time and expertise they shared with us.

What was interesting for me was that all the scientists made a point of commenting on the fact that when they undertake research on sperm and eggs destined for the creation of a baby they treat that process with huge dignity and respect. It was interesting to hear from their point of view as scientists that they had enormous respect for the work they were doing. I was pleased, indeed surprised, to hear that that was their opinion.

The legislation deals with the excess embryos from IVF (in-vitro fertilisation), but the most contentious part about this legislation is the use of embryonic stem cells and the technology known as somatic cell nuclear transfer, or SCNT. There have been many discussions about what this means and what we are dealing with. I should like to read into the record some questions and answers from the Australian Stem Cell Centre about what we are dealing with. They are questions and answers dealing with stem cells and somatic cell nuclear transfer:

What are stem cells?

Stem cells are the human body's master cells. They are found in the embryo, cord blood, the foetus and in some adult tissues. Stem cells play a critical role in normal growth and development by providing new cells for growth and for replacing and repairing used and damaged tissues. Medical researchers believe stem cell research has the potential to change the way human disease is treated, by allowing stem cells to be used to repair specific tissues or to grow organs.

What are adult stem cells?

These are a type of stem cell found in organs and tissues in babies, children and adults. Most adult stem cells have, so far, been shown to replenish the particular organ or tissue from which it is derived and are more specialised than the unspecialised clump of cells found in an early embryo. For instance the bone marrow stem cell replenishes all the different types of cells of the blood, but has not been shown to be able to replenish cells in the liver or brain.

What are embryonic stem cells?

These stem cells are derived from the excess IVF embryos that are up to 14 days old. They have the ability to develop into almost any cell type found in the body and are important for producing normal cells to potentially repair or replace diseased or damaged tissues. Unlike adult stem cells, embryonic stem cells are undifferentiated, which means they are not yet committed to a specific function. Donors of surplus IVF embryos give informed consent and researchers who wish to use them must obtain a licence from the oversighting regulatory body.

...

What is SCNT or therapeutic cloning?

So-called therapeutic cloning, or somatic cell transfer (SCNT), is a technique involving the nucleus (which contains genetic material) from a cell (usually a skin cell) from a patient and inserting it into an egg whose nucleus has been removed. With the right triggers, this new cell will develop into a clump of cells so that stem cells can be extracted. SCNT is permitted in the UK, US, Sweden, Singapore, Japan, India, Israel and China.

I hope that clarifies some of the issues we are dealing with today. Indeed it certainly made a difference to my understanding of the technicalities of what we are dealing with.

We were given a great deal of information, and, I suspect, most of us in this chamber have read the information on the technicalities involved, but I would like to read from the 2006 annual report of the Australian Stem Cell Centre entitled *Articulating and Implementing the Future of Stem Cell Research*. It states:

Stem cells really are the body's own biological repair kit. The possibility of harnessing the potential of this repair kit is what inspires stem cell scientists today.

It goes on to say:

Stem cells are considered master or primitive cells. At the stage of an early embryo, stem cells begin the process of tissue and organ development. These cells hold the blueprint to create any type of tissue or structure in the body. They can theoretically divide without limit to replenish damaged or diseased cells. These stem cells are known as embryonic stem cells.

...

Scientists at the Australian Stem Cell Centre are investigating the potential of both adult and embryonic stem cells to repair or replenish diseased or damaged tissues and organs. It is vital that both adult and embryonic stem cell research is pursued collaboratively and in parallel.

...

Human embryonic stem cells are important for producing normal cells to potentially repair or replace diseased and damaged tissues. However, normal embryonic stem cells have a limited use in understanding how diseases are established and developed.

Somatic stem cell nuclear transfer (SCNT), also known as therapeutic cloning, is an important research tool for developing disease-specific stem cells. SCNT involves creating a stem cell from a patient's cell. Such a stem cell line would be a copy of the patient's disease cells and would provide a valuable way to enable scientists to understand more thoroughly the triggers and process of that specific disease, for example, Alzheimer's, Parkinson's or other complex multigenetic diseases.

These are some of the facts, but what were some of my concerns? My concerns were particularly with cloning. The practice of cloning of humans is absolutely and utterly abhorrent to me. I needed to be reassured that in this legislation it would not be allowed. New sections 38B and 38H deal with cloning and state that it will continue to be prohibited. In looking at the title of the Patterson bill, as it is known, of the federal government, it is the amendment of the bill on prohibition — I emphasise the word 'prohibition' — of human cloning for reproduction and regulation of embryo research bill. It is prohibition of human cloning. I personally needed to be assured that this is dealt with comprehensively and conclusively, and by dealing with the experts and listening to the people concerned with this I believe my fears have been allayed, and I believe the prohibition of cloning is dealt with conclusively, in my opinion, in this bill.

I was also concerned about the human to animal research, a hybrid. I had some major issues with this aspect because, to me, this crossed the fundamental barriers of what I intrinsically hold dear. Once again, after much reading and briefings from scientists, I am comfortable with the outcome, but it was not an easy decision. I had some major concerns about this aspect, but I will read how the bill deals with it. The explanatory memorandum at page 24 deals with proposed section 21H(1), which is inserted by clause 10. The memorandum states in part that the proposed section makes it clear that a licence may only be issued:

... for the creation of a hybrid embryo created by introducing the nucleus of a human cell into an animal egg. In this case, the hybrid embryo may be developed up to 14 days. This is consistent with Lockhart recommendation 24 that states that

'In order to reduce the need for human oocytes, transfer of human somatic cell nuclei into animal oocytes should be allowed, under licence, for the creation and use of human embryo clones for research, training and clinical application, including the production of human embryonic stem cells, as long as the activity satisfies all the criteria outlined in the amended act and these embryos are not implanted into the body of a woman or allowed to develop for more than 14 days'. This offence attracts a maximum penalty of 10 years imprisonment.

I was particularly pleased to see that that was included, and upon further research I found that the eggs that are taken from animals are used to test the viability of human sperm. Given that we are debating this bill and looking at the issue of eggs from humans, it is important that they are not wasted unnecessarily. The centre thought that using human eggs for the testing of sperm viability was something that could be done better by using animal eggs. I am satisfied that is in fact what it is doing.

I also had some major concerns with the National Health and Medical Research Committee. To carry out somatic cell nuclear transfer research scientists require a licence, which is issued by the NHMRC licensing committee. I want to make it quite clear that the composition of that committee needs to be in place so that we do not have just one or two people making the decision to issue licences, but that the regulations and guidelines are in place. I wish to read from a paper from the Embryo Research Licensing Committee of the NHMRC, which is the principal committee of the NHMRC and was established by the Research Involving Human Embryos Act 2002. It states:

The membership of the licensing committee is made up of nine members who are appointed by the federal Minister for Health and Ageing. The minister will choose from a number of nominations by states and various relevant bodies. The members are appointed for three-year terms, the last of which was 1 July 2006.

Where a member retires, quits or cannot continue on the committee, the minister shall choose a replacement from a number of nominees in the normal procedure. The committee can function as normal regardless of the number of members currently sitting.

It is important that there are nine members and equally important that there are always nine members. If someone retires and there is a need for a replacement, I hope that is done with speed and accuracy, because it is important that the licensing committee of the NHMRC is operational and viable at all times and that the members of the committee have the proper details and current facts at their fingertips to enable them to make proper decisions about the licensing of this research. I think it is vitally important.

The NHMRC licensing committee document further states that its functions are:

To consider applications for licences to use excess ART embryos.

And that it:

must issue licences only where it is satisfied that appropriate protocols are in place regarding consent, that the proposed activity has ethical clearance and that the research is likely to result in a significant advance in knowledge or improvement in technologies for treatment.

It goes on to say that the licensing committee maintains a publicly available database containing information about licences that have been issued. I think it is vitally important that the whole community ensures that this committee is given the right information to make the decisions that it needs to make and that all nine members of the committee are in place at all times.

There are some concerns about the current guidelines of the NHMRC and it would seem that they have not in fact been issued in time for the debate on this bill. I am concerned about this. I am concerned because we need to have these guidelines in place. Having them would have meant that members of this chamber would have been able to make a more comprehensively informed decision and would have had confidence in knowing that the NHMRC had published the guidelines. It is a great pity that this was not done. After the briefings I have had from the experts in this field I am confident that the NHMRC will be able to issue licences with knowledge and responsibility. I also noted that the Lockhart review recommended that the NHMRC should review its guidelines, and I concur with that. I think that is very important, and the sooner we see that the more confident the community will feel.

I had major concerns about the collection of eggs from aborted female foetuses. Some of the issues that were raised in this debate were seriously concerning. I think they were quite confronting, and many of us were forced to look at issues that perhaps we had not thought of before or did not want to bring to the forefront of our decision making. For me, the collection of eggs from aborted female foetuses was one of those issues. I had a great deal of difficulty with this, and I was unaware of what the protocols were or what the processes were. Scientists told me that this would only ever be a very last resort, that they were not embryonic cells that they wanted to harvest and that it was far better to take eggs in a different way.

I had a detailed discussion about this with Senator Patterson, who had similar issues about the collection of eggs from aborted female foetuses. She assured me

that there are very strict regulations already in place that deal with the use of tissue from any aborted foetus. I needed that reassurance because I feel this is a difficult issue. It is something the public should be aware of, because the public at large would like to be reassured that regulations are in place.

I am confident that the bill will not allow reproductive cloning; the implantation into the body of a woman of embryos other than those created by fertilisation of a human egg by a human sperm; or the creation of embryos other than by fertilisation of the human gene — for example, by a human sperm — except for IVF research and clinical practice. There is a need to test sperm in an egg taken from animals. This enables the scientist to determine the viability of the sperm without having to waste human eggs.

With this debate it would seem there are three types of responses in a philosophical sense. There are those who have entered this debate who believe research on human embryos created by any means at any stage is unethical and who believe human life begins when a human egg gains the ability to form an embryo. I have had many touching, handwritten letters supporting this approach. There are those who strongly believe embryonic stem cell research will be the key to unlocking our knowledge about diseases and this knowledge will ultimately assist in the cure of debilitating diseases. And there are those who still want to know more. I respect everyone's opinion. I am pleased that we will have a conscience vote — difficult though it may be.

I am the shadow Minister for Community Services, and as such I have a great deal to do with the disability sector and with many people who suffer from the very diseases SCNT could address in the long term. I went to the disability sector and asked people about their views on this legislation, and their answers surprised me. Some said they strongly agreed; some wanted the money used to alleviate the pressure on their day-to-day lives rather than going into research; and some were committed Christians who opposed the legislation at all costs. In my opinion the people in the disability sector come from many different communities and do not have a united view on this. In my experience they reflected the three philosophical attitudes that other people in the community have towards this legislation.

In my own electorate I am fortunate to have several of the world's best research centres, including the Baker Heart Research Institute. Here in Victoria — here in Australia, for that matter — we are notorious for our lack of recognition of our own centres of excellence. In Victoria our scientists and researchers are amongst the

very best in the world. If this legislation were to fail, these scientists would have no alternative but to leave Victoria and go to other states and to other countries in order to continue their research. This would have a major impact on both our economy and our medical research status. But this bill is not about our economy, it is about people and families and the hope for a future free from debilitating diseases. I stand before this house as the recipient of the benefits of centuries of medical research. I cannot deny future Victorians that same benefit. I support this bill.

**Mr KAVANAGH** (Western Victoria) — I intend to speak at some length this evening because I believe this is an issue that warrants considerable discussion and comment. I express the opinion first that I am disappointed that many members are not here because many actually told me they would listen carefully to the debate before they voted. Many of those members are not in the chamber. It may be helpful if they were here, although they may still be able to hear something of the debate — I understand that.

We are to vote according to our consciences whether or not to allow embryos to be cloned, experimented upon and then destroyed. The question is whether or not to cross what the federal opposition leader, Kevin Rudd, called in the commonwealth Parliament an ‘ethical threshold’. I think perhaps ‘ethical precipice’ would be a better term. I agree with Mr Rudd that we should not cross that ethical barrier. We should not, in his terms, create life for the explicit purpose of experimentation and destruction. It is clearly wrong to destroy the weak in order to benefit others. Human life should never be an industrial material. As has been noted before in this house, human beings are ends in themselves, not means to ends.

In addition to these clear ethical principles, there are other associated principles and considerations and very good pragmatic reasons for opposing embryonic stem cell research. The inherently unethical nature of this proposal, the damage to women’s health that it would necessarily involve and the diversion away from more ethical and more promising fields of research all show that the proper choice is clearly to oppose this bill.

This bill is extraordinary for several reasons. First, the bill covers separate, largely unrelated matters. Human cloning for research purposes is not infertility treatment, and this controversial part of the bill should be in a separate bill by itself. The language of this bill is less than candid. SCNT, or even somatic cell nuclear transfer, may sound more acceptable, but it is less than forthright. The subject matter should be referred to as what it is — cloning. We have had some speakers say

they would never accept reproductive cloning. Reproductive cloning is tautologous — all cloning is reproductive. All cloning produces another person or animal. That is the nature of the process — the production or reproduction of another person or animal.

This bill says that it is about therapeutic cloning. In fact it is just the opposite. This bill is not about treatments in itself. The hope is that maybe some years in the future it may lead to treatments. By its nature this bill is about reproductive cloning, with the hope perhaps some time in the future of developing therapies from that reproductive cloning. If members have been correct in saying that they are absolutely opposed to reproductive cloning, they will vote against this bill. I noticed that one member said she felt she was quite sure that the human material involved in the cloning under this bill will be treated respectfully. I really do not understand how you respectfully destroy a cloned person.

In my view there are very strong limits on the proper role of governments in enforcing morality, but the first role of any government or legal system is to prevent harm being done to other people. This necessarily demands, first, that people are not killed and, second, that they are prevented from killing others. Life is so important because it is a prerequisite to every other good. When a person is killed, so is every potential, every chance, every opportunity. When we kill, we take everything away. Life is an individual’s paramount right, and its protection is every state’s primary duty.

The embryo is a human being. Mr Scheffer, in his contribution, said that he does not accept that the cloned embryo is a potential human being. I agree. There is nothing potential about it; it is a human being. The embryo does not look like the other people that we are accustomed to seeing, so some people conclude that the embryo is not a person. The embryo is a person, and it looks exactly like a person should look at that stage of development.

It has sometimes been claimed, even explicitly in the other house, that the embryos to be created and destroyed under this bill are not human because they are cells, or because they are extremely small, or because they are not viable. In a material sense, what are any of us here but cells? Everyone in the world is just a collection of cells in a material sense. As for the human beings to be destroyed by this bill being tiny, are we to believe that large people are more entitled to life than small people? Are the tall to be protected more than the short? Are the obese more worthy of life than the skinny? Of course not; size has nothing to do with it.

It is sometimes claimed that viability is analogous to personhood; that is that the human embryo should not be considered human if it can be shown that it cannot survive long, and I think Mr Drum addressed that point very well. The principle underlying this assertion is not correct in any case. Surely even a dying person is a person even if that person cannot live very long. In any case, the assumption that a cloned embryo is not viable is incorrect. The cloning technology that we would authorise by this bill is precisely the same technology that created Dolly the sheep, and, like Dolly the sheep, these human embryos could go on and develop into adulthood. I do not say personhood, because they are already people.

Two or three weeks ago I was at one of the seminars held by experts who came in to talk to members of Parliament. In the course of one of the seminars a young member said to the panel in a very agitated way, 'Look, would you please settle something once and for all. These human embryos cannot go on and live into adulthood, can they? People come to my office and they tell me they can, but I keep telling them, "No, you are wrong", and they yell back at me, "No, you're wrong; they can grow into adulthood". Would you please settle that for me once and for all'. The expert was a little bit embarrassed. She obviously did not want to immediately deflate the person who asked the question. After a short hesitation she said, 'Well, theoretically they are right, but in a practical sense you are right because the bill mandates the destruction of the embryo after 14 days'. I was shocked by that answer; I was flabbergasted. What is the logic of that answer? Any person or group of people — any category of person — which the law mandates to be killed, automatically, by that law cease to be human. Why? Because they are no longer viable. Why? Because we passed a law saying they have to be killed.

The world has seen quite a bit of that kind of logic before, and I think it has always had disastrous consequences. The lives to be experimented on, to be engineered and destroyed, under the bill will indeed be composed of tiny, artificially conceived cells which are vulnerable and in the earlier stages of development. They will also be genetically complete, living, growing and human.

There is a saying that a picture is worth a thousand words, and that neatly encapsulates a very interesting characteristic of human beings. That characteristic is that we tend to be more moved, more motivated, more persuaded by what we see than by what we know. The human embryo is a human even if we cannot see it — even if we cannot see him or her. I say 'him or her' advisedly, because although the sex of the embryo may

not be apparent it is determined at conception. The human embryos to be destroyed under the bill will be male or female. In respect to considering the humanity of the unborn embryo. I ask that all members think with their mind and not with their eyes.

The bill would authorise the creation and destruction of some human beings for the benefit — it is argued — of another category of human beings — another class of people clearly assumed to be of more value than those to be destroyed. In contributing to the development of categories or classes of human life — and the bill does do that — we might ask: into which category will we put the sick, the deceased and the injured; those whom the bill purports to benefit? Those who are deficient in any sense will surely not be assumed to be in the top class of humans. In other words, in creating a hierarchy of human worth the bill will demean and degrade precisely those whom it purports to help. A related point was made by the member for Box Hill in the other place. He said 'once we become used to treating some life as not worthy of living or as an object to be used for the ends of others, we undermine the grounds for protecting any human life'.

History is full of examples of denying recognition as human beings to others. If history has taught us anything, is it not that we must avoid denying human recognition to other people? Does not every historical example fill us with revulsion, and is this not precisely what the bill does? Does the bill not propose to do this on the basis of age and/or level of development? Much has been made in the debate in Australia about the other countries that allow cloning and destruction of embryos. We have heard less about the fact that some countries have banned the practice. They include the Italians, the Austrians and the Germans, who are admirably learning from their historical experiences. I think we too should learn from their history. We should also note that in 2005 the General Assembly of the United Nations urged all countries to ban cloning, and I quote 'Inasmuch as they are incompatible with human dignity and the protection of human life'.

The cloning envisaged would require huge numbers of human eggs. It took 430 sheep ova to clone Dolly the sheep. It was revealed following the scandal in South Korea last year that the scientist who had attempted human cloning had used well over 2000 ova from 122 women without success. Egg harvesting normally results in around 12 to 20 eggs, although sometimes more. This means that it will take the eggs of many dozens or hundreds of women to clone a single embryo. Large numbers of ova are not easily obtained.

The extraction of ova from a woman is not a simple procedure. It involves massive courses of hormones and invasive procedures with significant risks. The reproductive organs of donors may swell massively during this process and discomfort is the least of it. It was alleged by Women's Forum Australia in its submission to this Parliament's Scrutiny of Acts and Regulations Committee that six women are known to have died in the United Kingdom alone from ovarian hyperstimulation syndrome, or OHSS. Much more common than deaths is damage to organs and likely future fertility problems resulting from these procedures. Mr Drum also noted future genetic defects, about which I have not been aware.

Like it or not, regulate against it or not, passage of this bill would see a market develop for ova as it already has in the United Kingdom, where women are paid £250 for their expenses.

The first rule of medicine is 'Do no harm'. How is this procedure compatible with that first maxim of medicine which has been around for well over 2000 years from the time of Hippocrates? It is precisely because of the combination of the requirement for huge numbers of ova and the difficulty of obtaining them that some experts, including Professor Alan Trounson himself, say that embryonic stem cells are unlikely to result in the medical advances that some of its proponents claim. In *Reproduction, Fertility and Development*, Professor Trounson said:

... it is unlikely that large numbers of mature human oocytes would be available for the production of ES —

embryonic stem —

cells, particularly if hundreds are required to produce each ES cell line. The technical capability for nuclear transfer would also need to be widely available and this is unlikely.

There are many deficiencies, technically as well as ethically, with embryonic stem cell research. Embryonic stem cells have an inherent tendency towards explosive growth. Attempts to use embryonic stem cells have so far invariably led to the development of extremely aggressive tumours. This has been the case in animal trials and, indeed, human trials — for example, last year embryonic stem cells caused cancer in every single one of the rats into which they were injected. It seems very doubtful that such an inherent tendency will ever be overcome.

Furthermore, although it seems likely upon initial consideration that clones might eventually provide rejection-free transplants, there are very good scientific reasons for thinking that this is actually quite unlikely. It seems that, to put it simply, the very act of cloning

damages the clone's cells rendering them unsuitable for transplantation. Quoting Professor Trounson again from the same document:

... epigenetic remnants of the somatic cell used as the nuclear donor can cause major functional problems in development ... which must remain a concern for ES cells derived by nuclear transfer.

It also states:

... it would appear unlikely that these strategies will be used extensively for producing ES cells compatible for transplantation.

Embryonic stem cells collect mutations, and the stem cells will very probably be degraded by the process of cloning itself. This is likely to contribute to their tendency to produce tumours when transplanted and cause them to be much less effective in transplants than we might hope for. This might partially explain why Dolly was plagued by health problems and only lived to be half the life span of a normal sheep. In addition, of course, the clone is genetically the age of the donor at the time of donation. From conception the clone is genetically the age of the donor.

In the United States of America last month Senator Brownback of Kansas put the score for embryonic stem cell research as 613 to zero. That is \$613 million of US federal government money, plus a lot more from other levels of government plus non-government sources, including \$3 billion presumably that Mr Drum referred to earlier. The results? Zero! Nothing useful has so far come from this investment. How much more might have come from investment in other, more effective stem cell technologies?

Embarking on the embryonic cloning path is likely to actually detract from medical advances by leading away from other avenues of research that are not only much more ethical but also more promising. Research on different types of non-embryonic stem cells have already shown great results and amazing promise.

First, adult stem cells. Adult stem cells grow in an ordered, regular way. Research with adult stem cells, which does not involve the destruction of human life, has so far led to more than 70 cures or treatments for conditions including Parkinson's disease, liver cancer, heart disease and diabetes. Adult stem cell technologies were recently shown to deliver results for people with spinal cord injuries, such as those treated by Dr Carlos Lima in Portugal, who reported last year on the transplant of nasal stem cells into seven patients with long-term spinal cord injury. Breakthroughs based on adult stem cells are announced almost weekly,

including a Melbourne-based one in the treatment of heart attacks reported on 3 April this year.

Professor Alan Mackay-Sim of Brisbane, neuroscientist and researcher and Queenslander of the Year for 2003, has said that adult stem cells can do everything that is hoped embryonic stem cells might be able to do. They can be obtained from a range of disease sufferers and can be tweaked into the relevant cell type for genetic study and cell testing. Professor Mackay-Sim considers adult stem cells to be superior to embryonic stem cells, because they do not carry the genetic damage caused by the cloning process, they do not incorporate mitochondrial DNA, are more easily and cheaply obtained and readily multiplied and more stable genetically.

The potential of adult stem cells alone has rendered the case for cloning, as Professor Mackay-Sim puts it, irrelevant and impractical. Irrelevant and impractical — that is what Professor Mackay-Sim, Queenslander of the Year and scientist, says about embryonic stem cells. That potential has been demonstrated by the development of treatments or cures for 26 types of cancers including the brain tumours medulloblastoma and glioma, retinoblastoma, ovarian cancer, the skin cancer merkel cell carcinoma, testicular cancer, tumours abdominal organs lymphoma, non-Hodgkin's lymphoma and Hodgkin's lymphoma. There are 73 diseases and illnesses listed in this document which are now curable or treatable, to some extent at least, because of research done on adult stem cells. Each listing has a peer review journal reference. In fact, this is slightly out of date because it does not include the breakthrough announced in Melbourne last month, which I referred to earlier.

What do all of these treatments mean in practice? This is the practical reality. Edward Bailey, a 65-year-old Englishman, could not believe it. For 10 years all he had seen were shades of black and grey. After an operation using adult stem cells a nurse came by and he saw a flash of blue from her uniform. He went home and when he took the eye patch off he had his vision back. He observed that it is only when you lose something like sight that you realise how precious it is.

Surely these proven results by themselves would be enough for us to conclude that stem cell research on embryos is not the right path, but there is a lot more. Umbilical cord blood cells are being used in a host of treatments, and not only by those who have had their umbilical cords stored for them, an increasingly popular practice in the United States. One of the many people who have benefited from umbilical cord blood stem cells is American Nathan Salley, who was diagnosed

with acute myeloid leukaemia at the age of 11 in 1997. In 1999 he was one of seven children to receive a cord blood transplant. In testimony before a congressional committee in 2001 Salley proudly declared that he was living proof that there are promising and useful alternatives to embryonic stem cell research and that embryos do not need to be destroyed to achieve medical breakthroughs.

In addition reports from the Presidential Commission on Bioethics say there are five methods undergoing development by which embryonic stem cell research may be possible without destroying embryos.

Amniotic stem cells are an even more exciting alternative. In January of this year, following the passage of the commonwealth legislation, it was announced in the United States that research had shown the potential of amniotic cells for medical research and treatment. Amniotic cells are cells taken from the fluid surrounding the foetus in the womb or from the placenta, which is normally thrown away following birth. Embryos do not need to be destroyed to obtain these amniotic cells. People do not need to be harmed and eggs do not need to be harvested.

The research was widely reported including in *Newsweek* on 7 January. The *Newsweek* article is titled 'A new era begins'. Following the passage of the act on which this bill is based, a new era has begun. The article says that amniotic stem cells rival embryonic stem cells in their ability to multiply and transform into many different cell types. Furthermore they can be obtained harmlessly as a by-product of amniocentesis or from placentas, which as I said are normally thrown away following birth.

Amniotic stem cells are pluripotent — that is, able to transform into fully grown cells representing each of the three major kinds of tissue found in the body. The scientists were able to create in the laboratory nerve cells, liver cells, endothelial cells — which line blood vessels — and cells involved in the creation of bone, muscle and fat. Some scientists even coaxed amniotic cells into becoming structures found in the kidneys. Some of the amniotic cells functioned as they would be expected to in the human body. The liver cells secreted urea, an activity otherwise seen exclusively in their natural counterparts. Relevant to Parkinson's disease and other neurological disorders, the laboratory's nerve cells secreted glutamate, a neurotransmitter which is crucial to memory and which helps to form dopamine. Tests were also done on mice with a neurodegenerative disease. These showed that the amniotic cells sought out and repopulated damaged areas of the brain.

Amniotic stem cells multiply quickly and are remarkably long lived. The laboratory's cells divided more than 250 times. They are very tolerant to low oxygen, which makes it easier to manipulate them in the laboratory. It also means that once they are transplanted into a body they can live for quite a long time until the body sends out blood vessels to feed them. I sent a copy of this report to all members. If they read it they will see that amniotic fluid stem cells do not cause tumours, and they apparently provoke very little immune response when implanted, although why that is so is not understood.

Late in 2006 a Swiss team reported that it had temporarily been able to grow human heart valves from cells found in amniotic fluid. The *Newsweek* article concludes by stating:

It's a future that's suddenly looking brighter.

Not only is it a new era, but it is a very bright new era full of promise, promise from amniotic not embryonic stem cells.

Since the passage of the commonwealth legislation on which the current bill is based a new alternative to embryonic stem cells has been reported. This alternative does not require the destruction of human embryos. It does not jeopardise the health of women. It does not cause cancer. It does not provoke a strong rejection response. It has been proven to be feasible and to do things that only in our wildest dreams might we have hoped it could do. In short, amniotic stem cells show every promise of being vastly superior ethically and technologically to embryonic stem cells.

In view of the evidence it is reasonable to conclude that each of these alternative, ethical stem cell methods by itself — adult stem cells, amniotic stem cells and umbilical cord stem cells — exceeds the technological potential of embryonic stem cells. If they do not individually, then the evidence is overwhelming that collectively they certainly exceed the potential of embryonic stem cells.

Human cloning, on which this bill is based, has not yet been achieved. There is some doubt that it can be done, although I suspect that it is possible. According to my understanding it is normal practice, however, before research theories are carried out on humans, to demonstrate proof of concept — that is, that what is proposed can actually be done by showing that it can be done on animals, particularly apes. There has been no proof of concept with embryonic stem cells; there have been no valuable treatments or cures to have come from embryonic stem cells in animals yet. This is just one

example of this particular bill not conforming to established safeguards and procedures.

I would like to add on the subject of apes that a few weeks ago I was watching television at home, flicking through the channels, when I came across a documentary on the apes of the world. The makers of the program began by asking, 'In what way are we human beings really different from apes?'. The film crew went all around the world, and it filmed gorillas in Africa. The makers asked the question, 'Can apes make tools?'. They showed a film of the gorillas twisting pieces of straw and grass in a certain way to make a tool for scraping out ants from ant holes and then eating the ants. They then said, 'Obviously we are not unique in being able to produce tools, what about in terms of foresight?'.

They then filmed in the Amazon a much smaller ape. They showed a monkey going to a tree which had very delicious fruit, but the fruit could not be eaten by the monkey unless it first made a tiny hole in the fruit, sucked the juice out and left the fruit for four days, after which, the monkey had learned, it was dry enough to be able to be opened and eaten. So we human beings are not unique in our ability to make tools. We are not unique in our capacity for foresight. The makers of the program asked, 'How are we unique?' and answered that we human beings and only we human beings have ethics. According to the makers of the program that is the one, single, solitary difference between us and other primates.

We are indeed on a slippery slope. We are not at the peak of it; we are halfway down and gathering momentum. If members do not believe that, I ask them to please just consider that in the year 2002 the commonwealth Parliament unanimously — every single member — voted to ban cloning, yet here we are only five years later and it seems we are about to authorise the practice of cloning in Victoria. The public has been led to believe that the members of this Parliament will be voting according to their consciences. Members of large parties will know if that is true or not. If that is not true, members may decide that their honour demands that they show integrity and independence in their vote. A dictionary will define honour as the ability to tell right from wrong. To me honour has always meant not exploiting others, and above all never using what is good about others against them.

All of us here, every single one of us, throughout our lives have seen people we love suffer from ailments and have desperately wished they could be cured. Every one of us here loves people who we hope might benefit

from medical breakthroughs. I think a lot of us here hope that we ourselves might benefit in the future from yet to be discovered medical technologies. I do. We also probably hope for the uplifting of humanity, for relief from pain for everyone throughout the world and for an end to disease and suffering for human beings generally.

There are better ways, however, than those proposed by this bill — vastly better ethnically and much better technologically. The bill before us is technically far from good parliamentary practice. More importantly, it seeks to allow the destruction of human embryos on the false premise that this is good science. It is not good science. Happily, with respect to stem cell research good science coincides with good ethics. The bill proposes medical technology which is not only ethically repugnant but scientifically obsolete, redundant and unnecessary. In this very fast-changing world of bioethical technology, embryonic stem cell research should be considered to be not from the age of black-and-white television but from the age of the overland telegraph. It is already redundant.

To vote for this bill would be to support the destruction of cloned embryos; and, I suppose, their creation or their engineering. The evidence shows that it will also be a vote to hamper medical advances, to slow the development of therapeutic technologies, and to delay the discovery of new cures and treatments. It has been suggested that we do not profit anything at all if we sell our souls, even if we gain the whole world in exchange. How much less do we profit when we accept what we know to be profoundly wrong and get nothing in exchange?

The passage of this bill will not advance the cause of medical research; it will block it by directing resources to a field of study which is not only wrong in principle but technologically unpromising. The Faustian bargain proposed by this bill would destroy nascent human life, distract from superior avenues of research, degrade those it seeks to benefit and damage women even to the point of death — and surely the passage of this bill would also diminish our selves.

President, if the bill is passed, I would like to move that it be sent to the Legislation Committee.

**The PRESIDENT** — Order! At the conclusion of the second-reading debate Mr Kavanagh may move that motion.

**Mr Atkinson** — On a point of clarification, President, I think Mr Kavanagh was giving members of the house the courtesy of indicating his intended

approach so that members can take that into account in the course of the debate.

**The PRESIDENT** — Order! I thank the member for that clarification.

**Mr VINEY** (Eastern Victoria) — In the early 1800s a young couple migrated from England, firstly, to Victoria and subsequently to Tasmania. Of course coming to Australia was a very brave decision for a young couple to make. They set up their lives in Tasmania as farm labourers and proceeded to have 11 children. After the birth of her 11th child the woman, Mary, now in middle age, started to get some shakes. Initially they were in her hands but subsequently proceeded to the rest of her limbs. Ultimately she started to lose control of her bodily functions and was treated by people in the community at that time as having gone insane because she lost her speech and essentially lost control of her life. That young woman who became in middle age so stricken was Mary Viney, my great-great-grandmother. Mary Viney had the so-called honour of being the person who brought the disease now known as Huntington's disease to this country.

Mary died in the 1860s, and shortly afterwards her husband, Charles, my great-great-grandfather, passed away. He of course had been burdened with caring for his wife, my great-great-grandmother, for many years. Subsequently 6 of their 11 children suffered the same fate. One of them, the youngest, was my great-grandfather. Even as little understood as it was at the time, the tragedy of the disease was, and still is, that it does not strike people until middle age, when they have already had their own children, and 50 per cent of those children will come down with the disease. My grandfather, who was the youngest child of my great-grandfather, was fortunate to not be one of those children who got that illness. He had 12 brothers and sisters, and 6 of them had the disease. Fortunately, because my grandfather did not suffer from the disease, it did not pass to my father or me, but the tragedy of it continued in my family. My late father's view was that my grandparents divorced in part because of the terrible pressure that existed in their lives around whether or not my grandfather would get this disease. Even then its hereditary nature was not fully understood.

The reason for my telling this story is that Huntington's disease is a neurological disorder, and neurological disorders are one of the areas that could be assisted through the kind of research that this legislation before us today is providing a moral, ethical and regulatory framework around enabling in this state. I respect absolutely the views that people are expressing in this

house. These kinds of debates often bring out the best in members of Parliament. This debate has shown the great deal of research members have done on this legislation and the attention they have paid as members of Parliament to the views of people in their electorates and in the broader community. But it appears to me that it is substantially down to the ethical views that individual members of Parliament have. Ethics are not black and white. We are not able to say absolutely that certain things are ethical and other things are not. At the extremes there are easy decisions to make, but in areas such as we are discussing today they are not so simple and it is not so easy to say, 'This is correct, and this is incorrect'.

The ethical position I have come to in this is related to my ancestors and their descendants. For me it is not possible to say to my ancestors and their descendants, my relatives, that it is unethical for research to be done on treating the horrible impact of this disease — not just its physical impact on the people who have the disease but its impact on their families and the fears they have about passing the disease on to their children. A broad range of ethical issues need to be considered by all of us in the Parliament regarding these sorts of matters. My experience can be extended to many other diseases and illnesses that strike people in our community and, from that very personal experience, I have come to the view that I need to support this legislation.

Other experiences have also brought me to that conclusion, not the least of which being that from 1999 to 2002 I was fortunate enough to be Parliamentary Secretary for Health and from 2002 to 2006 Parliamentary Secretary for Innovation. In both those roles I had some responsibility in medical research areas. That was a very privileged opportunity for me to see what takes place in our medical research institutes, to understand the commitment of our scientists in those areas and to appreciate the attention our scientists pay to the ethical impacts of what they do, as raised earlier by Mrs Coote.

I have come to the view that what is important in these grey and difficult areas is to ensure that there is an appropriate and proper regulatory framework and that scientists are provided with clear ethical guidelines which become their benchmarks for conducting research that can provide enormous benefits to people in the community like the descendants of Charles and Mary Viney. Therefore I will be supporting the bill before the house.

**The PRESIDENT** — Order! Given the time and the importance of this particular bill, I think it would be

unfair to call on the next speaker and interrupt them for the dinner break, so I intend to break now for dinner.

### **Sitting suspended 6.23 p.m. until 8.03 p.m.**

**Mr FINN** (Western Metropolitan) — I fully understand the desperation of those who see embryonic stem cell research as an answer to often very pressing problems in their lives — problems of health, some even terminal. I can understand that because I saw my father fight cancer over 17 years before it claimed him. I can never remember my father as a healthy man. So I can understand the desperation that people feel. I can understand it because I saw my mother just a few short years after that also suffer from cancer. I held her hand as she died. I can understand the desperation of those people.

I saw both my grandmothers suffer from dementia and diabetes before they too passed to their reward. A very dear friend of mine at the age of 48 contracted cancer. I gave the eulogy in fact at her funeral just a couple of days before my birthday two years ago. My eldest son has spina bifida. He is confined to a wheelchair and I have seen via the far too many visits to the Royal Children's Hospital the suffering that disease brings not just to the children involved but their families as well. My youngest son, just to top things off very nicely, has autism. So when I say I understand the desperation that some people would feel for cures and solutions to these problems, I think the house will understand that indeed I do very much sympathise and feel for the people who feel that level of desperation.

Of course it is the sort of level of desperation that leads people to reach out for anything. Members will remember maybe three decades ago a bloke called Milan Brych, who came up with the miracle cancer cure, so he said. Of course it was nothing of the kind, but people flocked to him because they were desperate. It is the same sort of desperation that leads people to believe that embryonic stem cell research and cloning can solve their problems today.

President, I share that desperation totally, but sadly I have to say to you this bill and what it proposes in no way delivers or offers any chance for those solutions. I understand the need for hope. In such circumstances hope is the beacon of light that often keeps you going. I have seen it many, many times throughout my life. But I can tell you one thing — there is only one thing worse than no hope and that is false hope. False hope is the cruellest hoax that can be played on anybody, particularly at a time when they are at their most vulnerable. I am not under any circumstances opposed to medical research. My father, for example, during the

course of his disease offered many times to be opened up and prodded around by visiting surgeons. I am proud of the contribution he made to finding a cure for Hodgkin's disease, which I understand came about some six months after he passed away.

I am not under any circumstances opposed to medical research. In fact I strongly support ethical — and I underline that word — medical research. It is much needed, and I wish more power to those researchers, scientists and doctors who are leading the way in finding cures and treatments for some of the most dreaded diseases on the face of the earth.

At this point I will move the reasoned amendment that is being circulated on my name. I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this bill be withdrawn and redrafted to provide for a separate principal act dealing with research involving embryos, rather than including those matters in the Infertility Treatment Act 1995'.

I have moved that reasoned amendment for one clear reason — that is, that this bill has nothing at all to do with infertility treatment. IVF (in-vitro fertilisation) is a program that people enter into with a strong desire to have a living child at the end of it. It is entered into by desperate couples who are seeking the sort of love that only a child — a baby — can bring.

This legislation is not about nurturing life. This legislation is about the destruction of a new life. To include it under infertility treatment is an insult to the couples who undergo IVF, many at huge personal sacrifice, and to the doctors who help those couples through some very trying times. To include cloning and embryo experimentation under the heading of infertility treatment is a gross deception and, some might even suggest, a fraud. IVF and embryo experimentation could not be further apart. I urge all members to consider that deeply — it is a very important point — and to vote for the reasoned amendment. We need separate legislation that does not hide behind the goodwill created by IVF babies. I urge the house to support the reasoned amendment.

A little earlier Mr Drum was spot on the money, as he quite often is, when he said that although we object when genetic modification is proposed for crops and a whole range of matters, it seems a good number of people have no problem when genetic modification is suggested for human beings. This bill is surely the ultimate in genetic modification. When we consider that this bill will allow for human animal hybrids and the cannibalisation of female foetuses, we realise there is so much evil in this one piece of legislation.

Of course the real tragedy of this is that this bill is totally unnecessary, as is embryonic stem cell research. Before the dinner break Mr Kavanagh eloquently made a case for amniotic cells. I have to say that the case he put was very convincing indeed. I urge all members who were not in the chamber or did not hear the speech in their offices to get a copy of Mr Kavanagh's speech and read it. He put up a compelling case indeed. Apart from that, we have blood from the umbilical cords of newborns, which provides ample stem cells that are nearly identical to embryonic stem cells. Then we get to something that we know really works because it has a score on the board, and that is adult stem cells. At the last count I could find adult stem cells had produced 78 major medical breakthroughs. The figure for embryonic stem cell research is zero. Research using adult stem cells has produced 78 breakthroughs and embryonic stem cells have produced a big zilch. The only thing we know conclusively about embryonic stem cell research is that it is carcinogenic — it causes cancer. That seems to me to be a strange reason to vote for what this bill proposes.

I ask those who say that embryonic stem cell research provides the answer to all our prayers where the evidence is. There is none. This is a case of those people following blind faith. We should not be conned by expensive public relations consultants employed by those who stand to become very rich if this legislation is passed. I am not one who necessarily believes money is the root of all evil, but in this case that may not be far from the truth. This bill is promoting modern-day snake oil. In years gone by supporters of embryonic stem cell research would be a Dr John's Medicine Show travelling the country. This bill promotes bad medicine. It is as simple as that. Embryonic stem cell research is bad medicine. It does not work. It is going in the wrong direction, and if we do not turn around, we will be doing ourselves, our families and our community a grave disservice.

Adult stem cells have allowed major breakthroughs and major advances in areas such as heart disease, diabetes, repair of tendons and ligaments, incontinence, Crohn's disease, multiple sclerosis and spinal cord injuries, to name just a few. I repeat again that adult stem cells have resulted in 78 major breakthroughs while embryonic stem cells have resulted in zero breakthroughs — and they are cancer causing. As a Parliament and as a society we should get our priorities right. We should be putting our energies, our money and everything we have into those areas of medical science that work, and adult stem cells fit that bill.

We then go on to the area of the harvesting of ova for the process. This is a significant argument against the

bill. The harvesting of eggs is a direct and immediate danger to the health of the women involved. Long-term threats exist as well. The female of our species is born with a finite number of eggs. No more will ever be formed or grow, so that is it. Once a child is born that number of ovum is finite, there will be no more. Once the eggs are used they are gone forever. There will be no replenishing of the supplies, as it were. If enough eggs are used — under this process huge numbers of eggs are used — that will often render the women involved at least partially, if not totally, infertile. That is something I cannot have anything to do with.

We also have to take into consideration that as demand for ova increases as the years go by there will always be the prospect of commercialisation. We have seen it in the United States of America where young women are selling their ova to get themselves through university. We all know that what is happening in the United States of America now, whatever it may be, is never too far away from our shores. Anyone who gets up in this Parliament and says it is not going to happen here has not got much of an imagination, because it will happen. There is no question about that at all. It will undoubtedly lead to the exploitation of women. Sections of the scientific community will regard women as nothing but conveyers of eggs. That is the bottom line. They will see women and say, 'Great, another supply of eggs'. They will regard them as nothing more than human chickens. That is something I certainly cannot support at all.

Long ago I accepted the fact that human life begins at conception. Sometimes I wish I had not. It would have made my life considerably easier and far less complicated — and in this particular instance maybe ignorance can be bliss. My acceptance of that fact was not based on any religious conviction but rather on the overwhelming scientific evidence that human life begins at conception. It is also based on common sense. Where else can life begin? I again go back to Mr Drum's speech a little earlier in which he posed exactly the same question: where else can life begin if it does not begin at conception? Put science together with common sense, and the answer is clear: life begins at conception.

All of us here, as well as those walking the streets of Melbourne and beyond, did not come from embryos; we were embryos. Each and every one of us was an embryo very early in our life. That is what makes us what we are today. What we are talking about in this bill is the creation of, experimentation on and then destruction of tiny, unique human beings — human lives that are never to be repeated being snuffed out before they are given a chance. Once we accept as a

Parliament or as a society that some innocent lives are expendable for some perceived benefit of other lives, I have to ask the question: is there anything left? Is there anything we will not do? That is something we all have to face up to.

The saddest part of the legislation from my point of view is that, while the bill might have been introduced by the Minister for Health in the other place, it is clearly driven by Treasury. This debate is not being led by compassion or support for scientists, but by a mad grab for the mighty dollar. The instigators of the bill want Victoria to lead the world with this new industry — an industry which I have to say I find quite repugnant. I am a very proud Victorian and will always be a proud Victorian, but my pride will be somewhat diminished if I have to travel interstate or overseas and declare myself a native of Victoria, the place where we create, experiment upon and destroy more human lives than anywhere else in the world. Quite frankly, I do not think that is something anyone should be proud of.

Some will say that scientists and doctors are upstanding members of the community, and a good many of them are. They will see them as ethical and moral people, with the best interests of the community at heart. Again, most of them are. I wonder if the Germans 80 years ago thought the same thing. Think back to that period in world history when some of the most appalling atrocities were not committed by soldiers, but were committed by scientists and doctors — good, moral people, I am sure, in the eyes of the German people. Those who forget the past are condemned to repeat it. We are not immune from unethical scientists just because we live in Australia.

When we leave this Parliament generations to come will look back on us. We will not be judged on what the inflation figures were; we will not be judged on what the employment figures were; we will not be judged on whether the roads were up to scratch; and we will not be judged on how many nurses, police or teachers we had. We will be judged on the sorts of issues that we face in this Parliament this evening. We will long be remembered for what we do tonight and in the days ahead. I ask members of this house if they want to be looked back on by generations to come as members of a Parliament that voted to declare open season on some of our fellow humans. Will future generations look back on us as we today look back on Germany of the 1930s and 1940s and ask the same question: how could they let that happen? That, personally speaking, is not a legacy I am rushing to embrace.

This is probably the most important vote members of this house will ever make or will ever be asked to

make. The Rubicon is before us. For those members with doubts, think carefully, think hard. This issue is a very, very important one. This is a crucial issue. Human lives are on the line. If you have any doubts at all, I urge you to oppose this legislation, because once it is passed there will never be any turning back.

**Mr PAKULA** (Western Metropolitan) — I rise to support the bill, and in doing so I should say at the outset that for me it was a close run thing. When I have risen before in this house to take part in a debate I have always been confident of the position I have adopted. I found myself struggling with this issue. I struggled with it for a significant period of time and I examined the issues very closely, because I should say at the outset that I am not one of those people who is for open slather on issues of genetics, issues of human life or issues of reproduction. As other speakers in both this and the other place have indicated, if this bill allowed for human cloning, I would oppose it. In just the same way I have extreme reservations about genetic profiling and late-term abortion, particularly as I am an uncle with a nephew and a niece who were both born at 26 weeks.

In regard to matters such as this, for everyone there is a line, and you have to decide on which side of that line the issue falls. Deeply held beliefs, whether religious or otherwise, particularly deeply held beliefs about the sanctity of human life from the moment of conception such as those clearly held by contributors to this debate such as Mr Finn and Mr Kavanagh, make the identification of where that line is a fairly simple matter. Faith can give you that level of certainty, and in my view it is both enviable and admirable. I certainly do not in any way criticise members who are that certain and for whom, whether it is a matter of faith or of personal character, those truths are held so clearly.

Others amongst us have to search for the line. That involves analysis and searching our consciences to find where the line is. As I indicated, I have done that fairly extensively, and I have come to the conclusion that according to my conscience this issue falls on the side of the line that allows me to support it.

I want to talk to the Parliament about my grandmothers. However, before I do that, Mr Finn drew a comparison between the type of research that may be carried out if this bill is passed and the research — if you could call it that, although I would not — of the crude charlatan that was Milan Brych. My grandfather was a patient of his. When I was a young boy of seven or eight years old, I watched my grandfather dying of mesothelioma that he picked up in Footscray. In desperation he and my grandmother travelled to Rarotonga in the Cook Islands

to visit the wonder doctor, Milan Brych, who members may recall was strongly supported by the Bjelke-Petersen government in Queensland and who had a so-called wonder cure for cancer. For a very short period of time my grandfather rallied but within about a fortnight of that he was dead. He lies buried in Rarotonga today.

I say to Mr Finn, who makes that comparison, that to compare the medical practitioners who genuinely and firmly believe that through the research they conduct they may improve the quality of people's lives and find cures for terrible diseases to a charlatan like Brych is grossly unfair and is a comparison that does this Parliament no credit.

As I said, I want to talk about my grandmothers. Helen Kosziwoda was born near Lodz in Poland in 1902. She fled Poland with my grandfather in 1938 and settled in Carlton. Runia Myedvadovskaya was born in Kremenchug in the Ukraine in 1921. She ended up in a displaced persons camp in Uzbekistan, where my mother was born. They then fled to France and ended up in Melbourne in 1950. Both of my grandmothers worked hard. They enjoyed the opportunities that Australia gave them as refugees from both Hitler and Stalin.

This debate has been carried out with a great deal of common sense and moderation by members, but while I am on that period of world history, I have to say that most of my family was wiped out by the Nazis. Only very small pockets of them escaped. Mr Kavanagh in his speech by implication made a comparison between the activities of the Nazi regime and the destruction of embryos when he said that cloning is banned in Germany, France and Italy because they have learned from their history. Mr Finn in his contribution made a more direct comparison. He was more explicit about it. As a member of a family that went through the Holocaust — some members of the family survived it, most did not — I have to say that I find the comparison absurd, and I reject it utterly.

When I first knew my paternal grandmother, Helen Pakula, as she then was, she was in her early 70s and was already stricken by Parkinson's disease. Between probably my 4th and 13th birthdays I watched her while away her days at the Montefiore Homes in St Kilda, beset by tremors, rigidity and complete incapacitation. I never remember my grandmother as a healthy woman, and just before my 13th birthday she succumbed to that illness. My maternal grandmother, on the other hand, when I first knew her was a woman in her early 50s. She was a vibrant, bubbly, beautiful Russian woman. She was a very loving grandmother

and great fun to be around. She was always described as the life of the party. From her late 60s the very recognizable tremors set in with her as well. They started in her hands at first and then affected her whole body. She had also been stricken by Parkinson's disease, and she died at almost the same age as my paternal grandmother.

I lost both of my grandmothers to a single disease. Between them those two women, Runia and Helen, had four children, seven grandchildren and, so far, seven great-grandchildren. Those children, grandchildren and great-grandchildren are my parents, my aunts and uncles, my sisters, my cousins, me, my nieces and nephews and of course my own children. I have no idea — I have not done the research to find out — whether being the descendant of two Parkinson's sufferers makes my extended family more susceptible to the disease and whether it makes them more susceptible to carrying that gene. I have never bothered to find that out, but what I do know from harsh experience is that it is a terrible and life-destroying disease.

My parents are both in their 60s. They are getting to the age at which both of my grandmothers became afflicted. Even if we passed this bill today or tomorrow, I daresay that any research that arose from it would be too late to help them, but if a cure could be found, it would not be too late for my children. I need to know as a parent that if this defective gene has been passed on and if this disease ever afflicts my kids or my sisters' kids, I will have today done what I could to allow the medical fraternity to conduct the research it needs to conduct to find a cure.

It is not just about Parkinson's disease. The hope is that this bill will allow research to occur into a range of other life-shattering neurological diseases including Alzheimer's disease, muscular dystrophy, motor neurone disease and spinal cord injuries. We have been presented by a number of speakers tonight with, I suppose, a singular moral dilemma, and I concede that this is the way I characterise it. But if I am presented with the moral dilemma of choosing between the rights of an embryo, a collection of cells and a living, breathing human being, my conscience tells me that I have to come down on the side of the living.

I am not going to go into all of the detail of the bill. I was going to, but I think Mr Scheffer covered that detail brilliantly in his speech to the house. I agree with what he has said to me on many occasions: that simply repeating what each other says really serves no purpose. But I think there are a couple of key points. This bill is not about the creation of a human embryo by the

merging of a sperm and an egg for other than reproductive purposes, and there is a prohibition on the use of cloned embryos for reproductive purposes. As I said at the start, if this bill allowed for cloned human beings to roam the planet, then I would oppose it. Equally it is not about the creation of hybrid human animals, as has been suggested in some of the more inflammatory emails that I have received amongst the dozens and dozens of very reasoned and rational emails that I, along with other members of this house, have received.

I am convinced from the reading that I have done and from the discussions that I have had that the potential therapeutic benefits of embryonic stem cell research as against the use of adult stem cells are significant enough to warrant this research. As has been alluded to by other speakers both in this place and in the other place, adult stem cells have been shown to be more specialised whereas embryonic stem cells are as yet undifferentiated, making them more versatile. Potentially they also reduce the possibility of rejection.

Mr Finn made the point that nobody knows whether this research will lead to cures, and that is true. Nobody can ever know for sure when medical research commences how successful it will be. I am sure when Jenner started his research he was not sure that he would find a cure for smallpox. I am sure that when Florey and Fleming started their research they had no idea of the therapeutic benefits of penicillin. I am sure that when Salk and Sabin started their research they did not know for sure that they would find a cure for polio. But not knowing whether research will lead to a cure is no reason not to undertake it.

The fact is that we have an obligation to seek cures for debilitating and terrible life-threatening and life-destroying diseases and to use modern technology provided that in doing so we are not committing a greater wrong — and when you wash everything away that is the nub of this debate. Whatever the opponents of this bill may say is grounded in their belief structure about the timing of the beginning of life, about the equivalence between the rights of an embryo that, if left alone, will grow into a living human, and a living, breathing human being who may be undergoing deep suffering. When I wrestled with my conscience I came to the conclusion that I cannot accept that equivalence. I cannot accept an equivalence between an amalgam of cells that do not have the sense of sight, smell, taste, touch and hearing and that cannot love and that do not have consciousness, and a living, breathing human being who is potentially dying, with a family living in agony.

I cannot agree that there is an equivalence between the rights of those two entities. I do not understand how in conscience you can accept that and support abortion or IVF (in-vitro fertilisation), because with IVF unused embryos are discarded. So if you oppose this bill for those reasons, you have to oppose abortion and you have to oppose IVF. I do not oppose abortion and I do not oppose IVF, and for the same reasons I do not oppose this bill. For my grandmothers and for my kids I am compelled to support this bill, and I commend it to the house.

**Mr HALL** (Eastern Victoria) — I welcome the opportunity to make some comments on the Infertility Treatment Amendment Bill. Two weeks ago this chamber was debating another piece of legislation — the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill. That legislation proposed to give the people of Victoria a say in whether or not they wanted nuclear activities to take place in Victoria. Despite the fact that any form of nuclear activity was already banned by legislation the government thought it would be good for Victorians to at least have a say on that particular matter.

I think the people of Victoria would like to have a say on the matter we are discussing tonight. With the nuclear activities bill the government did not have the power, without changing legislation and without agreement from the commonwealth, to do anything about nuclear activity. Here the government has the power — the members of Parliament have the power — to make some decisions with respect to the proposals we have before us tonight. I said then, and I say again, that this would be a more appropriate piece of legislation on which to give Victorians a say on whether they want these particular changes to the Infertility Treatment Act. So this legislation would be an ideal bill for a plebiscite, and I think the government would be more honest if it were prepared to offer the people of Victoria the same as it offered them in respect of nuclear activities, and allowed them to directly express a view on whether or not they want therapeutic cloning to be legal in Victoria.

As other members have said, as members of Parliament we have been literally bombarded with information from a variety of sources, and that has been healthy. We have also been literally bombarded with the views of people within Victoria about this legislation. The information we have been provided with is complex and much of it is scientific in nature. The views that have been expressed to us have in large part been one sided — that is, views expressed by people who oppose this legislation. I am not silly. I am sure there are a lot of people in the community who would support

legislation like this, but they have not made the effort or perhaps they have not taken the opportunity to express a view. That is more reason why I say that people in this state should be encouraged to directly express their views by way of plebiscite. However, the views have been put before us, and I think we need to take account of those views.

As I said, the information that we have received is complex. This is a complex topic, and I am sure we would all agree with that in our endeavours to fully understand the implications of this legislation. The first task I undertook was to try to determine in my own mind, in the simplest possible terms, what this bill actually does. An explanation of it is given at page 4 of the explanatory memorandum to the bill, and a similar explanation was given in the written second-reading speech that was supplied to the house. I am not going to go through all those terms, because they are complex. Moreover, as I said, I will try to express in the simplest possible terms what the bill would do. Essentially it would see the creation of human embryos by artificial means for the purposes of experimentation and ultimately destruction within a period of 14 days. The creation of that human embryo by means of somatic cell nuclear transfer results in what I would term a 'designer embryo', because that is exactly what it is. The common term applied to this practice is 'therapeutic cloning'.

We already have embryonic stem cell experimentation — a measure which I opposed when it was introduced through this chamber into this Parliament several years ago. Now we are proposing a further expansion of embryo cell experimentation with designer cells — that is, therapeutic cloning. Why are we doing this? The reason that has been given is that stem cell research has proven ability to find a cure for many diseases. It has been suggested by the proponents who are advocating for this change that embryonic stem cells provide a greater range of more adaptable stem cells to target research into particular diseases.

I listened to the passionate contributions from people on both sides of this argument, particularly the last two speakers, Mr Finn and Mr Pakula, one arguing against the bill and one arguing for it. Both of them presented some fairly compassionate views, and one cannot but feel for their sense of strength of their views, particularly as they have close relatives and family members who have been afflicted by incurable disease. I think we all have. I had a family member who passed away in the last six months with an incurable disease. I would encourage further research to try to develop cures for some of those diseases. In assessing legislation like this, you have to try to be dispassionate;

hard as it is, you have to dissociate yourself from those personal experiences and look at the issue on the merits of the particular proposal. I am sure we all try to do that, but that is difficult in itself. It is suggested that embryonic stem cells, particularly designed as they can be by means of cloning, will lead us to greater breakthroughs in the fight to find cures for some incurable diseases.

As I said, in evaluating this proposal we have been bombarded with material, and I am grateful to all those who sent me material and facilitated information sessions for members of Parliament. Each of them has been of some significant benefit. I also commend the brief put together by the parliamentary library; I know lots of members will have picked it up and read it. Again I think our library has provided a great service to us as members in giving us a fairly succinct summary of background material, some explanation of the science behind what is proposed here and an expression of some views both for and against this piece of legislation.

I want to quote from this document, because it expresses the views rather well. In looking at the complexity of legislation of this nature it states at page 3:

Stem cell research offers enormous potential for the treatment of longstanding human disease types and the alleviation of suffering. Stem cell research scientists around the world are working on the development of therapies for such common diseases as heart disease, diabetes, spinal cord injury, Parkinson's disease and stroke. At the same time stem cell research raises important questions concerning ethical norms in a pluralist culture. While the new sciences are a global activity moving forward at a rapid pace, a global 'ethics' — one that could effectively cross the divide of religion and secularism and could sustainably address these issues and guide the development of law-making — has yet to properly emerge.

I agree wholeheartedly with that comment. The ethical boundaries have not been set in this debate. As all speakers have said, this is the dilemma, this is the issue, this is what we have had to think about in terms of our response to this piece of legislation.

I want to go on and talk a little bit more about those ethical boundaries, because there are certainly ethical boundaries when we are talking about human embryos being created for the purpose of experimentation and beyond that for the purpose of destruction. I am not going to enter into the debate about when life commences. I think that is almost irrelevant to this particular issue, because as soon as those embryos are created they are potential lives, if they are not lives already. We are looking to experiment on and destroy those lives — or potential lives, whichever way you

want to argue — and either way there are some serious ethical issues that we need to consider.

The churches have some views, and they have been expressed in the library document. Some views by Catholic Archbishop Denis Hart are expressed at page 18:

To allow embryos to be deliberately created and then destroyed for scientific research is always unethical and would be an assault on the dignity of the human person at its most vulnerable.

The Anglican Church has also expressed similar views.

I am not a deeply religious person, but I aspire to having high ethical standards. If an outcome can be achieved without undue transgression of ethical boundaries, then I would support that course of action. What has led me to oppose this piece of legislation is the fact that I think we can achieve what we would hope to achieve with a high degree of probability without crossing those ethical boundaries. From what I have read and what I have heard I have come to the conclusion that there is a high level of probability — and I stress those words 'a high level of probability' — that what is hoped to be achieved with the use of embryonic stem cells can in fact be achieved with adult stem cells. That is essentially why I have made the decision not to support this legislation.

I refer again to the library research service paper. On page 22 the paper expresses a view that I hold better than I could hope to express it when it says:

Other stakeholders and interest groups, however, argue that progression in and possibilities with adult stem cell technology render embryonic stem cell research unnecessary, and thus the complex ethical boundary does not need to be crossed.

That view has been expressed by a number of people, including a molecular biologist from Griffith University, Professor Alan Mackay-Sim. Page 22 of this paper quotes a contribution he made to the Lockhart review.

I am encouraged to see the outcomes of some of the stem cell experimentation. I picked up an article from the *University of Melbourne Voice* of 16 to 30 April. This article headed 'Stem cell patch restores vision' says, and I will only read part of it:

A man's vision has been restored by a corneal patch grown from adult stem cells by a team at the University of Melbourne's Centre for Eye Research Australia ... and the Bernard O'Brien Institute of Microsurgery ...

The patch, which replicates the cornea, was cultivated from a single stem cell from a donor eye and was transplanted to the surface of the man's eyes.

That is just one of many articles I have read about the effectiveness of the research being done with adult stem cells and what that research has been able to achieve. If you look at the web site at [www.stemcellresearch.com](http://www.stemcellresearch.com) you will note that there are more than 70 cures or treatments using adult stem cells. I think Mr Finn suggested there are 78; there are certainly more than 70.

Mr Finn also made the comment that there are no cures or treatments using embryonic stem cells. I have read the arguments against that which say that embryonic stem cell research is in its infancy and that is why there have been no applications or positive results from that research at this point in time. I am not taking issue with the fact that there have been no outcomes from embryonic stem cells. However, I am highlighting the fact that the experimentation and research undertaken with adult stem cells is delivering really positive outcomes. The research that has been done shows that the physical capabilities of adult stem cells are beyond what people imagine them to be. They are more divergent in what can be achieved in research using adult stem cells. I am encouraged by what is being achieved.

I am also aware that some of the opponents of this legislation have been putting forward the slippery slope argument — that is, agree to this and further down the track we will be a step closer to human cloning. Eventually that might be with us and I think that issue is of concern, but I will not elaborate on that. I have also read the strong arguments in respect of the impact this may have on women's health. That is also an issue of serious concern.

However, as I said, the overriding reason I have decided not to support this legislation is the fact that in my heart I sincerely believe, with a high level of probability, that what we expect to see out of legislation like this can be achieved through further research with adult stem cells. If that is achieved, then we do not need to cross the very difficult ethical boundary I know we are all grappling with. I encourage further research with adult stem cells. I sincerely hope that will lead to further advances in the search for cures for currently incurable diseases. I think that can be achieved in a far more ethical way.

It has been a big decision for us all to make. However, I encourage those yet to contribute and make up their minds on this issue to think seriously about the ethical issues involved. I hope they will come to the conclusion I have — that is, to oppose this legislation.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am pleased to make a personal contribution to debate on the bill before the house. As I have done with every piece of legislation that has come before the chamber, I have looked at the explanatory memorandum for the bill. This is one of the most comprehensive explanatory memorandums I have seen; it is quite detailed. I thank the officers who were responsible for putting it together. It gives an overview of the legislation before the chamber.

Being a man who went through high school studying science subjects — pure, applied, physics and chemistry — I consider myself to be pretty analytical in terms of seeing things from a scientific basis. When this legislation first came in I attended the briefings provided by the Labor member for Pascoe Vale in another place, Ms Campbell, the Liberal member for Caulfield in another place, Mrs Shardey, and the Department of Human Services. I appreciate those briefings. However, I drew the initial conclusion that on the basis of science it would be feasible and appropriate for me to support the bill, and that is where I was heading. That was my intention on reviewing the legislation.

It was easy to make that assessment. However, I decided that I would listen very intently to the debate on this bill, because I think it is only fair to listen to both sides of the argument. We have heard from David Davis, Mr Scheffer, Ms Hartland on behalf of the Greens, Mrs Coote and Mr Pakula, who all spoke for the legislation. We have heard from Mr Drum, Mr Finn, Mr Kavanagh and the last speaker, Mr Hall, who all spoke against it. This is the dilemma I am facing. I pick up some of the words given to me by Mr Finn. He said to think carefully, think hard, and if you have any doubts at all, then reject the legislation. I have doubts about certain components of the legislation.

I know we have been personally lobbied. I thank those individuals for that. I appreciate those members of the community who made the trip out to my office or made personal phone calls. Those things weigh more heavily for me than a proforma letter because I think they show a level of dedication by those individuals in my electorate who wished to express a view. When they said they opposed the bill I asked those people whether they oppose abortion. I thought most would say that on balance they do not support abortion. In fact I was quite surprised that there was a fair argument that they supported abortion in certain circumstances. That is probably more the position that I hold as well.

However, this legislation talks about issues related to infertility treatment. I can honestly say that I consider myself to be a swinging voter in this chamber. I do not believe I have come to a conclusion one way or the other, to support or oppose the bill. That is where I am still sitting, but I am leaning more towards opposing it at this stage, based on the arguments I have heard. This is only way I can deal with it.

There are a lot of mistruths out there. There are a lot of people saying on one side that this will cure the world's ills. I think on balance that would be a great outcome. Mr Pakula raised the issue of outcomes. That is fine, but then I think on the other side that those cures were not as a result of creating a life and then killing it.

I am grappling with that issue. I think that is what Mr Pakula was trying to get at, but on balance he supported it. I accept that, and I do not think anyone could be critical of his rationale or his argument. We heard from Mr Scheffer, who raised six valid points. I listened intently to his contribution. I thought Mr Scheffer presented rational arguments on each of those points. I agreed with some and disagreed with others. Mr Drum put up some really legitimate arguments that I have stuck with, and they are weighing heavily in my consideration. In his contribution Mr Kavanagh asked that members listen to the debate, and that is what I have tried to do in trying to get the balance right.

I have some concerns about parts of the legislation, and Mr Finn raised the issue of whether we should have any doubts at all. I have a concern that we are creating life and killing it. That raises in my mind — my background may be relevant in this — the fact that in this state we do not endorse the death penalty. Our laws do not allow for an individual to be put to death. There was such a law decades ago, as we know, but even then there was a legitimate process involving a judge and jury that had to be followed before a person could be put to death. There are no such rights accorded in this particular issue.

I was grappling with some of the concepts that members raised. On the one hand members said in the debate, 'A life is created when there is a family and their loved ones are around them', and the opposing view was, 'Hang on, you cannot be loved and have a loving family around you if you do not have a body'. I thought those views were quite pertinent to the debate. It gets back to the issue of when creation takes place. I never thought that I would actually have to consider that the creation of life took place at such an early stage.

I find it difficult to comprehend clause 10 at page 8 of the bill. There are certain issues that I have concerns about. I cannot quite believe that we should be fertilising an animal egg with a human sperm. I cannot for the life of me see how that creation advances science. We have laws in this state that oppose bestiality for a living person but we do not oppose this. I do not understand the rationale of legislation that allows for that, and that is what I am grappling with.

From where I am seeing it I hope that somebody may be able to provide the house with better guidance. It is difficult for me to understand. I understand the science — as I said, I was initially supportive — but I am not too sure whether the science demonstrates that it will deliver what is proposed. We hear the argument — we do not know whether it is true or not — that research on adult stem cells has proved to be successful and research on embryonic stem cells has not been successful — and allegedly we need the legislation to get that further development done.

I do not think I have heard sufficient evidence — maybe I do not want to hear it — to demonstrate that there is a need to support this legislation. I have doubts about it. As the saying goes: if there is any doubt, throw it out. I can genuinely and honestly, with my hand on my heart, say that I am a seriously swinging voter in this chamber. I have waited to hear the debate. I tried to be placed down the list so that I could hear the debate and get some clearer understanding. At this stage, unless I can further satisfy myself, I am leaning towards opposing the bill.

With respect to the amendments, I will be looking at those in the context of how they affect the issues. There is some merit in Mr Finn's amendment. The fact is that we are debating a piece of legislation on infertility treatment but it is not infertility treatment we are dealing with. I cannot see that this is related to infertility treatment. It does not make sense. We are talking about experimentation. If that is what we are proposing then we should create a separate piece of legislation with more safeguards. Perhaps those who are swinging in their attitude towards the legislation would then give it more serious thought. At the moment I am concerned that it is mixed up with infertility treatment for women.

I have heard arguments outside and inside the chamber in relation to the damage that may be done to a woman in the process of the cultivation and extraction of eggs. I have heard both sides of the argument. I do not quite know which is true on either side, and that is my problem. I cannot be satisfied on balance that one side is right and one side is not right. On that basis, if I am in

doubt and not satisfied with the arguments that have been put forward to me, then I cannot give my support. I am sorry that I have not declared my hand, but that is my position. I will continue to monitor the debate. I look forward to reading *Daily Hansard* tomorrow and to reflect. I am already looking at the lower house contributions. It is important that my decision is made rationally and after a fair assessment of the issues.

**Mr LEANE** (Eastern Metropolitan) — I absolutely respect what Mr Dalla-Riva has just said so far as reserving his judgement is concerned. I want to make a contribution that is not about lobbying for my position. I want to make a contribution to explain where I have got to on how I am going to vote on this bill. I have received a lot of correspondence and a lot of emails from constituents and from people outside my electorate. In fairness I should put on the public record the conclusions I have reached. I have not had a chance to respond to all of them, so being an accountable person I should say where I have got to on this bill, and I will take that opportunity now.

Members have had a lot of briefings on and literature about this legislation. I appreciate all the correspondence I have had on this bill. It has taken a lot of time to get my head around what this bill is about. I have had mail urging me to support this bill and mail urging me not to support it. Recently I have had mail from people who have urged me not to support this bill on the basis of religious beliefs. I am sure that something all members of this house will agree on is that we live in a fortunate place, in that everyone's religious beliefs are respected. I absolutely respect everyone's religious beliefs, but I have to say that I do not have any religious beliefs, so I have to form an opinion from the information I have been given and the morals and ethics I have formed over the years.

I do not believe the process of producing cells without the union of a sperm and an egg constitutes human life. Given the position I am in now, I have a responsibility to support a bill that potentially can greatly improve the quality of people's lives, and this is such a bill. This bill also delivers a lot of hope, which I believe is crucial to everyone. Some people are in the fortunate position of their main hope being that their footy team might win on the weekend. Good luck to them — and let us hope that everyone can be in that fortunate position. For some people their main hope is that there may be a medical breakthrough that can provide a cure for a loved one's crippling disease or serious illness.

I have to say that I have put no weight whatsoever on whether this research will be good for the state's economy. I also have to say that I have gone out of my

way not to be lobbied by other members of my party. I know Mr Drum said he was concerned that there was a bit of lobbying going on on this side of the house. In the short time I have been here I have always thought that Mr Drum was genuine, and I hope he accepts that as a new member of this house I have genuinely gone out of my way not to be lobbied.

**Mr Drum** — It shouldn't have happened.

**Mr LEANE** — It has not happened, and I hope Mr Drum accepts that what I say is genuine. A lot of this bill is about hope. I hope this bill is passed, and I hope this research is more than successful.

**Mr ATKINSON** (Eastern Metropolitan) — This has been a good debate on a complex subject. It has been handled both maturely and with a great deal of respect for all opinions. It occurs to me that often in this 21st century we are numbed by what we see, hear and know of what happens around the world. Too often the value of life is diminished by the news programs we watch and the behaviour we are witness to in the front seat. Too often conscience is driven by economics over ethics and a sense of human dignity. It is okay to invade Iraq to emancipate people, yet we turn a blind eye to Pol Pot in Cambodia or Mugabe in Zimbabwe.

This is a complex debate about a very significant collision of science and the hope that the new frontiers in medicine will alleviate many disorders and afflictions — many of the things that have struck down our loved ones. With our moral and spiritual beliefs and values, too often we are profligate and indiscriminate. In the areas where we provide our support and choose to apply our ethics we are quite selective. A number of issues have been raised in the course of this debate and people have tested the elasticity of some of our ethical positions. It is too often true that we have ethics of convenience. Indeed we live in what is very much the Gucci designer society. We talk about not just handbags and shoes but increasingly about body parts. We talk about concerns about the ravages of gravity upon our bodies and we know that we can fix them with cosmetic surgery. Notwithstanding the debate tonight, there are those in the community who would talk about designer babies — all care, no responsibility.

For many this debate centres on when is conception and when does life start. A number of rulings have been made by those in science and even by the church — I understand by the Archbishop of Canterbury. I was supposed to have been supplied with a comment by him that suggested that as the Anglican Church's position he would accept that life starts at 20 days. I hope I have reported him correctly. As I said, the documentation to

support the claim that he made in that comment has not been supplied to me. This legislation refers of course to 14 days.

Notwithstanding when conception might have occurred and therefore when life starts, this is a very serious issue that challenges our ethical base. I was pleased to hear Mr Leane's comment that in his measurement of this legislation he had given no weight to economic circumstances. I must say that I am appalled at the suggestion that economics ought to be part of the consideration of this bill. I am not at all persuaded by economic arguments or positions that would suggest that Victoria might fall behind some other state or jurisdiction because we are not prepared to change our ethical positions and pass this legislation.

Dare I suggest to those at all levels of government who are such champions of science that they might vote for a higher investment in the budget of CSIRO, which is an organisation that does outstanding work despite its impoverished state. I suggest that those who are interested in science might also look at public policies that deal with the commercialisation of the scientific discoveries that are made. It occurs to me that the flight of many of our scientists has a lot more to do with the fact that in Australia they cannot commercialise their discoveries than with any retardation of their work or constraints on their science. Those who are champions of science might well look at those issues as matters of public policy.

There are times in life when everybody confronts their religious convictions. Very often it is as a result of a personal crisis: death, disease or some other traumatic episode in their lives. MPs are forced to confront their convictions and their values much more frequently and with much greater consequence, I might add. When individuals confront their convictions and their values and their ethics, inevitably the consequences are for themselves and perhaps their families and loved ones, but when MPs are forced, as we are in this debate, to confront our convictions and our values and our ethics, indeed there are very public ramifications; there is not just a personal consequence.

This debate, particularly in the other place, has been characterised by many personal stories, many examples of people's own family circumstances, and members have used those personal stories to justify their positions. There has also been a clarity in the presentations of MPs in respect of some of the procedures that are involved in this legislation — if you like, the way the science would operate. I refer in this debate to the contributions of Mr Scheffer, Mr Kavanagh, Mr Davis and Mrs Coote in particular. I

certainly do not intend, as some of the latter speakers have done, to go back into the mechanics of this legislation, because I think that has been adequately covered, and I prefer to tackle new ground. But, as I have said, I am not persuaded by economics, and I am not interested in the concept that Victoria should necessarily be a world leader for its own sake, because there are many races that I think it is most unfortunate to win and that in fact it is better to be more considered.

The human stories that have characterised this debate have revolved for me around the dignity of, and in, life and have expressed a hope and an optimism for cures for those things that have struck down our loved ones. That of course is understandable. Like many MPs I certainly have some chapters in my life that I might refer to personally if I wanted to inform myself in that way.

It occurs to me that there are basically five positions before the members of this house during the time we have to debate this legislation. The first is religious conviction, and people who have a set of religious values have drawn on them fairly heavily to inform and found their debate. There are those who have drawn on the hope of science to inform their debate. I do not choose between the two. There are those of us in this chamber who willingly, and others of us in this chamber who might naively, accept the blind assurances of science as to what might happen if this legislation passes, how it might work and what will be the behaviour of the people who use and rely on this legislation in their work. There are perhaps some — and I am certainly one — who would be seeking real proof of those assurances before committing a vote to those who would work in the area.

I challenge most the other participants in this debate. I challenge these people in the context of the motion that will be moved by Mr Kavanagh to refer this legislation to the Legislation Committee, because that is a position I support strongly. The challenge I make to some members in this house who are inclined to support the bill is that they take up and support that motion and ensure that this legislation goes off to the Legislation Committee for further consideration so they can gain some formal assurance that the science community will meet its obligations and can meet its obligations as they are laid out in this bill.

Sadly I think there are some members of this chamber who would be very keen to dispatch this bill as quickly as possible. If it were possible to have a vote right now, to get it off the agenda and move on to the next thing, I think some would do that. The reason they would do that is that this is confronting and difficult. It is

complex, it is challenging and it is uncomfortable. But the reality is that we as public policy-makers, as legislators, have a responsibility — a very onerous responsibility — to ensure that we get it right, to ensure that we scrutinise legislation that comes before us and that we do not make mistakes.

Too often legislation has to come back here to be amended. In the scheme of things, in the minutiae of life, in most cases it does not much matter, but when it comes to this sort of legislation that challenges our very value systems as a nation and as a people — a people of many political and religious persuasions — then it is important that we get it right, and that we make sure that the sorts of assurances that are given and the premises upon which this legislation is based are actually given to us formally. I dare say that can only happen to the satisfaction of the Victorian Parliament via the Legislation Committee process.

I spoke with a former minister of the government at a function that many of us attended at the dinner break. I expressed some reservations about this legislation — which I will come to in a moment — and the former minister said that he had also had similar reservations but that he had talked to a number of people and received assurances that it was okay — and he was satisfied. I accept that in good faith, but from my point of view as a legislator and somebody responsible for an electorate it is not good enough for me to get private assurances. It is not even good enough for me to get emails and letters from people that suggest that everything is going to be all right. If I am going to vote for this sort of legislation — which is groundbreaking legislation, notwithstanding the fact that it has already been passed at a commonwealth level — it is incumbent on me to make sure that it is right, that the premises upon which it is based are right and that the Parliament has some undertakings from proponents of the legislation.

The Legislation Committee process is of paramount importance with this bill. I heard Mr Leane say that he has not been lobbied at all in respect of this legislation. I accept that at face value because I know Mr Leane to be a good man. I accept that he and his colleagues have not been lobbied on the way they should vote on this legislation, but I hope Mr Leane's assurance to this house extends to the amendments, including the amendment to refer it to the Legislation Committee. In other words, I hope — and this will be evident from the way in which government members vote — that there will be a free vote on the Legislation Committee amendment, rather than members being whipped into the government position, which would be to vote against the Legislation Committee route, because I

think the government is amongst those who crave expedience in the passage of this legislation.

I do not advocate the Legislation Committee as a delaying tactic or to derail the legislation. I strongly advocate it so that we can seek out the assurances I think are necessary so that as public policy-makers and legislators we can look the people of Victoria in the eye and say, 'We have double-checked this. We have checked the premises upon which this legislation is based'.

I have concerns about the legislation which would prevent me from supporting it on this occasion in the absence of that Legislation Committee analysis of the bill. My inclination, frankly, is to be fairly supportive of new scientific frontiers and the opportunities they create and to support research that might give cures to people in the future and, if science is to be believed — certainly there have been significant breakthroughs of late — perhaps in the short-term future. I am not antagonistic to the legislation in that context.

Whilst I have strong personal values and religious views — I guess to the chagrin of many I grew up as a Presbyterian, and we are a rather pragmatic lot, which is one of the reasons I am able to entertain the science to some extent —

**Mrs Coote** interjected.

**Mr ATKINSON** — They do not sing as well as the Baptists, Mrs Coote. The reality is that I have some problems in regard to the structure of the legislation and what it offers. I am not confident of the ethical framework in which this legislation is struck or of the level of supervision and monitoring of the science from a public perspective. I certainly support the amendment that has been moved by Ms Hartland, because it at least serves to keep this Parliament informed of progress in terms of the scientific work that would be done should this legislation pass and that work continue.

It is interesting to note that there has been some challenge to the suggestions regarding the promise of the work enabled by the legislation. I understand and accept Mr Kavanagh's point that there have been significant advances in other areas of scientific work since the Lockhart inquiry that informed the federal legislation and much of the debate on stem cell research and was to a large extent relied upon in the development of this legislation. I accept that a lot of the science has moved on in other directions and has found equal promise in some of those directions. I also note from an article in the *Melbourne University Magazine* that Melbourne University scientists discussed the

legislation initially passed at the commonwealth level. The states are trying to provide a legal framework that is consistent with the commonwealth legislation, and I accept that that is an important objective. The scientists indicated that they can give no guarantees about this science and cannot even say that it will work. In that context it is a fairly big ask to make such a seismic shift in our ethical position — our values position.

I find little things in this legislation that are a contradiction to me. If we have a scientific view rather than a humanist or religious view of when life begins and the status of a stem cell, then why would we be talking about respectful destruction of stem cells that were no longer required or had gone past the 14-day mark? There is a real contradiction in that. Are scientists simply trying to buy us off? Are they fair dinkum or do they also have a dilemma similar to that which is before this Parliament and its members?

I certainly share the view of a number of members that it is absolutely ridiculous to consider that this legislation has anything to do with what its title suggests it is about: infertility. It has nothing to do with infertility. I cannot help but think that some spin doctor somewhere has decided that this is an easier way of wrapping up a boiled lolly to make it look like a chocolate. The reality is that this legislation ought to have a very different name and be true to itself. We should be fair dinkum about what this legislation is about.

I am concerned that in trying to pass this legislation tonight, ahead of any process that might take it to a proper examination by the Legislation Committee, we are not in possession of the guidelines that were to be set down by the National Health and Medical Research Council (NHMRC). Again there are those who say, 'Oh, that will be all right, Bruce. Trust us. You can have faith because they will be okay'. When it comes to this sort of legislation I cannot accept it on blind faith. I have to know, because I have to be able to look my constituents in the eye and tell them why I voted the way I did and tell them with some assurance that I have made the right decision not just for today but for the future.

I understand some of the debates about women's control over their own bodies and their ability to make decisions. I understand the patronising view that some people would perhaps have of women in the course of this debate. I reject those views as quickly and decisively as I reject any notion that economics has much to do with this legislation from my perspective. I think women are in a position to make their own decisions and judgements on this, and I would not

diminish their integrity, intelligence or value systems in terms of the way they might deal with this issue.

I certainly understand, as I said previously, the commonwealth legal framework that has been established and the concept that in many respects scientists might in any event well do the sort of work that would be enabled by this legislation under the coverage of the commonwealth act without even having regard to what this state might pass. But that does not deter me either. The reality is that I still think our legislative response is important, and in that context again I think we need to make sure we have got it right. That is best achieved as far as I am concerned by the process of referring the bill to the Legislation Committee.

I want to make one interesting observation. I have been inundated, as most members have, by many emails, phone calls and letters and some visits from constituents who put their case and probably found me as prickly as I found some of them. The reality is that I also appreciated their viewpoints. It is interesting to me that many people put their positions to me on the basis of religious or ethical conviction. I did not have a single scientist, scientific organisation or proponent of the science contact my office by email, letter, phone or visit. It occurs to me, perhaps unfairly, that there is a certain arrogance in the scientific community about the value of its work. Indeed in the same *Melbourne University Magazine* article — —

**Mr D. Davis** — They may not be sharply political.

**Mr ATKINSON** — I think they are very sharply political. I think they have chosen to believe that the legislation will just go through; that they have a divine right; that they have a righteous position in this debate. I think those scientists in fact, as was put in an article in the *Melbourne University Magazine* — I know members have all received it and might like to read it — were extraordinarily patronising of politicians. When asked about this debate and the way in which politicians grappled with it they patronisingly said that it is pretty complex and difficult but basically they did a fair job. Obviously I am paraphrasing. Members should read the article, because it is enlightening.

The reality is that what scientists need to recognise is that they do not have a divine right, just as we do not. We are custodians for the broad community and for the future. We are people who need to establish a values system and an ethical position for our nation and state going forward. It is arrived at painfully, not in a literal sense, from the spilling of our own blood on the floor of

this chamber in our debates. We arrive at positions in the best interests of the community.

As I said, my inclination is to support opportunities that would create the cures that are promised. Many in this chamber would probably expect me — I am probably one of the most liberal members of this house — to be automatically one of the ayes in this debate. On this occasion I am a nay. I will not support the legislation unless it goes to the Legislation Committee so that we, as a house of Parliament, can get some of the assurances that we need on the ethical context in which this legislation is to be implemented, on the way in which it is to be supervised — the amendment of Ms Hartland goes to that — and on some of the other aspects of it, rather than the private assurances that members might have had in their party rooms or at the briefings that have convinced them.

I thank members of Parliament who have organised those briefings and distributed various papers to us, which have all helped for a more informed debate. All of that stuff is informal. I do not think that in any way it helps us to inform ourselves in a real sense as we come to vote on this legislation. We have a process that enables us to do that. I urge members to support the Legislation Committee amendment that has been proposed by Mr Kavanagh, and I particularly implore members of the government to pursue the spirit of this debate. As Mr Leane indicated, there has been no lobbying and no pressure on members in the context of this debate as to how they should vote.

As I said, I hope that Labor members and their party takes that to the nth degree and ensure that that same premise applies to the consideration of all of the amendments, and particularly the one that would take it to the Legislation Committee, so that this Parliament and the people of Victoria can be satisfied with whatever assurances have been given by the scientific community about this bill, and so that those people who are opponents of this bill can also have some opportunity to have further input on this legislation.

This is not an easy piece of legislation for members. This is not the sort of legislation that members find any sense of their own strength in. Mrs Coote referred earlier to the fact that sometimes it is easier to hide behind party room decisions than to actually stand on your own two feet and say, 'Yes, this is what I believe'. This is where the full glare of the spotlight is on members. I noticed in the other place that a number of members did not vote on this legislation because they could not stand the full glare.

Let us make sure that we all stand up to that full glare. Let us all be true to ourselves and be true to the people of Victoria, and let us make sure that if we are to pass this legislation that we get it right. As I said several times — and forgive me for emphasising it — the only way to have any sort of confidence about that, even for those who are proponents and vote for this legislation, is to make sure that it has gone through the Legislation Committee process and had some examination there. I urge members to take that route.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to rise to speak on the Infertility Treatment Amendment Bill. I feel compelled and obligated in a way to speak on this bill, given that it is such a serious matter, and given that it is a conscious vote. I start by congratulating all members who have already spoken for their contributions to this debate. There are many strongly held beliefs within the chamber, and they have been expressed eloquently and passionately. I congratulate members on their contributions.

I also thank the shadow Minister for Health, the member for Caulfield in the other place, Helen Shardey, for coordinating information sessions for members of the Liberal Party and members of the Labor Party who also coordinated information. We as members of this Parliament and this chamber have had every opportunity to deal with experts in this field to make an informed decision about this matter.

As a member of the Scrutiny of Acts and Regulations Committee I have also had the opportunity to participate in the public hearings on this bill and on how it relates to the recently introduced Charter of Human Rights and Responsibilities Act. During those hearings we heard from Dr Nicholas Tonti-Filippini, Professor Loane Skene and Professor Jock Findlay, who provided different perspectives on this matter. I thank them for their input. I have also, as have other members, had many representations from different constituents expressing different views. I thank them for contacting me and going to the effort of telling me of their particular positions.

It has been after much thought and consideration that I have arrived at my position on this matter. It is not a decision I have arrived at quickly or easily. To me, very broadly, there are two issues to be addressed in this bill. The first, if I may express it simply, is the ethical issue: the balancing of the concept of somatic cell nuclear transfer, or SCNT — the creation of an embryo not through human egg and human sperm — against the implications of such a procedure. The second issue, if that threshold is passed, is the regulation of the proposed SCNT and everything that is associated with

that, particularly the harvesting or donation of eggs and how that is to be regulated.

I will deal with those two issues in more detail. Some contend that the creation of an SCNT embryo is the creation of a human life, a human life in the same sense as I am when I am standing here in this chamber speaking now. They contend that this life, being the same as mine, deserves the full protection of the law. In fact Mr Kavanagh contended passionately that, as a weak form of human life, such an embryo requires and demands the strongest protection that can be provided. I do not necessarily hold such a clear position on that matter, but I believe in an ethical sense that an SCNT embryo extends the ethical bounds.

For the first time, if this bill is passed, embryos will be created for their ultimate destruction. That, to me, is an important distinction from in-vitro fertilisation where embryos are created for human life to help couples without children to have children. It is only embryos that do not become children that are ultimately destroyed. Some may say that is not a big difference or distinction, but to me it is a significant ethical differentiation. Moreover, while I do not believe that an SCNT embryo is a human life, as other members of this place do, I also do not accept it as a mere collection of cells. An SCNT embryo to me represents the potential for human life.

Balanced against this position is the potential for scientific advancement and the prospect for human advancement that may follow. I have listened to the contributions of other members, and I congratulate Mrs Coote and Mr Viney on the way they have contributed to this debate and specifically to this argument. Yes, SCNT may result in cures for diseases that afflict people, and it may contribute to progressing humanity; however, I have not been convinced that the prospect of that advancement is likely or real in the short to medium term. I am not a scientist or an expert in this field, but from what I have seen, read and understood, the prospect of success is speculative at best. For me the ethical test I have just outlined is not satisfied. The purposeful creation and destruction of SCNT embryos is not justified by the speculative possibility of medical advancement at some distant point in the future.

That takes me to the second issue: the regulation of SCNT. The regulation through this legislation is delegated to the National Health and Medical Research Council, as other members have outlined. The regulations that will apply to the act, if it is passed, are currently in draft form, having only just been released. To me this bill should not even be before the house

until those proposed regulations are finalised so that as members of this place we can be completely satisfied that the regulations adequately protect women from being coerced into donating their eggs. As the guidelines are in draft form, by definition I cannot have the confidence I require to vote in favour of the bill. I do not support the legislation at either an ethical or a regulatory level.

I will briefly mention some other matters. Other members have touched on the economic benefits that may derive from passing the legislation. That is not something that should be a part of a debate on an issue involving such important ethical considerations. Moreover, I am not convinced that, even if one did entertain the economic debate, the economic argument has been successfully made. To add to what Mr Atkinson said, to me it is farcical that this bill is wrapped up in the infertility treatment legislation. It should be a separate piece of legislation and be considered on its own merits. Finally, the recent reinterpretation of section 51(20) of the commonwealth constitution, which relates to financial corporations or trading corporations, means that the bill passed by the commonwealth Parliament will ultimately have jurisdiction over this Parliament with relation to this matter.

To summarise, I again congratulate all members for their worthwhile contributions to the debate. The debate has been of a high calibre. If this is the standard of debate we can expect where members have a free vote, I hope many more bills come before this place on which members are free to vote following their consciences. The standard of debate and the different arguments presented reflect very well the diversity of opinions within the community relating to this issue. I congratulate members on those contributions. Ultimately for me it is not the black-and-white issue it is for some members. I respect members who have strongly held positions, just as I respect members such as Mr Dalla-Riva, who is still wavering as to what position he should take. It demonstrates to me how complicated this issue is both from a scientific perspective and from an ethical perspective. Ultimately I am not convinced that the talked-of benefits justify the ethical implications. Moreover, it is inappropriate that we as a house are debating this bill before the regulations have been finalised.

**Debate adjourned on motion of Mrs KRONBERG (Eastern Metropolitan).**

**Debate adjourned until next day.**

**Business interrupted pursuant to standing orders.**

## GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Jennings.**

### ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

#### **Arthurs Seat chairlift: funding**

**Ms LOVELL** (Northern Victoria) — The matter I raise is for the Minister for Tourism in the other place regarding the Arthurs Seat chairlift. A very popular and much-loved tourist icon, the Arthurs Seat chairlift operated on the Mornington Peninsula for nearly 40 years until it was forced to close down due to an unfortunate accident. The owners were keen to make the repairs and upgrades needed so that the chairlift could reopen as soon as possible. However, the reopening has not yet happened due to difficulties in dealing with government departments because of the bureaucracy and red tape.

The owners have had difficulties with Parks Victoria over the lease and the level of public liability insurance that is required. I am told that at this time they do not have a lease. They are also experiencing difficulties in dealing with WorkSafe Victoria. I am informed that WorkSafe Victoria set out the requirements for work that needed to be undertaken in order to bring the chairlift up to standard. However, once the work was completed, WorkSafe Victoria requested additional work, and this has happened more than once — in other words, WorkSafe Victoria keeps shifting the goalposts.

I am also informed that the owners may find it difficult to find further funds to invest in any additional work if WorkSafe requires any more works. The closure of the chairlift has been detrimental to tourism on the Mornington Peninsula and has also negatively affected many of the tourism businesses in the vicinity of the chairlift, with some of them having to close down.

My request of the minister is that he assist the owners of the chairlift in their dealings with Parks Victoria and WorkSafe Victoria and that he also assist the owners with funding to ensure that Arthurs Seat chairlift may reopen as soon as possible.

#### **Rail: South Gippsland line**

**Mr O'DONOHUE** (Eastern Victoria) — The issue I raise is for the Minister for Public Transport in the other place. After the Cain and Kirner governments bankrupted Victoria, the South Gippsland railway line was closed in the early 1990s. In 1999 the then Bracks Labor opposition promised to reopen the line. In 2000, with Labor in power, the then transport minister said the government would undertake a review of the South Gippsland line. This was followed on 11 May 2001 with a press release from the Premier which states:

The Bracks government is bringing trains back to the people of South Gippsland with the announcement by the Premier today of the restoration of passenger rail services on the line.

Minister Batchelor added:

Passenger trains will begin travelling to and from South Gippsland again in 2004 ...

In July 2002 a media release by the transport minister announced:

The first works to restore passenger train services ... began today when transport minister Peter Batchelor removed a railway spike on the Ruby railway bridge near Leongatha on the South Gippsland line.

On 12 May 2004, with the project already running behind schedule, the transport minister announced:

We remain committed to the reopening of the Mildura and Leongatha lines and we will get on with the job of delivering trains to regional communities.

Then, in September 2006, just before the last state election, the minister did an about-face and said:

A \$3 million scoping study for the restoration of the Leongatha passenger train is currently under way and will be completed in early 2007.

The minister, despite making a promise and giving a commitment to bring back trains by 2004, despite having completed a study in 2000 and despite an announcement in 2002 that works had commenced, was saying by the end of 2006 that a further study was required at a cost to the taxpayer of \$3 million.

The non-delivery on this promise by this government has severely impacted on the South Gippsland community. The South Gippsland shire cannot strategically plan for the future of its towns and communities when it does not know whether or not the railway service will be back. Moreover, funding for additional bus services or other public transport cannot be sought when it is possible that a rail service will be reinstated.

We are now past the early part of 2007, and I ask the minister: firstly, if the scoping study is not completed, to expedite its completion and release the findings; secondly, if the report is completed, to release it urgently; and thirdly, if the government has no intention of reopening the Leongatha railway line, that it admit that it has misled the public so that other transport services can be planned for South Gippsland. This state of limbo, inertia and inaction cannot continue. The government has a responsibility to honour its commitments and provide this community with proper public transport solutions.

### **Nhill Bowling Club: synthetic green**

**Ms PULFORD** (Western Victoria) — My adjournment matter is directed to the Minister for Sport, Recreation and Youth Affairs in the other place, Mr James Merlino. As I mentioned during the last sitting week, I was lucky enough to be given a tour of Nhill by the Hindmarsh Shire Council and was taken to places that have already benefited from or are in need of government assistance.

One of the wonderful places I was privileged to visit was the Nhill Bowling Club. I met the club president, Ray Rethus, and was told about the club's hopes to lay an eight-rink, all-weather synthetic bowling green to ensure that bowls can be played all year round. The federal government and the local community have already provided some funds for the project, and Hindmarsh Shire Council has been assisting with management. An all-weather synthetic surface would not only allow for play all year round and in all conditions but would be a major water saver and would encourage those interested in the game, both young and old, to get out, get active and give bowls a go. Another benefit of a synthetic surface is that less maintenance is required, which provides more time for bowling and means that less time is spent preparing surfaces. It is important in regional areas such as Nhill, where there is an ever-increasing ageing population, that facilities like the Nhill Bowling Club exist and are available for seniors and juniors alike to keep active in society.

The Nhill Bowling Club competes in the Wimmera Bowls Association competition, and no other club in that competition has a synthetic green. If it had a synthetic green, the Nhill club would be a leader in the region and would attract new members, which would encourage other clubs to follow suit. It would also make life easier for Allen Scott, the club's greenkeeper. He has said that a synthetic surface would make managing the greens a lot simpler and assist drainage, so that more play would be possible after rain. It would also dramatically lower water use by the club to the

tune of almost 1 million litres per year. In that spirit I ask that the Minister for Sport, Recreation and Youth Affairs help to fund an all-weather synthetic bowling green for Nhill Bowling Club.

### **VicUrban: Dandenong land**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Major Projects. It relates to the revitalisation of central Dandenong, which is a project that was announced by the government in 2005 and is now starting to come to fruition with the release of a master plan last week by the minister. Over the past 6 to 12 months there have been a number of land acquisitions by the developer, VicUrban, as a preliminary step to getting the project under way. I say at the outset that this is a project that is widely supported in Dandenong and we certainly hope will be of great benefit to Dandenong.

I have been contacted by the Dandenong Retail Traders Association, whose members have expressed some concerns about the future of retailers in a number of shops that have been or will be acquired by VicUrban. They are concerned about their entitlements at the expiration of their leases. Obviously with VicUrban acquiring these properties — in many instances with a view to demolition — the future of these businesses is uncertain. The retail traders association is concerned that in instances where leases will end, no compensation will be available to the traders to relocate their businesses from their present sites. Obviously it is not a simple matter for these traders to relocate their businesses, which are based in Dandenong. Much of the value of the businesses is dependent upon them being located in Dandenong, and the traders are therefore seeking some indication as to whether compensation will be provided by the government.

In an article that appeared in the *Dandenong Leader* last week the Minister for Major Projects was reported as saying:

... those whose lease expired were not legally owed compensation, 'but we would still enter into negotiations or discussions with them and see whether we could help them identify something which as part of the development process would facilitate the businesses or the business requirements ...

I can see from the expression on the face of the minister at the table, the Minister for Community Services, that he believes this statement is as obscure as I believe it is. What I seek from the Minister for Major Projects is clarification on the government's intention with respect to providing compensation to business owners who will

be forced to relocate by virtue of the redevelopment so that they can adequately plan their business requirements over the next 12 to 18 months during the period prior to those premises being acquired.

### **Croydon Community School: programs**

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is for the Minister for Education, John Lenders. I ask him to look at two programs that are being run at the Croydon Community School. As a bit of background, the Croydon Community School has a lot of students who have come from other secondary schools. It is an alternative school, and it is a lot of hard work for its principal, Bronwyn Harcourt. She and her staff do a fantastic job. I refer to two programs that are run at the school.

One is a martial arts program which is mainly aimed at boys. Members might think that a martial arts program for young boys who have not been able to settle in a number of other schools might not be a great idea. But what they do is get big martial arts instructors to teach these young lads about being calm. Martial arts are not about being angry; they are about being able to maintain calm. These boys come from backgrounds where they have a short fuse. I would like the minister to look at these programs to see if there is any portability to other areas.

The other program is aimed at girls and is based on teaching them about different characteristics in young girls. They can relate to it because it is based on the movie *Mean Girls*, which characterises different categories of girls including queen bees, wannabes, followers and that sort of thing. The program teaches them that girls in one category can be greatly upset if they are treated as belonging to another category. They learn the characteristics of different sorts of girls.

I was very impressed when I went to the school and spoke to the principal, because these young people have not been able to stay at other schools for a number of reasons. Some of them have hard lives, some of them have made their own lives a bit hard, but they are learning when they go through these programs. Then the girls go to primary schools in the area and take younger girls in grade 5 through the program. The boys go out and train younger boys in primary schools in their martial arts program. I think it is fantastic, and I ask the minister to investigate whether these programs can be transported to other areas.

### **Wind energy: McHarg Ranges**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Planning, Justin Madden. I recently visited the McHarg Ranges, which are situated between Tooborac and Baynton. I had been there a number of times previously. It is not an area that everyone in the chamber will be familiar with, but it is well worth a visit to appreciate the rugged beauty of the granite outcrops, which are almost architectural in their beauty.

I will not speak today on the pros and cons of wind farms, because that would take too long. The issue I seek to raise is based on planning grounds. The residents of this pristine environment are faced with the prospect of a wind factory application for which there will be no planning process in which they can take part. The reason I call these proposals 'wind factories' is that they are an industrial use in what is currently a rural zone or a rural conservation zone. In 2003 the then Minister for Planning in the other place, John Thwaites, announced a wind atlas detailing areas which were suitable for wind factories. There was supposed to be a consultation period, which did not occur. Local government was then removed from the process as the responsible planning authority. This issue now rests squarely with the Bracks government and the Minister for Planning as the responsible authority. When individual rights are removed communities are rightly angry and frustrated.

The action I seek of the minister as the responsible authority is for him to attend a public meeting which is being held in Tooborac next weekend to see firsthand the pristine and unique environment in which Stanwell Corporation — an electricity utility company owned by the Queensland state Labor government — proposes to erect huge turbines standing over 100 metres tall. This would be a great opportunity for the minister to have a better firsthand understanding of the issue confronting my constituents. The meeting will be conducted by the RATs (Residents Against Turbines) of Tooborac in Tooborac at 2.00 p.m. on 5 May.

### **Youth: education and training assistance**

**Ms DARVENIZA** (Northern Victoria) — I have a matter I would like to raise for the attention of the Minister for Skills, Education Services and Employment in the other place, Jacinta Allan. The matter I wish to raise concerns assistance for young people who are not in formal education or training. We know we have some young people who need special assistance. In fact they need a helping hand in order to be able to make a successful transition from school into

further education, training or employment, so they are often young people who have special needs or who have quite specific emotional or social problems, or they may be students who have fallen out of the system, perhaps because of some learning disorders.

We know that being in employment or knowing they have the prospect of employment and the prospect of a future contributes to the wellbeing of people. We know that if they receive training they will also be able to make a contribution to developing the skilled work force we need so much to meet the challenges of a changing labour market. Young people in these circumstances often need very personalised assistance from people who really understand their circumstances and who are able to work with them so they can get back into education or into some sort of training or employment. They often need help to prepare for work or to assist them in finding a job or in getting back to school when they have been out of study for a while. They often need very practical help and advice around issues such as housing or health.

My specific query to the minister is that I would like to know what programs she and her department are putting in place, and I ask her to take action, particularly in the northern region of Victoria, to assist the young people who have specific needs.

**The PRESIDENT** — Order! The member's time has expired.

### **Human Services: complaint**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the minister at the table, the Minister for Community Services, Gavin Jennings. The minister has repeatedly told this house that he will endeavour to be responsive to the needs of vulnerable Victorians. He certainly made those claims when he was the Minister for Aged Care and I was the shadow Minister for Aged Care, and in fact he did exactly that. He tried very hard to meet the needs of vulnerable Victorians. But I am aware that there are many people in our community who have fallen through the cracks in the system. Now that he is the Minister for Community Services I know there are many people with a disability who do not either have the capacity to make a complaint or alternatively are too frightened of the Department of Human Services to make a complaint.

My question for the minister is in relation to a letter I have had from Stephanie Mortimer, whose disabled sister has experienced a series of very disturbing actions by the minister's department. My question is: can the

minister investigate what programs are in place within his department to give assurances to Ms Mortimer that her sister's complaint and voice can be heard?

### **Responses**

**Mr JENNINGS** (Minister for Community Services) — I will respond first to the last adjournment item, which was raised by Mrs Coote, given that it is my responsibility to deal with matters that relate to the community services portfolio and in particular to the disability program. I would be very concerned if any client of disability services, or their families who provide for their care, did not have confidence in the complaints processes or were unable to find remedies within the processes of the department.

The good news for Ms Mortimer and other members of our community is that with the proclamation of the new Disability Act, which will come into effect on 1 July, there will be remedies through the officers of the disability services commissioner, which will be an independent body that will have the authority to investigate and mediate and sometimes to find some remedies in service provision. That important statutory office will be accountable to the people through the Parliament as well as be able to hopefully intervene in cases such as this. I can assure the member that beyond the scope of the responsibility of that statutory officer, I will always continue to be concerned about any particular issue for a client that is drawn to my attention.

Wendy Lovell raised a matter for the attention of the Minister for Tourism in the other place seeking his assistance to provide some support to the operators of the Arthurs Seat chairlift on the Mornington Peninsula to ensure that it complies with its WorkSafe obligations and that it is able to maintain its operation in an economically sustainable way.

Mr O'Donohue raised a matter for the Minister for Public Transport in the other place seeking the minister's support to expedite the scoping works that relate to the redevelopment and, hopefully, restoration of the rail services in South Gippsland, specifically to Leongatha.

Jaala Pulford raised a matter for the attention of the Minister for Sport, Recreation and Youth Affairs in the other house seeking his assistance on behalf of the Nhill Bowling Club to see if it might be possible to facilitate the provision of an eight-lane, all-weather synthetic bowling rink to that community.

Gordon Rich-Phillips raised a matter for the attention of the Minister for Major Projects. Mr Rich-Phillips's proposition says that the commitments made by my colleague were perhaps vaguer than they might otherwise have been in terms of providing for access to compensation or other forms of negotiation settlement for retailers who may be forced to leave to enable the redevelopment to occur.

Mr Leane raised a matter for the attention of the Minister for Education. He drew his attention to two innovative programs that run out of the Croydon Community School, one that relates to the example of *Mean Girls* and one that relates to helping boys remain calm. He encourages the minister to be aware of those problems and hopefully make them programs that may apply in other school settings.

Donna Petrovich raised a matter for the attention of the Minister for Planning, inviting him to a meeting on Saturday at 2.00 p.m. at Tooborac to make sure that he is aware of planning issues that relate to wind farms within the region and said that the RATs (Residents Against Turbines) of Tooborac are keen to see him at that meeting.

Kaye Darveniza raised a matter for the attention of the Minister for Skills, Education Services and Employment in the other place and sought her assistance for disengaged young people in the Victorian community, in particular those within the Northern Victoria Region, to implement programs to ensure that those disengaged children participate fully within the school community and within community life generally.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.23 p.m.**