PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 20 August 2008

(Extract from book 11)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Council committees

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

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

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

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Mr PETER HALL

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Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
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Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

CONTENTS

WEDNESDAY, 20 AUGUST 2008

Wednesday, 20 August 2008

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

LEGISLATION REFORM (REPEALS No. 3) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Treasurer).

PETITIONS

Following petitions presented to house:

Planning: residential zones

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council proposals in the state government's new residential zones discussion paper, to remove third-party appeal rights for Victorian citizens in relation to development including:

1. the right to be notified of a development

2. the right of appeal against a development

3. the right to object to a development

And further, the new residential zones discussion paper's plans to set a minimum height of three and four storeys in two of the three new zones.

Your petitioners therefore request that the Legislative Council of Victoria immediately reject any proposal to remove third-party appeal rights that currently exist for all Victorians and reject any attempt to mandate minimum height levels of three or four storeys in low-density areas which will significantly change town and urban character across Victoria.

By Mr GUY (Northern Metropolitan) (900 signatures)

Laid on table.

Ordered to be considered next day on motion of Mr GUY (Northern Metropolitan).

Abortion: legislation

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council proposals within government to remove legal protection for children before birth in Victoria.

Unborn babies are the most vulnerable and defenceless members of our society and, as such, need the full protection of Victorian law. Abortion kills unborn children and often permanently damages their mothers.

The petitioners therefore request that the Legislative Council rejects any move to decriminalise abortion in Victoria.

By Mr FINN (Western Metropolitan) (571 signatures)

Laid on table.

Planning: residential zones

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Brumby Labor government's high-rise, high-density planning laws which will:

1. set a minimum building height of three and four storeys to impose high-density and high-rise developments on most residential areas;

2. remove the right of residents to be notified, to object to and appeal to VCAT against inappropriate development;

3. strip councils of planning controls over local commercial and business activity centres, with the planning minister appointing three of the five members of the soon-to-be established development assessment committees in order to fast track high-density and high-rise developments in our shopping hubs (the first target areas being Cheltenham, Cranbourne, Dandenong, Frankston, Glen Waverley and Narre Warren).

The petitioners therefore respectfully request that the Legislative Council of Victoria demands that the Brumby Labor government and Minister for Planning, Justin Madden, scrap Labor's new planning policies which will cram more high rise into local streets, aggravate traffic congestion and open our planning system to possible abuse and corruption.

By Mrs PEULICH (South Eastern Metropolitan) (218 signatures)

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

Euthanasia: legislative reform

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council serious concerns about the Medical Treatment (Physician Assisted Dying) Bill 2008 and any regime which allows voluntary, active euthanasia and urges:

1. members of the Legislative Council to not proceed with passing laws which allow the taking of life of another;

2. support for ensuring access to palliative care and pain management to all those Victorians who need it;

3. consideration is given to international research which demonstrates that when pain is removed or alleviated, the desire to live is reinstated among those who suffer chronic pain;

4. acknowledgement of cases where even individuals who sign an agreement to voluntary euthanasia do and have changed their minds when faced with death;

5. draw attention to the tragic and illegal 'euthanasing' of hundreds of people including many elderly patients in public hospitals who have never agreed to voluntary euthanasia in jurisdictions which have a voluntary euthanasia regime, such as Holland.

The petitioners call on the members of the Legislative Council of the Victorian Parliament to vote against this bill which will legalise euthanasia in Victoria.

By Mrs PEULICH (South Eastern Metropolitan) (475 signatures)

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

ROAD SAFETY COMMITTEE

Vehicle safety

Mr KOCH (Western Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr KOCH (Western Victoria) — I move:

That the Council take note of the report.

In doing so I wish to indicate to the house that the reference for the inquiry into vehicle safety was given to the Road Safety Committee on 1 March 2007 for conclusion by 31 August 2008. The inquiry was conducted by the committee chairman, John Eren, the member for Lara in the Assembly, and committee members Craig Langdon, the member for Ivanhoe in the Assembly, Terry Mulder, the member for Polwarth in the Assembly, Paul Weller, the member for Rodney in the Assembly, my upper house colleague Shaun Leane and me as the deputy chair. Importantly, we were resourced by executive officer, Alex Douglas, research officers David Baker and Lawrie Groom, and committee administrative manager, Kate Woodland. Without their tireless support it would have been impossible to complete this report within the given time.

The terms of reference for this inquiry included: identifying and prioritising vehicle safety technologies for reducing the number of crashes and/or the seriousness of injuries sustained in crashes; comparing the rate of fitting of these leading-edge technologies in Australia with other developed countries, including Europe, the USA and Japan, and identifying impediments to encourage their adoption; reviewing the level of manufacturers-importers de-specification of the vehicle safety technologies commonly available overseas to vehicles imported and sold in Australia; and recommending strategies for encouraging vehicle manufacturers to fit leading-edge safety technologies to vehicles sold in Australia and increasing the public's demand for these latest technologies.

Historically Victoria has had a strong road safety record — one that was recognised internationally and was the envy of other states of Australia. Currently this is not the case. Victoria led the world in the introduction of seatbelt legislation, and we are all very familiar with that, but in the last three decades Victoria's leadership and levels of vehicle safety have fallen behind standards set by other developed international economies.

The published report is extensive, well researched and informed, culminating in some 250 pages. As part of the process the Road Safety Committee received 35 submissions, conducted extensive public hearings and undertook an intensive international study tour during August 2007, visiting vehicle and component manufacturers in Japan, the USA and Europe.

A major concern of the committee related to the many safety options being bundled and not made individually available — for example, the bundling of safety technology with leather trim, CD players and other luxury items, whereas electronic stability control and side-curtain airbags are recognised as having a potential to save lives and reduce serious injury in over 30 per cent of accident cases.

The report was far ranging, and classed under motor vehicles were motorcycles and heavy vehicles. Two major concerns were evident in the production of the report, the first being the 'stars-on-cars' program. This program is not dissimilar to that used in relation to whitegoods products, and it reflected shortfalls within the current Australian design rules. The committee was

of the belief that guidelines under the Australian New Car Assessment Program should be given greater consideration, and further, to ensure that Australia keeps pace with safety developments internationally, the committee recommended that Australia adopt the United Nations Economic Commission for Europe regulations. That is now internationally recognised as one of the best safety guidelines for motor vehicle development now in the market place.

The second concern related to the Premier's unforeseen announcement of Victoria's road safety strategy Arrive Alive 2008–2017. This saw the mandating of both electronic stability control and curtain airbags in new motor cars from 2012. Although the strategy says from 2011, the specific date is 31 December 2011, and consequently 1 January 2012 will be the incorporating date.

The committee collectively expressed its concern that the Premier took this course midway through the reference without any consultation and attempted to pre-empt the committee's report. I have several grounds for saying that. Firstly, the existing strategy was in place until the end of 2008, by which time, as I said earlier, this report will certainly be handed down. Secondly, it only picks up on new cars, not drivers of vans, light commercial vehicles or motorbikes. Thirdly, the considerable resources expended by the Road Safety Committee on this reference were made redundant prior to the conclusion of public submissions. This has created an unforeseen precedent that has the potential to undermine future references directed by this Parliament.

The committee appreciated the industry's participation in the inquiry and the many submissions made. The committee also noted the vehicle industry's concern about the recent mandating of vehicle safety technologies. The industry has expressed the belief that it will be difficult to meet the time frames afforded under the Arrive Alive strategy.

This is a comprehensive report, and I encourage all members to obtain and read a copy to more fully understand the road safety technologies now available. In closing I again thank my colleagues and the committee's executive staff, very capably led by Alex Douglas and our principal research officer, David Baker. I thank them especially for our international study tour that had a very comprehensive itinerary covering many important, progressive industry technologies in an extremely short time frame.

Mr LEANE (Eastern Metropolitan) — As a member of the Road Safety Committee I would also like to make a brief contribution on the tabling of this report. I start by thanking the chair of the committee, John Eren, who is the member for Lara in the Assembly, the deputy chair, David Koch, and the other members of the committee for working on what is an important report. I also thank the officers of the committee, led by the executive officer, Alex Douglas, the research officer, David Baker, and Kate Woodland, the committee administrative officer from late last year.

This is an important report in that there are really three main ways to improve vehicle and road safety. The first is to make safer roads, the second is to have safer and more educated drivers, and the third is to have safer cars on the road, and that is what this report is all about. It has looked at the technology that is available now and will be available in the near future to improve vehicle safety in the future.

Along with its recommendations the important thing about this report is that it is quite a simple guide to what technologies are becoming available. I would like to touch on two that are mentioned in the report, and there are a number of new technologies coming out. One that was comprehensively looked at was lane departure technology. This means there is a radar unit on the side of the vehicle that continuously monitors lane marking and if you veer outside the lane that you are in an alarm will alert you. In 2007 there were 178 fatalities in Victoria as a result of crashes involving vehicles that were travelling on the opposite side of the road. If this technology can contribute to reducing that number it is well worth looking at.

Another technology that is mentioned in the report is intelligent speed assistance. This is where a global positioning system electronically maps speed zones. In any speed zone in the state you can be advised if you are exceeding the prescribed speed limit for that zone. There is a bit of work to be done, and one of the committee's recommendations is that VicRoads should finalise an electronic map of Victorian speed zones. That is an important recommendation, and the committee would encourage VicRoads to do that as soon as possible so that maybe this technology can be introduced.

The committee had a discussion around one of the recommendations and how the technology could be advanced. Given that repeat drink drivers have to use breathalyser interlocks to start their cars, we could get to the point where repeat speed offenders have to have similar technology in their cars so that they will not be able to speed; their cars will not allow them to exceed the speed limits. They will be able to override that by putting their feet down flat to get out of dangerous

situations, but other than that they will not be able to speed. That is something we can look at in the future, and that is what this report is all about — future technologies that we can utilise.

The only thing on which I disagree with Mr Koch — and we did not disagree on much in the report — is that I think it is a good thing that the Premier announced that electronic stability control and side curtain airbags will be introduced at the end of 2011. A lot of the witnesses talked about the golden bullet. They said, 'This is the golden bullet for accidents with cars going sideways, which contribute to a great number of our fatalities'. Electronic stability control can keep cars from going sideways by utilising different braking systems on each wheel. I commend Arrive Alive 2 for mandating this technology for new cars produced in our system. A lot of work had already been done on the prevention of head injuries by side curtain airbags before the preparation of this report, and the report comprehensively covers that. I understand that Mr Koch's preference was for this reference to have been completed before the announcement, but, as we discussed at the time, the Road Safety Committee is not the fount of all knowledge — and we proved that when during that discussion one of us asked what 'fount' means! There are people in government and in all sorts of organisations looking at introducing technology in certain ways while references are being considered. I do not think we need to wait for anyone before the government introduces technology that could save lives on our roads.

In finishing, I urge people to look at the report. As I said, it is a simple guide to the technology that is available and is coming. I thank the rest of the committee members for working together on this report, and I thank the executive again.

Motion agreed to.

PAPER

Laid on table by Clerk:

Ombudsman — Report on Probity controls in public hospitals for the procurement of non-clinical goods and services, August 2008.

MEMBERS STATEMENTS

Government: advertising

Mr KOCH (Western Victoria) — The government's current million-dollar transport advertising campaign is more of the same flashy spruiking seen by Victorians for what it really is — a campaign from a government fixated on patting itself on the back. Splashing millions of taxpayer dollars on prime time television and full-page newspaper advertisements does nothing to fix crumbling and congested transport infrastructure, nor does it do anything to fix poorly maintained schools, public housing or police residences.

At the recent launch of new trains in Ballarat the Premier and the Minister for Public Transport could have ridden the train there and back with the shadow Minister for Public Transport and member for Polwarth in the Assembly, Terry Mulder. Instead they chose a chauffer-driven limousine ride, demonstrating that they are too good for those who use public transport.

Victorians want better and safer roads, more police patrolling trouble spots, greater access to public transport, particularly in regional and rural areas, affordable living costs and reduced government red tape. They want substance, not spin, and major announcements for routine recurrent expenditure already allocated in the budget. Instead of pushing the line that government advertising is good for us, the Premier should end this wasteful abuse of taxpayer money and get on with delivering services to Victorians on time, on budget and without the glamour. Re-announcements, official openings and overseas jaunts might give ministers something to do, but Victorians want action, not more spin, after seeing state revenues double over the last eight years.

Women: military sex slaves

Ms HARTLAND (Western Metropolitan) — I had the privilege last week of meeting Gil Won Ok and Jan Ruff O'Herne. These women are what were referred to as 'comfort women' during the Second World War. In fact the title they use is 'military sex slaves'. Having read stories and books about situations does not prepare you for when you actually meet women who have not only suffered but have taken on the most amazing fight. The Japanese government will not acknowledge what happened to these women, let alone apologise.

Gil Won Ok is Korean. She was abducted at the age of 12; she was raped repeatedly over a six-year period, suffered venereal disease and was forcibly sterilised. Jan is of Dutch descent, and was at the time living in Indonesia. At the age of 18 she was forced to work in a Japanese military brothel for four months. Both women still have nightmares about their treatment, 60 years on.

In the past 15 years, military sex slaves, many of them in their 80s, have fought to make the Japanese government acknowledge what happened to them. Unfortunately we still see rape used as a way of humiliating a population, as in Bosnia and Rwanda. I have to say I have met some amazing people in my life, but these were the strongest and bravest women I have ever encountered. I urge governments around the world, including our own, to acknowledge that rape is a war crime and to apologise to the victims.

Vietnam veterans: commemoration

Ms MIKAKOS (Northern Metropolitan) — It is with great honour that I raise an issue that is very dear to the President's heart. On 10 August 2008 I had the honour to represent Premier Brumby at the Vietnam Veterans Association north west sub-branch's commemoration of the 40th anniversary of the battles of Coral and Balmoral at a very moving service held at the Maygar Barracks in Broadmeadows. These battles were major military operations involving Australian troops during the Vietnam War.

During the mini-Tet offensive mounted by Vietcong and North Vietnamese forces in May 1968, the 1st Australian task force deployed two battalions to an area north of Bien Hoa city to disrupt the approach of enemy forces towards the capital, Saigon. During this time several fire support patrol bases were established to provide cover for foot patrols. One of these fire support bases was named Coral, and on 13 May 1968 it was attacked, but the Australian troops were able to force back the North Vietnamese after heavy fighting. The battle lasted over 2 hours; 11 Australians were killed in action and 28 were wounded. Over the following four weeks the two fire support bases, Coral and Balmoral, were subjected to further attacks with the focus by the enemy being on Balmoral on 26 May. As a result a total of 26 Australian soldiers died.

Australia's military involvement in the Vietnam War was the longest in duration of any war in Australia's history. From the time of the arrival of the first troops in 1962 until the final withdrawal of Australian soldiers in December 1972 almost 60 000 Australians served in Vietnam. Of these, 521 died as a result of the war, over 3000 were wounded and no doubt thousands more suffered and continue to suffer physically and psychologically. I take this opportunity to express my sincere thanks to all Vietnam War veterans for their service and dedication to keeping Australia safe.

Brimbank: councillors

Mr FINN (Western Metropolitan) — If I were a believer in reincarnation, I would have to ask what dreadful deeds the people of Brimbank had committed in a past life to deserve the lunatics who currently control their city council. If nothing else, Brimbank City Council is an example to all of what happens when Labor is allowed unfettered power at a municipal level — perhaps we could just as easily add state and federal levels as well. Brimbank council is a hive of everything representative government should not be. The majority of councillors could not give an airborne rodent's rump about the residents of Brimbank or their duty as councillors. In Melbourne's west, it is the Labor way. Of course, it is not just the councillors letting the people down.

The state government will not lift a finger to protect those afflicted by the Brimbank council. Apart from the obvious situation of Labor mates looking after Labor mates, the Brumby government is terrified to initiate an inquiry into Brimbank, because it just does not know onto which ministerial desk such an investigation will lead. In Brimbank there is gossip aplenty about which minister owns which councillor and vice versa. The council is a political cesspit, and this level of corruption demands the full force of a wide-ranging, independent anticrime commission inquiry. The people of Brimbank and those Labor hacks who allegedly represent them both deserve nothing less.

Sport: Eastern Metropolitan Region grounds

Mr LEANE (Eastern Metropolitan) — I want to congratulate James Merlino, the Minister for Sport, Recreation and Youth Affairs, on an important announcement he made last week in that 20 sporting grounds in the east will be converted to summer grass. These grounds are in six different councils and the conversions will start next month.

I want to congratulate Rob Sharpe of the Eastern Football League, who did a great job in pulling this all together in such a short time, and Yarra Valley Water, for its flexibility in making sure that there will be water up-front. The great thing about this particular grass is that it usually only needs about 10 per cent of the water needed by winter grasses that are traditionally used on grounds.

Upwey High School: volleyball team

Mr LEANE — On another matter, I would like to thank the Upwey High School year 9 girls for challenging the Premier, me and a number of other

MPs to a game of volleyball last week. The Upwey girls are all state representatives and quite good players. They were a bit nervous in the first game when we were quite a few points ahead of them, but understandably so because we were looking pretty good. Unfortunately skill, youth, fitness and all that sort of stuff prevailed in the end. These girls are off to New Zealand soon to represent the state. We wish them well and thank them for the game.

John Ilhan Memorial Reserve, Westmeadows

Mr EIDEH (Western Metropolitan) — Last year a significant Australian tragically died. Perhaps even more significant was that he was only 42 years old, yet during his short time on this earth he achieved so much and has left such a positive legacy for the community. The government, in partnership with the Hume City Council, will revitalise the Barry Road Reserve in Westmeadows and name it the John Ilhan Memorial Reserve.

Mr Ilhan was in some ways similar to several members of this house and of the other place. He was a child of a migrant family who came here to start a new life. He was a person who worked extremely hard, made a success of his life and then went on to benefit the community through a broad range of activities, most of which he never wanted publicised, being the modest man that he was. Like Eddie McGuire, John Ilhan was a great promoter of our northern suburbs, and that is one reason why the Premier, in his then role as Treasurer, appointed him as an honorary ambassador for Melbourne's north.

The government and the City of Hume will each contribute $250 000 towards building a synthetic surface soccer pitch at the reserve. The venue is home to a number of sporting teams featuring both males and females, and this development will assist them to expand their sporting activities within the community. It is also a further example of the Brumby government's commitment to community and to healthier lifestyles.

Planning: residential zones

Mr GUY (Northern Metropolitan) — I want to take this opportunity to place on record my appreciation of the many hundreds of concerned Victorians who signed the petition tabled today under my name in relation to the Labor government's new residential zones policy discussion paper. The new residential zones have arisen from the population estimation failures of Melbourne 2030 and this government, as well as Labor's chronic inability to plan ahead for our city's needs.

Because of those failures Labor wants to remove third-party appeal rights, something that has never happened before in Victoria. Labor wants to destroy the urban character of many suburbs — outer suburbs, inner suburbs, middle suburbs, new suburbs, old suburbs. It wants to mandate high-rise and high-density development right across our city.

There is a place for high density, but it is not in every cul-de-sac, it is not in every lane, it is not in every street and it is not in every shopping strip, but that is what we are going to get under Labor's new residential zones policy. I take this opportunity to commend the Planning Backlash groups for standing up for what they believe in and for taking a stand against development that threatens urban character in suburbs where it is not appropriate. I commend the many hundreds of Victorians and the many thousands of Melburnians who are now rising up against the new residential zones policy.

Hon. J. M. Madden interjected.

Mr GUY — The policy the minister says we should all be careful about criticising. 'Be careful', he says. We have every right to criticise Melbourne 2030. It is a dog of a policy, and it is destroying the urban character of our suburbs. He is presiding over it, and this government will bear the electoral cost for its failures.

Western Port Greenhouse Alliance: climate change report

Mr SCHEFFER (Eastern Victoria) — In June this year the Western Port Greenhouse Alliance released its final report entitled *Impacts of Climate Change on Settlements in the Western Port Region — People, Property and Places*. Local governments Bass Coast, Frankston, Cardinia, Mornington and Casey form the Western Port Greenhouse Alliance and are actively engaged in and support the work of the alliance.

This remarkable report is the product of a research project conducted for the Western Port Greenhouse Alliance by Peter Kinrade of Marsden Jacob Associates and Benjamin Preston from the CSIRO in conjunction with a project steering committee and reference panel comprising 32 members all up. The project was funded by the Australian and Victorian governments.

The report notes that while most research and public debate has been concerned to understand what is happening in the global and local climate and why, increasing attention is now being focused on how we should respond. The challenge is to build a better understanding of how local scale implications of

climate change can guide our adaptive decision making. Key climate change issues in the area covered by the participating municipalities include the impacts associated with coastal inundation, intense rainfall and inland flooding, fire weather conditions, changes to average and extreme temperatures, and changes to average rainfall.

The report says we need to look at the impacts on low-income earners and the elderly as well as the challenges relating to land-use planning, emergency management and volunteer support, and to identify the opportunities which will emerge. I understand that participating councils are now developing their own risk assessments upon which to build practical, adaptive strategies. The report is groundbreaking.

Olympic Games: Australian athletes

Mr D. DAVIS (Southern Metropolitan) — I am pleased today to compliment our athletes in Beijing. Australia has every reason to be proud of the performance of our athletes, male and female, in a whole range of different sports, particularly our swimmers. They have made a remarkable effort, and the women swimmers have done particularly well. Track and field competition is also a source of national pride today.

Today I want to draw the attention of the house to the achievements of some of our rowers. One who is known to me and others in the Liberal Party is David Crawshaw. He and Scott Brennan led from the outset in their remarkable race, and there was a tense final 200 metres before they claimed gold ahead of Estonia and Britain. That fantastic race of the skulls is something that Victorians, particularly those in the city of Boroondara, can be proud of. Many in the Liberal Party who know Mr Crawshaw from his time as a staffer for a former federal sports minister will be equally proud of his performance at the Olympics. It is good to see those in Australian rowing teams, both the men and women, getting the remarkable results that we have seen. The efforts of Victorians are being recognised internationally, and we in the chamber and the rest of the community can be proud.

Rail: Gippsland line

Mr VINEY (Eastern Victoria) — A couple of weeks ago I had the pleasure of joining the Premier and the Minister for Public Transport to travel on the new expanded train service to Gippsland. There are an additional 70-odd seats on the trains on that line. They are necessary because this government's investment in the regional rail system is such a success. It contrasts starkly with what happened on that rail line under the previous government, which closed the rail line to Bairnsdale. Now patronage on the rail line is 45 per cent higher than it was when we came to government. There has been a 45 per cent increase in patronage on the rail line as a direct result of a substantial investment in the rail system and an improvement in the frequency of the service. Now the government is increasing the capacity and reducing the fares. All this investment has been so successful that we are seeing a boom in patronage. As a regular user of that rail service from Gippsland to Melbourne, I find it is very welcome, because until quite recently people have not been able to get a seat because it has been so popular.

SCHOOLS: CATHOLIC SECTOR

Debate resumed from 30 July; motion of Mr HALL (Eastern Victoria):

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

And Ms DARVENIZA's amendment:

> That all the words after 'That this house' be omitted with the view of inserting in their place 'acknowledges the important contribution which the Catholic education sector provides in the state of Victoria and calls on the government to continue to support this contribution through —
>
> (1) the non-government schools financial assistance model;
>
> (2) the needs-based capital assistance funding for non-government schools;
>
> (3) providing access for teachers to professional development and curriculum planning materials;
>
> (4) access for low-income parents to the education maintenance allowance; and
>
> (5) assistance to families through the School Start bonus.

Ms PENNICUIK (Southern Metropolitan) — A free, public, secular and democratic education system is fundamental to a just and democratic society. The first and foremost educational responsibility of government is to fund and support at a level to sustain excellence a public education system that is available to all people. These are the principles on which the Victorian Greens education policy is founded. It is our strong belief that it is the role of state governments to fund public schools, and that is the practice. It is the primary role of state governments to support government schools and to fund and resource those schools in such a way that

every child in the state of Victoria has access to quality education. It is partly for this reason that the Greens will not be supporting the motion in Mr Hall's name to increase the funding for Catholic schools to 25 per cent of the funding required to educate a student in a government school.

I would say that the contributions made to the debate in this chamber by members of the Liberal-Nationals coalition during the last sitting week did not make a compelling case for the 25 per cent figure that is in the motion. They did not talk about the fact that the primary role of the state government is to support government schools, and they did not talk about equity across the education system. They avoided mentioning substantial increases in commonwealth funding to independent schools. Non-government schools get the majority of their funding from the commonwealth. According to the latest figures, it is 50 per cent. The funding is based on the socioeconomic status of each school community and is calculated as a percentage of the AGSRC (average government school recurrent cost). In 2004 the maximum of that percentage was 70 per cent and the minimum was 13 per cent. Catholic schools have had their funding set at a flat rate of 56.2 per cent of the AGSRC, which is quite high, and that is across all Catholic schools, whether they be parish schools or wealthy Catholic schools. The Liberals and The Nationals did not make distinction between systemic, parish or local Catholic schools and the more wealthy schools. They just called for 25 per cent for all Catholic schools, and we know that wealthy Catholic schools have substantial facilities of the sort that are not available to children in the government school sector.

I mentioned that commonwealth funding to independent schools has been rising and that it rose very sharply through the years of the Howard government, so much so that amongst the Organisation for Economic Cooperation and Development countries Belgium is the only country that funds its private education system at a higher level than Australia.

In 2006 the Australian Bureau of Statistics released a report entitled *Australian Social Trends 2006*, which states that, taking into account all sorts of expenditure and all sources of funding, on average the expenditure on non-government school students is close to the average spent on government school students. It also states that government funding of government schools has increased by 2 per cent from 2000 to 2004 and that government funding of non-government schools in the same period increased by 6 per cent — that is, three times as much. These figures can be accepted at face value, but the issue is not whether the Victorian government should increase funding for Catholic school students by a certain percentage but whether the current funding models for commonwealth and state schools are appropriate.

Commonwealth and state school funding cannot be separated, because that funding becomes a pool of money that is available either to government schools or to non-government schools. It is inappropriate for the coalition to be concentrating on the state government's contribution to the Catholic school sector without even mentioning commonwealth contribution to that sector, which becomes part of the pool of money available to that sector. The question is whether that produces a school education system that is equitable, transparent and accountable. I think the evidence before our eyes in Victoria, and in fact in all states of Australia, is that it does not produce that. We do not have a system that is equitable, transparent and accountable, and there are widening gaps between educational opportunities.

I will spend a little bit of time looking closely at the issue of school funding. At the very best when you are looking at the commonwealth funding formulas and at the different computations that the states use in funding government schools and the small contributions they make to the non-government sector, bearing in mind again that it is the commonwealth government that primarily funds that sector, at the very least it can be said it is confusing and difficult for anyone to see with any clarity just who gets what. There is no way of knowing with any surety whether this 25 per cent figure that the Liberal–Nationals coalition is putting forward — and it is an arbitrary figure — would increase or decrease equity across the system, and that is what we should be looking at. This was encapsulated in December last year in an article by Andrew Dowling on Australia's school funding system. In that article Mr Dowling describes the following:

> The current funding system is not held in particularly high regard by education commentators. Australia's system of school funding has been variously described as containing 'considerable deficiencies' … 'quite remarkable difficulties' which makes it 'very frustrating' … 'unsatisfactory' … 'deficient' … a 'failure' … 'exceedingly complicated' … 'inequitable and inefficient' … 'irrational' … 'unhelpfully complex and exceedingly opaque' …

The article also states it has:

> … no constitutional, educational or logical grounds … The end result is that members of the education community, much less the general public, have no clear idea what individual schools actually receive from both levels of government, nor if their income is appropriate to their needs.

This is not a very good state of affairs, and it makes it very difficult to support any motion which is

advocating an increase of funding to one sector over the other; and it must be borne in mind that the primary role of the state government is to fund the state education system, which educates the majority of Victoria's students. Mr Dowling makes the point, and I agree:

> … that education should be made more transparent in order to hold those responsible for it accountable thereby ultimately improving the service.

It has to be said that the transparency and accountability of the independent education system warrants improving. Its financial accounting is not open and transparent and available to the public. The Catholic sector, for example, receives funding from both levels of government. There is some targeted funding, but the rest of it is just given to the sector and it decides how it is distributed.

Just last week I had a constituent contact me in my electorate office. That constituent is one of the parents on the school council of a Catholic school. This parent has been asking for the financial statements of that school as a member of the school council, as there are concerns about how some of the funds of that school are being spent, but has been unable to get those financial accounts. We need transparency; we need accountability. That is not what we have. It is not just me saying that: it is widely said by academics and commentators on the education system that this is a big problem.

There is also the issue of equity. I know Mr Hall was talking about equity. I have given notice in this chamber foreshadowing that I will be presenting a bill to the Parliament to remove the inequities under the Equal Opportunity Act whereby religious schools and small businesses are able to discriminate in their employment practices on any attribute despite its being listed in that act. It is strong Greens policy that all schools that receive public funding should be subjected to the same level of accountability, transparency and non-discriminatory staff recruitment and student enrolments practices — that is, if you are going to take public money you should be accountable and transparent and non-discriminatory, and that is not the case either.

Mr Dowling's article also discusses how funding models, in particular the socioeconomic status (SES) for allocating dollars to non-government schools, is disadvantageous to government schools. Mr Dowling talks about that at length. I will not take up time in this debate by reading it, but I do urge people to read the article because it goes to some lengths in outlining how the application of that SES funding model is cumulatively and in an ongoing way disadvantaging the government school sector.

Mr Hall mentioned that fees in Catholic schools are a couple of thousand dollars on average. I have checked this, and this is the case in parish schools, but regional colleges are much more than that — $4000 to $6000 — and the wealthy, so-called exception schools are $12 000 to $17 000 in fees. A look at the Xavier College website confirmed this. The discrepancy in facilities between these schools and government schools is glaring. Is the Liberal–Nationals motion proposing that funding to students in these schools also be increased? Mr Hall spoke about the balance being about right between public and private education. I think this is debatable. Government school enrolments have fallen from 73 per cent in 1981 to around 65 per cent now. Catholic school enrolments have risen very slightly in that time. Other independent school enrolments have increased from 4 per cent to 13 per cent. This reflects the increased funding to the independent school sector under the Howard government.

There is much commentary about the effect this has on government schools, which are the backbone of a fair and equitable education system. Also having a fair, equitable, accessible and excellent high-quality public education system is the keystone of democracy. The terms 'private', 'public', 'independent', 'government' and 'non-government' are interesting terms, because they do not quite reflect reality. As we all know, the private schools get significant public funding, so they are not just private schools. But in many ways they act as private schools; they act in a private way. They receive public funding, but they are not publicly open and accountable in the way they should be. Many commentators are saying the funding and other aspects of the education system need to be much more open, transparent and accountable than they currently are. I would say it is highly debateable whether some particular types of private schools which advocate discriminatory practices should receive any public funding or be permitted to operate as schools at all. The Exclusive Brethren comes to mind.

Mr Hall also spoke about parental choice. 'Choice' is a word that is bandied about a lot. I would say that people do not have to pay fees, but if they can, they may choose to do so. Families on low incomes do not have that choice, and they are dependent on the public education system. A strong public education system is the backbone of the community, of a working, fair and equitable society. Make no mistake about that — it is the public education system that underpins that. Many people would choose their local government schools if

they were well resourced and not undermined by a public perception of being inferior, because it is much more convenient for people to use the local school, which means they do not have to drive long distances in the congested traffic that we have, or travel long distances on crowded trains, which particularly secondary school students have to do. So for those reasons it is not possible for us to support the motion put forward by Mr Hall.

The amendment put forward by Ms Darveniza, which basically replaces Mr Hall's motion with a different motion, just refers to five different programs which the government has in place to assist non-government schools, and the Catholic sector in particular. Ms Darveniza made the point, in rebuttal to some of the points made by Mr Hall, that the Catholic education system does enjoy quite a lot of in-kind support that is available to government schools and government school teachers, such as professional development, curriculum planning, access to the broadband deal that the government has with providers for schools, and tax incentives provided through the federal system. However, the motion put forward by Ms Darveniza is just a rollcall; it is a list of some ad hoc and not necessarily transparent, equitable programs — they are not equitable if you are looking across the whole education system — that the government has in place. These types of measures are different in every state so that across the country there is a hodgepodge of funding measures and new programs for this and that, targeted at this and that, that can be seen as partly political in nature, which just add to the confusion of our education system funding. They just add to the red tape in that system and to the lack of transparency, accountability and clarity as to who gets what, who needs what and who should get what. So for those reasons the Greens will not be supporting the motion or the amendment.

Mr KAVANAGH (Western Victoria) — I rise to support this motion by Mr Hall and congratulate him on bringing this motion to the house. I would like to say first that as someone who attended Catholic schools and taught at one Catholic school, in my opinion Catholic schools are doing a very good job in Victoria, not only for their students but for the entire community, with relatively few resources. The general standard of academic achievement in Catholic schools is quite high, particularly given that Catholic schools overall cater to quite modest socioeconomic backgrounds, while at the same time these schools also pursue their primary task of moral education.

The story of Catholic education in Australia is in my opinion a great and inspiring one. The Democratic Labor Party was instrumental in obtaining financial assistance for Catholic schools and other non-government schools. That is a contribution of which I am proud. Before there was any government financial assistance — that started around the late 1960s in Australia — Catholic schools had very few resources to complete their huge task. I recall as a 10 or 11-year-old taking the weekly school fees each week in a small envelope. The weekly school fee was 20 cents for me and my younger brothers. So they were obviously running on the smell of an oily rag.

What they had though, rather than money, was sacrifice by many people, contributions of work and donations from many supporters, not only parents but other people in the community, and of course by teachers, particularly by religious teachers, who worked for probably a plate of corned beef and cabbage a day. Although this group of people did great things in Australia, I do not know of any other group that has been so thoroughly vilified. They devoted their lives to the education of young Australians, and I would like to express my thanks and admiration for them and the sacrifices that they made.

Ms Pennicuik made many comments about Catholic schools, but I do not think she quite gets the point — for example, to talk about Catholic schools and then to refer to Xavier College is quite misleading. Xavier is hardly typical of Catholic schools in Victoria. My understanding as a former Catholic schoolteacher is that Xavier is not even in the Catholic education system; it is actually an independent Catholic school.

Ms Pennicuik said that schools should be secular. There is a widespread view developing that the Greens' kind of philosophy is not exactly secular and that it represents a kind of New-Age spiritual movement along religious lines. To the extent that Ms Pennicuik's demand that schools be secular means that we should not be pushing the Greens' agenda, perhaps I would not entirely disagree.

However, there were other comments made in the debate. Ms Pennicuik would like people to understand funding for schools better than they do. I would too, because there is the wrong impression among a lot of people in Australia — probably the majority — that Catholic and independent schools are getting the majority of government funding in Australia. As Ms Pennicuik pointed out, they do very well out of the commonwealth, but they do not very well at all out of the state, which is the main level of government in terms of financing schools in Australia.

As for Ms Pennicuik's demand that Catholic schools stop discriminating in employment factors, I do not

think there is much discrimination in Catholic schools in employment factors. However, it seems reasonable to me that a religious institution should be able to discriminate on religious grounds — that is, to have teachers who believe what they are teaching — just as, for example, the Greens are entitled to preselect for election people who believe in the Greens political philosophy.

Ms Pennicuik's idea seems to me to say that the Greens should not be allowed to choose people to stand for election on the basis that they agree with the Greens, or is the point that only the Greens are allowed to discriminate on the basis of political opinion and other people are not allowed to discriminate — for example, Catholic schools on the basis of religious opinion? Is Ms Pennicuik's rule to apply to everybody or only to everybody except the Greens political party, as it has been called in this house a few times? I support Mr Hall's motion, with the reservation that perhaps it does not go far enough.

Mr HALL (Eastern Victoria) — I welcome the opportunity to make a couple of comments in reply. Firstly, I thank those who have contributed to the debate. We have had some varying views on this matter, and I think it is healthy if we discuss the sorts of differences we have as well as the issues we have in common with respect to any motion, but particularly this one, which relates to Catholic education. Again I thank those members who contributed.

In response to a couple of issues raised during the course of the debate, the first thing I said when I introduced this motion was that I hoped the discussion would not stray into the argument about whether non-government schools should receive funding from state governments. Generally people did not stray into that area, they acknowledged that the Catholic education system plays an important role in the total system of education that we have in Victoria. Apart from Ms Pennicuik's comments, contributors to this debate recognised that fact. As I said in my opening comments three weeks ago, this is more a matter of how much rather than if state governments should contribute to Catholic education.

Ms Pennicuik strayed into that area and half suggested that a state government should not be funding non-government schools, but her substantial comment was that there should be some sort of distribution of funding if the state government is going to fund Catholic schools between those that are in need and those that are wealthy. She suggested that the motion I moved just went to the issue that all Catholic schools should receive an increase in funding to 25 per cent of the average cost of educating a child in a public school.

I want to reiterate to Ms Pennicuik and those who agree with her sentiment about the funding issue that the motion I moved — and I will read it again — states:

> That this house calls on the Brumby Labor government to increase the funding provided for Victorian students in Catholic schools using a needs-based formula …

That is the view of the coalition in Victoria: it should be on a needs-based formula, so consequently there will be some consideration of the appropriate ability for Catholic schools to raise their own funds. With respect to a blanket 25 per cent increase of funding across the board, I rule that out because simply the motion talks about distribution on a needs basis.

I also want to comment about the amendment proposed by Ms Darveniza. Although the amendment lists five areas in which the state government contributes to Catholic education in Victoria, there is nothing new in that. What she said might be well and good, and we appreciate the contribution state governments make to Catholic education, but we strongly believe that for equity reasons — again it is a term used by Ms Pennicuik — it should be distributed on a needs-based formula. That is exactly what this motion says.

Going back to Ms Darveniza's amendment, the five areas she has listed will simply mean that the status quo will apply. I cannot see anything in the amendment moved by the government to suggest that this is anything other than exactly what happens now. There is no foreshadowed increase to government funding. All of Ms Darveniza's points are just a reiteration of the processes now in place without any commitment to increased funding for the Catholic education system.

In closing I want to remind the house that more than one in five — that is just over 22 per cent — students in Victoria go to a Catholic school, so Catholic schools have an important role to play in the education sector. Parents make a big contribution towards the cost of running those schools, but we in the coalition believe it is incumbent upon state government to at least match the increasing cost of educating a child whether they be in the non-government or the government school system. About 185 000 students attend Catholic schools, so about 185 000 — or slightly less perhaps — parents and families are involved in this too. The impost on parents of providing full fees for the operation of Catholic schools is great.

This, we believe, is a reasonable balance. We should look at the average cost of educating a child in a public school and then allocate 25 per cent of that cost for the assistance of the Catholic education system. Following the debate three weeks ago a radio journalist asked me, 'Exactly why should we fund Catholic schools or indeed any other non-government school?'. There are a couple of reasons for that — equity is an issue. If you look at it from a purely economic point of view, if every one of those 185 000 students went into a government school it would cost the state three or four times the amount that it currently provides to assist with education in the Catholic school sector.

We need to be cognisant of that and keep in mind that what we are talking about here is a reasonable level of support from the state government to another school system. We in the coalition think the 25 per cent figure is appropriate, and it is what the motion urges the house to adopt.

I ask members to consider the comments I have made in reply when making their determination. Because the reasoned amendment appears to provide no more or no less we say it is the status quo, which is not satisfactory. Something needs to be done to assist the Catholic education system, and the decision of members on this motion will indicate whether we should be doing more for the Catholic education system or less. The coalition will be voting against the reasoned amendment. Again I urge all members to support the motion before the house this morning.

House divided on amendment:

Ayes, 19

Broad, Ms	Pulford, Ms (*Teller*)
Darveniza, Ms (*Teller*)	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr	

Noes, 21

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs (*Teller*)
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr (*Teller*)
Hall, Mr	Vogels, Mr
Hartland, Ms	

Amendment negatived.

Motion agreed to.

MANUFACTURING: GOVERNMENT STRATEGY

Mr DALLA-RIVA (Eastern Metropolitan) — I move:

That this house —

(1) notes that on 21 December 2006 the Minister for Industry and Trade promised in an answer to a question without notice the 'release and implementation of a number of manufacturing industry strategies and action plans, including a Victorian manufacturing strategy';

(2) notes that despite repeating that promise and setting an implementation date of January 2007, in the Department of Innovation, Industry and Regional Development's *Strategic Directions 2005–08 and Annual Business Plan 2006–07*, the minister has to date failed to deliver the manufacturing strategy which is now 600 days behind schedule;

(3) condemns the minister for his failure to fulfil his promises thereby contributing in substantial part to job losses within the Victorian manufacturing sector; and

(4) calls on the minister to release a manufacturing strategy complete with measurable targets and objectives by the end of August 2008.

This is an important motion because we have seen this government time and again — —

The ACTING PRESIDENT (Mr Elasmar) — Order! I believe Mr Dalla-Riva's microphone is not working.

Mr DALLA-RIVA — This motion is really reinforcing where this government is. This has been an ongoing situation with the Minister for Industry and Trade. He made a statement in this chamber in response to a question without notice from one of his own government members.

The ACTING PRESIDENT (Mr Elasmar) — Order! One moment please. I believe the microphone is now working.

Mr DALLA-RIVA — I will not repeat what I have said.

Mr Vogels — You are streaming.

Mr DALLA-RIVA — I thank Mr Vogels. I am now streaming. This notice of motion is a response to the Minister for Industry and Trade in this place who promised in an answer to a question without notice the

'release and implementation of a number of manufacturing industry strategies and action plans, including a Victorian manufacturing strategy'. Shortly thereafter the minister presented a ministerial statement dated December 2006. On page 4 of this statement — and I will read it for Hansard — the minister said:

> The approach we are proposing is proactive and dynamic …

I would hate to see how proactive and dynamic the government is, because he goes on to say:

> To address the challenges in the manufacturing sector, the government will in coming months release and implement a number of manufacturing industry strategies and action plans including:
>
> > A Victorian manufacturing strategy that will build on the highly successful *Agenda for New Manufacturing*, recognising the emerging global and local developments that are so profoundly affecting the manufacturing sector.

Those are his words, not mine.

Mrs Peulich — So profound.

Mr DALLA-RIVA — So profound. They are so proactive and so dynamic that we are now into something in excess of 600 days since he made that announcement. If we are serious about being a Council that holds members to account for what they say and what they propose to implement, this motion should be supported by all members in this chamber. If we do not condemn a minister for making a statement in this chamber that he is going to do something for the benefit of a particular industry — a portfolio he represents — and then he does do it, we are really going down the gurgler. If we do not do that, it means that any minister from any side can come in here, make a statement about what they propose to do and it just does not matter, even if it runs into 600 days, 700 days or 800 days. If we do not hold this government and its ministers to account in respect of what they propose and what they promise in this chamber, we might as well go home. Every other time a minister gets up and says they are going to do something in the coming months and they do not do it — and we are now up to 600 days, which is a few more days than a couple of months — we need to condemn that minister for their failure to fulfil that promise.

This is not a motion we have taken lightly; it is a motion that is serious in what it says. We know that the manufacturing sector has an enormous amount of pressure on it, and we know that because of those pressures the minister ought to take it more responsibly and more seriously. That is why this motion has set a time line for the strategy to be implemented. We are saying that enough is enough. In the motion we are saying, 'Deliver it with measurable targets' — not the spin, not the rhetoric, but measurable targets and objectives — 'by the end of August 2008'. It will be interesting to hear what members on the other side say. I am sure they will get up and talk about job growth and how wonderful things are.

I want to put it into some context. We have seen recently in a report that was presented nationwide that there has been a decline in jobs — in fact there has been a growth in job losses — and the unemployment rate in Victoria is now well above the national average. This indicates that if you do not have any plan of action for what you are meant to be doing, eventually things are going to fall apart. We have seen in the recent Visa-VECCI (Victorian Employers Chamber of Commerce and Industry) survey of business trends and prospects that 68 per cent of Victorian manufacturers are pessimistic about the future, compared with the national average of 59 per cent. Some 61 per cent of Victorian businesses expect the state's economic performance to be weaker over the next 12 months, compared to just 14 per cent only one year ago. This is a government that has got its feet well and truly off the accelerator.

Government members cannot continually come in here and talk about what the government is going to do and then fail to deliver on those promises. That is what this motion is about. It is a very clear motion. It is about the minister being held to account on a promise that was made over 600 days ago. Government members will have the opportunity to say whatever they like about what they intend to do. We need only go back to the budget in May and what the minister said at that time. He promised that in the coming months a manufacturing strategy would be delivered — I believe he used the words 'coming soon'. Where is it? If you come into this chamber and say things about what you intend to do, then do it — do not just talk the rhetoric.

I will be interested to hear other members' contributions to the debate on this very simple but important motion. This is about holding a minister to account for his performance in doing what he says he will do. The manufacturing industry is crying out for support from the government. It is not waiting for the Rudd government to hand down the Bracks review, for other events to occur or for the economy to improve — it is not putting its head in the sand and hoping things will get better.

I go back to what I was saying before about the budget. I have a press release headed 'Budget — Theo Theophanous' that is dated Tuesday, 6 May. It says:

> In industry and trade the Brumby Labor government is taking action to ensure future growth of Victoria's manufacturing industries and we will soon deliver a comprehensive industry and manufacturing strategy, preparing our industries for the global challenges ahead.

There has been a series of events. On 21 December 2006 the minister made a commitment to deliver a manufacturing action plan very soon. In the same month he made a ministerial statement — not just a statement or a press release — saying the manufacturing strategy would be delivered within a couple of months. In May this year we were still waiting, and he said, 'We will soon deliver a comprehensive industry and manufacturing strategy'.

This is not a motion I have moved lightly. I do not wish to labour my point too much, other than to say that if we do not hold a minister to account on promises he has made and not kept, then we might as well pack up and go home — because otherwise no minister in this Parliament can be held to account for what they say but do not do in their areas of responsibility.

I urge members to support the motion. It is a very clear motion. I have presented sufficient evidence, and there is sufficient evidence available on websites and in what the minister has said in this place to justify this motion getting the support of everyone in the chamber. I hope members will listen fervently to what other members in this chamber have to say and in particular to what Labor members say to justify why the Minister for Industry and Trade should not be condemned for his failure to deliver the very important action plan that he promised over 600 days ago.

Mr THORNLEY (Southern Metropolitan) — I rise to oppose this motion. It is a pretty low ebb that we reach when the shadow minister for industry and state development, Mr Dalla-Riva, who has no policy at all, brings before the chamber and the public — —

Mr Dalla-Riva — It is not a motion on me.

Mr THORNLEY — It is certainly not, because you do not have a policy. Let me help the shadow minister by explaining how these things work. On a day-to-day basis you do the work, then periodically you pull it together and release a new statement. The shadow minister may not have noticed this, but a few things have changed in this country recently, and when things change you need to respond to this. That is what the Liberal Party did not do when it was in power; that is why we inherited an industrial graveyard from it. It refused to change. It sat there in charge of the country for 30 years, left tariff barriers up high, left its mates in charge doing nothing at all and left us with an industrial graveyard. We spent the last 20 years fixing that up, and this government has been part of that.

You do the work, and every few years you pull that work together, respond to how things have changed, talk about how you will adjust the settings and then go back to work. The shadow minister may not have noticed, but in December 2006 we started moving towards a change of federal government. I realise he is not very happy about this change — although the rest of the country is — but having a federal government that provided no support for manufacturing and a Labor Party opposition that said we should still make things in this country, it probably made sense to see where that federal government was going before adjusting the settings. In the meantime we kept doing the work.

Mr Dalla-Riva interjected.

Mr THORNLEY — I am not sure if the shadow minister understands how this works, but the federal government sets the tariffs and the funding policies. The federal government is conducting reviews of the automotive industry; textiles, clothing and footwear; aviation; innovation; and trade. There is not much point in us shouting into the wilderness, 'We are going to change our settings now', when the environment in which we operate is in the middle of change. A much more useful thing to do is engage with that process, as the Labor Party has and the Liberal Party has not.

We have made submissions to every one of those reviews, whereas the Liberal Party has made submissions to one — on aviation — which was mainly to complain about what we were doing. Where was the Liberal Party's response to change? Manufacturing is all about response to change, and when we have change which needs a response — when the federal government's settings on the automotive industry, innovation, trade and textiles, clothing and footwear are changing — the Liberal Party does not even put in a submission. It does not respond to change at all. This is the party of the industrial graveyard. It has the hide to complain about the fact that the state government chooses to respond to the change of federal government. Once those reviews are done, we will be in a position to talk about how our settings will fit within the new environment, and that is exactly what we will be doing. In the meantime, we do the work.

The opposition produces isolated examples of situations where jobs have been lost. We are all disappointed when jobs are lost, but we also know that we are going through a massive transformation in our manufacturing sector from the industrial graveyard that the opposition

left us to a modern, competitive and productive sector. That is why, despite the fact — —

Mr Finn interjected.

Mr THORNLEY — Your idea of manufacturing is very interesting. Here is an example of how on top of that manufacturing portfolio the opposition is: when it talks about the isolated examples of plant closures, it throws in the closure of Starbucks venues. I was trying to work out why the shadow minister was wearing the American flag on his tie today, and I have figured it out. He is here to lament the loss of Starbucks. I am very disappointed that Starbucks has closed, as I am sure the customers and particularly the workers are. But the shadow minister for manufacturing, exports and trade and Leader of The Nationals in the Assembly, Mr Ryan, uses as an example of our alleged failure in manufacturing the fact that Starbucks made some decisions in Seattle about what it was going to do with its retail outlets. That is how committed opposition members are to manufacturing — they think Starbucks is a manufacturing operation. They cannot count on the fingers of one hand before going into something that is about retailing.

Mr Dalla-Riva — What are you talking about?

Mr THORNLEY — Mr Dalla-Riva should read his shadow minister's press release. Right in the middle of it is Starbucks. That is why Mr Dalla-Riva has that tie on.

We on the other hand understand what manufacturing is about. Despite the isolated examples the member opposite has delivered, manufacturing jobs in this state have increased. In August 1999 there were 327 400 manufacturing jobs. In May 2008 there were 346 500. That is about a 5.8 per cent increase. Let us compare that, for Mr American Tie here, with the American performance, where America lost about 20 per cent of its manufacturing jobs. In a world that is changing, we are responding, moving away from the industrial graveyard and moving into a place where we actually have a modern, competitive manufacturing economy. That will necessarily see, at various points in time, some operations fail. That is how capitalism works. The important thing is that you have more operations succeeding, that you are creating more jobs, that those are better jobs and that productivity drives competitiveness in a very competitive global economy. That is exactly what we have done.

Those figures, which show a modest increase in manufacturing employment, mask two even more important underlying trends. The first is the transformation from the industrial graveyard to an elaborately transformed manufacturing environment. Elaborately transformed manufactures in this state have gone up 36 per cent since the opposition was last in office. Given that employment has gone up 5.8 per cent, you can see how much transformation is taking place.

Mrs Peulich — On a point of order, Acting President, you may not have noticed — given that you have been distracted in the chair — however, I would like to draw your attention to the fact that the member is strictly reading his speech, which has obviously been prepared by his public relations company. I draw this to your attention and ask that you enforce the President's earlier advice to members.

The ACTING PRESIDENT (Mr Pakula) — Order! I have observed the member's contribution in the chamber. I do not believe he has been reading. He has been referring to notes. The member is aware of the ruling about reading, and from my observation he has not crossed that line.

Mr THORNLEY — I was quoting statistics, and I thank the member for drawing further attention to those statistics. I understand that she would not be reading them or quoting them, because opposition members have not looked at them. They have not looked at the numbers and have not looked at the facts. They have not looked at what has happened in manufacturing employment, or they would not have framed this motion. They have not looked at what has happened to the transformation in manufacturing with elaborately transformed manufacturing. They have not looked at the fact that in the last 12 months elaborately transformed manufacturing has grown a further 6 per cent despite the increases in the Australian dollar. Despite the increases in global competition, elaborately transformed manufacturing continues to grow. Despite those challenges, we have attracted $11.3 billion in new manufacturing capital investment in this state since we took over.

When you talk about the transformation of manufacturing you talk about the fact that 50 per cent of all business research and development (R and D) is in the manufacturing sector — 14 per cent of gross domestic product and 50 per cent of business R and D.

Mrs Peulich interjected.

The ACTING PRESIDENT (Mr Pakula) — Order! I advise Mrs Peulich that enough is enough.

Mr THORNLEY — When members opposite ran the industrial graveyard that number was less than 20.

That is how much this sector has transformed in the face of global competition and in the face of a massively rising Australian dollar.

Let us talk about the background to this in terms of what the opposition has been proposing. It is a very short conversation, because it has not been proposing anything. I would have thought that if someone cared about manufacturing, they would have put out more than two press releases since they were appointed the shadow minister in February. I would have thought that you might have policies. You might have policies on business costs, you might have policies on infrastructure, you might have policies on innovation, on skills and retraining, on workplace safety and on tariffs and trade. I know the opposition has a policy on tariffs; we will come back to that one in a minute. You would have a policy on industry attraction. You would have a policy on export facilitation. You would have a policy on savings so that you build the capital base necessary to invest in these industries. We have been taking action on every one of those fronts, and members opposite do not even have a policy — except on tariffs.

I will freely admit the opposition has a policy on tariffs. When our government made a submission to the Bracks review of the automotive sector, and some decent analysis was done by Dr Nicholas Gruen that made the point that a further reduction in tariffs would not lead to any further benefits in terms of the trade system and that therefore there was not much to be gained by that further reduction in tariffs, members opposite opposed it. They did not oppose it when they were in government, but they oppose it now. The only material change I can see in the opposition's policy is that it was in favour of those tariffs when it was in government and now it is in opposition it opposes them. I am all right with that.

There are strong arguments for a low-tariff regime. Our party is the one that brought a low-tariff regime into this country as part of a balanced package to transform manufacturing from an industrial graveyard to an export-orientated, highly productive and competitive manufacturing sector. We are still going through that transformation, but nothing that members opposite have put forward takes us any closer to that. The only policy they have ever had is a flat earth on tariffs and a race to the bottom on wages. It is the only policy the opposition has ever had: leave everything else static, have a race to the bottom on wages and somehow that is going to protect manufacturing jobs.

That is not what happened under its leadership. What were the great policy innovations of the Kennett government? There were not any. It stood still. The Howard federal government stood still. There was massive growth in elaborately transformed manufactures under the Hawke and Keating federal governments, but nothing at all from Howard. Where were the opposition's submissions to the reviews by the federal government? There was nothing at all.

What we have here is a group of people who have no policy of their own, who have produced no press releases, who have made no contributions, who are not even aware of the fact that manufacturing jobs are growing, who think that manufacturing includes Starbucks — their version of manufacturing is that it includes Starbucks — who are not talking to the peak business bodies, who are not spending time with the Australian Industry Group and who are not talking with the unions, because they dare not. I was talking to the unions about cars last week. We actually talk to people in business. They do not know who opposition members are. If members opposite waved across Collins Street, people in business would think they were buskers. They have never met them — members opposite do not talk to the people who actually run these businesses. They do not look at the transformation that is occurring. They do not work out how they can change it. All they do is say that this minister said something in December 2006 before the entire world changed and before the entire federal government policy changed. As John Maynard Keynes said, 'When the facts change, I change my position'. What does Mr Dalla-Riva do?

The facts have changed. We have an entirely new federal environment, and every single one of these policy settings is going to change. We did the work to keep elaborately transformed manufacturing growing, to keep manufacturing jobs growing, to keep manufacturing exports growing, despite a strong rise in the Australian dollar, and we responded to that change. We responded to those reviews, and we will be in a position when that review process is complete and the new operating environment that we work in is complete to talk about what the next generation of settings will be after that. We will keep doing the work. Periodically you have a review and you give new headline settings as to where it goes.

That is why this motion is a complete waste of time. The opposition does not understand anything about manufacturing. These are the Starbucks manufacturers over here — the people who have not been able to manufacture more than two press releases in six months, who do not know the difference between a manufacturer and a retailer, who made no submissions to any of the major reviews on this area and who

continue to not do the work. That is why I oppose the motion.

Mr VOGELS (Western Victoria) — I rise to support the motion moved by Mr Dalla-Riva, which clearly points out the failure of this Labor government and of the Minister for Industry and Trade in relation to the manufacturing policy which was promised 600 days, or two years, ago and which we still have not seen.

Victoria used to be the state to do business in if you were into manufacturing. Why was this so? We had cheap power and water, and we therefore led manufacturing in Australia. Thanks to Labor Party policy since 1999 these competitive advantages have basically disappeared. According to the government's own predictions, water bills will more than double over the next five years. Electricity prices are set to rise by 17 per cent in 2008, and they will also double over the next few years. Gas prices will rise by 7 per cent in 2008 and soar into double-digit figures as we move forward.

Why is this so? The hypocrisy of the issue really gets to me. Under Kevin Rudd, with the full support of all Labor premiers, we are punishing our cheap sources of energy by forcing them to put in all sorts of emissions controls to make sure that CO_2 gases et cetera are not polluting the atmosphere. We do not have a problem with that — actually we support that — but what hypocrites we are when we stand up and force our own energy providers to do all these sorts of things, but at the same time we are exporting as much coal as we can to China and India et cetera — countries that will eventually become our competitors. If we really believe that less and less of this coal should be used because of the damage it is doing to the environment, we should also be saying to the other side of the world, 'Hang on, we are going to stop increasing coal production because it is having an enormous effect on the atmosphere'. The global atmosphere does not differentiate between where the CO_2 emissions are coming from — whether they are coming from Victoria, from Australia or from China. It is interesting to note that when I was in China a year or two ago I was told that a new coal-fired power station was being opened in China every week as a result of using Australian coal. In the meantime here we are trying to do the right thing by reducing our CO_2 emissions, but that is at a huge cost to our manufacturers because manufacturers use a lot of power and power prices have an enormous effect on manufacturers. As I said, we are selling coal, uranium and gas at bargain basement prices to our competitors overseas, while our manufacturers have to pay the increased costs associated with trying to do the right thing.

I intend to confine my contribution on manufacturing to agriculture and the importance of agriculture in the Victorian economy. When the Kennett government lost power in 1999 food and fibre exports from Victoria stood at about $7 billion, and they were on target to be $12 billion by 2010. According to the Department of Primary Industries' Victorian food and fibre export performance report, the figure in 2004–05 was still $7 billion — some six years later not a dollar had been added to it!

In that period Victorian dairy exports were valued at over $2 billion, with Victoria accounting for 81 per cent of Australia's dairy exports. Victorian meat exports were valued at $1.3 billion, accounting for 17 per cent of Australia's meat exports. Victorian grain exports were valued at $695 million, accounting for 11 per cent of Australia's grain exports. Victorian wine exports were valued at $532 million, with Victoria accounting for 20 per cent of Australia's wine exports. The value of Victorian wool and fibre products stood at $1.3 billion. I could go on with other farming products — pork, fruit and vegetables et cetera — but the point I make is that Victoria has stood still since the election of the Labor government in our food and fibre exports. Basically it has not gone up one single dollar.

Tens of thousands of jobs are out there in country Victoria in the manufacturing industry. In the region where I come from it is great to see the value adding that goes on by our manufacturers in, say, dairy products. The farmers produce the milk which goes to the dairy factories, and it is turned into whey, skimmed milk, cheese, butter and so on. A lot of value adding is done locally, which is fantastic for the rural economy. However, these manufacturers are finding it difficult to compete because of the cost of electricity. At home, just on our farm, electricity prices for running the dairy have increased from approximately $12 000 to $13 000 in 1999 to something like $38 000 to $39 000 per year — that is, they have tripled in those nine years.

This government has failed to deliver the infrastructure needed to make sure our manufacturers can get on with the job, can employ people and keep regional and rural Victoria going strongly. As I said, dairying is Victoria's largest food export industry. Last year it exported nearly $3 billion worth of product. The Victorian dairy industry has about 6000 farmers and they employ approximately 70 000 people, and it is the lifeblood of country Victoria.

I would like to finish on this point. The Victorian dairy industry is the biggest exporter out of the port of Melbourne. One of the things that is driving up costs once again, which makes it difficult for these manufacturers, is the fact that to send a container of dairy product out of the port of Melbourne was approximately $39 but it has gone up to $73. Why is this so? A lot of the reason is the expense of the channel deepening. We all support channel deepening, but I find it interesting that once again this government can never get its figures right. In 2001 we were told the channel deepening would be about $230 million; in 2004 it had gone up to $337 million; in 2007, a couple of years later, it was going to be $763 million; in 2008 we are up to $969 million — it is increasing by approximately $200 million per year. By 2010, if you extend it out, it seems that channel deepening will be well over $1 billion — probably around $1.3 billion.

We have talked before about job losses in country Victoria. The ones in the agriculture industry we recall include Don Smallgoods, with a loss of 420 jobs; the Department of Primary Industries has just put off 70 people; and over 100 people have lost their jobs at the Dartmoor sawmill. After two years the minister has failed to produced the strategy and action plan which all manufacturers need to see what the government is doing and proposes to do to support our manufacturing industry. I therefore support the motion moved by Mr Dalla-Riva.

Ms TIERNEY (Western Victoria) — I rise to oppose the motion. I do not intend to take the house through the importance of manufacturing and the importance of vehicle manufacturing to this state and this country — suffice to say that the manufacturing industry is incredibly important to our economy, our exports and to maintaining a highly skilled, developed workforce. It is important in terms of providing jobs and job security, and it is important to be at the cutting edge of technological breakthroughs and to take advantage of the subsequent flow-ons from them to other industries.

Given all that, one would have thought that it would have been a glimmer of hope to have a bipartisan approach to manufacturing in this country and the vehicle manufacturing industry, because there are commonly held facts that are undeniable. Unfortunately that is not the case, and the reason for that is quite simply that the opposition has no commitment to the manufacturing industry and in particular to the vehicle industry. This government and the federal government are committed to vehicle manufacturing. Mr Rudd, our Prime Minister, said around the time of the election that he did not want to wake up in a country where we did not make things any more. He has held to that statement. In fact he repeated those comments last Friday when the report of the Bracks inquiry was tabled by the government.

We have not walked away from that, and we have not walked away from manufacturing or the car industry. We have been rolling up our sleeves and working out the best ways to assist to take manufacturing and the vehicle manufacturing industry into the next generation; to be there ready for the challenges; and to tackle the issues of climate change, carbon emissions and of the emerging economies of China and India. I have not seen anything from the opposition to show it is even thinking about positioning those industries so that we can compete effectively. We are about making sure that manufacturing is here to stay. We are also about making sure that we have a AAA rating and that it is here to stay. We also want the Maritime Union of Australia to be here to stay, and of course manufacturing needs to be here to stay.

We do not treat the manufacturing industry like some loose football rolling around a football ground. We are a government that seizes that ball; we seize it, we tackle the issue and we run with it. We make sure that we have a future, not just in terms of this generation but also future generations. The opposition has no regard for manufacturing. As the previous government speaker in this debate has mentioned, there have been very few comments by the opposition either in press releases, in this house or in the Legislative Assembly when it comes to manufacturing. There is an absolute paucity of comment.

Since being elected to this chamber I have heard some quite aggressive comments about workers in the manufacturing industry. Workers have been abused essentially for taking industrial action to secure their $25 million in workers entitlements because their rogue employer, who is based in South Africa, continually gets pulled before the Industrial Relations Commission, makes commitments, gets back on the plane and reneges again. For all of that, all we get from the opposition benches are statements that the employees are conducting themselves in a shocking fashion.

At the same time, however, the opposition continues to try to parade as some authority on the manufacturing industry, and in particular on the vehicle manufacturing industry. I just cannot see any substance. I see one-liners; I see press releases that are just about media grabs without substance. The opposition demonstrates time and time again that it does not know about the industry; it does not understand it; it is not connected to any of the stakeholders in the industry. The opposition

has no interest. All it wants is to have its members get up and attack a particular minister, or to have a look at a piece of paper, while we get on with the business.

We are about wanting to see the redirection of the car industry. The green car fund is an excellent initiative, and an excellent example of what federal and state governments can do when they work together for the common good of this country. It is remarkable to see how hard this government works on investing and attracting new investment in manufacturing. If you are not connected to the stakeholders, or have not had a direct experience in manufacturing in this state, I would argue that you probably would not know about it. Clearly I have had that history and that experience, and I know for a fact that Invest Victoria and Regional Development Victoria (RDV) work tirelessly in terms of attracting investment.

Let us be clear about it, it is incredibly difficult. It is difficult to attract new investment with new companies for new manufacturing because, as we all know, companies have the opportunity to choose. They can choose China over us. They can choose India over us. In fact there are many places they can choose over Victoria, Australia. It is really tough, but it is not impossible, and there are opportunities to seek out that investment and secure it. RDV and Invest Victoria are continuously, across government departments, adopting a whole-of-government approach to the ongoing future of manufacturing.

As I said, there has been an absolute paucity of comment or contribution from the opposition benches in terms of ideas and commitment when it comes to manufacturing. When Mr Davis was the shadow minister he put out approximately two press releases — in July 2007 — again with throwaway lines, and he had the audacity to offer gratuitous advice to Ford at the time. Again there was no vision and nothing to offer the industry; there were just personal attacks.

Mr Dalla-Riva has asked a number of questions without notice, one of which implied that the new engine plant at Toyota Altona was a bad idea. He also made two 90-second statements. One was in June 2006, when he congratulated the then federal minister for industry, Ian McFarlane, for assisting the car industry to the tune of $7.2 million. Then as recently as this year he criticised this government for its decision to grant the industry $35 million from the green car fund. Clearly the Liberals need to have a serious think about their approach to manufacturing. They desperately need to at least get some consistency, and they need at some point to get some rigour into their approach to industry policy.

There is a good case to say that this house should condemn the Liberal Party for its total lack of understanding of and commitment to this key industry in Victoria that is very important to the Victorian economy. People have the right to be angry about this issue. The absolute disregard of this important industry just does not carry weight in any area. Government and industry stakeholders do not get very many opportunities to search for and seek areas of common ground to redirect the industry. We are at that very critical point in time in Victoria's history and in this country's history, but that side of the chamber does not even recognise that fact. This is a golden opportunity to make sure that we have an ongoing, viable manufacturing sector.

The opposition gives no indication of understanding this. It could not even be bothered to put in a submission to the Bracks review. How poor is that? I am on the public record as saying that the opposition knows only one thing about the vehicle industry, and that is how to find its way to the Hyatt for an industry dinner. I stand by that, because it is not plugged into the industry in any way, and its continued behaviour in this incredibly important area renders it not just irrelevant but totally irresponsible in the highest degree.

I welcome debate on manufacturing and on the future of the vehicle manufacturing industry in this state and in this country, but this motion just attempts to attack a minister. We are worthy of much more, and I call on the house to reject this motion.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this morning and make some comments in support of Mr Dalla-Riva's motion on manufacturing. Manufacturing is an important industry in the south-east. In fact the South East Melbourne Manufacturers Alliance, which is based in Dandenong in my electorate and with which I have been pleased to have an association, as did Mr Dalla-Riva when he was shadow minister for manufacturing and export, reports that 43 per cent of all of Victoria's manufacturing is based in the south-east.

Manufacturing is a significant employer. More than 40 000 people in the South Eastern Metropolitan Region are employed in manufacturing. It is the single largest industry group in the south-east. Over the last 20 years we have seen manufacturing evolve in the south-east. In the 1980s it was home to very large manufacturers. Nissan had its plant at Clayton, and General Motors had its plant at Dandenong, where it built Commodores. Since then we have seen those large, very heavy manufacturers move out of the region to be replaced by a number of smaller, higher tech

manufacturers. Manufacturing in the south-east, although it has evolved, continues to be a significant employer and contributor to the local economy, and it is deserving of support from this government and this Parliament.

In the last 30 years we have seen manufacturing evolve across Australia. In 1975 — going back to the earliest detailed data from the Australian Bureau of Statistics (ABS) — manufacturing in Australia accounted for almost a fifth of the Australian economy, or 17 per cent. The most recent data, the March 2008 quarter national accounts data, shows that manufacturing in Australia now accounts for just a tenth of the national economy, just 10 per cent. It has gone from a fifth to a tenth over a 32-year period. The significance of manufacturing in Australia has declined.

Mr Barber interjected.

Mr RICH-PHILLIPS — I heard Mr Barber's quiet interjection about service industries, and he is quite correct. The growth of service industries and the financial sector over that period has been enormous. The significance of manufacturing to the Australian economy is less than it once was, but for those people employed in manufacturing and those investing in manufacturing it is still a significant industry sector. Although it has declined in relative terms, it is not an industry that is dying. It has continued to grow over that period, albeit at a slower rate — about 1.5 per cent per annum on average over the last 30 years — and is still a growth industry for Australia. It is important that we have the right policy settings in Victoria to ensure that this state gets a fair share of the manufacturing pie in this country. That is something that has been in decline over the last eight years.

In 1999, during the period of the change of government, Victoria accounted for 32 per cent of Australia's manufacturing output. Victoria was the largest manufacturing state in this country. We have now seen that position lost to New South Wales. In fact Victoria's share of manufacturing output in Australia is now down to 28 per cent. Victoria is no longer the leading manufacturing state in Australia; the New South Wales manufacturing industry is now 12 per cent larger than Victoria's. There has been a seismic shift in the relative importance of Victoria as a manufacturing state compared to New South Wales, and indeed compared to other states. We have heard from the Treasurer from time to time about the two-speed economy in Australia, obviously and primarily based on what is happening in the resource states. What has happened in manufacturing over the last eight years cannot be put down to the two-speed, resource-based economy; it represents a conscious shift by manufacturers in this country to base themselves elsewhere in Australia in what is apparently a more attractive environment for them.

Most worryingly, we have seen in the investment figures a significant decline in the level of manufacturing investment in this state. In 1999 Victoria attracted more than one in three dollars of total capital expenditure on manufacturing — 34 per cent of all new capital spending on manufacturing plants came to Victoria. The most recent ABS data shows that that is down to under 25 per cent. We have gone from a third to less than a quarter of all manufacturing investment in the country coming to Victoria. That has been a sizeable shift away from Victoria as the preferred manufacturing destination in this country. That is going to have repercussions in following years, when we will see Victoria's share of manufacturing output decline. If we cannot attract the capital investment, we will not see the flow-on benefits in output and employment in Victoria. It is a worrying trend that has evolved over the last eight years, and it is something that needs to be addressed if Victoria is to continue as a significant manufacturing state in Australia.

That is why this motion is important. It calls on the Minister for Industry and Trade to release the manufacturing statement he promised 600 days ago. This statement, when the minister releases it, cannot be a statement about picking winners, because history has shown that governments are bad at picking winners — and dare I say that Labor governments are particularly bad at picking winners.

The statement must set the parameters for the manufacturing sector in this state. We recognise that significant investments will be made on the fundamentals in the state, fundamentals such as the cost of energy and the cost of resources about which Mr Vogels spoke during his contribution. Fundamental issues such as the state taxation scheme, the industrial relations environment and the availability of skills in this state are all factors that will impact upon the level of manufacturing investment that Victoria attracts and consequently the level of manufacturing employment and manufacturing output that Victoria will enjoy in the coming years. It is important that Victoria gets those fundamentals right.

We recognise — and Mr Thornley alluded to this during his contribution to the debate — that Victoria, and indeed Australia, is not going to be competitive in manufacturing on price alone. There are enough high-volume, low-cost economies to our north in the Asia-Pacific region to mean that Victoria will not be

able to be competitive in manufacturing on price. Where Victoria will be competitive is in producing goods that are innovative, that are different to those produced elsewhere in the region and elsewhere in the world and that are better than those produced elsewhere in the world. To produce better and more innovative goods we need capital investment in the sector and we need investment in skills. These are both areas in which government policy can be used to encourage the investment in the state that is required to get those benefits.

It is important that this statement come forward from the Minister for Industry and Trade. We need to know, and the manufacturing sector needs to know, what the government's policy settings in manufacturing are going to be, so that we can be assured of those required investments in skills and those required capital investments to ensure that this sector prospers in Victoria.

I call on the minister to release the statement he promised 600 days ago, and I encourage the house to support the motion moved by Mr Dalla-Riva this morning. This is an important motion on an important issue, and it deserves the support of this chamber.

The ACTING PRESIDENT (Mr Finn) — Order! In calling Mr Leane might I offer him my very warmest birthday wishes as well.

Mr LEANE (Eastern Metropolitan) — Thank you very much, Acting President. I know that coming from you, you genuinely mean it. I rise to — —

The ACTING PRESIDENT (Mr Finn) — Order! I do hope that is not reflecting on the Chair, Mr Leane. I would be very careful, birthday or not, if I were you.

Mr LEANE — I understand, Acting President, that the President did give me a get-out-of-the-shower-free card today, and I have decided to use it now.

I rise to oppose this motion. I understand Mr Dalla-Riva's political ends inasmuch as he believes it is a good thing to talk down manufacturing in Victoria and to attack the minister; however I believe Victoria does a great job competing in what is a global market. I am sure members of the opposition would understand that this is a global market and a free market. I suppose they would also defend the right of owners and boards of manufacturing companies to move their capital around the world if they think it is attractive to take advantage of some of the cheap labour prices they can access in some parts of the world. Under the conditions of a very competitive global market Victoria is clearly holding its own. I do not think the minister and this government should be condemned; rather, they should be commended for the assistance they have given to manufacturing.

I would like to touch on an important point: that a by-product of this government's investment in infrastructure is the creation of manufacturing jobs. This government has invested four times the amount the previous government invested in buildings and infrastructure. Members of the opposition freak out about debt-funded investment, and I will get to that issue later. The do not believe in building anything, but this government has a great track record in actually building things such as schools and road projects such as EastLink. We are also investing in rebuilding the Royal Children's Hospital and in building a desalination plant, and people will want to work on those projects.

I am trying to think of what the previous government achieved in building infrastructure. I know it built a shed in Spencer Street that gets used quite a bit, but it fades into insignificance when compared to the achievements of this government. Investing in building projects and roads creates work and leads to manufacturing jobs.

To understand that we only have to think of the manufacturing companies involved in these undertakings, such as BlueScope Steel, which manufactures steel products for those projects, and Olex Cables, which manufactures the electrical cables. A. G. Coombs manufactures air-conditioning ducting for these projects, and Ramset produces the fixings. Imagine manufacturing levels if what is being invested in those projects was only a quarter of what it is. The opportunities for people to work in those manufacturing jobs would be greatly diminished.

Opposition members come in here time and again and talk about debt and government spending even though those debt levels are lower than when they were in government — which goes to show how they harp on about it. Opposition members freak out about debt-funded investment, but that investment provides returns to the state by creating work.

Besides maintaining the state's AAA credit rating, this government has built infrastructure. This investment also assists manufacturers in being able to move their products. A perfect example of this in my electorate is the EastLink project: manufacturers are being attracted to the EastLink corridor, and local councils such as Maroondah and Knox are quite excited about the possibility and the reality of that happening.

My final point is that the Victorian public needs to understand that the election of a Liberal government will mean the loss of many manufacturing jobs.

Mrs Peulich — Oh, yeah.

Mr LEANE — It will. It will mean the loss of a lot of construction jobs. It has been proven. We have built four times the amount of infrastructure and invested four times more than the previous government. When they are in government, members of the opposition do not build things because they do not believe in it. They believe in sitting on a big pile of taxpayers money, not using it. The government opposes this motion. It is a nothing motion, and we urge members to vote against it.

Mr DRUM (Northern Victoria) — It is quite astounding to hear Mr Leane talk about some reverse born-to-rule mentality — that is, that only the Labor Party could possibly be worthy of running the manufacturing industry in this state. How are members of the Labor Party able to cope with having so much wisdom on one side of the chamber? It must be a truly monumental task for such a wide-ranging group of individuals.

I find it insulting that the government can claim that if the people of Victoria dared to elect a coalition government they could kiss goodbye the manufacturing industry. What an absolute joke! This government is blessed with record levels of inflows to its revenue streams and has introduced a record number of taxes. With the amount of revenue gained from taxing the people of Victoria and the sheer quantity of state taxes, this government — through its Treasurer, who is in the chamber — has been able to wrangle enormous amounts of taxpayers money from the people of Victoria.

But this government will always be selective. This motion is simply about accountability. What Mr Dalla-Riva has brought forward today is simply calling on the minister in charge of the manufacturing industry to do what he said he was going to do. We have again the frustration of being in opposition with a government that says all the right things, but does only a fraction of what it says it is going to do. This is clearly an example of where the minister in charge of the entire manufacturing industry has simply said, 'We are going to develop a strategy; we are going to develop a statement that will take this industry forward'.

While we sit back and watch the industry shake from crisis to crisis, we are looking around for some leadership from a minister who was supposed to have brought out a strategy some 600 days ago. Earlier this year the minister reinforced the fact that the strategy was on its way. Now Mr Thornley has taken his place in this chamber and told us, 'No, no, no. Back in 2006 we decided to wait, because we could smell some sort of change of federal government in the wind; and we wanted to wait and see what took place at the end of 2007, just in case there was a change'. He said they did nothing throughout 2006 and the entire 2007 year because they decided to wait just in case Mr Rudd was able to defeat Mr Howard. That took place eight or nine months ago and we still have not seen anything.

That statement was reinforced by Minister Theophanous when he said we would get this statement directly or shortly. But again we still have not seen anything at all in relation to a manufacturing statement, which is what this motion is all about.

In relation to job losses, Bendigo and the Bendigo region have been built around manufacturing. Manufacturing employment is in fact the mainstay for the Bendigo economy. Historically it has been the strongest industry and the strongest employment sector within the Bendigo region. Over the last 10 years — and the last nine years under this Labor government — the numbers have in effect remained static. Whilst many of the other industries have taken off, the manufacturing industry in the Bendigo region has remained static. We have lost well over a thousand jobs in the main manufacturing industries. Bendigo Mining has lost jobs; we are hoping it will come back online. Empire Rubber, which is strongly linked to the motor vehicle industry, has lost jobs. Australian Defence Industries has lost jobs. And on it goes.

We understand job losses are in many ways unavoidable. That is fine: if the government is going to put its hand up when the jobs are shut down and say, 'It is terrible, but in many respects it is unavoidable', that is fine. But how can the government then suddenly be so keen to claim any of the new jobs that are created through market forces as well? The government is either in this or it is out of it. It cannot just keep going on with this selective process, where it puts up its arm every time there are job gains in the sector, and then it hides and puts its head down a hollow log every time there are job losses. What we are simply looking for is accountability throughout the sector. The government is either responsible or it is not responsible; it cannot pick and choose. It cannot be selective as to the claims and the credit that it takes; it cannot suddenly abscond from any responsibility when things go against it.

When we look back at the history of the manufacturing industry in the regions surrounding Bendigo, we will

see the competitive advantage that once was held by regional Victoria. The regions used to be protected from the high electricity and power prices that they are now facing. A recent report from the City of Greater Bendigo, prepared in conjunction with an independent panel that brought on board a strong raft of audit processes, came up with the fact that heavy electricity users — that is, those in the manufacturing industry in regional Victoria — are paying 40 per cent more for their electricity than similar industries in Melbourne. This government is presiding over the loss of the electricity tariff rebate. It has lost that; it has let that go. The government is happy to have regional manufacturing businesses try to compete while paying 40 per cent more for electricity compared with industries in Melbourne.

This government will preside over the doubling of our water bills. Again, water is a crucial ingredient for manufacturing processes in regional Victoria, and this government is going to sit by while our water costs are doubled. This government will be presiding over the doubling of the port of Melbourne costs. We now have one of the most expensive deep-water ports in Australia.

This motion needs to be supported. The minister needs to hear the message loud and clear: that this is about accountability. If the minister says he is going to do something he should have the work ethic and he should have the decency to follow it through and do what he says he will do — and that comment applies to the entire government. We on this side of the Parliament are sick and tired of reading press releases about what the government says it is going to do and waiting and waiting, only to find that seldom are those promises ever followed through.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Water: desalination plant

Mr O'DONOHUE (Eastern Victoria) — My question is for the Minister for Planning. Why has the choice of location for the desalination plant been excluded from the scope of the environment effects statement announced today and the deliberations of the planning panel; and does this not just prove that the Brumby government's whole approach on desalination is a sham?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr O'Donohue's interest in this matter because the future supply of water to all regions is a matter of particular interest to all Victorians. No doubt as a government we have been adamant about the need for a water grid to connect all of Victoria to ensure that we have a secure water supply going into the future. One of the critical components of that has always been the desalination plant.

I am pleased that we have given an undertaking and are following through on that undertaking to make sure the community is able to have its say in relation to this project, hence recent announcements around the desalination plant. I encourage members of the community to continue to have input, have their say and make their representations on all matters that might concern them in relation to this project.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for his answer, but given that the panel will not be allowed to examine the government's choice of location, how will it fairly examine evidence that suggests the desalination plant site at Williamsons Beach will be subject to regular flooding and inundation?

Hon. J. M. MADDEN (Minister for Planning) — No doubt whilst there are always terms of reference for a panel to consider matters in relation to an environment effects statement (EES), and comprehensive issues are also covered in an EES process, there is always the capacity for that panel to explore other areas in relation to that project. I would expect that issues will no doubt arise from either presentations or representations from the community or matters that may or may not interest the panel itself.

It is interesting that we have an opposition here that is adamant that you cannot nominate a site and not follow through on it, because in my hands I have a document that outlines a Liberal government plan for Victoria's first major water desalination plant. What does that policy statement suggest? It says it would locate that plant at Hastings or Werribee. In a similar way to the government, the opposition has nominated specific sites in its policy commitment. It has also said that the environment impact panel would be instructed to consider these sites. Again we see an absolute contradiction from the opposition on these matters. That is what it says in its policy document — and it is one of the few times it has actually made a policy statement.

When we make a statement which is similar but not the same as the opposition's policy statement, then they

want to criticise it. I find it absolutely remarkable that on the one hand they are saying, 'Get this stuff done as quickly as possible', but on the other hand they are saying, 'We have had second thoughts; don't do it because it doesn't quite suit things'. Opposition members play favourites and find they are straddling both sides of the fence.

Mrs Peulich — On a point of order, President, much of the minister's response has been an attack on the opposition. We know that under standing orders that is unparliamentary. You, President, have advised Council ministers of that in the past, and I call on you to enforce your rulings.

Hon. J. M. MADDEN — On the point of order, President, I make it perfectly clear that I was not attacking the opposition.

The PRESIDENT — Order! I thank the minister for his attempt to assist me. I am of the view that, while the minister may be straying from the question, he is still in order. I do not think the minister's suggested attack on the opposition is actually overt. I am not prepared to accept the point of order raised by Mrs Peulich at this time.

Hon. J. M. MADDEN — I have finished answering the question.

Water: desalination plant

Mr SCHEFFER (Eastern Victoria) — My question is also for the Minister for Planning. Can the minister update the house on the process for assessing the potential environmental impacts of the desalination project near Wonthaggi?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Scheffer's interest in these matters, because he has been a strong advocate, to me in particular, on many of those planning issues which go right across his neck of woods.

I know many people in this chamber would display an interest, or certainly we would expect them to have an interest, in this desalination project. They should be interested in the benefits of the project as well as the potential impacts of the project, particularly in relation to either the environment, the nearby communities or the amenity of the areas which come under the influence of the desalination plant.

The environment effects statement (EES) process provides a means to explore ways — I want to give some clarity to the house here — to avoid, minimise and manage adverse effects. It also includes public involvement and the opportunity for an integrated response to a proposal. To date we have had some significant community input into the environment effects process. Earlier this year I placed on public exhibition the draft scoping requirements on which a number of submissions were made, so we have already had input from the public on the environment effects statement. Following these submissions, I issued the final scoping requirements for the environment effects statement in May.

I am pleased to announce that from this afternoon there will be a further opportunity for Victorians to have their say with the environment effects statement documents going on public exhibition. The documents can be downloaded from a government website, www.ourwater.vic.gov.au. These EES documents are also available for purchase, if people want hard copies, from the Department of Sustainability and Environment. They can also be viewed free of change at over 18 locations, including central Melbourne and Pakenham and Wonthaggi areas as well. They will be on exhibition until 30 September 2008. I would encourage anybody with an interest, in the project generally or with other specific interests, to view the documents and also have their say.

I would also encourage opposition members to look at the documents and, if they feel strongly about them, to make a submission, because we know from time to time when there have been big projects, opposition members have failed to make any submission about their position on these sorts of projects. I would be interested to know, as I am sure the panel would be, where the opposition stands on these projects of state significance.

I must make it clear that it is important that before you make a submission you need to also understand the environment effects statement process. I would encourage opposition members to make sure they understand the process and how it takes place. Two recent media releases issued by the Liberal-Nationals coalition indicate that Mr Guy and the member for Gippsland South in the other place, Mr Ryan, are ignorant to the fact that the scope of the potential impacts examined by the environment effects statement is wide ranging. I make that point to Mr O'Donohue as well. If they had read the scoping requirements, they would know that the environment effects statement process requires an assessment of the risk that climate change poses to the project to be made, including those low-lying areas. But we know that when it comes to looking for documents and understanding the process, there are parties in this chamber that are lazy. It is important that members have a thorough understanding.

I would also encourage those parties to make sure their media releases reflect an understanding and that they read the scoping requirements before they make public comment.

I would also expect that opposition members will make representations to the panel, because if they have a position on these things, they need to make them absolutely clear. There is one thing we know: the position of opposition members on these things is as clear as mud.

We are getting on with delivering, and we are getting on with doing the job. We are also giving opposition members a thorough opportunity to have their say. We are going through a robust process that gives the community the opportunity to have its say about the impacts and to ensure that those impacts are rigorously assessed and no doubt addressed. Again, I urge members opposite to encourage the community to have a say, but when they do that they need to make sure they understand what it is they are having a say about.

Victorian Environment Assessment Council: river red gum forests report

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change. Research produced by the minister's department into the growth rates of river red gums, and as exposed in the Victorian Environment Assessment Council's discussion documents, indicated a dramatic fall in the mean annual increment of red gum wood production due to the lack of water. Can the minister tell us whether he has received any updated information from his department post that original data being published on this matter?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Barber for his question and the desire expressed by him and his colleague in a question to me yesterday to try and get a real-time appraisal of any advice that may be coming to me on environmental matters. I am very comfortable with sharing relevant information with members of this chamber, other members of the Parliament and members of the community in making sure people are well apprised of environmental conditions and the conditions of the environment generally, and this certainly applies to river red gums. I note that Mr Barber is interested in the assessments made and included in the very important work that the Victorian Environmental Assessment Council (VEAC) has provided the people of Victoria to reflect on the health of the river red gum forest communities right along the Victorian river system in northern Victoria. It is an important piece of work that we will be examining very closely in bringing forward a government response later in the year.

The information that the member refers to is indicative of the stresses those forest and flora communities are under in terms of their ongoing viability at a time of climate change and the degree of environmental flows that are required to maintain their wellbeing into the future. The member is quite right to indicate in his question that the indicative information that VEAC relied upon indicates that the growth rates have understandably slowed during the drought conditions and climate change scenarios in terms of their ongoing viability due to lack of water. All of that I can confirm. All those are very relevant and contemporary issues that we should be mindful of and consider in the important deliberations of government in the next few months to make sure we account for the appropriate conservation management regime for those river red gum communities in the years to come.

On the member's request for supplementary information that may be available to me in terms of whether I have either further affirmation of a piece of research which supports that or runs counter to it, I want him to know that I am not in possession of any additional information beyond the material that is being considered by VEAC. That does not mean we are not particularly interested in real-time validation of that evidence and further material that may be available to me. I would have an expectation that the department will apprise me of any relevant information that will supplement that which is available through VEAC. I will not be at all resistant to sharing with any relevant part of the community what that evidence may say if and when it comes to me. At this point of time I am not sitting on a repository of knowledge beyond the material to which he has referred in his question.

Supplementary question

Mr BARBER (Northern Metropolitan) — That is one PPQ (possible parliamentary question) the government did not see coming. In relation to current events, why is it that the *Mid Murray Forest Management Area — Proposed Wood Utilisation Plan 2008/09* shows an increase in the volume of timber to be taken, given that the minister has just confirmed a decline in the mean annual increment beyond what may have been a sustainable volume to be taken?

Mr JENNINGS (Minister for Environment and Climate Change) — I do not think the proposition about whether I did or did not see a PPQ (possible parliamentary question) coming is quite a relevant

aspect of the question. I do not think it is a valid assumption from the nature of my answer. I certainly do not think there is a silver bullet in the nature of the supplementary question either. As any well-informed person, whether pro-logging or anti-logging, knows well and truly, the wood utilisation plans and the contractual obligations in terms of licence arrangements do have a shelf life and a life in their own right. In terms of the continual assessments about the sustainable yield that may be available in the long term to the timber industry, they will always need to be based on sustainable yields in terms of adjusting the volumes up or down in a proactive way into the future.

There is not a silver bullet in the supplementary question. I am quite comfortable with the sequencing of decision making in relation to those timber allocations at this point in time. I will be particularly mindful of the way these issues will be dealt with in supporting sustainable activities in these forest communities going forward.

Newman College: funding

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Planning. The Brumby Labor government recognises the rich and diverse heritage of our state and appreciates the places and objects that contribute to our sense of place and cultural identity. I ask the minister to advise the house of any recent funding assistance directed towards the restoration and preservation of some of our most iconic and significant heritage places.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Mikakos's interest in these matters. I know as Parliamentary Secretary for Planning she is particularly interested in all matters of urban affairs but has a specific interest in heritage matters, and because this matter is also related to matters in her own electorate I know she is interested in the answer in a number of ways. I am delighted to announce good news for Newman College — —

Mr Finn — Is this a ministerial announcement? I thought this was question time.

Hon. J. M. MADDEN — Mr Finn, for those of us who know anything about architecture, and I assume that you do, you would be particularly interested in these matters in relation to Newman College.

Honourable members interjecting.

The PRESIDENT — Order! I cannot help but note the interjections querying whether this is a ministerial statement by the minister. For the information of Mr Finn and other members, if the minister chooses to make some announcement during question time, he may, but that does not prevent members from debating it at some other time. There is no problem.

Hon. J. M. MADDEN — I thank Mr Finn for his interjection. I know that now we are being webcast he likes to give amplification to his dulcet tones.

Newman College is an iconic building in every sense of the word. For those who know anything about heritage buildings or heritage places, Newman College, associated with Melbourne University, is one of those magnificent buildings. It was founded by the Roman Catholic Church as a residential college for tertiary students at Melbourne University as far back as 1918. The college is an outstanding example of the work of internationally renowned architect Walter Burley Griffin, who designed the dining hall and the Carr and Mannix wings — which I understand were built between 1916 and 1918. As well as being included on the Victorian Heritage Register, Newman College is also on the National Heritage List and is recognised as one of the world's most significant 20th-century buildings.

I am delighted to announce that the famous stone facades will be restored thanks to a $2.5 million grant from the Brumby Labor government to manage heritage issues on the site, because, as we know, some sandstone buildings do not always last or are not as durable as they were when they were first built. We have seen the sandstone deteriorate significantly because of its location and also because of the type of sandstone used. These stone facades will be restored not only because they are the most distinctive features of the building but also because water penetration over the past 100 years has really taken its toll.

The stone repairs and conservation works to be undertaken are expected to cost of the order of about $1 million because they are quite extensive. The college should be complimented on the outstanding job it has done in securing funding for this project — from this government as well as from the commonwealth Department of Environment, Water, Heritage and the Arts and from the Ian Potter Foundation. I understand the archdiocese of Melbourne has also contributed $1 million.

This investment complements other investments we have made in similar buildings of great significance. We have made invaluable grants to support the restoration of St Patrick's and St Paul's cathedrals. We have also seen money invested in the former Kew courthouse. I know there are members in the chamber

who have called for funding to do that for some time, and we have made that investment. It would be nice to get a compliment for those sorts of investments from time to time.

As well as the projects I have mentioned, the Castlemaine jail and Melbourne's Trades Hall have also received funding to ensure — —

Mr Finn interjected.

Hon. J. M. MADDEN — I take up Mr Finn's interjection. We would not want to see political views influence our heritage. Regardless of political views, we need to make sure that we respect, maintain and restore our heritage.

I congratulate Newman College for the work it has done. We look forward to seeing the restoration of what is a spectacular building in all senses of the word, so that it can continue to contribute to the greater Victorian community. There might be members in the chamber who question the funding of $2.5 million for a central Melbourne building — and I look towards The Nationals as I say this — but, as the chaplain at Newman College explained to me, the vast majority of students who attend the college are from rural and regional Victoria. Not only that, there is also a significant component of students who are from southern New South Wales. They might be a bit closer to Melbourne than Sydney in terms of attending university.

Whilst this is a significant investment in a heritage building located in the heart of Melbourne, it is also a significant investment in continuing the education of students from right across Victoria, including regional Victoria — because these students make up the vast majority of those who attend Newman College.

Brimbank: councillors

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Planning. I refer the minister to his answer to my question of 31 July regarding his department's inquiry into an array of allegations against the Sydenham community centre, and I ask: does the minister stand by his answer in this house on that occasion?

Hon. J. M. MADDEN (Minister for Planning) — I am not sure what Mr Finn is alluding to in his question. No doubt he will make that much clearer in his supplementary question. I made the point in this chamber that if anybody had particular concerns about the operation of the council or any allegations about Brimbank City Council, they should direct them to the responsible minister.

Mr Finn interjected.

Hon. J. M. MADDEN — If Mr Finn would take the time to listen to my answer, he would learn that the minister responsible for local government is the Minister for Local Government, and there are mechanisms by which a person who has a problem, an issue or a concern can express it to the Minister for Local Government or the relevant department.

I also mentioned on that occasion that, if people had concerns, they should express those concerns to the Ombudsman. I understand those concerns have been expressed to the Ombudsman through Jeanette Powell, the member for Shepparton in the Assembly. I understand Mrs Powell wrote to the Ombudsman, and I understand the Ombudsman is undertaking an investigation. That is public knowledge. I stand by those comments, and I look forward to seeing these matters at Brimbank resolved and the council operating in the way we all expect councils to operate — and that is in a civil manner so that they do justice to their communities. I also look forward to seeing the results of any report that may come from either the Minister for Local Government or the Ombudsman.

Supplementary question

Mr FINN (Western Metropolitan) — Given that Dr Peter Hertan, an internal review officer with the Department of Planning and Community Development, has now confirmed in writing that the minister's department did in fact commission an inquiry into the Sydenham community centre, will the minister now inform the house of the details of the outcome of that inquiry and, perhaps more importantly, admit that he misled the house on 31 July this year when he tried to handball responsibility for this inquiry to the Minister for Local Government?

Hon. J. M. MADDEN (Minister for Planning) — I do not think — —

Mr Finn — You do not think, that is the problem.

Hon. J. M. MADDEN — I know Mr Finn enjoys his own dulcet tones more than most of us, and I am happy for him to be webcast to the world, but I hope he does not lower the ratings that are potentially there for us to acquire. Mr Finn does not understand the role of a minister who coordinates a department. I do not have responsibility for each and every portfolio within the department.

Mr Finn interjected.

Hon. J. M. MADDEN — It is obvious, Mr Finn, that you have no intention of listening to my answer because you like your voice better than anybody else's. I offer up to you some advice — —

The PRESIDENT — Order! Whilst I suppose this is some form of debate, the fact is that this is question time and members who ask questions are entitled to have a relevant answer. I do not want to have a slanging match across the chamber, and Mr Finn and the minister should take note of that.

Hon. J. M. MADDEN — I explain again to Mr Finn that a coordinating minister might coordinate issues across the specific department, but I do not as planning minister have responsibility for each and every portfolio within that — —

Mr Finn interjected.

Hon. J. M. MADDEN — I will say it again, Mr Finn, if you want to listen: I do not have responsibility for each and every portfolio within that department. I will tell you who does. Each one of those ministers has the relevant authority.

The opposition continues to display its ignorance of all matters of administration within government. I make this point: if Mr Finn still has a concern about the operation of any council, he should voice that concern to the Minister for Local Government. He should ask those questions through the appropriate mechanism.

Mr Finn interjected.

Hon. J. M. MADDEN — On a point of order, President, I take offence at the member's comment. I ask you to ask him to withdraw or to substantiate his remarks.

The PRESIDENT — Order! In response to the point of order raised by the minister, it is not appropriate to accuse someone in the house of deliberately misleading the house except by way of substantive motion. The fact that Mr Finn asked the question, 'Are you misleading the house?' means it is at the margins. I take note of the fact that the minister has taken offence, and I therefore ask Mr Finn to withdraw.

Mr Finn — I am happy to withdraw, President, but I ask — —

The PRESIDENT — Order! There is no right to debate. Mr Finn has withdrawn; I am happy with that.

Mr Finn — On a point of order, President, I seek your clarification. Given that I have had to withdraw the reference to which the minister has taken offence, has that made the supplementary question that I asked out of order?

The PRESIDENT — Order! Mr Finn — —

Mr Finn interjected.

The PRESIDENT — Order! Mr Finn raised a point of order, so he should allow me the opportunity to respond. The fact is that he is entitled to a supplementary question, and he has asked that. The point of order raised by the minister and already dealt with related to the comment that Mr Finn threw across the chamber.

Hon. J. M. MADDEN — As I said in my previous answers, I say to Mr Finn — and I hope he takes it on board — that if he has an issue in relation to these matters, if he really believes in the accusations he is making in relation to all these figures, then, rather than mud-slinging, he should reflect that belief by writing to the Minister for Local Government and asking him to conduct the investigations that are within his powers. If Mr Finn feels strongly about these matters, he should take them to the Minister for Local Government — there are appropriate mechanisms — rather than mud-slinging across the chamber. I encourage him to go through the proper mechanisms, do the work, put pen to paper and make those comments to the Minister for Local Government so they can be followed up.

Environment: resource recovery

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Environment and Climate Change. Can the minister inform the house of the Brumby Labor government's investment to help take the next step in resource recovery and drive greater productivity and sustainability?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Tee for his question and for the opportunity to talk about a very important initiative that was announced as part of the innovation statement last week.

Our innovation statement is designed to ensure that we create a healthy, productive and sustainable economic climate for the state of Victoria and that we concentrate very determinedly on making sure that some of the great sustainability challenges that we confront as a community are addressed through innovation.

One element of the innovation statement that is designed to do just that is the Victorian Advanced Resource Recovery Initiative. It was provided with $10 million in support to in effect establish the pre-business case, the business viability, the preplanning process, the community engagement, the technical appraisal of what advanced waste technologies may bring to the resource recovery sector.

Why is that important? At the moment about 10 million tonnes of waste is generated by the Victorian community each and every year. Somewhere in the order of nearly 70 per cent of that waste material is recycled or reused. However, we are very determined as a government to try to reduce the degree of waste that ends up in landfill and is not put to productive purposes. We will try to drive greater resource recovery efficiency right across our economy and within the community. We are very determined to achieve that.

Ours is a government that recognises the value of setting targets, and we have set very ambitious targets to reduce the waste going into landfill and to reduce the amount of waste material that is not recycled. We have been very ambitious in those targets. We have said that by 2013 it is our intention to reduce by 65 per cent the amount going into landfill through the municipal waste stream. We want to reduce the amount of construction and demolition waste by 80 per cent, and that from commercial and industrial sources by 80 per cent. We are well on track to achieving many of those targets. However, in the field of municipal waste we are tracking slightly below the target we set.

Opposition members are clearly demonstrating yet again that they have absolutely no interest in sustainability. The contempt shown for the gravity of this issue, their negligent approach, their deserting of the field and their ignorant behaviour at this point in time is indicative of their lack of commitment to sustainability.

However, the Victorian government and the Victorian community are determined to deliver on resource recovery. In terms of the municipal waste stream and the organic and food waste element of that stream, we are looking to support greater investment in advanced waste technologies and forms of recycling and reuse of this material to generate real and positive environmental outcomes. When you consider that green waste going into landfill produces methane which is 21 times the potency of carbon dioxide in terms of going into the atmosphere, this is a big issue. Our potential involvement in a carbon emissions trading scheme and ways in which we can generate a price on carbon and drive technology is the way of the future. We are determined to deliver significant investment to Victoria because advanced waste technology facilities require somewhere in the order of $70 million to $100 million worth of private sector investment. There will be significant issues in getting planning and community approval and in making sure that they are economically viable in the name of producing products that add to greater resource efficiency. We are determined to drive that investment and innovation. The $10 million commitment in our innovation statement is designed to achieve that in collaboration with the private sector and potential investors, with local governments and local communities across Victoria, to achieve greater efficiencies in resource recovery in the years to come.

Public sector: investments

Mr D. DAVIS (Southern Metropolitan) — My question is to the Treasurer. I refer the Treasurer to his statement on 22 November 2007 that the Victorian Funds Management Corporation 'has seen growth in our investments of more than 15 per cent per annum over the last five years', and to his statement on 11 March 2008 that the VFMC had seen investment growth of 'just over 13 per cent per annum' over the past five years.

In what appears a natural progression under his management of Victoria's finances, the Treasurer further admitted yesterday in this place that the 'annual gross profit of benefit' for the VFMC over the last five years has been 10.5 per cent. By the Treasurer's own admission the five-year growth in VFMC's investments has plummeted by a third in nine months. I therefore ask: the Treasurer obviously knows, so could he please tell the public how much the value of VFMC's investments has fallen since November last year?

Mr LENDERS (Treasurer) — What I can tell the house is that in the year to 30 June the Australian equities portfolio of the VFMC (Victorian Funds Management Corporation) dropped by 17 per cent. In that same 12 months Mr David Davis's portfolio dropped by 27 per cent. I can tell the house that in that same 12-month period the portfolio of his leader in the Assembly, Mr Baillieu, dropped by 23 per cent, and that of the shadow Treasurer and member for Scoresby in the Assembly, Mr Wells, dropped by 21 per cent. Mr Rich-Phillip's portfolio dropped by 51.4 per cent in the same 12-month period.

Mrs Peulich — On a point of order, President, further to your earlier rulings and advice to ministers, the Treasurer is in this instance using his response first and foremost as an attack on the opposition by citing a

series of ratings and so forth. It has nothing to do with the question that was asked. I ask that you, President, call him to order.

The PRESIDENT — Order! This is question time and it can from time to time get robust. Our guidelines exclude personal attacks or attacks on other parties, their policies et cetera, and overtly criticising. I do not think the Leader of the Government has got to the extent where he is overtly criticising or attacking the opposition, and I note he has just started his answer to the question. I am happy to rule out the point of order and to allow the Treasurer to continue.

Mr LENDERS — The issue I am highlighting — —

Honourable members interjecting.

The PRESIDENT — Order! I am hearing the start of what I think could be quite an ugly session before the lunch break. I hear references to members being low politicians or low members of the chamber. I warn members of the chamber to be careful as they will be going to an early lunch if it continues.

Mr LENDERS — I have used four examples of equities portfolios over that 12-month period, but if we look at where Australian superannuation funds as a group have gone over that 12-month period, we see they are down 10.1 per cent. If we look at where the ASX 200 has gone in that period, it is down 18.1 per cent. If we look at where United States shares have gone in that period — the Standard and Poor's 500 index — they have gone down 14.9 per cent. What I am highlighting for Mr Davis and the house is that to my knowledge there has been no significant investor in this state, on this planet, and dare I say in the inner solar system which has come out of the equities markets in the last 12 months with anything other than returns that are negative.

To go to Mr David Davis's main point, these markets do move around. Where the VFMC ought be judged or ought be benchmarked is on what it has done over a period of time compared to its competitors and compared to the market as a whole. What I am saying to Mr David Davis is I stand by my earlier answers. If we talk about where VFMC has gone over a three-year average, it is a net return of 7.6 per cent. Over a five-year average VFMC has a net return of 10.5 per cent. I do not have the figures in front of me but my recollection is that if we had over that same five-year period invested the VFMC's money in a bank, like bonds, interest-bearing deposits or cash or notes, we would be $6 billion worse off in the state of Victoria by putting the money in a bank instead of going through the VFMC model.

We will always look to whether this is the best practice. We will always look to whether it is the best investment model. We will always look to making the VFMC a centre of excellence, and we will benchmark it against other funds. I know Mr David Davis is making a political point out of this, but if we ask him to look to bodies like the Future Fund, which was set up by the former federal government — not by his ally but his factional opponent Mr Costello; his party colleague — and if he wants to start comparing the VFMC with some of those bodies, I think he will find that it is travelling well.

That does not take away from the need for all of us to be aware, whether it be with our own investments — and I assume those four MPs all had an equal weighting from what is in the parliamentary register — or whether it be with the public investment, that equities have gone south during the last year. There is no issue about that. I find it extraordinary that the competence of the VFMC is being challenged as if what is happening there is out of the ordinary, when the leading lights of the opposition have actually performed worse.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I will put it another way for the Treasurer: how much worse off are Victorian taxpayers today under the VFMC's investment model compared to last November?

Mr LENDERS (Treasurer) — I am just delighted that the four people I named are not on the board of the VFMC, let me assure you of that! I would be more worried if they were.

Where we stand at the moment is that we have prudential guidelines for Victorian investors. We have set up a centre of excellence.

Mr D. Davis — They are under review.

Mr LENDERS — Mr David Davis says, 'They are under review'.

Mr D. Davis — And they are!

Mr LENDERS — I am gobsmacked that Mr Davis thinks that that is an intellectual statement. Any government worth its salt will periodically review every single model it has. That is something that Peter Costello did — heaven forbid — when he was the federal Treasurer; it is something that Alan Stockdale did when he was the state Treasurer in Victoria. Any

minister, any Treasurer, worth their salt will periodically review whether the models they operate are appropriate or not.

I say to Mr David Davis that we, through the VFMC — the Victorian Funds Management Corporation — are managing funds for the long term, whether it be for the Transport Accident Commission, the Victorian WorkCover Authority, the superannuation funds or numerous other government bodies. It is a model, a centre of excellence, that we have put up in Melbourne, in Victoria, to highlight. It is one that compares favourably with the benchmarks I have raised here today; it is having a good return in the longer term for the people of Victoria. If Mr David Davis wants to judge it on the benchmark of what the alternative is — and certainly him managing it is not the alternative — and if the alternative is to put it in the bank, then the Victorian community would be, if my recollection of the figure is right over the period of time, $6 billion worse off.

Mr David Davis sits here and criticises, he sits here and acts as a commentator. Thank goodness his hands are not on the levers; thank goodness the people of Victoria do not have to put up with him trying to manage these matters.

Film industry: government initiatives

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Innovation. Could the minister please update the house on any recent statistics that have become available to indicate the strength of Victoria's film and television industry, and could the minister also outline any developments which seek to support and grow this important sector into the future?

Mr JENNINGS (Minister for Innovation) — I thank Mr Thornley for the opportunity to talk about the fantastic film, digital media and television industry that we have in Victoria, to report to the house some successes that were demonstrated by recent statistical analyses provided to us for the full year 2006–07 and to map out some of the programs and challenges that the industry confronts and the way in which we will deal with them in providing the appropriate degree of government support.

In the first instance the great news of 2006–07 is that something of the order of $262 million worth of economic activity was generated by film, television and digital media production activity in Victoria — it is quite extraordinary — and that is an 80 per cent increase on the year before. When you drill down and have a look at the number of productions that took place, you see that 58 full-scale productions took place during the course of that year. If you look at the involvement of Film Victoria in those 58 productions, you find that 43 of them were supported in a very tangible way either financially or through the facilitative role that Film Victoria plays. It is quite extraordinary when you think that out of the $5.8 million investment the Victorian government puts into Film Victoria it leveraged something of the order of $205 million worth of productive output from our film, television and digital media industry. That is quite extraordinary leverage in relation to the ability to provide support and to the important role Film Victoria plays in driving the industry.

It is not the only dimension of state support. Indeed members of this chamber would be aware that through the auspices of various programs we provide support to the Melbourne International Film Festival. We do so through the MIFF Premiere Fund, which is associated with that festival, and through the program known as 37 South: Bridging the Gap we try to create opportunities for new and emerging filmmakers to produce and achieve distribution and a market for their works. One of the hallmarks of the success of the recently concluded Melbourne International Film Festival was the fact that it acted as a great marketplace and a great showcase for emerging talent in the Victorian film industry by enabling people to make connections with distributors from around the world.

To coincide with the conclusion of the Melbourne International Film Festival the state government released a report that was commissioned to review the effectiveness of the screen industry and make recommendations on how we deal with a very competitive global market and the economic pressures on all industries, including the film industry, going forward. We are very grateful that the Nous Group undertook this important piece of work to make sure that we as a government, we as a community and we as a film industry can be well informed about the relevant challenges and the way in which we rise to meet those challenges.

The group provided the report to the government to coincide with the festival. That review is currently available for members of the community and people in the film industry to respond to until the beginning of September. It is available through the Department of Innovation, Industry and Regional Development website. It is available through Film Victoria. We would encourage all members of the community to be well informed and to respond to that review, and later, after the conclusion of community consultation, the government will be reflecting on our successes, on the

challenges and on the way in which we have to drive skill development and investment in the film and screen industry in the future. We will respond accordingly with a strategy in the months to come.

Lake Connewarre: environmental management

Mr KOCH (Western Victoria) — My question is for the Minister for Environment and Climate Change. When will the government implement its long-overdue management proposal to reduce salinity and increase tidal flows at Lake Connewarre and the fragile surrounding Ramsar-listed wetlands?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Koch for drawing my attention and the attention of the house to the importance of making sure that we have the appropriate degree of salinity management regimes in place. That is one of the hallmarks of our commitment to the environment and to dealing with the consequences of salinity. It has been a general feature of a number of programs, of which I am sure he is acutely aware, and it continues to be. I could actually string out my answer for a very long time, but in terms of the specific nature of Mr Koch's question, in terms of telling him the timing of this proposal, I am going to have to take advice and get back to the member.

Mr Atkinson — On a point of order, President, I thought I would draw your attention to the fact that Mr Theophanous has been sleeping for some minutes.

The PRESIDENT — Order! I suppose you could suggest that what you sow so shall you reap. However, that would be diminishing the standards I require in the house. I would say that that is as close to a flippant point of order as we are going to get. I hope it is the last one. I remind the house that if either side of the house wants to continue to engage in that sort of point of order or whatever, or nitpicking and the like, proceedings will degenerate to a standard that we certainly do not want and will not be proud of. I will not allow it.
Mr Atkinson's point is made, and I hope that is the end of it.

Supplementary question

Mr KOCH (Western Victoria) — I thank the minister for his response and his consideration for Lake Connewarre because it is in strife. In saying that, a string of environmental studies funded by the minister's department has recommended urgent action to save dying fish, bird and eel populations that have been ignored over the last six to eight years. I therefore ask whether and when the minister will implement the recommendations of the Lake Connewarre Restoration Group, or will he continue to sit on his hands for the next few years and allow the lake and its valuable wildlife to deteriorate completely?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Koch for providing me with some additional information in relation to some of the aspects, the timing and the considerations that I have to be mindful of. My substantive answer has not changed, and it is not my intention to sit on my hands at any point in time.

Water: Goulburn Broken catchment

Mr DRUM (Northern Victoria) — My question is to the Minister for Environment and Climate Change. Has the minister read the recent CSIRO report on water availability in the Goulburn Broken catchment, which warns of a 41 per cent to 58 per cent decrease in water availability should inflow trends over the last 10 years continue? If these trends continue, will not the pumping of the environmental reserves to Melbourne further damage these stressed river systems?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank the member for his question and the opportunity for me to demonstrate the breadth of my reading. I cannot attest to having read the whole document, but I am acutely aware of the gravity of the situation. So whilst not reading the work in total, I do not dispute the figures that he attributes to the report. The environmental stresses on south-eastern Australia, of which the Victorian catchments are an important part, are demonstrating through CSIRO's analysis that in fact our environmental stresses in relation to the decline in river inflows are as acute as any part of this nation. I totally accept the proposition that is within the research that he refers to.

In terms of the ability of our community to address those issues going forward and to actually achieve the appropriate balance between trying to make sure that we can account for environmental flows, their input and the most effective use of those inflows, their distribution through infrastructure investments, through ways in which we can account for environmental watering, as he well knows, this is something that is of much interest to the Victorian community. The Victorian government is spending a large amount of time and effort in terms of making sure that we do have a water management regime that addresses these issues going forward in the face of very low input scenarios that come through projections such as the ones he is referring to.

In terms of the specific question and what is immediately available, it is pretty obvious that there are some great challenges in trying to address this. The infrastructure that is being driven across the Victorian community at this moment, with significant financial contributions, and beyond that the engagement of both the state and the commonwealth government, and the various relevant water agencies from the Murray-Darling Basin Commission to all the other water authorities throughout the state, is in fact the field in which great effort, great consideration, great investments and great works have been undertaken.

Ultimately, in terms of our ability to address the competing needs, the member is acutely aware that this will be one of the defining features of our age, both in terms of the government and the community, and also in terms of our environmental capacity to deliver on these outcomes. He knows that I cannot that question today because these are things that we are actually committed to working through appropriately with the community, to make sure that those investments are wise investments and that we can address climate change scenarios going forward.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for his answer. It is interesting that the minister says he cannot answer the question as to how the pumping of the environmental reserve to Melbourne will further damage the stressed river systems. Exactly on that issue I ask the minister why has he not demanded a full environment effects statement on the potential disaster that is about to be unleashed on the Goulburn Broken catchment by pumping these environmental reserves, or by the north–south pipeline and the impact that it is going to have on those catchments?

An honourable member — Good question!

Mr JENNINGS (Minister for Environment and Climate Change) — It is a good question apart from the presumption that in fact these issues are resolved in terms of dealing with the volume of water that will be available once the infrastructure investments have been concluded.

Mr Drum — What water?

Mr JENNINGS — This is the point. This is the reason why in this real time I stick by my substantive answer, because in this real time I have answered Mr Drum's question. We cannot answer the question that the member is putting to me going forward because it is dependent upon the amount of inflows that come into the river system in the years to come. That is my answer, and any sensible appraisal would appreciate that.

RULINGS BY THE CHAIR

Hansard: incorporation of material

The PRESIDENT — Order! Mr Kavanagh has made a request for the incorporation of material into *Hansard*. In accordance with standing orders, Mr Kavanagh has consulted with me about this matter, and it is my view that not all the preconditions listed in the standing orders have been met, and the image referred to by Mr Kavanagh in his contribution is, as I understand it, readily accessible elsewhere. I cannot therefore consent to his request.

For the benefit of members, the standing orders require me in considering any request for incorporation of material into *Hansard* to be satisfied that the following preconditions have been met:

(a) the material is strictly relevant to the debate; and

(b) no matter is included which otherwise would be inadmissible in debate; and

(c) the source of the material is identified; and

(d) the information is not readily accessible elsewhere; and

(e) it is technically feasible to reproduce the material in *Hansard*.

As I said, he failed on that one point — that it is already readily accessible elsewhere.

If I am satisfied that the preconditions have been met, I am then required to advise the Council accordingly, and the leave of the Council is still required for the incorporation of the material. If, however, I am not satisfied that the preconditions have been met, such as the case in question, I will advise the Council accordingly, and the matter will not proceed any further.

Sitting suspended 12.59 p.m. until 2.04 p.m.

MANUFACTURING: GOVERNMENT STRATEGY

Debate resumed.

Mrs PEULICH (South Eastern Metropolitan) — I have pleasure in rising to support the motion brought to the house by Mr Dalla-Riva:

That this house —

(1) notes that on 21 December 2006 the Minister for Industry and Trade promised in an answer to a question without notice the 'release and implementation of a number of manufacturing industry strategies and action plans, including a Victorian manufacturing strategy';

(2) notes that despite repeating that promise and setting an implementation date of January 2007 —

obviously many moons ago —

in the Department of Innovation, Industry and Regional Development's *Strategic Directions 2005–08 and Annual Business Plan 2006–07*, the minister has to date failed to deliver the manufacturing strategy which is now 600 days behind schedule;

(3) condemns the minister for his failure to fulfil his promises thereby contributing in substantial part to job losses within the Victorian manufacturing sector; and

(4) calls on the minister to release a manufacturing strategy complete with measurable targets and objectives by the end of August 2008.

As members of a house of review it is highly proper and in order — in fact it is our duty — to bring these types of motions to the house and to the attention of the media and all Victorians. If we were not doing that, we would be failing in our duty.

The counterarguments have been fairly meagre and flimsy. The predominant argument, which was put by Mr Thornley and is the linchpin of the defence, is, 'We are holding our breath because there has been a change in the federal government, and we want to see where we are going under the leadership of Kevin Rudd'. That is an appalling indictment of the failures of this government. As has been mentioned on this side of the chamber, a number of factors underpin strategies that can assist Victorian business and Victorian manufacturing. Some of those have been covered fairly well by Mr Vogels, such as when he talked about the competitive advantage that Victorian industry has enjoyed in the past and that has been undermined significantly by, for example this government's decision to allow for increases of up to 17.6 per cent in electricity charges, which are very important costs to business and to cost to manufacturing. My husband, who has a small engineering firm, is horrified at many of the costs that have been passed on as a result of this government's inaction. As well as the rises in electricity charges, a rise in the cost of water is forecast. Local government charges right across the south-eastern region have doubled since 1999. The cost of gas has also risen.

At the same time there has been a failure to invest in infrastructure, and transportation and logistics have been much more difficult in a heavily congested road system. I would put the word 'system' in inverted commas. This loss of time and increased fuel costs are imposing significant costs on our business and manufacturing sector. The element of competitive advantage and the foundation costs that often are not taken into consideration when people in businesses are thinking about whether to establish or expand, or even to continue, are very much the jurisdiction of this government. The fact that it has failed to bring forward a strategy that addresses some of those matters and key policy settings that are within its control shows that this government has failed. This failure shows this government for the antibusiness, antimanufacturing and antijobs outfit that it is, and that is appalling. During the good times Victorians may have been blind to this government's flaws and failings, but that has changed, and the hurt and pain have already begun to permeate the Victorian business sector and the community — and certainly families.

Members also heard from Mr Rich-Phillips, who pointed out that Victoria's share of attracting investment has fallen since 1999, when its share of total capital spending of the Australian dollar was 34 per cent, which compares unfavourably with its current level of 25 per cent.

The issue of federal policy settings is an important factor that needs to be considered, but it is absolutely no excuse for having such enormous failings in that sector and for failing to deliver on an undertaking and for ignoring a very important feature of government policy — that is, the manufacturing and industry sector, which is the creator of jobs. Members know that without job security and job opportunity in the community the whole social capital collapses very quickly. Our share of exports has declined.

There are many factors that are in this government's lap. Its members have failed to make sure that Victorian manufacturing is repositioned so that we can harness some of the strengths and try to mitigate some of the challenges to make industry stronger to ensure that we benefit from opportunities. Perhaps we can build on industry's ability to pick up the slack so that it can generate activity, for example, in the component manufacturing sector, with the demise of the automotive industry. Perhaps we can help position local industry in relation to other global industries and improve the products and processes that indeed we are strong in and promote industry not only throughout Victoria and Australia but worldwide. This government has failed to deliver on any of those. It would be an indictment of any member of this house if they voted against a minister being held accountable on a key

undertaking, a key role of his job as a minister of the Crown. If he cannot do it, he ought to step down and retire.

Mr FINN (Western Metropolitan) — I must say at the very beginning that I do not wish to do the Minister for Industry and Trade any disservice at all. I think it is incumbent upon members of this house, particularly members of the opposition, to be fair to the minister. We must accept that the minister's role in being the government's custodian, I suppose, of manufacturing in this state is one that is very, very important. Being a representative of the western suburbs of Melbourne, I am only too aware of the number of jobs and the degree of prosperity that manufacturing brings to my part of Melbourne. I heard Mr Rich-Phillips earlier talking about the degree or the amount of manufacturing that occurs in the south-eastern suburbs. I think the western suburbs might even pip the south-eastern suburbs in terms of manufacturing.

Mrs Peulich — No, definitely not.

Mr FINN — Mrs Peulich, most uncharacteristically I might say, puts up an argument. That may be something that we will have to discuss at a later time. But there is no doubt that the manufacturing base of the western suburbs provides many jobs and much prosperity for many thousands of people throughout my area of Western Metropolitan Region.

Of course the minister's role is now more important, given that we have Kevin 07 leading us into recession 08. Qantas Kevin, on those rare occasions when he is in the country, is leading us into a recession that we did not particularly want to have and we did not even know was coming — until of course Kevin got in. Once there was a change of government in November last year, it was pretty much taken for granted that recession would automatically follow.

Mr Lenders — President, the point of order I raise is that Mr Finn is addressing the Prime Minister by his given name. I ask you to call on him to treat the current Prime Minister with the same courtesy that you requested me to treat the last Prime Minister when I called him by his given name.

The PRESIDENT — Order! Having made comment on this myself previously as both a backbencher and Chair, I am in complete agreement with the Leader of the Government on this one. I think it is most appropriate that the proper courtesies are extended to particularly the leaders of the country, regardless of what side of politics they are on. So I ask Mr Finn to be conscious of that.

Mr FINN — I appreciate the assistance offered by the Leader of the Government, as I always am, and I am aware of the sensitivities that the minister has on this occasion.

The recession that the current Prime Minister is leading us into adds to the importance of the role of the Minister for Industry and Trade in this state, and it is extremely important that he actually does his job properly. When one considers also the emissions trading scheme (ETS) that the current federal government is cobbling together, one can say that further importance is added to the minister's portfolio. As I have pointed out in this house before, the ETS or a version thereof could well mean destruction not just for the manufacturing industry but for all industry in this country. It is extremely important that Minister Theophanous be at the wheel, and be awake at the wheel, and do his job. I think it is most important that we give the minister the benefit of the doubt. I am a fair man. I think anybody who knows me will tell you that I am a fair man. It is only reasonable to give Minister Theophanous the benefit of the doubt. After all, this manufacturing strategy is only 600 days late! In terms of what this Labor government in Victoria is capable of, that is nothing. Only 600 days? You have to be joking. He has not even got to the slack stage yet by comparison with some of his colleagues. We have to remember that the minister has a reputation to uphold. He is doing the best he can in terms of being only 600 days late. I am sure he possibly has another 600 days to go, perhaps another 900, or maybe 1000 — we will just have to wait and see.

I just ask the house to give the minister a little bit of slack in terms of his ability to deliver on previous promises made, because the minister is a very busy man. I know he is a very busy man. There are only a certain number of hours in the day for the minister to do the things that are necessary. One can hardly be sitting at a ministerial desk attending to ministerial responsibilities when one is out in Brimbank doing deals with shonky councillors. One cannot be expected to do their job as a minister of the Crown when they are out in Brimbank — —

Hon. T. C. Theophanous — On a point of order, President, I am not quite sure whether the member was referring to my activities or to other persons' activities, but if he was referring to the activities of myself or indeed any other member of Parliament or minister, then I would take great exception to the use of the term 'shonky activities', and I would therefore ask that you call him to account and that he withdraw that comment.

Mrs Peulich — On another point of order, President — —

The PRESIDENT — Order! I will get back to Mrs Peulich in a moment. The minister raises the significant point that if Mr Finn referred to him, then the minister asks him to withdraw. I guess that is the first point we need to clarify. The second is — and it is as important — that we get back to the motion at hand and remain relevant to the actual motion, which is about manufacturing rather than local government. I ask Mr Finn to assist me and clarify for me as to whether he was referring directly to the minister concerned.

Mr FINN — President, I am very happy to assure you and the minister that the reference I made was purely a generic reference. It was in no way meant to imply that the minister was involved in any shonky dealings at all, or anything that I was speaking of. It was purely — —

The PRESIDENT — Order! I am happy with that. Mr Finn to continue, unless Mrs Peulich wanted to make her point of order.

Mrs Peulich — I was just going to support Mr Finn's position.

Mr FINN — God bless her. Mrs Peulich is a wonderful woman!

I was merely pointing out that it is very, very difficult for any minister to do their job, to take their responsibilities seriously, when they are out in certain suburban areas dealing with perhaps other matters that are not entirely related to their own portfolios — perhaps defending the Suleyman empire, for example. Perhaps this might be something they could be involved in. It is hard to concentrate on ministerial responsibilities when you are out doing the sorts of things that some ministers may or may not be involved in.

The PRESIDENT — Order! Mr Finn may be having difficulty understanding what I said to him earlier about relevance and getting back to the motion at hand. He is warned.

Mr FINN — I am purely exploring reasons as to why — —

The PRESIDENT — Order! I did not ask Mr Finn for an explanation on what he is doing or why he is doing it. I said that he was off on a tangent and what he was saying was irrelevant. I ask him to come back to being relevant.

Mr FINN — Let us go back to the 600 days mentioned in the motion so ably moved by Mr Dalla-Riva. As I mentioned, 600 days in the term of this government is nothing much at all. It reflects the priorities of the minister. He regards manufacturing in this state as nothing to get wound up about, nothing to get excited about. That in itself is a shame not only upon him but upon the entire government.

Mr KOCH (Western Victoria) — I thank my colleague Richard Dalla-Riva for moving this motion today. It has been received with a little more flippancy than it should have, but manufacturing in Victoria is renowned as the core activity of the state. Over many years Victoria has had a competitive advantage, be it in power, in skills, in industrial relations and in other areas that manufacturers in other states have not had the privilege to enjoy.

I must admit in recent times we have seen a great erosion of that competitive edge and regrettably, we are losing far more jobs than the government is prepared to admit. I will only raise a couple of issues and they will be principally about the Geelong area. Geelong as a provincial city has been a major manufacturing centre historically, and it is now under threat. There is no direction or strategy from this government. As was said earlier, some 600 days have elapsed since the minister said that a strategy would be put in place. Furthermore, the last budget, which is dated Tuesday, 6 May 2008, says:

> In industry and trade the Brumby Labor government is taking action to ensure future growth of Victoria's manufacturing industries and we will soon deliver a comprehensive industry and manufacturing strategy, preparing our industries for the global challenges ahead.

That is 90 days out of date already, and still we do not have any strategy in place. We have seen many jobs lost in manufacturing and in business, not necessarily only in large businesses but many small businesses are losing far too many people. I do not think the government has any idea of how competitive business is on the ground. It has not had that experience and does not have the experience on its benches. These people run on very fine margins. I was in Geelong last week and was approached by a businessman who had 52 employees a month ago. Regrettably he has had to close one of his two businesses. He is one of only two manufacturers in his field in Australia and that has seen the release of 30 personnel from his business onto the unemployment ranks. That is not an exception; it is a happening across the board.

The government wants to reflect on what is going on. I truly believe Victoria has great opportunities, but the

government has turned its back on many of those opportunities. It is ignoring small businesses. Without a strategy it is that much more difficult.

In the last month in regional Victoria jobs have been axed at Dartmoor, with 128 jobs lost; we have seen the government take out three research facilities from the Department of Primary Industries at Walpeup, Rainbow and Stawell where 70 jobs were lost; some 35 jobs were lost at Motorway; Don Smallgoods lost 400 jobs; and regrettably we heard in the Parliament again yesterday that Hallmark Oaks Pty Ltd in Cann River, which is at the opposite end of Victoria to Dartmoor, is also losing its major industry down there due to this government's inactivity and poor planning.

It is real. We want to recognise what is going on; I wish the government would. I must admit I was drawn by the statement by my colleague Ms Tierney, who shares Western Victoria Region with me, when she said, 'What the government has done is quite remarkable'. I suggest that what the government has done is quite unremarkable — 600 days overdue certainly mirrors that situation. It came up again in May this year, and for another 90 days to go by further demonstrates the lack of interest of this government in manufacturing.

Another important area which is not getting support from the government is Avalon. Avalon presents a marvellous opportunity for a second international airport in Victoria. We saw a throughput of nearly 1 million passengers at Avalon last year, and the numbers indicate that this year Avalon will have a throughput of 1.2 million people.

Avalon is the gateway to western Victoria and Geelong from a business and tourism point of view. It is a sad reflection on this government that it has not pursued its federal colleagues to put permits in place to allow for this opportunity to be developed at Avalon. Only today we saw an announcement from AirAsia X that it will be taking up its flights out of Melbourne Airport as from November 2008. Obviously AirAsia X, with its direct route to Kuala Lumpur, was the international airline which had been sought for a long period by the Linfox organisation as part of its plan to have a second international airport for Victoria, over and above that operated by the Australia Pacific Airports Corporation at Tullamarine. The total investment would have come out of this private company's pockets with no contribution from the state government, and that has been ignored in the process.

I have no qualms about saying the government has a lot to do in particular areas of manufacturing and certainly in supporting further developments. It has been clearly demonstrated here today that the government, and particularly the minister, is answerable in relation to these matters.

Mr ATKINSON (Eastern Metropolitan) — I share the concern of my colleagues about the government's inability at this point to produce an industry statement which establishes a context or a framework in which Victorian businesses can go forward, can grow, can invest confidently and can develop export and new market opportunities. I am not so critical of the Minister for Industry and Trade as to suggest that he has not been tackling a range of initiatives that I think are in the interests of Victorian industry and designed to be elements of what one might expect in an overall industry plan.

Nonetheless, the industry plan itself is an important document. It may well be a fluid document, as these things are, because global markets are changing. We have seen markets change significantly even in the past six months as a result of the credit crisis and global markets will continually be shaped by issues such as global warming and carbon credit trading. Nonetheless, although there is that fluidity in the markets, there is no reason not to produce a document and to create as much certainty as possible for industry.

I reject the premise put by Mr Thornley, which is inconsistent with the comments made by the minister to this house on previous occasions and most recently when he was asked a question earlier this year regarding the delay in the industry statement and he indicated that it would be coming soon. Mr Thornley's proposition to the house was, 'Well, we never intended to put it out because we sniffed in the wind that there might be a change of federal government and therefore all bets were off'. Of course I am paraphrasing what Mr Thornley said; they are not his exact words. Mr Thornley was saying that there did not seem to be much point in producing an industry statement or any other similar document to guide the development of our industries in Victoria in light of the prospect of a change of federal government. The position he put in the debate today is clearly significantly at odds with what the minister put as being the situation more recently than the time frame advanced by Mr Thornley, because he said that the decision was reached in 2006, as I recall from the debate. It seems to me there is some bluff and bluster about this whole issue. That is unfortunate, because this is an important issue.

The challenges for Victorian industry have never been greater. The reality is that governments need to work hard to establish a framework and to create opportunities for businesses. That said, I do not believe

in governments picking winners; I do not believe in governments necessarily intervening in the business sector because they invariably get it wrong. They invariably pick the wrong businesses. I get very annoyed when I see grants going to businesses that are quite capable of funding their own activities — for instance, Murray Goulburn received a $21 000 grant a couple of years ago to develop some of its products for export markets. Murray Goulburn is Victoria's biggest dairy processor and Australia's biggest exporter of dairy products. I cannot help but think it could have done that export development without any assistance from the state government. Clearly the grant was designed more to get ministers' pictures in papers than to achieve an economic outcome.

The reality is that the government has to tackle more fundamental things. I acknowledge, for instance, the development of Victorian business offices overseas. While their effectiveness has come in for some criticism, I think they are one of the building blocks of opening up new markets for Victoria. I note that the minister referred to one recently as a new office that has been added. I have looked at the office network, and by and large it is a contemporary network with opportunities that Australia may seek to exploit. Therefore I regard it as an appropriate approach. The government's enthusiasm for tackling red tape is obviously another one of the tenets that would be part of an industry policy and plan. I am not sure the rhetoric is necessarily matched with a pair of scissors that is big enough to achieve significant cuts in red tape that would be to the advantage of industry in Victoria, but the nonetheless the intention is there.

I am not sure that the government, despite some changes in the level of taxation, most of them based on bracket creep anyway, has given sufficient attention to the taxation regime that businesses face in this state. I note that the federal government is about to embark on a new overhaul of taxes, and that is welcomed. I trust it will do better than the Ralph inquiry in terms of implementation. I trust all state jurisdictions around Australia will participate in that review and will make some commitment to changing the taxation base. I am alarmed and I know business is alarmed — the minister has had correspondence across his desk — about the number of proposals designed to meet issues in the energy sector, issues in the water sector, issues with global warming and issues with carbon credit trading that all seem to involve new taxes as the primary initiative of government. New taxes are not the way forward for industry. Frankly, new taxes are going to be a significant new hurdle for many of our industries. On carbon credit trading, Qantas estimates that it will face an extra bill of $100 million a year because of the proposed carbon credit trading scheme. That is $100 million that at this point in time — it may change in Europe in the near future — not one of its competitors faces. In other words, it is an impost on Australia's national airline that will actually make it uncompetitive, and that is right across the board.

One of the things we need to be looking at if we are really going to proceed with this carbon credit situation is whether or not we ought to be also looking at environmental tariffs. It is simply incongruous to me that we would drive our industries to the wall by putting extra cost imposts on them while accepting imports from countries that do not have similar criteria applying to their industries and are therefore able to bring in goods at a cheaper price. No wonder! Not only do they not have four weeks annual leave, long service leave, occupational health and safety obligations and other benefits such as 17.5 per cent loadings and so forth — and in some cases they do not have stringent environmental controls on the use of power or discharges into water and landfill and so forth — we now also give them another free kick by proposing to put an additional impost on our industries without any sort of offset on goods from overseas. Is it any wonder that overseas products are cheaper? The equation is no longer about labour. In fact labour is one of the lower costs in production these days. The costs are associated significantly with government imposts.

I understood what Mr Thornley was saying about the wasteland and so forth of the past. He obviously exaggerated circumstances and attributed blame in what has been a long and rather painful transition for industry in Victoria, and indeed in Australia. It has been a transition that has taken place under both sides of politics, and both sides of politics have obviously had great concern about the impacts of some of that change in a global context. What we need to do — and what this minister's industry statement when it comes forward needs to address — is to no longer look at silo industries, with companies and industries going it alone, but to have a much higher level of collaboration within the business community and industry in Australia. We must get away from the government picking winners and start to look at the interdependence of industries. That was borne out very clearly to me on a trip to Korea that I undertook with a Legislative Council presidential delegation recently where the interdependence of different industries was certainly played out.

The government needs to be looking a lot more deeply at what we can be doing in the framework of government public policy to encourage greater access to capital funds for Australian industry. It needs to look

at what we can do about improving research and development, about improving commercialisation, about import replacement and about building on the good experience of the industry capability network and going much further with that. We certainly need to be looking at skills. It is interesting that at a time when we bemoan the fact that there is a skills shortage in this state our TAFE spending is some 14 per cent below the national average, and we are even talking about starting to charge students to skill up to feed our industries and carry them forward.

We have had four transport strategies so far under this government, if my arithmetic is right. The transport strategy is another fundamental. Mr Koch mentioned Avalon Airport. You can mention freeways, you can mention port facilities, you can mention railways; all of our infrastructure is crucial to industry's expansion and success in the future. The closure of operations like Don smallgoods and SPC Ardmona scaling back its operations in Shepparton of late are particularly alarming, because you would think that the one area we would still be good in and the one thing where processing close to home seems to make sense is food. If those companies are starting to look at significant changes in their operations and perhaps sourcing food products from other countries, we seriously and urgently need this industry plan to come forward from the government. I trust that the minister will take this motion today as a warning shot across the bows to alert him to just how important the opposition considers this statement to be and the need for it to be forthcoming and implemented very quickly.

Mr Lenders — So important we had one and a half days notice. Highly important!

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I rise to oppose this motion. In so doing can I say that it is yet another example of a lazy opposition. It is a lazy opposition that does not want to — —

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — I let Mr Dalla-Riva have his say. Perhaps he might show me the same courtesy.

It is a lazy opposition that is not prepared to put into any of the reviews that have been under way, a number of which are very relevant to industry. There was the Bracks review into the automotive industry — the opposition put nothing in; there was the textile, clothing and footwear review — no submission; the Mortimer trade review — no start from the opposition. No submissions, no care and no work. There is the innovation review, a very important review about innovation going forward for this state and this nation. Where is the opposition? No submission.

We have an opposition spokesperson coming in here with a motion to try to get some cheap points when I have on a number of occasions made absolutely clear the reasoning behind postponing the industry and manufacturing statement. It is a matter of public record. It is not something I have tried to hide; it is not something I have not put out there. It is something on which I came into the Parliament and explained on a number of occasions why we were doing this.

Let me make it absolutely clear that the fact that we delayed the statement does not mean that we delayed working on jobs in this state. It does not mean that. They are not the same thing. We want to maximise the impact and the planning going forward in industry and manufacturing in this state, which is why we need to take into account, amongst other things, the outcomes of the reviews I have just mentioned — reviews that the opposition was not prepared to put any submissions into.

The opposition is not prepared to make any comment, not prepared to put in any submissions. I was in opposition for seven long years while former Premier Kennett was running the state, and I know that one of the things the Labor opposition did — which is one of the reasons why the people of this state changed the government — was to aggressively make submissions whenever it could. We put our point of view to the Productivity Commission and to a range of federal reviews. We were not lazy, but this opposition is lazy. It expects to get into government by the lazy route. It comes in here and makes cheap shots, somehow thinking that is going to land it in government.

First of all, let me say that in the ministerial statement on manufacturing and industry policy that I delivered I made it clear that the government was taking a number of actions. I said that in coming months we would release and implement a number of manufacturing industry strategies and action plans, and I listed a number of them. Of the ones I listed, we have implemented the recommendations of the *Defence Industry Roadmap* — not only has it been implemented, but it is a very successful part of our strategy in increasing the state's defence profile — and a Careers in Manufacturing campaign, which was flagged in the statement. We have strengthened the Victorian Industry Participation Policy, which was also one of the actions I said I would undertake, and the Victorian automotive manufacturing sector. As

members already know, we were able to announce with Toyota that hybrid vehicles will for the first time be produced in this state.

My first point is that there are things I said I would do in the ministerial statement that have been done. Regarding my second point, let me come back to what my colleagues have said about my choice to put out the ministerial statement in a certain context. Evan Thornley made a point about the change in federal government. The opposition says, 'What difference does it make?'. It makes a significant difference. Let me give one example of where it does so. The Howard government was set on the course of doing absolutely nothing on climate change. Climate change was not part of its lexicon. It was not interested in an emissions trading scheme; it was not interested in creating opportunities in what will be a growth area for manufacturing — the environmental area.

When we had to consider what we would say about new opportunities in manufacturing in relation to the environment, we had to make a judgement about whether there would be any kind of climate change plan, and at that time we took the view, amongst other things, that we were not sure what the outcome of all those things would be. The election of the federal Labor government saw a plan, the emissions trading scheme, which is progressively being introduced. It will impact on manufacturing in both positive and negative ways. It is a huge issue. It will impact on the inputs in manufacturing but will also create new opportunities in the industry.

We want to be able to take into account the changing environment in putting together what will be a sophisticated plan for the future. When we made this decision it was no secret. I personally consulted with the Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry, business organisations and the trade union movement, and I also told the Parliament what I was doing. This feeble attempt by a lazy opposition that does not do any work or put in any submissions — its coming in here and reiterating something that is a matter of public record — just shows how it has lost the plot and why the people of Victoria rightly have no confidence in it to run the state.

Let me go on to list some of the other things we have done. There is a range of programs. There is the $9.9 million to extend the Opening Doors to Export program; $5.4 million for an expanded Industry Capability Network; $2.1 million for Tiger Teams and a new Victorians Abroad program; and $8.1 million for the strategic industry development program. We have not sat on our hands.

Mr Lenders — On the contrary.

Hon. T. C. THEOPHANOUS — On the contrary, we have been working vigorously to ensure that manufacturing and industry continue to expand in the state. The Treasurer brought down a budget which delivered $1.43 billion in cuts to stamp duty, payroll tax and WorkCover rates — again so that business could be profitable in the state. These are the actions that the government has taken in moving forward.

However, it is more than that. I think it is important that people understand the strategic approach the government has taken. When we are talking about manufacturing, a range of issues emerge. Let me go through a couple of them. Apart from the ones I have indicated that are the subject of all these reviews and apart from climate change, the principal issues that concern manufacturing are skills — and skills development — and innovation. They are the things which will drive our manufacturing base.

What did the Brumby government do? One of the first things it did was to say that it would deliver not one but three statements. These statements will begin with the already announced innovation statement — a $300 million package to drive innovation in our manufacturing industries. This will be followed up shortly by the skills statement which will show how the strategy is going to unfold in relation to developing skills in this state. We will finish with the industry and manufacturing statement as an entire package to drive this economy. That is why we are successful, because we care, we think about what we have to do, we think strategically and we think on a wide and global basis.

I am happy to be judged on the things that I do and the performance of this government. This government has created 446 600 jobs since 1999. When compared to the previous government it is simply chalk and cheese. If you look at the way the previous government was prepared to give away manufacturing jobs, give away jobs in the finance industry, give away jobs in a whole range of industries, and at the same time sack teachers and nurses, it was rightly condemned by the electorate for its approach. Contrary to that, my department and this government have been able to facilitate $23 billion of investment since 1999. This has meant the generation of 58 000 new jobs directly as a result of the efforts of this government.

If the member opposite wants to talk about records, let me indicate some of the things that I personally as

minister have been involved in in relation to bringing jobs to this state. Let us talk about the 2000 jobs in the Satyam Computer Services arrangements which will make Geelong a centre for IT. Let us talk about the 500 full-time effective jobs at Tenix Defence Pty Ltd which are the result of a strategy of this government; the then Premier and I went about getting the contracts that have made that possible. The 700 jobs at BankWest are the result of discussions and encouragement by this government. There are 430 jobs at Midway in the Bald Hills project, and 100 full-time effective jobs at Mortlake. This is not to mention the jobs that have been created through the green car fund and the new Toyota hybrid vehicle, and all of the new jobs that have been created as a result of getting to Melbourne Tiger Airways, Etihad Airways and Korean Air and today's announcement that AirAsia X will be running direct flights into Melbourne from Malaysia. Beyond that we are getting more flights from Emirates, Cathay Pacific, Virgin Blue and Qantas. All of these airlines, which we have encouraged to run direct flights into Melbourne, come here because they know that people in the investment world across the nation and overseas have recognised Victoria as the place to be, and the place to make investments. That is why they are coming here and why we have been able to generate so many new people and so much economic activity in this state.

The opposition has been lazy in not being prepared to put in any submissions. This is a cheap shot when I have repeatedly explained the reasoning behind us wanting to bring in the industry and manufacturing statement after taking into account a range of reviews and getting some certainty over the emissions trading scheme and other factors. I have not hidden that. We do not walk away from that decision. To come in here with only this as the basis of what it is doing shows that the opposition is not only asleep but is also lazy.

Mr DALLA-RIVA (Eastern Metropolitan) — It is the pot calling the kettle black for a minister to come in here and call the opposition lazy when this motion is before the chamber. Despite all his assertions the minister made a commitment in this chamber on 21 December 2006 — some 600 days ago — to have an industry and manufacturing strategy. The minister promised that and he reaffirmed that commitment in subsequent discussions and in the budget this year where he said it would be coming soon. The minister cannot stand up here and say that we are lazy when he himself has failed to deliver on a strategy that he committed to in this chamber. That is the reason we have the motion in the chamber today.

The minister comes in here, like he has before, and he is like a rabbit in the spotlight. When he gets caught he fesses up, and he has done it again today. He said the government delayed the statement, as though whatever he said 600 days ago counts for nothing. How do we know that what the minister says today will count for anything in another 600 days? One of the great hallmarks of this government is it has done nothing, it continues to do nothing and in the future it will do nothing. This is one example of one minister on one issue who has been caught out. What we have now is, 'We changed the boundaries, we changed the rules. We did not really mean to say that back in December 2006. We were thinking that Mr Rudd might have been elected a year later so we thought we would hold on to the strategy'. That is what government members are saying. What is to stop this government and this minister from saying a year down the track that they held off on the manufacturing strategy because they thought the sun may have been getting closer, the people of Kororoit might have a by-election or something of that nature? There is always an excuse for this government never delivering.

We hear the government's rhetoric. It is very similar to a certain commissioner the other day who got up and spoke about the improvement in the crime rate, when in actual fact if you go out to the areas where she said there had been a reduction you find there has been an increase. What we have here is the same argument in manufacturing. The government says, 'In the Kennett days manufacturing was bad but we come into this place and look how great it is'. The problem is that those figures do not stack up. As Mr Rich-Phillips put it, in June 1999 Victoria's share of manufacturing was 31.2 per cent. The latest figures we have are from June 2007 and it was down to 28.4 per cent. New South Wales now has a larger manufacturing component than Victoria.

We can all play with figures and we can all talk about what we think is the best outcome. The bottom line is that this government has failed in its delivery. The motion is very reflective of that failure. It condemns the minister. It does not say he has been a naughty boy, but it condemns him for his failure to fulfil his promises. If we as a chamber do not hold ministers and members to account in respect of what they promise and deliver when they come in here later and say, 'We delayed the statement', which is what the minister said, then we might as well all pack up and go home and let the executive run the Parliament and not have Parliament hold ministers to account.

We have had 11 speakers on this motion, including me. The minister was not here for seven of those speakers on a motion condemning him. We heard a range of contributions from Labor members. Mr Thornley was

more interested in my tie and having a coffee at Starbucks than he was the manufacturing sector. Ms Tierney added no rationale to the motion. She spoke about the Hyatt hotel or something; I am still struggling to work out what that was all about. It was something about the Hyatt, but maybe she would like to explain later what that meant. We heard from Mr Leane, who spoke about sitting on taxpayers money and added nothing else. What they could not argue were the reasons why this minister, after 600 days, still has not delivered a manufacturing strategy. It was all rhetoric, all talk.

I had to write this down because I could not believe that in his summing up the minister said, 'That is why we are successful'. A demonstration of an arrogant government is its thinking that after nine years a minister can get away with making statements in this chamber and just walking away. This is not the way you behave if you are a minister who is fair dinkum about an issue.

I have other motions on the notice paper that talk about the minister's lack of commitment in the financial services industry. We also see it even on his own Major Projects website, which shows that he cannot get a quarterly report out. For the minister to come in and suggest that the opposition is lazy is an outstanding statement when the motion condemns the minister for failing to deliver an industry policy or strategy that is now more than 600 days late. We wait for that industry policy to be delivered as the motion puts it. We suggest that the manufacturing strategy with measurable targets and objectives should be complete by the end of August 2008.

It is a straightforward motion. It is about holding a minister to account in this chamber, and I urge members to support the motion.

House divided on motion:

Ayes, 17

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

Noes, 19

Broad, Ms	Pulford, Ms
Darveniza, Ms	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr (*Teller*)	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr
Pakula, Mr (*Teller*)	

Motion negatived.

LOCAL GOVERNMENT AMENDMENT (DISCLOSURE) BILL

Second reading

Debate resumed from 30 July; motion of Mr BARBER (Northern Metropolitan).

Ms MIKAKOS (Northern Metropolitan) — I rise to indicate that the government will not be supporting the Local Government Amendment (Disclosure) Bill 2008. The government is of the view that these matters are best dealt with in a holistic way and that consultation with the sector is a vital component of responsible legislation. The bill presented by Mr Barber is piecemeal in nature and fails to acknowledge the complexity involved in dealing with the issues he has attempted to address in his private members bill. It is very difficult, and I suggest irresponsible, to try to address these issues without regard for their wider implications. These matters should not be dealt with in isolation.

The timing of this private members bill is somewhat disappointing and unfortunate as the government has made clear that legislation in this area will be before the Parliament in the coming months. As Mr Barber would be well aware, the work in this area is well advanced and addresses some of his concerns. I am sure that Mr Barber is aware that in November 2007 the Minister for Local Government released a consultation paper entitled *Better Local Governance*.

The office of local government councillor, whilst having its own rewards, is a demanding one. This is something that I can personally attest to, having served as a local councillor in the early 1990s. It requires a person to consider and decide on many often contentious issues that directly affect the way people live, work or conduct business in their local municipality. Expectations of the way councillors behave are very high — and so they should be. The vast majority of councillors act responsibly and genuinely try to exercise their responsibilities in the best interests of the community. However, there still are some individuals who cause concern to the community. I believe these are the actions of a small minority of

councillors, and this is in part what the government's pending legislation will seek to address.

In his second-reading speech Mr Barber made reference to a number of inquiries relating to corruption within local government in various states. Comparisons between jurisdictions can be quite difficult. It is important to acknowledge that changes in the legislation relating to local government in those respective states were the result of specific inquiries in those particular states. It is not possible to adopt a one-size-fits-all approach to every jurisdiction.

Local councils in Victoria are subject to a range of strict regulatory controls to ensure that decisions made by them are transparent, impassionate and free from conflicts of interest. For example, councillors are required to declare any interest they hold in matters under consideration at council meetings and they are prevented from voting on the matter if they have a conflict of interest. In addition, currently all candidates for council elections in Victoria are required to declare within 60 days after the election all donations with a value of $200 or more. Councillors must also include in an annual return of interests all gifts over $500.

Legislation also imposes significant penalties if councillors are found to have acted dishonestly, have failed to exercise reasonable care and diligence, or have made improper use of their position to gain advantage for themselves or others. Council staff, too, are required by legislation to act impartially and with integrity and to avoid real or apparent conflicts of interest. These controls act to strongly discourage elected councillors and council staff from engaging in behaviour that would compromise their public duty to act at all times in the best interests of the communities they serve.

In addition to the provisions relating to acting honestly, the use of position and conflicts of interest, the Local Government Act 1989 provides a number of other mechanisms to regulate councillor behaviour and disclosure of information. These include that councillors must annually lodge returns detailing interests they held over the previous return period. These returns are available for public inspection at council offices. After each election councils must adopt and review their own codes of conduct to regulate and implement procedures to address inappropriate council behaviour. Councillors must not release information that they know or should reasonably know is confidential and currently the maximum penalty for doing so is $1134.20.

Prior to the 2006 election, the Victorian government made a commitment to address the issue of councillor conduct. Whilst the overwhelming majority of councillors and council officers behave ethically and professionally, it is occasionally necessary to deal with misconduct that seriously obstructs the effective governance of councils. This issue is least important in terms of the number of councillors that it affects, but is most important in terms of increased community trust of local government.

While healthy debate is the cornerstone of our democracy and no-one is against councillors having profound disagreements on matters of important public policy and principle, the community expects decent standards of behaviour. By grabbing headlines, nasty, petty and unnecessary disputes often paint in the minds of electors an inaccurate picture about the work of councils. To facilitate this work and as I indicated earlier, the Brumby Labor government in November 2007 released a consultation paper entitled *Better Local Governance*. The paper entertains a number of proposals and issues about councillor conduct. The consultation paper proposes that changes to support better local governance should include a range of initiatives to support councillor conduct and that councillor codes of conduct be strengthened.

As part of this consultation process, comment was also asked for on conflict of interest provisions. Mr Barber's private members bill has not provided an opportunity for that community consultation. It is important that local communities have confidence that their elected councillors are making decisions dispassionately and in the public interest as they promise to do when they take their oath of office.

As is indicated in the consultation paper, a range of provisions already exist in the Local Government Act 1989 that provide for disclosure of interests and conflicts of interest whenever a council committee is considering any matter. In 2004 this government amended the legislation to alter the pecuniary interest provisions in two important ways. Firstly, it extended the scope of the pecuniary interest provisions to ensure that people who have non-pecuniary conflicts of interest disclose those interests and do not vote. Secondly, it required all interests to be disclosed as a matter of public transparency — irrespective of whether they constitute conflicts of interest.

A conflict of interest is now defined as existing in relation to a matter in either of the following circumstances: if the councillor has a direct or indirect pecuniary interest in the matter — that is, if the councillor has an interest that is measurable in monetary terms, including an interest held by a spouse or an organisation of which the councillor is a member

or employee; or if the councillor has a non-pecuniary interest but, in the opinion of the councillor, there may be a conflict between their personal interest and their public duty. A councillor who has a conflict of interest must disclose the nature of his or her conflict of interest immediately before the matter is considered. The councillor must not move or second the motion and must leave the council chamber when the vote is being taken.

Since these amendments were made in 2004 considerable community attention has been drawn to the issue of conflict of interest and efforts have been made to ensure that there is adequate community confidence in these issues, as there should be. As has been flagged by the consultation paper to which I have referred, a number of issues or questions have been posed by this paper inviting members of the public, including those in the local government sector, to specifically address how we can strengthen these conflict of interest provisions. I refer Mr Barber to page 15 of that consultation paper, where it is clearly flagged that the government is looking at ways in which conflict of interest requirements can be made clearer and more effective.

As a result of this consultation paper, a total of 76 submissions were received, including 50 submissions from councils as well as local government peak bodies. Generally the submissions support the directions proposed in the paper. In the coming months, legislation that deals with councillor conduct and conflict of interest matters will be introduced into the Parliament, and it will deal with these issues, as I indicated earlier, in a holistic way rather than in the piecemeal fashion that Mr Barber has sought to promote.

In 2004 the government amended the local government legislation to require all councils to adopt codes of conduct for councillors. The purpose of this new provision was to support good local governance and encourage councils to develop frameworks for good conduct and dispute resolution consistent with public expectations and the law. However, it has become apparent that there are areas of difficulty that have arisen in implementing these codes of conduct.

Firstly, there is significant variance in the councils' codes, and secondly, many councils have indicated concerns about their ability to enforce these codes. I noted that the shadow Minister for Local Government recently issued a media release calling on the Minister for Local Government to review councillor codes of conduct. As is clearly apparent from the consultation paper issued by the government, this work is currently under way, and there will be some reforms in this area. The 2006 review of councillor codes of conduct documented the results of a survey of councils' codes and the processes used to develop those codes, and it found that the existing codes do indeed vary.

In 2004 the government introduced legislation to improve governance and transparency in local government, and a provision for campaign disclosures was introduced at this time. Before that there was no requirement for councillors to declare these funds. Also before that the gift disclosure threshold was $2000, but in 2004 it was reduced to the current level of $500. I note Mr Barber has made specific reference to the Melbourne and Geelong councils in relation to electoral cycles and these disclosure provisions. I point out that there has not been a council election in either of these two municipalities since these new provisions were introduced in 2004, and even if the government did not make any further changes — which it will be doing — these disclosure provisions would apply to this year's council elections.

A significant influence on the government's upcoming legislation and its thinking in terms of potential reform has been the Ombudsman's own investigation into conflicts of interest within local government. The investigation considered the nature and sources of conflicts of interest within local government, the existing mechanisms for detecting and preventing conflicts of interest and the effectiveness of these mechanisms. As members would be aware, a report on this investigation was released in March this year, and it was a comprehensive examination of the issues facing the local government sector. A total of 17 recommendations were made for councils, council chief executive officers and the state government, and the government accepted these recommendations.

The investigation arose out of the Ombudsman's concern about the growing number of complaints in relation to alleged conflicts of interest within local government as well as the conclusions reached by a number of other investigations, including those arising from complaints under the Whistleblowers Protection Act. It examined issues of conflict of interest for local government staff as well as for elected councillors. The government also invited comments on conflict of interest from councils and the public by including the issue in its *Better Local Governance* consultation paper.

The other issue I want to briefly refer to is that the government is seeking to ensure that councillors understand their various legal responsibilities and that the education and training of councillors is supported by a councillor training and development program —

funded by an allocation of $600 000 in this year's state budget. This will be the first opportunity to provide comprehensive training and development for incoming councillors to the local government sector after this year's council elections. It is important to ensure that councillors have a good understanding of their responsibilities and the highest standards of good conduct.

The government made clear its intention to implement reform in this area through its election commitment to address councillor conduct issues, through the *Better Local Governance* paper and also through its acceptance of the Ombudsman's recommendations regarding conflict of interest. The government is undertaking a holistic approach, which has involved considerable consultation and will deliver a clearer and more workable framework for councillor conduct and conflict of interest issues. The proposal introduced by the Greens is a piecemeal attempt to politicise the local government sector in the lead-up to this year's council elections in November. For this reason the government will be opposing Mr Barber's bill.

Mr HALL (Eastern Victoria) — Before I start on the particulars of this bill I want to make it very clear and put on the record that the Liberal–Nationals coalition in Victoria acknowledges the importance of local government within the governance structure we have in the democracy that we all enjoy. That is the first comment I wanted to make.

Despite the fact that we are aware issues arise from time to time, and there is certainly an issue out in the west currently that I am sure occupies the attention of many members, generally our view in the coalition is that local government does its job. Although, as I said, issues might come up from time to time, ratepayers in municipalities generally think their councils are doing a good job.

I also want to acknowledge the contribution that councillors make to their communities. As we know, councillors receive little remuneration — barely enough to cover the costs of fulfilling their roles. All councillors in Victoria give a lot of their time to serving the public, and they should be commended for that. The coalition also supports the general intent of this bill, which is to provide greater transparency in the decisions that local government makes.

My interpretation of this private members bill is that it has three essential purposes. Firstly, the bill will require candidates in local government elections to disclose all election campaign gifts, whether received or promised, between nomination day and 30 days after the last election. It gives candidates a rolling three-day period after nomination day to declare such gifts or promises that they may acquire that would be considered as a contribution towards election costs. As has been mentioned, there is no change in the dollar figure as to what might constitute a contribution, that being $200.

Secondly, the bill will require local governments to establish on a publicly accessible website those disclosures that have been made both by candidates and ultimately elected councillors. Thirdly, the bill will require candidates to declare any current membership of a political party. Although it is not clear in the bill, I presume that sort of information would also be disclosed on the proposed public website.

Mr Barber's second-reading speech argues that there are various investigations into corruption in local government around Australia, and that demonstrates the need for a bill of this nature. The coalition does not in any way resile from the fact that those investigations are taking place or have taken place, but in respect of corruption, whether it be in local government, state government, the private sector or individuals, the coalition has long argued that an independent commission against crime and corruption should be established to deal with those sorts of matters. If it were that the Victorian government had agreed to establish what the opposition parties have been calling for for some time, then these issues of corruption, whether they be in local or state government or in community and public organisations, could be better addressed.

The intent of this legislation is to try to minimise corruption in local government, but we say there are better ways of doing that, and our longstanding preference is for the establishment of an independent commission against crime and corruption in Victoria. So far the Bracks government and now the Brumby government have steadfastly refused to consider that proposal seriously.

I inform the house that the coalition will not be supporting this bill for the reasons I am about to give. Firstly, the issue of process is an important one. It was mentioned by Ms Mikakos, the lead speaker for the government. I share some of her views about the process that has led to the development of this piece of legislation. While I am not familiar with exactly what happened in terms of the process, I am aware that there appeared to be at least little consultation with the general community and with local governments themselves in having this bill drawn up. I make that comment because the very diligent shadow minister for local government for the coalition, my colleague Jeanette Powell, the member for Shepparton in another

place, found when she contacted the Municipal Association of Victoria that news of this bill was of some surprise to that association, which indicates that its members were given no opportunity for consultation on this whatsoever.

I am not aware of any general and organised form of consultation that allowed people in the wider Victorian community to have input into the development of this bill. I also concede that it is not always necessary to go to that level and consult widely. From time to time there are matters that are of a technical, minor or a machinery nature that Parliament decides to consider without the formal discussion process preceding a bill being introduced to the Parliament. However, in this case the bill would have been enhanced had we been able to validate a broad consultation process with the people of Victoria.

I might add, from the personal experience of my colleagues in The Nationals, that each time we have introduced a private members bill into this Parliament it has been preceded by a process which has usually involved the issuing of a discussion paper or the like, or an inquiry. Two examples I can give are the Victorian Water Substitution Target Bill, which I introduced into this chamber earlier this year, and the Tobacco (Control of Tobacco Effects on Minors) Bill, which was introduced by my colleague Mr Drum. The introduction of those bills was preceded by some form of consultation that assisted in the development of those bills.

I also note that Mr Barber himself initiated a process in respect of considering political donations — I presume at a state and federal government level — when on 16 April he gave a reference to the Electoral Matters Committee of the Parliament to look at the need for amendments to the Electoral Act to create a system of political donations disclosure and/or restrictions on political donations. In respect of defining a process, that seems to be an appropriate process if we are going to address some of the issues at a broader state level. This bill, which applies to local government, may well have been enhanced by a similar sort of process or inclusion within the terms of reference that have been handed to the Electoral Matters Committee.

I turn to the disclosure matters that I mentioned earlier. Again, some questions have been asked by our constituencies during the time between the introduction of this bill and this day. One of the things that people are asking is whether the three-day reporting time frame is necessary and practical. Some would argue that such disclosure is able to be given within that period, and some would argue that it would not. That issue remains unresolved, as does the practicality of the disclosure of gifts from 30 days after an election to 30 days post-election. Somebody suggested to me that four years ago, the last time local government councils were elected, I may never have contemplated becoming a member of a local council. However, if it is the case that four years on I decided to make the running for a council, then it could be put that I would need to go back for four years, minus 30 days, and every gift or donation given to me may well be construed as being a political gift. Those sorts of issues are unresolved and people are still asking those questions.

I turn to the requirement for local governments to establish websites to display gifts or promises that may have been made or given to candidates at local council elections. I also had a look at the Parliament of Victoria's website, because we in this place know that the process we are required to adopt by law is that every certain number of days we have to submit a register of personal interests, which becomes a publicly available book that can be obtained from the papers office. However, the Parliament does not put that information up on a website. Yes, that information is contained on the intranet website of Parliament, but in terms of public access, if you go to the Parliament of Victoria's website you cannot download a register of members interests. It seems to me that we are asking for a discipline of local government that we are not prepared to apply to ourselves as state members of Parliament. Quite frankly, I think we should. I sincerely hope that the process that has been started through the Electoral Matters Committee might prompt that sort of recommendation. Part of my reason for opposing this bill is because I think that in some ways we are expecting more of local government candidates than we expect from ourselves. At the very least we should be setting the standard for disclosure and probity issues.

The third area which I interpreted this bill as addressing is the issue of political party disclosure — that is, whether somebody in local government has been a member or is a current member of a political party. I presume that sort of information would also go onto the websites that this bill proposes local governments create. I have no problem with a member of a political party putting their hand up for election as a councillor — none at all. However, it should be done in a private capacity rather than a political capacity, because local government works best if politics does not get in the road. I have no objections whatsoever to somebody with that personal interest in party membership running for local council.

At the same time, in terms of The Nationals, we never, ever endorse or fund local government candidates in

their election processes. We do not object to a person who might happen to be a member of our party running for a local council, but they will do it in their own right and not as a member of The Nationals in our instance. Again I think local government across the state would be better if that sort of practice were adopted by all political parties.

The other point I wish to make is that the Minister for Local Government has informed our shadow minister, the member for Shepparton in the Assembly, that the government will be introducing a bill that will include certain matters, some of which are common to this bill. The fact that the government is intending to introduce a bill that covers some of these issues is no reason for this house to reject this bill — in fact this sort of thing usually serves the purpose of getting the government off its backside and doing something it has promised. We have seen further evidence of that not only with this local government bill but on other bills. I know the bill covering body piercing and tattooing that my colleague Mr Drum had introduced was a classic example. We put legislation before the chamber, did our homework — we are not a lazy opposition — and put together some very worthwhile proposals for the government to consider, only to have the government say, 'We are not going to support it because we are going to do our own thing'. That is fairly petty and does not reflect well on the government.

I am sure — I have no doubt — that Mr Barber's private members bill has contributed to the government promising to get to this Parliament by the end of the year a bill that covers some of the same matters. That comment to our shadow minister in the Assembly reflects well on the efforts of the Greens, and they should take some comfort in the fact that they have prompted the government to do something about these problem.

There is no doubt that the issues concerning disclosures at all levels of government need examination. In part that examination will take place under the auspices of the Electoral Matters Committee of the Parliament of Victoria. I sincerely hope that arising from that inquiry there will be some good recommendations that the Parliament can itself adopt at a later stage. I also think disclosure and probity issues of the sort this bill seeks to address would be better managed if there were some uniformity in the way each level of government deals with them. That is why I would have thought it would be more prudent to wait for the outcomes of the Electoral Matters Committee inquiry before proceeding with the processes and ideas that are contained in this private members bill.

Common requirements at all levels of government are preferable. The coalition has decided it will not support this bill today for some of the reasons I have outlined but also because I think our democracy will be better served if we have consistency in disclosure matters across a number of levels of government and not just local government. With that, I again indicate that the coalition will not be supporting this legislation.

Mrs PEULICH (South Eastern Metropolitan) — On behalf of the coalition I would also like to make a few comments in support of the position outlined by Mr Hall. I would also like to acknowledge the intent of Mr Barber's private members bill, which is to make sure that local government — which those of us with a local government background, of whom there are many in this place as well as Mr Barber himself, would argue is a very important level of government that is often seen to be the level of government closest to the community — is in good shape, vibrant, representative, above disrepute and basically free of the sorts of excesses that we see from time to time and which diminish the importance of that level of representation.

As Mr Hall mentioned, basically there are three areas of focus in this bill. Unfortunately, they are flawed, and I would just like to outline my concerns, although I commend the intent of the bill to the house. In connection with the disclosure of gifts, the requirement under the bill — with some exemptions — that disclosure must be made within three days of nomination day and in line with certain preceding periods is predicated on the postal voting system, and Mr Hall outlined some concerns. For councils that still have attendance voting, and I understand they are in the minority, the expenditures of that particular campaign may not necessarily be decided, and sometimes there are last-minute expenditures. Clearly the provision is flawed, because it assumes that most of the campaigns that are conducted are geared towards a postal ballot. That is impractical on two fronts.

In terms of its pecuniary interest provisions the bill provides that gifts be disclosed in relation to a person, company or other body. That is something I philosophically agree with. I agree with Mr Hall: I see no difficulty with this sort of information being publicly available. It would prevent, for example, the practice that is currently being followed, where a member of the staff of the cabinet secretary, the member for Prahran in the Assembly, without public fanfare, is going to disobedient councils and working through councillors' registers of interests with a fine-tooth comb. Action is being taken against some people in minor cases, with clearly none of them being Labor councillors. I have no difficulty with that disclosure.

In relation to the need to declare one's party political affiliation, my greatest concern in this area is that many groups that do have a political agenda and do get behind candidates and work for them are not actually party political organisations. Mr Barber, himself belonging to the Greens party, would be the primary beneficiary of that sort of arrangement. Yes, there are members of the Liberal Party who are candidates. We do not endorse candidates. We have recently taken the decision not to do that. People who run for local government may happen to be members of the Liberal Party, but under our constitution we do not require them to caucus on key issues, which the Labor Party does.

Honourable members interjecting.

Mrs PEULICH — Yes, it does endorse candidates. In instances where it does not endorse candidates, where there are two or more councillors they are required to caucus on key issues — for example, the appointment of a mayor, the adoption of the budget and the appointment of the chief executive officer. And where — God forbid! — they do not fall into line, we see merry hell, as is currently the case with the City of Casey. In that case a very good former member of the Labor Party, Janet Halsall, accepted the nomination for the mayoralty, against the agreements and the secret deals struck between Labor members of that council. She is being castigated, harassed and bullied virtually on a daily basis by those whose party interests she is now seen as having crossed. I agree with Mr Hall: I would like to see party politics stay out of local government.

Honourable members interjecting.

Mrs PEULICH — Absolutely. I would like party politics to stay out of it. That is why we have made the decision not to endorse. That is why our constitution does not require members of the Liberal Party to caucus on these issues. I have never ever done so personally. If I lobby on an issue or express a view, I do so equally to members of the Labor Party, the Greens, Independents and the Liberal Party. The Labor Party does not operate in that way. Whilst I understand Mr Barber's sentiment, I think the role of, say, the Green Wedges Coalition or various climate change groups which will support the efforts of the Greens in local government are excluded from this, and therefore it can be seen actually to be giving him a leg-up.

This debate is being truncated, and in the interests of being cooperative I will wind up my remarks. However, I would like to say that there is a lack of understanding in relation to the way pecuniary interest and conflict of interest works in local government. The Municipal Association of Victoria and the Victorian Local Governance Association have needed to step up to the bar and make sure that that sort of personal development was available and accessible for councillors and that they published the sort of support material that makes it crystal clear that councillors need to step out of the council when decisions are taken that may be construed as either delivering a pecuniary interest or presenting a conflict of interest.

In short, I would like to acknowledge the intent of the bill, but I think it is a shame that it is so flawed. It is a shame that these ideas have not been taken up with the Electoral Matters Committee, and I would recommend and urge Mr Barber to do that. I think there are some valid ideas here that need to be followed through. We are all interested in having a vibrant local government sector. For good reason we are not voting to support this bill, but hopefully some of those ideas will survive.

Mr FINN (Western Metropolitan) — I can say only one thing to Mr Barber with a view to the outcome of the consideration of this bill, and that is: close, but no cigar. There were a number of very good ideas in this bill — —

Mr Pakula interjected.

Mr FINN — I am a non-smoker now too. I have not had a smoke since last Friday morning — 11.15 a.m. to be exact, but who is counting? Mr Pakula would be well advised to follow my path on this one.

With local government in this state we have a very good mixture. We have some excellent local government bodies around the state, particularly in country areas. Country areas seem to produce much better local government; there are much better councils in the country than in metropolitan areas for reasons that are hard to understand. Although when one looks at it closely, perhaps it is not as hard to understand as one might think. As an example we might look at the Brimbank City Council. At the last election in — —

An honourable member interjected.

Mr FINN — I am sure the house will be shocked.

Mrs Coote interjected.

Mr FINN — Zimbabwe, indeed! The house will be surprised to hear me talking about Brimbank council, but at the last election there was an array of candidates running for office in Brimbank, and obviously a certain number were elected. None of them was actually endorsed by the ALP. As far as the electorate was

concerned they were all Independents — that is, until they were elected. Once they were elected they started caucusing and all of the sudden they became ALP councillors which became the ALP council. Now in Brimbank we have two factions of the ALP. Actually it is not two factions; it is the same faction which is split in two, and they pretty much hate each other to the point where good governance has completely broken down. Any resident of Brimbank who wants a fair go from their council is pretty much wasting their time. Why would you even bother?

I say to Mr Barber that he has put forward some very good ideas, but we need something much stronger than the proposal he has put forward for councils such as Brimbank where these feral councillors run amok, and where we have corruption on a grand scale. This is political corruption on a grand scale that is causing enormous harm to thousands and thousands of people. It is not good enough. It is something that must be addressed and clearly cannot be addressed by anything less than a far-reaching, freestanding, independent anti-crime commission. If an anti-crime commission got its fangs into Brimbank it would think it was Christmas. It would have a field day because of what is going on in Brimbank; what is not going on in Brimbank is not worth talking about. We have a situation where state ministers are being dragged into this, as the Minister for Planning will verify. We have a situation where federal ministers have their fingers in various pies there. Parliamentary secretaries — —

Honourable members interjecting.

Mr FINN — Perhaps Bill Shorten might be one. Far be it from me to mention it, but it might be that Bill Shorten is involved in some of the chicanery in the Brimbank council. Unfortunately we do not have the capacity in this state to tackle it. As I mentioned this morning, we do not even have a state government which is prepared to bite the bullet and investigate this council because it does not know where this shysterism will lead. It does not know which minister is going to be dragged into the corruption at the Brimbank council.

Mr Pakula interjected.

Mr FINN — Mr Pakula is getting a little bit toey about that, and I can understand why he is upset. If I were a member of the ALP representing the Western Metropolitan Region, I too would be concerned about what is happening in the Brimbank area and in the wider Western Metropolitan Region. This is not just confined to Brimbank. This sort of corruption and chicanery — and I use that word advisedly — is pretty common across the western suburbs.

I say to Mr Barber that the bill is a good try. Unfortunately it is not quite what we need to tackle the problems in Brimbank and some of the other councils around the place. On that basis I find myself in the situation where I cannot support the bill.

Mr BARBER (Northern Metropolitan) — It is customary to thank members for their contributions to a debate when you are the mover of a motion, but there is a kind of false courtesy associated with that in this case because Labor and Liberal members have joined together to vote down this measure. This is not a Sunday book club we have here. It is not that we just get together because we like to exchange views and will go away happy that we have had a chance to discuss things. We are meant to be here addressing serious issues.

There are real risks with the local government sector which were outlined in the second-reading speech and which have been brought forward by a range of inquiries, particularly in other states of Australia. It must be something of a dangerous complacency for the opposition to sit here and say, 'Nice try, but …' or for the Labor Party to come in here with some sort of half promise or a bit of a hint that, 'We are looking at it and we might produce a bill before the end of the year, possibly in time for the elections, possibly not'.

In the case of the Labor Party, its members are here to vote down all private members bills anyway, no matter what the content. Nobody over there wants to stand up and say that smoking in a car with children in it is a good idea, yet they will vote down a private members bill on that, as they will for everything, because it is about showing who is boss. It is not about the content of the debate we are having. Labor has changed the upper house voting system. It has picked the arrangement most likely to deliver it a majority and against the policy it put forward in opposition, but that is it. Having changed the voting system it is not prepared to take steps that would see this become an independent house, let alone initiate legislation that, heaven forbid, might get onto the notice paper and get debated. That is one side.

The coalition is another story entirely. Coalition speakers have proffered some objections to the bill — more like queries really. There is nothing in there that particularly sounded to me that they were convinced it was fatal. Mrs Peulich has undertaken an inadequate reading of the bill and has misunderstood the disclosure elements of the bill. Not only is there a disclosure relating to the time of nomination but there is an ongoing set of nominations throughout the period, and that is irrelevant when we are talking about postal or

attendance elections. In any case the issue of expenditure is not the relevant one; the issue is when you have received donations or promises towards donations. You will have to disclose those all the way up to, as long as one can practicably make it, the day after the election.

Mr Hall said it has been a longstanding policy to support an independent commission against corruption (ICAC). That may be the case in relation to The Nationals, but for the Liberal Party it is a bit of a new thing. It was not a policy it took to the last state election and it was not anything that its leader, the member for Hawthorn in the other place, Mr Baillieu, particularly mentioned until the Greens brought to this place a motion saying that we as a chamber should support the development of an independent commission against corruption, and the Liberals reluctantly went along with that motion. Since then Mr Baillieu and the rest of his gang have been quite keen on an independent commission against corruption. I am starting to think the main reason is that it is something that can be said in a 6-second grab.

Aside from that the Liberals do not have any proposals for the slate of rules, yardsticks and codes that will be required for an ICAC to be able to do its work. The purpose of an ICAC is not to go and investigate people and say, 'Gee, that guy is a bit dodgy but he has not broken any laws; therefore we cannot recommend any charges'. If an ICAC were to be introduced we would need a range of new yardsticks by which public officials could be measured and therefore could have been found to have been in breach, such as a code of conduct for ministers. I do not know if the Liberal Party supports that one. Perhaps it could simply say, 'We will adopt that code introduced by the former Prime Minister, Mr Howard'. The Liberal Party will not support cooling-off periods for ministers, and they will not support restrictions on post-separation employment for ministers so long as Peter Costello is sitting there still working out his retirement plans.

When it comes to donation disclosure, the only thing the Liberal Party can point to by way of recent record is what it did in federal government. It introduced a provision to allow a bloke and his missus to get together and smurf a quarter of million dollars to the Liberal Party in lots of $9999.

Mr Pakula interjected.

Mr BARBER — It is a technical term, Mr Pakula; it means to break large sums of money into smaller amounts so as to get them through. You have to read the literature, Mr Pakula. It is a well-established term in this context.

The Liberal Party seems to think that by occupying opposition benches it automatically pushes itself up a couple layers on to the moral high ground and can simply sit there and talk about good governance and how everybody else is corrupt for the next four years. You actually need to do something about it. This was its chance to do something about it, and it balked.

This bill is aimed at providing confidence and trust in a layer of government that is at an extremely important level. In areas such as Brimbank, Geelong and other places, that is essential; in fact it is desperately needed. The invaluable benefits that have been offered by these sorts of measures, already in place in Western Australia, a similar jurisdiction, have been completely downgraded by the two parties here simply fishing around for an excuse to knock down a bill which contains a series of measures that it does not like the implication of.

House divided on motion:

Ayes, 4

Barber, Mr (*Teller*)	Kavanagh, Mr (*Teller*)
Hartland, Ms	Pennicuik, Ms

Noes, 35

Atkinson, Mr	Madden, Mr (*Teller*)
Broad, Ms	Mikakos, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Smith, Mr
Guy, Mr (*Teller*)	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Koch, Mr	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr
Lovell, Ms	

Motion negatived.

PUBLIC TRANSPORT: DOCUMENT

Mr BARBER (Northern Metropolitan) — I move:

That, in accordance with sessional order 21, there be tabled in the Council by 4.00 p.m. on 9 September 2008 a copy of the *Expression of Interest Brief* document prepared by the Department of Transport, provided to those expressing interest in bidding for metropolitan rail and tram franchises.

The motion is fairly self-explanatory. At the moment we are putting out for tender our rail and tram operations in Victoria. All those who have expressed interest in providing the services have been sent a brief which contains, I am led to believe, some important information regarding services, which are of great interest to all users, and, perhaps, the conditions under which the government will be running the services for some period into the future.

Since that document will be available to all potential bidders, to their contractors, partners, lawyers and no doubt other people who are in the know within the industry, I believe it is appropriate that that document be provided to the Parliament. It was an issue I raised with the minister during the estimates process when I received some unclear but considered commitment to release the document. I understand that subsequently the document I am referring to, or at least parts of it, may have been leaked to the shadow Minister for Public Transport. A couple of stories have appeared in the *Age* newspaper. One report is titled '$5m on offer to tram tenderers'. It discloses that the government may be offering to reimburse the tendering costs of those who put in tenders simply as a measure to attract more bidders. I believe a short list has subsequently been announced and there are only two bidders.

The other story that seems to have arisen out of the same document was also in the *Age* of 24 June 2008. The opening paragraph of the article entitled 'Softer line on tardy trains' states:

> Melbourne's next train and tram operators will face lighter penalties for late and cancelled services, leaked tender documents have revealed.

So there is already considerable public interest in this matter. But it was something of a surprise to me today to be alerted that the document I am referring to — or at least what appears to be the document I am referring to — has been placed on the Department of Transport's website.

Mr Pakula — It has been there for weeks.

Mr BARBER — If that is the case I would like to compliment the government on acting in response to my request. The document that I downloaded was originally created, according to the properties section of the portable document format document, on 9 May, so it appears to be the document that related to the beginning of this tender process. My motion calling for this document was put on the notice paper on about 30 July. The version of the document that we are seeing originated on 5 August, so it must have been created for uploading not more than two weeks ago, and presumably uploaded some time in those intervening two weeks.

I congratulate the government if what it is doing is responding to this earlier notice of motion and my original query with the minister, and I thank it very much for doing so. Since I have not had the opportunity to confirm with the minister or to receive some other confirmation from the government that the version on the Web is the version I have asked for — and remember the wording of my motion is 'a copy of the … brief … provided to those expressing interest …' — I want to have the opportunity to ensure that the version on the website is the same thing that has been provided to those expressing interest. Maybe a government speaker will stand up and confirm that, but in any case, if it is the identical document, there is certainly no harm in all members supporting the motion. It will be a simple matter on the next sitting day — the date being provided in my motion — for the government to table that document, and I will be pleased to have a further look at it. It is an important contribution that the government could make in assisting both members of Parliament and users of the public transport system to understand what is going on with the re-franchising process.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and support the motion by Mr Barber that under sessional order 21 the expression of interest brief document prepared by the Department of Transport provided to those expressing interest in bidding for the metropolitan rail and tram franchises is tabled for the perusal of members. If it is correct that the government has put that document on the internet in very recent times I think it is a sign that the process in this chamber is working. I compliment Mr Barber on having the capacity to extract this document from the government. It does raise the question about the government's good faith in these sorts of processes, but a circumstance where the document becomes more widely available can only be welcomed.

I also make the point that whether or not key documents of this type are in the public domain or not is a very live issue. I know that the Economic Development and Infrastructure Committee of this Parliament has a reference at the moment to look at the release of public sector information and processes to ensure that the enormous reservoirs of information held by government are more completely and more freely available to the community. In that sense the processes that this chamber is increasingly focused on — that is obtaining information from the government — are in a sense a necessary set of processes, given that this government has not been as free and open as it could or

indeed should have been. I, and those who use freedom of information requests regularly, understand the frustration and difficulty we encounter with government and government departments, the deliberate obstruction and obfuscation that goes on between parts of the department as FOI officers in some cases valiantly seek to retrieve information from less compliant sections of departments or statutory authorities. FOI officers on some occasions run into heavy weather when dealing with ministers and senior bureaucrats who seek and have been shown on a number of occasions to have interfered in what should be a statutory process where the rights, duties and obligations are laid out very clearly by the Freedom of Information Act.

The importance of this process under sessional order 21, where documents can be obtained on a motion of the Legislative Council, cannot be valued too highly. It is in a sense a default where the difficulty under FOI and other government information processes is circumvented, and the government is required to answer in a very public way where it chooses not to provide information. In this case it appears that Mr Barber's approach has been successful. If the document that has appeared on the website in recent times is not the full version of the expression of interest brief, I trust that the government, pursuant to this notice of motion, will provide that document by 9 September. I compliment Mr Barber on moving this motion. We look forward to examining this version of the document and seeing the government held to account on this matter more often.

Mr PAKULA (Western Metropolitan) — The government will not be opposing the motion. In answer to a couple of the points made by Mr Barber, it is my understanding that the document I have is the document that he seeks. In preparing for this motion I went to the Department of Transport website to see if the document was there. It was as simple as going to the Department of Transport website, clicking on 'Public transport', then clicking on 'What's new' and — voila! — there was the expression of interest brief. It was not difficult to find and it was there in its totality. I did not want to waste a tree by printing it all out, but I printed out the front page. It was not difficult to find; I think the whole thing took me about 45 seconds. I understand it has been up for weeks, since either a day or two prior to Mr Barber giving notice of this motion or a day or two after. It is not my understanding that there it is any relationship whatsoever between Mr Barber giving notice of this motion and it appearing on the website. It was on the website because it was always going to be there. This serves as an instruction to all members of the chamber in moving motions about the production of documents.

Mr P. Davis — Don't lecture us on that; you do not have form on this issue.

Mr PAKULA — Let me finish, Mr Davis. I would have thought that members should exhaust other avenues before coming into the chamber and demanding that government ministers produce documents, and one of these avenues would be a Google search. As I said, it was not a difficult process.

Mr D. Davis interjected.

Mr PAKULA — Mr David Davis talks about examining the document now and holding the government to account. I put it to him that he could have examined it at any time over the last three weeks. He could have been examining it for weeks now, because it has been there for weeks.

Mr D. Davis interjected.

Mr PAKULA — No, it has been on the Department of Transport website for weeks.

Mr D. Davis — No, we had it weeks before that.

Mr PAKULA — If you had it weeks before that, Mr Davis, why didn't you give a copy to Mr Barber and save us the trouble? You have been working together very well on other matters.

I simply say this: it is incumbent on members to use their own endeavours to find documents and exhaust some avenues for bringing motions such as this before the house, otherwise it will continue to appear to members of the government that these motions are a device to obtain political advantage rather than a genuine attempt to obtain information. The information has been there and easy to access for weeks.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I will just speak briefly in response to Mr Pakula. It would be easy to believe that the government had the intention of putting this document on the website if it were not for the fact that in a Public Accounts and Estimates Committee hearing this May the Minister for Public Transport indicated in response to a question from Mr Barber that it was not the government's intention that this document be made public. In fact the minister took the advice from Mr Betts, the Secretary of the Department of Transport, who indicated that it would not be appropriate for that document to be put on the website.

Mr Pakula asks the house to believe that it is mere coincidence that despite the minister and the secretary of the department saying they would not release the document, it mysteriously appeared on the department's website within days — as Mr Pakula said, either a couple of days before or a couple of days after — of the notice of motion being given by Mr Barber. While we would like to believe that there has been a change of heart on the part of the government in relation to its handling of documents and its release of documents to this Parliament, and while we would like to take on face value Mr Pakula's assurances that it was always the department's intention that the document be released, the history of other inquiries the Parliament has undertaken and documents the Parliament has sought would suggest that is not the case. Therefore I urge the house to support the motion.

Mr VINEY (Eastern Victoria) — I was not going to enter this debate, but I cannot sit here and listen to members of the opposition lecturing this government about appearances at Public Accounts and Estimates Committee hearings. Members need to remember that former Premier Kennett never attended PAEC hearings. Under his government ministers never attended PAEC hearings. That government nobbled the Attorney-General. It was a government of complete secrecy. By stark contrast, this government has been absolutely open, using websites to release documents. If the opposition wants to get into a tit-for-tat debate about openness and accountability, the government will enter that any time.

Mr BARBER (Northern Metropolitan) — To be fair to both sides I have gone back to the transcript of the Public Accounts and Estimates Committee hearing where the document was first requested, informally. Both Mr Pakula and Mr Rich-Phillips are members of the committee and were almost certainly there. I think I have seen where the confusion arose. My first question to the minister in relation to the document was, and I quote from the transcript of the hearing:

> Just for clarification, that invitation to tender document, which describes the thing they will be tendering for, will that be a public document?

Ms Kosky, the Minister for Public Transport, replied:

> I do not think so, but I am actually going to seek advice here.

Then Mr Betts said:

> It is not our intention at this stage, subject to subsequent decisions by the minister …

By the end of that exchange the minister was being more forthcoming. Later she said:

> I am comfortable to provide what I can, because a lot of it is information that is already in the public domain, I have to say. I just want to take advice in terms of probity and some of the commercial issues …

To be reasonable to all sides, I think a little bit of communication is all that was needed here. Earlier in the piece I approached some members on the government side to ask if this was the sort of thing we could vote on without debate. By the sounds of it that is going to be the outcome — —

Mr Pakula — Except for the debate.

Mr BARBER — Except for the debate part, but it sounds like we are not going to have to call a division, so it has been a good day at the office.

Motion agreed to.

MEDICAL TREATMENT (PHYSICIAN ASSISTED DYING) BILL

Second reading

Debate resumed from 30 July; motion of Ms HARTLAND (Western Metropolitan).

Mr P. DAVIS (Eastern Victoria) — I am pleased to have the opportunity to speak on this bill. Firstly it is a rare thing indeed that members have an opportunity to consider a private members bill, and secondly it is rarer thing indeed to have the opportunity to consider a bill before the Parliament with a free vote. It is an extraordinary thing that a free vote is being allowed for all members of all parties. As observers of parliamentary practice well understand, the nature of the robust contemporary democracy we have is built around groups in the Parliament — in modern terms, parties — having a fairly rigid view about the utilisation of their voting block. A private members bill on a contentious social policy question allows us — that is, the Parliament — to function briefly as, in my view, it should always. Political reality dictates that that is not the case. Members carefully and independently develop their understanding and opinion and then debate, amend and vote according to their conscience.

The bill before us is about a number of things which I will come to shortly. However, in part it deals with what is in effect, in my view, institutionalised discrimination — that is, the difference between the socially competent and the vast majority of us who are socially incompetent. That is to say it specifically deals with the ability to acquire the means of assistance to die in an open, honest and transparent way. I respect all the representations that have been made by both

proponents and opponents of the bill. Just as those individuals who choose to express their views have a right to do so, so too the subject with which we are dealing is fundamentally one of an individual's right, and that is the right to choose. This therefore must necessarily be balanced against inadvertent consequences, including coercion. It is my view that in the law generally, and particularly in this area, there is incremental development and that the bill before this house is a step in a process of extending the rights of individuals to control or choose the way they will end their life.

However, before I go further I wish to deal with a matter of process. I ask that the reasoned amendment standing in my name be circulated for the information of the house, and I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'standing order 16.06 be suspended to enable the contents of the bill to be referred to the Legislation Committee for inquiry, consideration and report and that the bill not be read a second time until the Council has considered the final report of the committee on the bill' and that —
>
> (1) Standing order 16.14 be suspended to enable the committee to present its final report to the Council no later than 31 March 2009;
>
> (2) The committee present such interim reports as it deems necessary on the bill to the Council to inform the Council of its progress in the inquiry but that any such reports will not recommend any amendments to the bill;
>
> (3) Standing order 16.16(2) be suspended to enable the chair of the committee, upon the presentation of any interim report, to move without notice, 'That the Council take note of the report';
>
> (4) Standing order 16.11(3) be suspended and that the member in charge of the bill, and such other persons nominated by the member or determined by the committee may give evidence to the committee; and
>
> (5) The committee's inquiry be advertised and written submissions sought on the bill.

In moving the reasoned amendment I wish to talk a little bit about process. I think it is important that we consider the challenge we have been presented with by the introduction of this bill. There are a number of ways of handling any legislative proposal. It is unusual for a legislative proposal to be initiated in the Legislative Council. It is more rare now than it used to be, and that is a proper reflection of the changing nature of this chamber and its becoming a chamber which surely is in the embryonic phase of development into a more coherent house of review than it was in the past when it was predominantly a house which was clearly controlled by either government or opposition for the time being. It is clear that the electoral reforms made coincidentally with the last general election in Victoria have led to a changed dynamic in this chamber and that that is, as the facts are, necessarily moving the chamber into a different mode of operation. Therefore legislation other than private members bills is not being initiated in the Council. We can presume that it will continue to be the case that in the future no government will be likely to initiate a bill in the Council. I recall, as may former members who are present, bills being initiated in the Council in former times.

In any event, the process that we have now is that we can debate this bill, we can come to a conclusion at the end of the second-reading debate and we can vote for or against the bill. The bill may, if the second reading is agreed to, go to the committee of the whole for consideration in detail and be amended prospectively. I note that the mover of the bill has indicated to members that there will be prospective amendments, which have been circulated. As I understand it, she is proposing these amendments to clarify some aspects of the bill that have been raised not during the course of this debate but during the time between the introduction of the bill and the debate commencing. Issues were raised by stakeholders that warranted a response, and the mover of the bill, Colleen Hartland, has sought to clarify some of those issues by suggesting some amendments that she will seek to move in committee.

Having explained that that is possible if the bill passes the second-reading stage and is amended in the committee stage, members will then be asked again to deliberate on the third reading and to vote according to their conscience on the third reading. The process that could be followed in respect of this bill is that at the conclusion of debate, a second-reading vote could be taken; if that vote were agreed, the bill could go to a committee of the whole.

It could also go to the Legislation Committee, which was established under the standing orders of the Legislative Council prior to the last election at a time, I remind members, when the current government held a majority in this place. It was a committee established on the motion of the Leader of the Government, essentially to create an opportunity for legislation to be considered in more detail than is possible by the committee of the whole and to have an interchange with the relevant minister in a way that would lead to a better understanding of the bill and a proper discussion around the detail and operation of that bill.

The opposition notes that — —

An honourable member interjected.

Mr P. DAVIS — I should not speak for the opposition at this point, should I? I am speaking as an individual, I have to remind myself!

In my case I note that the government, in establishing the framework for the Legislation Committee, did so in the spirit of fair play and goodwill, and that is fine. But when it came to the establishment of the membership and composition of that committee subsequent to the election, it was again on the motion of the Leader of the Government that the members of that committee were appointed.

In every sense the construct and membership of the Legislation Committee means that it is fully a creature of the government. I regard the Legislation Committee as a reflection of the balance that the government perceived was appropriate to ensure that any matter referred to it could be dealt with in an equitable manner. For those who wonder why I have suggested that, if this bill is to be further considered in detail, it should be referred to the Legislation Committee, that is because I think it is a committee which is at least risk of the suggestion of partisanship and is more likely to meet the expectations of members of this house.

Certainly the Legislation Committee is a committee of this house, not a committee of the Parliament of the whole. The reason, again, that I have sought to propose that the Legislation Committee should be the body to which the bill is referred is that the bill is presently a bill of the Legislative Council; it is not a matter which is before the lower house and therefore before the government, in a sense. The government controls the Assembly and it controls the legislative program in the Assembly. In this house, members who have introduced a private member's bill are able by various collaborative means to advance debate on that bill, and that is what we are doing today. Again, I respect the integrity of the Legislative Council's arrangements in that regard.

What are the opportunities available to the Legislation Committee in undertaking scrutiny of the bill? There have been matters raised in the course of debate so far which have indicated that members in this house have issues they wish to pursue or that they have hesitations about. Several of the members who have clearly spoken on the basis of principle have made it clear they would not support this bill nor probably any other bill relating to the same subject.

It would seem to me there has been a reasonable case put by the members who have spoken before me that there has not been an adequate public policy process undertaken in the development of the bill. In so saying I respect the effort made by the advocacy group Dying With Dignity and the people who have been directly involved in developing the legislation. I think they are well motivated, notwithstanding the fact that their views may not be shared universally, because they believe in the subject they are advancing.

However, because the bill has been developed in the way that it has, it effectively means that there has not been a fulsome public policy debate around it. That is not a deficiency of the bill itself; it is simply a deficiency in the process, and it is in our hands to remediate that deficiency. We have an opportunity with the bill to, by reference to the Legislation Committee, create a window of opportunity for public debate on this subject, irrespective of which position members actually hold. Whether members are for or against legislation of this sort, it is an opportunity for the Parliament to control, develop and manage the serious public policy debate required.

If we go back to a little history, legislation dealing with dying with dignity has been proposed in former times. Although I was not here, my understanding is that a former member of this place, a former President — as a private member — was advancing legislation in this place back in the early 1980s. As part of the consequent political process, in 1985 a reference was given to the Social Development Committee of the Parliament, which made its final report to the Parliament in April 1987. It made many recommendations; some of those recommendations were adopted and transposed into legislation. In fact we still have an act of Parliament today which deals with dying with dignity matters and which is still coherent and relevant.

This is another step in the development of the law. It is not a new issue. It is 20 years this year since the first significant changes to the law were made with the Medical Treatment Act. These days 20 years seems like a fairly short period in my lifetime, but it is actually quite a long period without a review of this area of the law.

I would like to deal with some of the comments of my colleagues, and in doing so pay credit to them, irrespective of their party affiliation, because one of the great things about a private members bill and a debate on what is a matter of conscience is that it brings out the best in the parliamentary process. Therefore, I have taken a great and keen interest in the contributions made by all members, and I have to say that all the members who have preceded me have coherently articulated their views. To be frank, I feel a little intimidated about contributing to this debate because I feel inadequate to the task. That might be the feeling of

most of us in this place — that this is such an important matter that we wonder if we are able to adequately express our views, which are a distillation of our own experience, background and the views expressed to us by way of representation.

I note particularly a number of members raised some concerns. Bearing in mind parliamentary procedure and that I cannot quote from *Hansard* at this point, I can allude to the comments that they made.

Mr Hall, in introducing the subject, made the point that as he got up to speak he still had not determined his view on this bill. I understood just how he felt, because it is a very weighty matter. He went on to talk about the process, and he argued that the process of developing statutes is something that requires broad participation. He suggested that a parliamentary committee or another process would broaden the consultation in terms of the development of the bill. Mr Hall was expressing a hesitation about the process, and I think it was a reasonable position for him to take. It is a hesitation which I clearly share. That is, I do not reflect on the motives and the effort and the quality of the workmanship in the development of the bill; I am just putting a proposition at the moment that a number of members have hesitations about the bill and perhaps that reflects that there has not been a sufficiently wide process.

It is important that we note what other members had to say. My colleague Mr Vogels gave a very thoughtful and personal contribution, which I think all members who listened would have been moved by. He made the point at the start of the debate that he thought he would support the bill. In fact he thought he was sure he would support the bill. Later on he suggested that he understood the good intentions of the bill, but after weighing it all up in all conscience he decided he could not support it. Without reflecting upon Mr Vogels's sincerity, because I know it was a very sincere contribution, it is about the difficulty we have in resolving these matters of conscience. There are clearly very difficult issues on the one hand and the other to address.

Mr Pakula made the point that we needed to deal with this seriously, because some of the provisions of the bill could, in some circumstances, constitute murder. Therefore, the bill needs to be impeccable in drafting, in logic and in its protections. For that reason he was not going to support the bill. That is a clear position from Mr Pakula. In saying that, what he was reflecting on was whether or not the protections and the detail of the bill were adequate. Members of the Parliament are operating as independent members, without what I would describe as the usual supports of testing legislation in party forums, which is where most of the deliberation about bills occurs. Members would well understand that each of our parties, whether the government, the opposition or other parties, has detailed processes in which consideration of bills goes on in a fairly delegated way and in which detailed reports are provided and a proper and comprehensive analysis is undertaken. It is more challenging to do that as individuals.

I thought Ms Pulford gave a great speech on the subject, and I was surprised how well she tackled the task. Clearly she had difficulty with her conclusion, because she made it quite clear she supported in principle the direction that the bill was trying to take. But she had serious concerns about elements of the bill, and suggested that it was probably inappropriate just to hope that the Legislative Assembly would fix up anything that might be deficient. Therefore she said she hoped that one day she would be able to support law reform in this area, but that she could not support this bill. That was a useful and meaningful contribution.

I am of the view that, irrespective of whether members of this place support this bill or do not support this bill — that is immaterial to the question — it is clear that the community expectation is that the Parliament will address these difficult issues, just as the Parliament is now addressing abortion law reform. I cannot predict the outcome of that debate in the Legislative Assembly, but clearly there is a community expectation that the Parliament will deal with these challenging matters and do so constructively. So I have sought to find a way that we can pay respect to the views of all the participants in this debate, irrespective of the personal views that they hold, and ensure that there is a decent, thorough and comprehensive public policy debate around this through a parliamentary committee — that committee being the Legislative Council Legislation Committee — to ensure that there is a proper level of transparency. Those who are opponents and those who are proponents can have a forum where they can publicly put their positions.

I remind all members that although we all have equally voluminous files on this subject — I have had a similar volume of representations from proponents as I do from opponents — at the end of the day they are private matters; they are matters of private correspondence. We have not had a public process where the arguments have been able to be distilled other than during the debate in this Parliament. It seems to me that the proponents and opponents should surely have the opportunity to argue their cases, because it is my judgement that this issue is not going to be resolved

immediately within this chamber one way or the other. Whichever side has a better outcome from this debate, one side will feel frustrated that they have not had the opportunity to lead their arguments in a public way. That should be given to them.

I take note of the representations made to all members, particularly by the Australian Medical Association Victoria on this bill. Clearly the AMA's position is that this bill should not be passed by the Parliament, but it qualified its advice by saying:

> If the AMA Victoria's advice is rejected and the bill is considered worthy by the Parliament, there are practical issues that must be addressed through amendments.

That is a very pertinent comment. We have had the representations in chief, or the broad representations, but because this is a private members bill with a conscience vote and there is no machinery of government around the bill, we have not been able to get down to a process that would enable all of these issues that are important to be distilled and argued in the minutia that they really need to be before we can take the next step with legislative reform. I am arguing essentially that this is a continuum. The development of the law in any area of policy is generally a continuum. There are small steps; we rarely take huge steps. There are occasional great leaps, but most legislation, and indeed the development of the law in general whether it is judge-made law or statute law, is made incrementally. That is the whole basis of the development of the law.

I am just a bush lawyer. I have not studied law formally, but I am a legislator, and today is a rare opportunity for me to behave as a legislator, in the sense that as a representative of a party I do not often have that opportunity in as stark terms as we do today. I argue that before I make a final determination on how I would vote on this bill, as a legislator I want to be confident that all matters raised with me, or indeed matters that I am unaware of that have been raised with others, have been properly examined by a respected group of members of this house to whom the matter has been delegated and that a report has been made to the house.

I want to talk a little about how members of Parliament should determine their position on such a bill. As I said previously, on this bill and on the abortion bill which is in the Assembly there is equal weight — if I can argue that — of opinion coming from constituents. Some are very organised, and some arguments are just from the heart. On this issue the question for members of Parliament is how to decide whether to support or not support such a bill. For me there are a number of issues and arguments that have been made to me as an individual member of Parliament that need to be understood and weighed in the balance, and it is also necessary to look at the evidence available on what the general public thinks. According to the published data, it is clear that the overwhelming majority — that is, 80 per cent — of Australians support legislation of this type, and indeed 82 per cent of Victorians support it. Only a small minority — that is, 14 per cent of Australians and 13 per cent of Victorians — oppose physician-assisted dying legislation. In a religious context, I was interested in the polling data, which shows that four out of five Anglicans, or 82 per cent, support the legislation; three out of four Catholics, or 74 per cent, support it; and 9 out of 10 who profess not to have any religion at all, or 91 per cent, support this sort of legislation. That is one parcel of information you can take into consideration.

Another issue to be considered concerns the view of the medical profession, because at the end of the day the pointy end of this bill is how the medical profession deals with it. I was interested to be advised that in relation to a question to medicos as to whether a patient suffering intolerably with no realistic chance of improvement is able to make a careful and rational decision to die peacefully, 94 per cent of Victorian doctors agree that such a request can be reasonable. That does not actually mean that they would wish to participate. It means that in that context they would see it to be reasonable.

One way many people form a view on any particular issue is by asking what the populist view is. What does the *Herald Sun* vox pop indicate? What I am arguing is that that is just a piece of information, and it should not be given undue weight in the deliberations that we undertake today. A fairly simplistic question, having been tested in a poll, should not automatically be rubber-stamped, and parliamentarians should not come into the house and vote according to whatever the latest poll data indicates. We have been sent here by our electorates to use our best judgement to form the law in this state.

I have experienced some challenging times as a member of Parliament. I was a member of a government that saw it as necessary to take hard and unpopular decisions in the interests of the financial viability of the state. Many of the things I have been involved in during my parliamentary life have not necessarily at the time been regarded as incredibly popular. Were I a member of a party of lesser people — people without intestinal fortitude — I suspect that the party then in government would not have made the decisions that were made.

A great part of the education of parliamentary life is that you have to detach yourself from the desire to be popular and follow the dictates of your conscience. At the end of the day — that is a terrible phrase in this context — we must always use our best judgement, because that is why we are here. We have been delegated a task, and it is that task that I want to address as a matter of course.

One of the challenges we have is how to deal with the competing rights in this bill. We have to calculate how to balance the competing rights and determine essentially what they are. I have alluded in part to what they are. Essentially they are about self-determination and a person having the right to decide for themselves, within their own framework of belief. There are many people whose framework of belief and faith would not allow them to ever exercise that choice. As legislators we must respect that.

For my own part I can say unequivocally that, to me, the most fundamental part of my belief is the dignity of the human being, and that in part turns on the question of informed choice. People must have the opportunity to decide for themselves the majority of their behaviours. Providing that their actions do no harm to others, then they should be free to make that choice. That is the basis on which I have sought to represent my constituents in the whole of the time I have been in Parliament, and I will continue to do so.

I respect the fact that many people will be extremely distressed about the notion that such legislation could be made available, but I say without embarrassment that the precedent has already been set by the Medical Treatment Act 1988. If you want black-letter law you can look at it to see what the contemporary values of Victoria were then — and in my view they have hardened now. Nobody would want to undo what was done with that legislation in 1988; nobody would consider undoing it, so it is taken as a given.

In that sense I refer to the Scrutiny of Acts and Regulations Committee's *Alert Digest* No. 8 of June this year, which states:

> The committee notes the provisions in the bill concern matters of fundamental and competing rights. The provisions necessarily involve a careful balancing of the necessary public interest in preserving life and establishing laws concerning criminal conduct in terminating life, and on the other hand, the right of a mentally competent adult to have their wishes respected in choosing not to endure further intolerable suffering in the face of a terminal or incurable illness.

And further:

> The Parliament should consider whether the provisions in the bill achieve a proportionate and reasonable balancing of the public interest in providing for appropriate laws concerning the unlawful termination of life and the right of self-determination in the face of intolerable suffering.

That fairly neatly sums up the conundrum confronting members of Parliament. It is a conundrum, and there are competing rights. As I alluded to earlier there is an associated risk which can only be summarised as coercion, and that is a significant hesitation for everybody in considering this bill.

The Medical Treatment Act 1988 created certain offences relating to not permitting medical treatment to be given to a patient who has indicated that they wished to refuse treatment under that act. Just as that act created an inalienable right of a patient to refuse treatment and therefore to die, so this bill proposes another step in the determination by a patient on how their medical treatment should progress. If they come to a conclusion that they wish to advance what may otherwise be a natural course by the removal of treatment, then they should equally have that choice, because, in my judgement at the end of the day it is a matter for that individual rather than a matter for the state to determine.

It is important to note that in both the Medical Treatment Act 1988 and the Medical Treatment (Physician Assisted Dying) Bill, which we are considering today, certain protections are put in place regarding the medical profession, and there are constraints on what interventions can be taken that do not accord with the wishes of the individual. I wholeheartedly support those constraints.

It is also relevant for us to note that the Victorian Crimes Act states that suicide is no longer a crime. Having determined that suicide is not a crime, it seems to me entirely inconsistent for us to be arguing that a person should not be able to do something which for some people is extremely difficult.

Earlier on I spoke about socially competent and socially incompetent people. According to Australian Bureau of Statistics data, each week some four Australians aged over 70 years kill themselves. I find that a horrendous statistic, because I am confronted by it. You do not wish to think of people you know doing such things, and, to be candid, at my age I am getting to know a lot of people who are aged over 70. It seems to me that if people are unilaterally taking an action to terminate their own life, because that is a conscientious choice they have made, then they should not be doing that in isolation from the people who are best able to care for them, because they might make other choices. With

openness, transparency and an open dialogue they might choose palliative care and not choose to take their own life, and I think that is the evidence in other jurisdictions where similar legal frameworks apply. I would be encouraging those members of this place who have reservations about this bill to take that into account.

Under the Victorian Crimes Act suicide is recognised as not being illegal; we are free to take our own lives. That decision is a personal choice. The reasons for doing so are absolutely incomprehensible to me at this time in my life, but I understand that there may be a point in my life, and indeed in the lives of others, where it is a choice.

The ACTING PRESIDENT (Mr Elasmar) — Order! The sitting is suspended until the ringing of the bells.

Sitting suspended 5.08 p.m. until 5.21 p.m.

DISTINGUISHED VISITOR

The ACTING PRESIDENT (Mr Elasmar) — Order! I would like to welcome to the gallery a former member of this house and former cabinet secretary, the Honourable Rosemary Varty.

Debate resumed.

Mr P. DAVIS (Eastern Victoria) — Following the interruption I want to briefly recap before I move directly to my concluding comments. In regard to the terms of reference given to the former Social Development Committee of the Parliament on 17 December 1985 there was an inclusion in the terms of reference that I should recite for the information of members of the house. It was:

> … to invite public submissions, especially from those who care for patients, to consider, make recommendations and make a final report to Parliament before 11 September 1986, having regard to the greatly increased technological capacity to sustain life …

It included a further reference asking a question in relation to establishing the right to die. In response in that report the committee found a couple of things, and I wish to put them on the record for the benefit of the house. It states in chapter 2.1, which refers to implications of developments in medical technology and pharmaceutics, that:

> The committee's terms of reference require it to 'make a final report to Parliament … having regard to the greatly increased technological capacity to sustain life …'. Therefore this factor underlies the establishment of the inquiry. The increasingly common situation occurs where patients, who otherwise would have died as a result of natural causes, can now be sustained indefinitely as a result of the intervention of artificial life support equipment, or other medical and surgical procedures.

It further states:

> On the other hand, benefits in medical technology have brought with them less desirable features such as the ability to maintain, almost indefinitely, a person's biological existence, sometimes in a severe comatose and vegetative state. Unfortunately, in some cases there is no possible hope of ultimate recovery. However, the patient may, even though comatosed, be sufficiently sentient to experience pain or severe discomfort. The patient, although not suffering from actual physical pain, may experience a sense of severe discomfort similar to the 'terror' or 'fear' or 'pain' experienced in a particularly vivid nightmare — except that this nightmare is not ended by the dawn.

They are two particularly relevant extracts. I remind members that the principal purpose of the Medical Treatment Act 1988, which resulted from that inquiry, was to clarify the law relating to the right of patients to refuse medical treatment, to establish a procedure for clearly indicating a decision and to refuse medical treatment to enable an agent to make decisions about legal treatment on behalf of an incompetent person. It is important for us to understand what the Medical Treatment Act says in the context of the bill before us, because I keep coming back to the central point of my argument, which is that this is a continuum.

We are not actually breaking new ground here, with great respect to those who argue that we are. In fact there is no new ground being broken. Since 1988 in Victoria patients have by law had the right to choose to die by withdrawing their medical treatment. That has been the law for 20 years. The practice is somewhat different. I will speak about that, because I did speak earlier about social competence. There are those people who are very literate, who are better able to deal with the challenges of society and who can make, through their own personal connections, arrangements to advance what otherwise may be their natural date of death. In other words, they can presently find the means and, without making a sweeping accusation about the medical profession, persuade certain practitioners to assist them with their choice in regard to their right to die.

There is no point beating around the bush. Just as before 1988 when that act came into force it suddenly became legal for a patient to decide that they did not want further treatment, that had been the case in practice for many years. The reality was that patients were regularly put in a position where their life support was switched off. My view is that we do not want to be

confused about this. When a person makes a free, informed choice, who is it that should interpose themselves with respect to that choice with some sanctimonious judgement that their view is superior to the opinion of the patient involved in the treatment?

In relation to the construction of the bill it is useful to note that the bill was developed with the guidance of Professor David Kelly, the former chairman of the Victorian Law Reform Commission, who said in part:

> Simplicity and transparency are not always features of legislation. The bill has been written in such a way as to ensure that it can be understood by as wide an audience as possible — an overriding principle. Some members of Parliament may be uncomfortable at first, simply because they are not used to it.

I thought that was having a pretty fair dig and it is probably right. We do tend to be overly complex in the way we address legislative proposals. It is important that the bill is very straightforward so that a layperson generally has the capacity to understand their rights before the law in regard to this bill. That is critically important.

I come back to informed consent or informed choice. We have to have an informed community in regard to these matters so people can make their appropriate personal choices in respect of their own treatment. It may be when they are given these options and if they have the open and transparent discussion with medical advisers, they may conclude that the best option for them is not to self-administer a lethal medicine but to seek increased levels of palliative care support. I do not think you can have that discussion if there are concerns about the legality of those choices which are available. As I say, I think the present law discriminates against those who are less socially competent and denies them choice in terms of their quality of life.

I note that a former Justice of the Supreme Court, Professor George Hampel, made some comments about the bill. He said:

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

I think he says much more eruditely what I am attempting to say. It is interesting that these matters and rights with which we deal are replicated in various ways. There are protections for practitioners with respect to the Medical Treatment Act; there are protections for patients and there are penalties for practitioners who do not respect the wishes of patients. The Medical Treatment (Physician Assisted Dying) Bill sets out those same protections for both the practitioners and patients and creates offences in respect of not respecting those choices. That is important. But again I use the word 'choices' advisedly.

I was interested to note — it is a matter that we will deal with at some other time — that the bill introduced yesterday in the lower house on abortion law reform, an initiative of the government, contains what are interesting clauses with respect to dealing with the conscientious objection by practitioners in the event of urgent medical procedures relating to abortion; in other words, when life is threatened. It just goes to show in the context of all these matters with which we are dealing that it is very complicated and complex to ensure that those rights and competing demands are in balance.

In conclusion, I make a couple of brief points. In my view the bill before the house is a bill that I am able to support. I do not have the hesitations other members have expressed. The matter of principle before the house in relation to providing the legal framework to allow informed choice to be made about the end of life is fundamental to my belief system — that is, the right of a human being, providing it is based against any harm to others, to make their own choices and be judged before their own god. It is not a matter for me as a practising Anglican to make a judgement about the other faith systems in the world or, indeed, the differences between the different arms of the Christian church. We all have a history; we all have our own experience of life from our family environment, from our educational experience and from our workplace — and there is no greater learning workplace than Parliament. All these are inputs into how we make our own choices. It is not a matter for me to presume to tell others and to limit their choices. I am quite comfortable about supporting the bill because it fits within my framework of philosophical belief. It also fits into what I regard as an appropriate legislative response to advance this issue.

But I am respectful of the concerns that have been raised by people in the community who are passionately opposed to the bill. I am also particularly respectful of the hesitations expressed by a number of parliamentarians. For that reason I argue that it would be sensible for the Parliament to consider and reflect more deeply on the issue before it so that there is a transparent public policy debate around this issue which

can be facilitated by the upper house, resourced by what is notionally the senior upper house committee, being the Legislation Committee of this chamber, and properly resourced by the Parliament. I put that forward as a proposal to give everybody the opportunity to consider it. In closing I will explain what the deliberative steps are.

The reasoned amendment I have moved will be put at the end of the second-reading debate before consideration of the second-reading question. In other words, the decision to refer the bill to the Legislation Committee will be taken before a decision is made on the passage of the bill. If my reasoned amendment is supported, the question about the second reading would be, if you like, suspended until the committee had reported back to the house. When the report comes back from the committee it can, on the motion of the Chair, be debated. If there are findings and recommendations from the committee that should be taken into consideration by the Parliament, those matters can be dealt with in a debate about the report. Then members would be better informed and clearly have the capacity to make a decision on the second reading of the bill. That then presumes, if this reasoned amendment is supported — and I urge the house to support it — that a vote on the second reading in effect would be deferred until next year after the committee reports.

If the second reading were passed there would be no difficulty with the house, if it so chooses, sending the bill to the committee of the whole. In my view that would have to occur because there are already amendments proposed and there may be others forthcoming, and there may be amendments as a result of the recommendations from the Legislation Committee. That is broadly the process. Ultimately, members do not really need to finalise their position on the bill until the third reading, after they have seen the final form of the bill in the event that it is amended.

Taking that logic one more step, in the event that the house agrees to refer the bill to the Legislation Committee, a report will come back next year from the Legislation Committee and be considered by the house. That report may form the basis of decisions that members make on their second-reading vote on the bill. If in their wisdom they would like to see any amendments implemented so that they could understand how that finally determines the shape of the legislation, they could make their final decision on the bill at the third-reading stage.

That is what I would ask those members who are hesitating on this bill to do. If members would like to have a considered position as a consequence of understanding the nature of any changes to this bill as a result of the amending process, in effect they can make their final decision on the third reading. That process of a committee inquiry, a report back to Parliament, further debate on the report and consideration by the committee of the whole of any amendments would allow the capacity for the house to give this issue a proper, open, public policy process which all stakeholders, whether opponents or proponents, could support, and they could at least be satisfied that they had been heard, irrespective of the outcome of this legislative proposal. In any event, I commend the bill to the house.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I inform the house that debate is now on the bill and the reasoned amendment.

Mr VINEY (Eastern Victoria) — I think this is the second time in this parliamentary term that the house has dealt with a conscience vote; the last one being about a year ago on the stem cell issue. I argued in that debate that it is possible on these matters of conscience to come to different conclusions and different sound ethical and moral positions. By way of example I talked about how in the mid-1800s a young couple migrated to Australia and some years later the woman started to get the shakes. Her illness was not diagnosed in her time, but it is now known as Huntington's disease. That woman was my great-great-grandmother. I argued that it was possible for one to ethically support stem cell research on the grounds of the benefit that could come to my relatives, the descendants of Mary Viney.

One of those descendants was a distant cousin of mine. I will not name him because I have not consulted his family about this story. I knew him when I was in my 20s. Fifty per cent of the children of anyone with Huntington's disease get that disease, and he was one of the unlucky members of my family who inherited it. He was a lovely man. In my 20s I learnt that he had wheeled his wheelchair under a train. He did that because of his terrible suffering from Huntington's disease. The consequence for him was the end of his life, but there were also enormous consequences for many others — for his family, of course, but also for the train driver and the emergency services workers who had to attend. Apart from anything else it was a terribly undignified way for him to end his life.

In considering this bill — and I have probably thought more about it than any other legislation I have had to deal with in my years in Parliament since 1999 — I thought about the difficulties some people encounter when they are struggling at the end of their lives. I have

balanced that with my experience as a member of Parliament and as someone responsible for the development of good legislation in previous roles as parliamentary secretary. I have to say that experience tells me that good legislation comes from a sound policy analysis — a thorough and comprehensive analysis of the policy options, the policy intent and where we want to move the law in this state. In looking at the detail of this bill I have not been able to come to the conclusion that it is based, firstly, on considering the policy issues and policy choices that this Parliament has to resolve. The Medical Treatment Act 1988 is an example of legislation that came out of that good, sound policy process — the policy process of the predecessor to the parliamentary Law Reform Committee considering the issues and developing legislation that allowed people to refuse medical treatment. Unfortunately this bill has not gone through this process.

There are issues that confront health practitioners every day. As our medical capacities have increased and medical technologies have improved we have increased the burden on health practitioners to make choices that perhaps they did not have to make many years ago. Our ability to treat people and keep them alive has improved. Now medical practitioners, health professionals and nurses are faced with difficult decisions every day. I do not think the statute book and the law as it stands today are fair on health practitioners. Asking medical practitioners to provide morphine at increasing doses that they know will ultimately kill a patient is probably asking them, in some circumstances, to break the law. Similar conflicts occur for health professionals regarding the switching off of machines. It is incumbent upon us as legislators to resolve some of the inconsistencies in the law, but unfortunately this bill does not do that. It does not assist medical practitioners in making those decisions. It does not deal with the issues of the prescription of morphine and the turning off of machines. In her second-reading speech Ms Hartland said the legislation was about helping to deal with the moral problems we are creating for our doctors, but in fact I do not believe it does. This legislation does not assist our doctors in that regard.

The legislation itself has been dealt with at length by other speakers, and I do not propose to go through a lot of that detail in terms of my concerns. However, I do think some of the legislation is inadequately drafted, in particular in relation to definition issues.

I guess one of the things that first struck me in reading the legislation was its provision of a definition for 'intolerable suffering', which is, if you like, the precursor requirement for the act to come into force: someone needs to be suffering intolerably before the physician-assisted dying provisions of this bill come into force. The bill describes intolerable suffering as:

> … profound suffering and/or distress, whether physical, psychological or existential, that is intolerable to the patient …

I did study the theories of existentialism a bit, but that was many years ago so I had to go and have another look at it. Existential simply means existence. What this definition is really saying is that someone is suffering intolerably — that is, experiencing the suffering of existence. That troubled me.

I was troubled by the definition of 'mental competence', in particular where it seemed to say it is possible for someone with a mental illness to seek the assistance of a doctor according to the provisions of this legislation. I think there are issues that have been raised by other members in relation to the second doctor and the relationships, and I understand Ms Hartland has indicated that she would consider some amendments in that area.

However, where I really started to feel the legislation had not adequately covered the issues was in relation to the requirement that a medical practitioner must refer someone to another medical practitioner who will assist the person in the way this bill requires them to in ending their life. In other words, where a medical practitioner assesses someone as not suitable to end their life under the provisions of this legislation, if the patient requires it, that practitioner must refer them to another medical practitioner who will assist them. That is the way this legislation is drafted.

Overriding all that is the fact that in the legislation, and I think it is reasonable, there are assurances that a medical practitioner cannot be sued or otherwise have action taken against them in relation to their exercising of the provisions of this legislation to assist someone to end their life, except in one instance: the doctor who does not wish to provide assistance to someone is guilty of an offence under this bill if they do not refer the person to someone else. I find that a very difficult provision to support.

Over the top of all that, there is a serious lack of supervision or oversight of the provisions of this legislation. There is no capacity for oversight from the health services commissioner or the Medical Practitioners Board of Victoria, nor through any other process other than an annual report by the coroner to the Parliament. When you look at the restrictions on what the coroner can receive in terms of advice from the doctor who assists a person to die, I am not sure that

any such report by the coroner to the Victorian Parliament would provide a particularly robust analysis.

During the debate a number of members have talked about the fact that in various polling 80 per cent — I think that is the figure that has been quoted — of the population supports this physician-assisted dying type of legislation. As a former pollster I would be interested to have a look at some of the detail of that, but what I would say is that if you asked someone a simple question like whether or not they would support legislation that enabled a doctor to assist someone to end their life when they are suffering intolerably, the person's response would be based on an assumption that the person is suffering intolerable pain and the ending of their life would be in the last days or weeks of that life when they are suffering intolerable pain. This legislation goes significantly beyond that. It talks about the capacity for a person to end their life not simply in the last days or weeks but almost in anticipation of future suffering.

I took the trouble to read Ms Hartland's second-reading speech. I do not question the bill's intentions and I am not, as I said at the outset of my contribution to the debate, coming at this from a particular moral or ethical position that is opposed to the consideration of legislation such as this. I am not sure whether Ms Hartland intended this in the way that it is said in her second-reading speech, but I guess this is where we end up with the questions because as we know a second-reading speech is very important in the interpretation of legislation. Ms Hartland said:

> If the patient wants to live as long as possible, then let them look the doctor in the eye and say as much.

I believe that is a reverse of what we are supposed to be discussing here — not that someone has to say, 'I want to live' but that someone has to say, 'I want to die'. These are the things about which we need to be incredibly careful in legislation.

We are debating this legislation with the experience that I am sure many of us have had of close family members whose lives have been ended due to pain relief from morphine. That has certainly been the case in my family, but there is also the experience that I outlined of the cousin of mine who chose to end his life in that tragic way. In considering all of these issues and in recognising that as members of Parliament we have an obligation to lead and to ensure that there is no moral dilemma for our doctors, we must remember that we have an obligation to lead responsibly, and this legislation does not take us down the path of responsible leadership.

As the first government speaker after Mr Philip Davis moved his reasoned amendment, I have been asked to make clear the government's position on the reasoned amendment and the proposed reference to the Legislation Committee. The government has decided that it will not support the reasoned amendment and the reference to the Legislation Committee, and it has done so for two key reasons. Firstly, the government will not support the suspension of standing orders as this motion proposes. Perhaps just commenting on that, the standing orders were established for good reason in terms of the processes of consideration of legislation through the Legislation Committee and so that the Legislation Committee could not be used as a means of unnecessarily delaying legislation.

Secondly, as members know, the sessional orders that were subsequently put in place provide for the Legislation Committee to meet during government business time on Tuesdays and Thursdays. The government has a significant legislative agenda. We have 14 bills before us at the moment. Some we have already dealt with and another nine are in the other place this week. For those two reasons the government has decided that it will not support the reference to the Legislation Committee.

As I said earlier in my contribution, it is my view that it is probably an appropriate time for some reconsideration to be given to many of these issues, in particular by way of a review of the Medical Treatment Act. I do not believe that this legislation deals with many of the issues confronting health practitioners in our hospitals every day in relation to the assistance that they have to give patients in palliative care and other traumatic circumstances. I believe it would be a useful thing for there to be a proper policy development process that allowed this Parliament to consider in a more comprehensive way these issues and the options that are before it — that is, initially defining the problems and then the policy options and the legislative options that exist for us to deal with those identified problems. Therefore I will not be able to support the second reading of the bill before the house.

Mrs KRONBERG (Eastern Metropolitan) — I wish to state from the outset as I rise to speak on this bill that I do so with the deepest respect for the people who are the proponents of the bill and for the people who have spoken both for and against it. I value their views and the earnestness, honesty and openness of the contributions that everybody has made so far and I am sure will make to this debate.

Many aspects of the bill affect me deeply, directly and very personally, and members of my immediate and

extended family have been touched by many facets that are highlighted in the arguments both for and against the bill. For me the bill sets out to reduce fear in society, but at the same time it produces fear. I know from firsthand communication with many elderly and chronically ill citizens of Victoria that this fear is in abundance in this state. I am hoping that this legislation is voted down very quickly so that we can promptly put an end to the fear that is being held by people who feel they would be targeted should this legislation be passed.

Much of the intensity of the debate surrounding this legislation is based on fear of suffering that may never, ever occur. Throughout human history — from Cro-Magnon man, Neolithic man, and the development of shamanic traditions through the millennia, from when people were concerned about whether at the winter solstice the sun would ever return and where lightning came from, and from medieval times when people believed in a flat earth and were worried that ships would sail off the edge of the world and people would be lost forever — fear of the unknown has been part of the make-up and psyche of human beings.

When the people of Victoria have been asked whether they support some form of euthanasia, it is often mentioned, as it is in an article of 3 March, that 80 per cent of the Australian population favour some type of euthanasia for the terminally ill. For me this is a very broad statement and something that just caters to fear. Another article states that 82 per cent of Victorians support reform to allow those who are terminally ill the choice to die with dignity. We want all people to die with dignity and already people die with dignity in this state. Neil Thomas's letter in the *Age* of the same date states that Victorians are overwhelmingly in support of the rights of the terminally ill to die with dignity.

Let me tell members something of what I as a Liberal believe: I believe firmly and always have in the rights of the individual and in the right to make a choice. However, in this climate of fear I have to say that I fully understand the fear of people because much of it results principally from ignorance.

Has anybody in this debate mentioned ignorance or conjecture, that whole basket of human emotions where people jump to conclusions? As I course through the community as a member of Parliament I am astounded by how much people do not know; by how much people jump to conclusions; by how much people are prepared to be guided by a half a dozen bullet points or a headline. We are all into minimalisation and reduction, and to me people are getting into a sort of a stampede. I hate to use an analogy like animal behaviour when I think about people, but it is stampeding for me.

There is no more stark example of what can happen, should this legislation go ahead, than the case of the late Nancy Crick. For me it is one of the greatest tragedies to come out of the push for euthanasia by activists in the past decade. I vividly remember the images of this lady on television in 2002, and what struck me was she was very lonely and frightened, and she was being ignored by her family. Possibly in a very human way she embarked on attention-seeking behaviour, and any one of us can and may well do that at any time in our life. That is not the domain exclusively of old, frail, frightened people.

For me this behaviour and her fear were grossly exploited by what I regard as deranged activists who themselves lost a grip on reality as they campaigned for an outcome that only affected the subject of their attention, and not themselves. None of them had to face the decision that Nancy Crick was stampeded into. Mrs Crick finally gained national attention when she claimed she was terminally ill with cancer and wanted to die.

I should highlight that I derive this information from an article in the *Sydney Morning Herald* of 8 June 2004 which talks about her post-mortem, which reveals that:

> Euthanasia crusader Nancy Crick had no cancer in her body …

I am sure many people who have done the amount of research that I have to make my contribution to this debate will have already come across what the autopsy revealed. Rather than having cancer, she had extremely densely bound adhesions of her large and small bowel.

My son suffered adhesions of his small bowel in April this year. He developed those adhesions as a result of an emergency appendectomy two years beforehand. I know what it is to have an obstruction in the bowel from witnessing my son. He had an obstruction in the bowel, and he had to have emergency surgery early in April at the Austin Hospital. He has now gone back to work. He has had a month overseas, and he is back in a normal state. But for quite a while, as the diagnosis was worked through, he was in a lot of discomfort. He could not eat or drink, and he was not allowed to ingest anything. He had tubes fed into him and it was a very uncomfortable time prior to the time he underwent surgery, from which he has recovered.

Where were the medical advisers for Mrs Crick? This is standard procedure. Any of us who has abdominal surgery could expect that we might develop adhesions.

It is the body's own reaction to the intrusion into the abdominal cavity.

My research has also revealed something that I do not think anybody has touched on yet, and I want to include it in my contribution. This is an article by Michael Cook reported in the *Age* of 28 March 2002 under the heading 'Nancy pays the price for being elderly and female'. The article says:

> Her solution to loneliness, pain, inadequate nursing care and lack of GP house calls is to kill herself. She plans to do it on film in mid-April with a swig of a hard-to-get drug for putting animals down. Euthanasia campaigner —

and I am not even going to mention his name; everybody knows who he is —

> … says it is 'the best lethal drug in the world'.
>
> For a short time, then, this 70-year-old has become as famous and cosseted as Marilyn Monroe, another sad and lonely woman who took the same drug. Instead of sitting home alone waiting for visits from her grandchildren, she is addressing public meetings and setting up interviews with TV networks about her final days.

If we contrast this with a man with a wife, you would see wives and even ex-wives coming to support him in his last days, as well as other family members. It is in the nature of women to give in that way. In contrast it is very common to see a woman dying alone, especially if she is divorced.

It is worth including some other elements of this. In the same *Age* article an American psychologist Silvia Sara Canetto is quoted as saying:

> If older women are uniquely affected by the legislation of hastened death … then policies presented as 'neutral', enhancing self-determination, dignity and choice in death, may actually be dangerous to older women.

We know that to be the case. Older women are more likely to be subject to the element of this bill that is really terrifying, and that is coercion. No matter what provisions are put in place, nothing can stop a predatory relative whispering, eyes cast upwards, overtures, sighs and tut-tuts in the ear of an elderly, incapacitated person. These can lead the vulnerable person to conclude that they are a burden.

The instigators of this legislation cannot change the reality that in Oregon in 2005, 42 per cent of physician-assisted suicide requesters revealed that wishing to avoid being a burden to their family was their motivation for requesting a means of their early dispatch — death. We only have to examine the stories of abuse of elders in our society to appreciate the fact that family members do not always have the best interests of their elderly relatives in mind. It is naive in the extreme to believe that every relationship is non-exploitative, and we are all existing in some bucolic setting.

A great-aunt of mine approaching her 90th year was a lonely, frightened old woman in a nursing home. Her son had died. Her daughter had died. Her remaining relative was her granddaughter. As a woman of that age group, largely brought up under the influence of the Victorian era, she sought advice from the nearest male in her family, and it happened to be her granddaughter's husband. Thank goodness my mother, her niece, found out about this and intervened. We had to have the medical power of attorney reversed to save her. It is that experience of my Aunt Regina that makes me so motivated to plead with people to never support this bill, no matter what altruistic and soft-hearted approach they have. This is the reality of my own family's experience, and I cannot forget it.

Should this legislation pass, it will open up new avenues for abuse of the elderly. Currently no pressure can be brought to bear on vulnerable, possibly lonely, elderly and infirm citizens to take legal drugs, because it is illegal. Such protection would be removed should physician-assisted dying be introduced. The drugs prescribed for physician-assisted suicides would be kept in homes, thus providing ready access for people with dark motives, and there would also be dangers for children. When we are talking about the housing of drugs such as this outside a hospital setting we have to think about the regulations that are in place for the storage and management of firearms in the home. They are prohibitive in that they prescribe who is allowed to have them, that you have to have them in a safe, that the safe has to be concreted in place and who is allowed access to the combination of the safe. I have seen how this works, because I have had friends who had an entitlement to hold such licences. Yet we seem to be cavalier about the storage of lethal drugs.

Another worrisome aspect is the question of who is responsible for ascertaining the whereabouts and retrieval of any unused drugs. I do not think this has been touched on or amplified in the debate. Because the means of suicide provided for by this bill relies on the oral ingestion of drugs, certain events can occur. I am sure those people who are in end-of-life environments and who are offered palliative care can attest to the occurrence of this. I cannot believe that somebody about to ingest a poison in order to take their life will do it calmly and in a controlled fashion. I do not think that is possible. Even if you are drowning and your lungs are filling with water, you are still gasping for air. Even if somebody has got their hands around or their foot on

your throat, you will struggle. If you have been fatally wounded, you will still attempt to pull a knife out of your chest, and so on. It is innate to want to keep on drawing breath, no matter what you might have prepared yourself for. The finality and absoluteness of it will not permit your physiological reaction to be calm.

First and foremost, during that experience people can have a protracted death. It is not an immediate death; it can last hours or even days. They can experience convulsions and start vomiting. The vomiting process would interfere with the absorption of the drugs, and they might have to have tubes inserted. Anybody who has ever had a tube inserted into their stomach — and I have had this experience through medical procedures — will know it is a very uncomfortable and undignified experience. There is a lot of undignified stuff that happens to you in hospital, whether you are giving birth or having surgery. It is all pretty messy and embarrassing and uncomfortable, and you wish you were not there, but it is the human condition when you have a medical problem. It is normal.

We can talk about the tube insertion, how uncomfortable and frightening that would be and that that needs another regime of drugs — some sort of Valium inhalation — to allow the person to relax enough so that they do not have a natural gagging reflex, but the worst thing about all of this is that people can take the drug, go into a comatose state and then wake up. I do not know where they think they are when they wake up, but they wake up, and they find they are not dead. This is set out very well for us in the *New England Journal of Medicine*. It is encapsulated in a summary of 114 cases. Proponents of this bill and people who would want to argue against the points I am making in this debate might say 114 cases is not a sample that is scientific enough, but for me the way it is broken up is salutary, and careful attention needs to be paid to these statistics.

Problems occur in 7 per cent of assisted suicide cases. They include problems with completion — that is, a longer than expected time to death — failure to induce coma, and the induction of coma being followed by the waking of patients. This occurred in 16 per cent of cases. Where is the dignity? Complications with completion occurred in 3 per cent of assisted suicide cases and 6 per cent of euthanasia cases respectively. The physician decided to administer a lethal medication in 21 cases of assisted suicide, which thus became cases of euthanasia. The doctor was called upon to intervene. The person was incapable of dealing with the process, as was their agent. The doctor had to finish this person off, and that is a great big thing to ask.

So I ask the supporters of this bill, whom I deeply respect: where is the dignity for these individuals at the time of their death and at the time of their own choosing, which is designed, ironically, to avoid suffering? Do they know what goes on? Through my dealings with Eastern Palliative Care I know the lack of funding for this essential service to the terminally ill brings into the question the attitude that many people in the state government have towards palliative care per se. The trend in the Netherlands since the introduction of physician-assisted dying has been the steady erosion of funding for palliative care and pain relief efforts. This causes me to conclude that people in the Netherlands must be living in fear knowing they are virtually herded into physician-assisted suicide because they — and this is terrible — have little choice.

I have made an addition to my contribution because today I received information which I will incorporate in what I will say about the fear because of the prevailing regime of assisted suicide in the Netherlands. It goes to the question of the mystery surrounding what are called sanctuary certificates. I do not know if any member has heard the term ‘sanctuary certificate’, but I have been assured that sanctuary certificates exist in the Netherlands. Sanctuary certificates are used by elderly, chronically ill and terminally ill people to state that they do not want to be killed, and those people carry those certificates. Imagine if we got to that point — and we well could.

What if the certificate is taken away, no-one can find it and the person slips into a different state of consciousness? Do we need to actually tattoo ‘I do not want to be killed’ on someone’s forehead? We can see a fictional account of where such a development might lead played out in technicolour in a movie which was released in 1973. I refer to *Soylent Green*, which stars Charlton Heston and Edward G. Robinson. The movie is set in the year 2022 in New York City, which has a population of 40 million people and is suffering from the effects of global warming. Crops are dying and people are starving, so a government agency, the Soylent Corporation, has created a new form of first-class protein to feed the starving people in New York and to save mankind. In the movie the people become very dependent on this government-manufactured food, which is presented in wafer form in various colours of green, yellow and red. I recommend that everyone, especially the proponents of this legislation, watch this film. During the film it is revealed that this food supply comes from people who feel it is time to surrender themselves for the greater good. The bodies of those people are processed into Soylent Green. I challenge anybody in this chamber not to be greatly disturbed after viewing this film.

Just last month I took the opportunity to tour Berlin. I do not know whether anybody has been to what is described as the Topography of Terror in what was East Berlin. This outdoor museum is located in the remnants of the bombed-out shell of the Gestapo and SS headquarters. I looked into the white-tiled basements of the Gestapo headquarters, and I was reminded of what the murderous, genocidal Nazi regime did with people they thought were unfit to live — homosexuals, the disabled and people with Down syndrome or mental illness. The Nazis then moved on to attack racial groups they thought unworthy of life, including the Slavs, the gypsies and the Jews.

I know these are strident examples of what happened in humanity once in the past, but a lot of the elements of what was put forward in *Soylent Green* are things that are concerning us here and now. I am concerned that if this bill were to become law it would have an educative effect. The message of legalising assisted suicide could percolate through to young and impressionable people, among whom levels of suicide are already very high.

I am becoming increasingly intolerant of the euphemisms that cloak discussion of this legislation. We see such terms as 'physician-assisted dying', 'doctor-assisted suicide' and 'dying with dignity'. To me, they are designed to ameliorate the impact of the discussion while simply pointing to legalising euthanasia. As a society we cannot go down the path of a growing acceptance of euthanasia. It takes the pressure off governments, which have an obligation to provide long-term funding for aged and palliative care and to support people with advanced chronic illness.

I turn to the question of the term 'intolerable suffering', which is defined in clause 3 of the bill. Ms Hartland's second-reading speech starts with reference to people 'who are, right now, experiencing intolerable pain and suffering'. Later the following words appear:

> They might live on, enduring —

now it has been ratcheted up and has gone past 'intolerable', and there is reference to —

> terrifying pain and suffering …

I think that undue licence is used in those descriptors. I consider that in legislation those terms are an abuse. This emotive language is frightening and couched in a manner that we mortals can all relate to, but 'intolerable suffering' can change depending on the circumstances. It could be felt just from receiving the news that you are terminally ill and have only a short amount of time left on this earth. 'Intolerable suffering' can be simply loss of function and increasing dependency on others around you, particularly if they are avaricious and after your property.

I have had discussions with people who have told me that palliative care had failed their family. Wittingly or unwittingly — and I am sure with the very best of intentions for providing the best setting and the most love and care for their loved ones — some have taken their relatives out of hospital.

Sitting suspended 6.30 p.m. until 8.05 p.m.

Mrs KRONBERG — I will try to provide as seamless an interface as possible with what I was saying before the dinner break. The point I was making was that unless there are adequate palliative care regimes in place and nearby, the choice for a family to take a terminally ill loved one out of a hospital setting and into home care to support them 24/7 is really onerous and should be thought through very carefully. A lot of the incidents involving people finding that terminally ill people have been inappropriately handled or may have suffered unnecessarily have been due to the fact that they have not been in a professionally managed regime of care. If you were a daughter called upon to manage an incontinent father in his 80s, like many people without professional training you would probably find that very confronting.

Trained professionals are accustomed to all the realities of the care of seriously ill people. It is a shock to the untrained. To me this is all part of a mix that is described as intolerable or terrible suffering. It is just all of the unpleasant things; it is not necessarily to do with actual pain relief, but it certainly would contribute to either a depressed or embarrassed or negative psychological state.

The movers have completely overlooked that a certain form of intimacy develops in end-of-life care. People are comforted by a relationship of trust, and this often allows people to overcome suffering and their fear. Those of us outside of it cannot judge as to how people feel at that moment. We need to remember that palliative care is a relatively recently developed specialty and that it is not just about giving opiates; it is about providing a holistic approach. From my interfaces with professionals in this field and my research, I have to say it is really misleading to say there are thousands of people out there suffering intolerably. Frankly, there is an enormous amount of projection from those on the outside as to what the non-sufferers would be prepared to endure.

There are problems with palliative care in this state in that in rural areas it is not well covered. There is a great

general deficit in terms of the palliative care available in regional and rural areas and the sort of support that is actually needed over the longer term and how we serve our multicultural society. There is a great deficit in a whole range of areas.

I asked my own GP about this, as one of the things I did in preparation for this debate, and he said that in his 25 years of practising only one person had ever asked for him to be involved in a process that would assist that person's suicide. I asked him about the levels of pain and suffering. I asked, 'What if people have bone cancer?', and he said, 'You would just give them a block. The pain relief is available'. He said that where it becomes problematic is when people have profound breathing difficulties, as one would expect if someone were dying from lung cancer.

Palliative care specialists state that they have not come across anybody who was suffering intolerably. As we are living in a multicultural society we have to ask what physician-assisted dying, or euthanasia, means for other communities and the believers of other faiths. Frankly, physician-assisted dying is very much an Anglo-Saxon approach to the end of life. Of great concern to me is that the expertise in palliative care is yet to be well embedded in medical circles, and there is still plenty of misunderstanding in a general sense for end-of-life care.

In our increasingly secular society many people suffer from loss of purpose. They become overwhelmed by feelings of meaninglessness and questions such as 'Why am I alive?' arise. How, therefore, is a lack of self-worth and loneliness to be treated? The fact is that people get incredibly isolated and lonely in their suffering, and that is precisely why palliative care and support services and the contributions of volunteers are so important and need to be applauded.

Palliative care is the solution to the pain of terminal illness. While talking about palliative care, I want to briefly talk about my experiences in an oncology ward in 2001. My mother was terminally ill, dying of cancer of the liver, and in her last month of life I was able to put a folding bed in her private room. I was there 24 hours a day for the whole month. That taught me a lot about the practice of people in such an environment, and I heard many sounds during the night.

I want to salute and thank the oncology nurses who are on duty throughout the night and will probably be dealing with people who die while under their care. They are truly angels. In a way I look at this legislation as a sort of an affront, an assault, to the care that none of us know about, that none of us have yet to experience from the perspective of the person who is actually receiving that care, because none of us has been terminally ill.

You can only look at it from the viewpoint of an outsider and imagine through your own reactions what it could be. God bless the people in those settings and all strength and purpose to them as they make their contribution to society, which is invaluable. Given time, care and support, I firmly believe people who are often depressed and immersed in a sense of hopelessness may see hope and a way forward.

Because we had such an amount of material sent to us by the lobby group Dying with Dignity, I feel it is important to provide some balance in terms of the material that is available to us as parliamentarians involved in this debate. We received a letter from a group called Medicine with Morality, which is made up of Australian doctors concerned with the drift of ethics away from moral absolutes. I will not labour the point, but it is telling that this letter says:

> For the individual there inevitably comes the 'duty to die' — the pressure on the dying or incurable to ask for death even when they want to keep on living — to relieve emotional, physical and financial distress on relatives or carers.

I have an email that arrived on 28 July which represents 100 senior doctors opposing the proposed bill. They have asked that we consider the arguments they have put forward. They say:

> Any such legislation cannot be safeguarded from abuse and corruption and the many harms to patient-care, doctor-patient relationships, the ethos of health care and to societies that diminish the value of the sick and dying that inevitably follow from such legislation. This is clearly seen from an unbiased reading of the evidence from experience in the Netherlands and in Oregon, USA.

They are from groups of doctors. What does the overall group of doctors actually say? The position of the Australian Medical Association Victoria on this bill is as follows:

> The AMA recognises the divergence of views regarding voluntary euthanasia and physician-assisted suicide in Australia. Indeed, the range of views, from those who fully support voluntary euthanasia to those who totally oppose it, is reflected within the medical profession itself.

However, it says:

> … medical practitioners should not be involved in interventions that have as their primary intention the ending of a person's life.
>
> … this does not include administering treatment or other action intended to relieve symptoms which may have a secondary consequence of hastening death —

which we all realise goes on. It further says:

> Nor does it include medical practitioners' discontinuation of futile treatment.

A submission from the Islamic community states:

> The Islamic position is that life belongs to God. It is he who gives and takes away life. No human can give or take it.

In terms of the Jewish community, Noahide laws say:

> 'Physician-assisted dying', by which is meant an intervention by the physician to kill a patient, is no way lessened in its seriousness by the consent of the patient, to whom suicide is prohibited.

The Uniting Church of Australia says:

> The British House of Lords in 2005 after an extensive inquiry recommended no change in the law prohibiting physician-assisted dying or euthanasia.

The conclusion to this document states:

> Physician-assisted dying should involve medical skills to relieve pain and symptoms and give compassionate care — not by terminating the person's life.

In a letter from the Archbishop of Melbourne, Denis Hart — I think this is important and I hope everybody is paying attention — he says:

> The desire to live is often tenuous in the face of suffering and in the face of the burden which illness may impose on others, on families and on the wider community. Nothing worthwhile would be gained for chronically ill people by supporting the legislation of deliberately ending the life of those who request death. Such requests warrant a response in solidarity from our community, a response that seeks to give better support and better care, rather than termination of both life and care.

Finally, I am sure other members have received this email which talks about the distress of a wheelchair-bound man, Dr Christopher Newell, who died in June. His contribution to the debate is set out in this email. He said on 28 May:

> These days I live on morphine patches for my own spinal pain and find it even more distressing that people want to offer to kill me rather than support me living.

The writer of the email said:

> It troubles me to think that his last days had that extra burden to cope with, of a withdrawal of a sense of support for his desire to struggle on.

I say to my fellow members of this chamber that this legislation demands that legislators stand up for the value of life, every moment of which is precious, and that we vote down a bill with terrible repercussions for society.

Ms MIKAKOS (Northern Metropolitan) — In my view this debate is one of the most important we have had in the eight years I have been a member of Parliament. It is important in that the consequences of getting this wrong are enormous, because this bill has the potential to change how our society views issues of life and death.

I understand the motivation of those members who have initiated this bill before this Parliament. I too feel great sympathy for those people who are terminally ill or who have an incurable disease. I came to this debate with a genuinely open mind, prepared to research and look at the issues for myself. I am grateful to my party for providing members with a free vote on this bill. I assure members of the community that I will be freely exercising my vote.

I am a practising Christian, but I have never taken the view that as a legislator representing hundreds of thousands of constituents, who have many shades of opinion on this issue, that my own view should be all that matters. I sincerely thank the many constituents, the medical professionals, churches and many others who have written to me or otherwise contacted me to share their own views and experiences about what is a very complex issue. I especially thank those people who shared with me their personal experience of losing a loved one.

I also acknowledge the many heartfelt contributions made by colleagues on both sides of this argument who have had loved ones die in difficult circumstances and yet have arrived at different points of view about this bill. I cannot begin to imagine how difficult it was to recollect their loss of their loved one, so I thank them for sharing their personal stories with all of us in such a public manner.

Of the many discussions I have had with members of the public, the one that stands out in my mind was the woman who told me that it was an honour for her and her two daughters to spend time with their dying husband and father in his last few weeks. He suffered terribly, but they would not have wanted to end his life prematurely. I was also impressed with the dedication of a palliative care nurse who told me how honoured she felt to share the end-of-life period with a dying patient and their family. We are truly fortunate as a society to have caring doctors and nurses who care for people when they are at the most difficult point in their lives.

As a legislator I believe I have a public duty to ensure that legislation passed by this Parliament provides a public benefit, that it does not have unintended

consequences, that it protects the most vulnerable in our society and that it has the community's support.

Beginning with this last issue first, as Ms Hartland did in her second-reading speech, I point out that popularity should never be the sole criterion for public policy — for example, I will always oppose the death penalty no matter how popular it may become. I have referred to the Newspoll survey commissioned by Dying with Dignity Victoria in 2007. I acknowledge that there appears to be considerable community support for a doctor administering a lethal dose. I found it interesting that the majority of people surveyed, like me, had had no personal experience of the issue at hand and that the lowest level of support for physician-assisted dying was among the age group who one would presume would use this legislation the most — the over-65 age group.

I cannot ignore the genuinely held fear of elderly members of the community who have expressed to me their view that this bill is driven by a desire to rationalise medical resources in the future, and that it reflects a growing view that because people are now living longer our society views the elderly, the sick and the dying as a burden on society and as dispensable. This can be dismissed as a 'slippery slope' argument, but the fear held by these people is real.

When I spoke to elderly migrants this fear was compound by concern that their lack of English would prevent them from knowing if their real views were being conveyed to their doctor. I will come to the issue of consent again.

I have also had regard to the views of the medical professionals who will need to actively participate under this legislation. I noted in particular the opposition of the Australian Medical Association. The AMA's 2007 position statement on the role of the medical practitioner in end-of-life care states:

> Medical practitioners should not be involved in interventions that have as their primary intention the ending of a person's life.

The World Medical Association representing 82 countries, the British Medical Association, the New Zealand Medical Association, the Canadian Medical Association and the American Medical Association are all opposed to physician-assisted dying. Medical practitioners who are opposed to euthanasia point out that physician-assisted dying is contrary to the ethos of medicine emanating from the Hippocratic oath and undermines the trust in patient-doctor relationships.

I was impressed by the arguments made by the British Medical Association in its document *Assisted Dying — A Summary of the BMA's Position* dated July 2006. I will read from that document.

> The BMA's policy is that assisting patients to die prematurely is not part of the moral ethos or the primary goal of medicine and, if allowed, could impact detrimentally on how doctors relate to their own role and to their patients.
>
> Although the BMA respects the concept of individual autonomy, it argues that there are limits to what patients can choose if their choice will inevitably impact on other people.
>
> If assisted dying were an option, there would be pressure for all seriously ill people to consider it even if they would not otherwise entertain such an idea. Health professionals explaining options for the management of terminal illness would have to include assisted dying. Patients might feel obliged to choose it for the wrong reasons, such as if they were worried about being a burden or concerned about the financial implications of a long terminal illness.
>
> The concept of assisted dying risks undermining patients' ability to trust their doctors and the health care system. In particular, it could generate immense anxiety for vulnerable, elderly, disabled or very ill patients. It could also weaken society's prohibition on intentional killing and undermine safeguards against non-voluntary euthanasia of people who are both seriously ill and mentally impaired. For such reasons the BMA opposes it.

The law currently allows a patient to hasten their death by refusing medical treatment or refusing food and drink. The law also allows a doctor to hasten a patient's death as long as the doctor's primary motivation in administering the drug was to relieve the patient's pain. This bill allows what is referred to as active voluntary euthanasia to occur — that is, a competent adult patient will administer himself or herself a life-ending drug, effectively suiciding, with the assistance of a doctor and possibly a person appointed to act as their agent.

The bill does not allow for an advance directive to be made — that is, a person specifying that at a certain point in the future they want to refuse further medical treatment such as turning off a life support machine — as that person will not be in a position to make a competent decision at that point. This bill encourages a patient to end their life prematurely whilst they are still able to give the go-ahead to their doctor. That is said to be patient choice.

On the surface this bill contains a number of safeguards to ensure that the ending of a person's life is based on their informed consent. A patient would need to be assessed as having the mental competency to give this consent. However, it is likely that a person suffering a terminal illness and experiencing physical or another type of pain, as defined in the legislation, would be affected by depression and therefore unable to give true legal consent. The Kübler-Ross model describes

depression as being the fourth stage of dying prior to acceptance.

In a review of cases of assisted death in the Northern Territory, conducted after the short period during which the legislation operated there, many patients were reported to have suffered from depression. In a paper entitled 'Seven deaths in Darwin — case studies under the rights of the terminally ill act, Northern Territory, Australia', published in the prestigious medical journal the *Lancet* on 3 October 1998, David Kissane, Annette Street and well-known euthanasia advocate Philip Nitschke reviewed seven of Mr Nitschke's patients who were the only patients to request assistance in dying under the Northern Territory act prior to its repeal in 1997. In my contribution to the debate I am going to refer to this paper at some length as I understand that it is the only research of its type that has taken place in Australia, and it is the only research of its type in Australia that contains real examples of how doctor-assisted dying has operated in practice in the context of the Australian health system.

In reading this paper it has become apparent that the bill before us has weaker provisions than the now repealed Northern Territory act — for example, under that act if the first doctor did not have special qualifications in palliative care, a third doctor with the required qualifications had to inform the patient about the availability of palliative care. Under the Northern Territory act a person with an incurable illness would not be able to access euthanasia unless they were assessed as terminally ill. The Hartland bill before us goes further than the Northern Territory act by allowing a person who has an incurable illness to seek physician-assisted dying. Someone close to me with an incurable illness — she has multiple sclerosis — pointed out to me that people with an incurable illness struggle to come to terms with the fact that they will lose their independence and will need high levels of care and assistance which they see as undignified, and this contributes to depression. This person's view was that no-one should view their own life or that of another person as undignified just because someone else has to do basic tasks for them such as assisting them to go to the toilet. By including incurable illnesses in this bill we are encouraging these people to give up hope and to take the view that they have nothing to live for.

A further requirement in the Northern Territory act was that there were no medical measures acceptable to the patient which could reasonably be undertaken to effect a cure, and that any further treatment was only palliative in nature. The definition of terminal illness in the bill before us only requires that death is likely in the foreseeable future, which is a lower threshold.

The Northern Territory act also required a psychiatric assessment in all cases to confirm that the patient was not suffering from treatable clinical depression in respect of the illness. The Hartland bill before us makes a distinction between the terminally ill and the incurably ill and only requires a psychiatric assessment in all cases where a person is incurably ill. This seems to imply that the incurably ill are more likely to be psychologically affected by the news of incurable illness and likely to give up hope.

The Northern Territory act also had a longer cooling-off period than this bill. I do not point out the differences between the Northern Territory act and Ms Hartland's bill in order to suggest that the Northern Territory act, if it were enacted in Victoria, would be a panacea. Despite all of the additional safeguards that were in the Northern Territory legislation compared to this bill, the Northern Territory act still had fundamental problems that should cause us as legislators to think carefully before proceeding to enact this bill as law.

The authors of the Kissane, Street and Nitschke paper published in the *Lancet*, which I referred to earlier, found there were differences of opinion among doctors and that the need to provide opinions about the terminal nature of illness and the mental health of the patients had created problematic gatekeeping roles for the doctors involved. The paper also describes the circumstances of each of the seven patients, all cancer patients, subject to the case study review. It found that three of the patients were socially isolated and four had some symptoms of depression. Having read the case studies, I could not help but conclude that the patients' loneliness and isolation was a factor in their mental states, and I wondered whether, if their family circumstances had been different and they had had more support, they would have made a different decision. The paper points out that the patients saw the psychiatric assessment as a hurdle they had to overcome. I am sceptical about how a once-off psychiatric assessment can accurately assess a patient's mental competence to request euthanasia.

The *Lancet* paper also refers to another paper, by Ganzini, Fenn and Lee and entitled 'Attitudes of Oregon psychiatrists towards physician-assisted suicide', as showing that only 6 per cent of psychiatrists in Oregon, USA — which allows physician-assisted dying — thought that they could be a competent gatekeeper after a single assessment of a patient.

The *Lancet* paper refers to other research linking depression with a desire to die and showing that those suffering depression were more likely than those not

suffering depression to request physician-assisted dying. A paper by Herbert Hendin and Kathleen Foley, entitled 'Physician-assisted suicide in Oregon — a medical perspective', which was published in the June 2008 issue of the *Michigan Law Review*, is highly critical of the operation of the Oregon legislation. I quote from the paper:

> The medical model recognizes that '[a]lthough physical illness may be a precipitating cause of despair, these patients usually suffer from treatable depression and are [almost] always ambivalent about their desire for death'.

A study of terminally ill cancer patients has demonstrated that those preoccupied with assisted suicide had symptoms of depression and hopelessness. The various research papers I have referred to make me sceptical about whether many patients will have the mental competence to decide to proceed with physician-assisted dying.

As I said at the outset, as a legislator my test is to look at whether the vulnerable can be protected by a measure. I believe that Ms Hartland's bill fails this test. It specifies only that one of the two doctors signing the required certificates needs to have the special or particular knowledge of and experience in the sufferer's type of illness. This will encourage doctor shopping — that is, getting a parade of doctors to examine you until you get the outcome you want. I am not suggesting that doctors will put aside their professionalism, but I think it is absurd to have doctors without specialised knowledge about a patient's illness certifying in relation to an issue as serious as physician-assisted dying. As I pointed out earlier, the Northern Territory legislation provides for this.

I also question why the bill requires only the incurably ill to attend a consultation with the palliative care specialists. This implies that the terminally ill have nothing to gain from palliative care, which I do not believe is the case. Having researched the issue and given this matter a lot of thought, it appears to me that there needs to be greater focus on improving our mental health and palliative care systems to better support and care for those who suffer from incurable or terminal illnesses. Many research papers refer to improvements in palliative care leading to a reduction in the desire to end one's life prematurely. It is an unfortunate by-product of today's Western society, which is so focused on a person's independence, that so many people are left feeling socially isolated, inadequate and disconnected. It is important that we as a community make an effort to engage in care for all people, including the dying and the vulnerable.

While referring to issues relating to the medical profession, I point out that nurses have indicated to me their serious concern that the bill does not give nurses, as it does doctors, the right to conscientiously object to participating in the ending of a patient's life. They have indicated that if this bill passes they will leave the nursing profession, at a time when we are desperate to retain them. I note that clause 14 suggests that nurses may be involved in administering a lethal dose, although the second-reading speech does not suggest that that would be the case. Pharmacists and psychiatrists, who are also required to play a role under the bill, also do not have this conscientious objection protection.

I come to the issue of participants in the process seeking to benefit financially from a patient's death. I know that this issue has been explored in great detail by other members, so I will only touch upon it briefly. Human nature being what it is, it is essential that patients are not coerced into an early death by greedy relatives. I note that clause 14 states that not only the signatories of the certificate but also a person who provides advice to the patient stands to forfeit any future financial benefit such as an inheritance. In reading that clause I could foresee situations where unknowing relatives who suggest euthanasia as an option get involved in costly legal battles with family members over the division of the estate based on who said what to a dying relative. At least a person who signs up as an agent is explicitly warned in the footnote to the certificate of appointment of agent that they forfeit their inheritance, as contained in schedule 1 to the bill.

I do not believe that any amendments that could be made to the bill through the Legislation Committee of this house or any other process we have available to us in this chamber could convince me to support this bill, and it is for this reason that I will oppose Mr Philip Davis's reasoned amendment.

In conclusion, for the reasons I have outlined to the house, I cannot support the bill.

Mr DALLA-RIVA (Eastern Metropolitan) — I also rise to speak on the Medical Treatment (Physician Assisted Dying) Bill. Firstly I place on the record my thanks to Ms Hartland and to Mr Smith, the member for Bass in the other place, for putting together a bill that raises issues that are often hidden in the community.

What I have done in terms of my conscience, because it is a conscience vote, is consider my experience in terms of my young 45 years of age, my experience of working in some areas in the police and my experience

of seeing death, of seeing people who have self-harmed and of seeing people who have suicided. On many occasions I have looked at those persons who have paid the ultimate price and reflected on that, both as a young man and now as we look at this bill. I have always seen those situations where people have killed themselves in whatever circumstances as a waste of the life that person had. It is with that reflection that I find it difficult to support the bill.

From my perspective everyone has a right to a life. The preamble to the bill talks about life being precious. Having seen people take their life because things were too hard and having seen the impact of that on individuals, family members and the like, I cannot see that I could support such action for the purposes of this bill.

I also have some issues with the legislation. I am being very pragmatic, but the legislation is what is applied. Again, my background tells me the legislation is how you apply it. There are some issues that worry me; people may disagree with them but as this is a conscience vote I have taken the time to look at them. I will not go into this at great length, but one of the issues that worries me is the definition of 'intolerable suffering'. It is defined in the bill as meaning:

> … profound suffering and/or distress, whether physical, psychological or existential, that is intolerable to the patient …

I sought guidance from various people as to what 'existential' means and how it could justify a person terminating their life. I got a variety of different responses. An example provided was a person in such distress at the loss of a loved one that they felt they could not live their life. People may disagree with this, and that may be a problem with the word 'existential'. Some people who are more philosophical than I will ever be have interpreted it that way in trying to understand what that particular word means. I draw that out because that is what the legislation is about. If there were an interpretation of what the act means, that is a word that would be considered.

I reflect on the people I see every year. I am one of the few MPs who attends an unfortunate annual event called the Flight of the Angels. This is attended by a group of people who have suffered the death of a loved one through homicide — through murder. These people live lives that you cannot imagine. Would that mean they are experiencing intolerable suffering in the existential sense? Some could argue that that is the case. Year after year I have seen these same people feeling the same way about the loss of their loved one as a victim of crime. I am not saying that is right or wrong, but it is an issue that weighs on me.

Clause 5 sets out the conditions under which a treating doctor may provide assistance, and we have heard a detailed outline as to how this is. My only concern in terms of this clause is that, from my reading of it, there does not appear to be an independent third party. There are treating doctors, referrals to other doctors and the like, but I am concerned. Far be it for me to agitate for more legal influence, but there does not seem to be any forming of legal oversight by the legislation to have a third or a fourth person, or however many you want to have, who is independent and totally separate — not a medico, not a family member, not related in any way. I may be misconstruing it, but that issue raises its head.

Another concern I have is with clause 9, which is headed 'Duty when declining to provide assistance'. It states:

> A doctor is not under any duty to provide assistance under this Act.

That is fine and would make sense, but it goes on to say:

> A doctor who, for conscience, professional or other reasons, declines to provide assistance must tell the sufferer that other doctors may be willing to provide assistance. A doctor who fails to do so is guilty of an offence.

The penalty for this offence is a fine not exceeding 5 penalty units. I find it hard to believe that a doctor who has a clear conscience and does not want to support this 'must tell the sufferer'. The legislation says 'must'; it does not say 'should'. I cannot subscribe to the view that a doctor could be found guilty because they have a certain view of the proposed legislation.

Other issues include clause 11, which is headed 'Not for resuscitation'. I find that heavy in terms of some of the related issues. The penalty of imprisonment for not more than five years is significant, and from my perspective it is very hard.

Clause 15 deals with improper conduct. A person who intentionally or with motive sets out to kill another person is usually charged with murder. This talks about a person who acts by fraud or deception. When dealing with murder cases there is often some form of motive — it may not be related to fraud or it may be with intent to do other harm — but as a former policeman I find it hard to have a clause which provides that improper conduct attracts no more than 14 years imprisonment, when the same or a similar motive could be applied to the intentional killing of a person and that

defendant could get 25 years to life. I am not happy about that.

In relation to clause 17, the offence of suicide does not exist in this state. Therefore you cannot be accused of aiding or abetting an offence that does not exist. I cannot find mercy killing in the Crimes Act or statutes. Manslaughter does exist, but homicide does not — the offence is murder. I have some legislative concerns about clause 17 as its interpretation may end up being an issue.

Clause 19 deals with the state coroner's report. I was part of the inquiry into the Coroners Act when I was on the Law Reform Committee, and there was an extensive report on that. The bill states:

> The State Coroner's report must be reviewed by a joint, all-party Parliamentary Committee.

My question is: which one?

This is not to be critical, but ultimately if the bill is to go forward there will be many loopholes in the issues that I have brought forward. As I say, I cannot in all conscience support this bill based on the issues I have raised and my experience of seeing people who have intentionally killed themselves in circumstances where if only there had been appropriate mechanisms in place those people could have had happy and joyful lives. For those reasons I will not be supporting this bill.

Mr TEE (Eastern Metropolitan) — When I talk to people who have watched and supported loved ones who have died, I have enormous respect for the role they have played. After hearing of those experiences I am often left with a sense of sadness. I often spend days and weeks recalling the images that have been relayed to me. When I think of those experiences, I am filled with a sense of the enormity of death. When I think of the role that the current law plays when dealing with the dying, I believe that instead of supporting the dying, their families, their friends and the medical profession, it is an additional burden. The law adds a layer of confusion and complexity at the very time when the circumstances demand certainty.

The terminal patient pleading for pain relief and the doctors administering that relief do so in the knowledge that the pain relief will either then, or subsequently, end the patient's life. The legal consequences of the doctor's actions are, to me, unclear. To me it is unclear what the legal consequences are for the doctors prescribing the pain relief knowing that the pain relief will kill the patient. As I see it, this is a grey legal area, and I believe it places the doctor in an intolerable position. It puts the family, whose members are complicit in the doctor's actions, in a difficult position. Of greatest concern is the position of the patient. When the patient consents to receiving the potentially lethal dose of morphine, what is it that they are consenting to? These decisions are, of course, made in appalling and difficult situations where a patient is suffering excruciating and unrelenting pain. The patient is extremely needy and vulnerable.

The law should provide clear guidance to the doctor, and the law should safeguard the rights of the patient. Those rights include the right to freely choose to end their life. I enter the debate from the premise that the current legal situation is untenable. It does not provide clarity, it does not provide certainty, and it does not provide much help. The law as it stands does not assist the most vulnerable patients when they need it most. I believe that the law should be amended. It should provide a proper and transparent framework so that those dying from an incurable disease can take control of their death.

With that background I turn to the bill and I ask: does it help the dying, their families and their doctors? Does it provide that clear framework that protects and guides the most vulnerable of patients? The bill, as I understand it and as I have read it, covers two classes of patients. It covers those who are suffering an incurable illness and it covers those suffering from a terminal disease. Patients suffering incurable illnesses or terminal diseases qualify to use the provisions in the bill if they are experiencing intolerable suffering. I have a concern that the bill provides a very broad definition of 'incurable illness', of 'terminal illness' and of 'intolerable suffering'. In the bill the definition of 'incurable illness' is not limited to an illness that is going to result in the death of a patient. It means an illness for which there is no cure. I would imagine that under that definition one would find illnesses or diseases including AIDS, but I am unclear as to whether or not the definition of 'incurable illness' will cover diabetes or indeed asthma. All of them on one level could be incurable illnesses.

As I said, there is a second test. The incurable illness must also cause intolerable suffering. I had a look at the definition of 'intolerable suffering'. Under the bill 'intolerable suffering' is not limited to the physical pain caused by an incurable illness. Intolerable suffering can include psychological or indeed existential pain. The incurable illness does not have to cause any physical pain. The inclusion of existential pain is unclear, confusing and troubling. As I understand it, it means that someone is concerned about their existence because of their incurable illness. I am concerned that the physical, psychological or existential pain does not

have to be objectively intolerable in the opinion of a treating doctor. It is sufficient that the pain is intolerable to the patient.

I have a number of concerns about the breadth of the legislation. The bill goes a lot further than hastening the death of someone suffering extreme and unrelenting physical pain caused by a disease for which there is no cure. The bill covers a much broader range of circumstances.

I have a number of other concerns about the bill. Clause 5 in particular deals with a patient suffering a terminal illness and a mental illness. The clause provides that the patient must be mentally competent. Clause 5 provides also in subsection (i)(iii) that:

> … any treatment of the sufferer's mental illness is unlikely to alter the sufferer's decision —

to act under the bill. So it is unclear to me what this clause means. It appears to be internally inconsistent. It suggests that a person who is mentally competent can use the bill where treatment of the mental illness suffered by the patient is unlikely to alter the patient's decision to use the bill to end their lives.

There are a number of other issues. I am concerned that, while nurses and pharmacists must be registered to practice in Victoria, there appears to be no such prerequisite for doctors. Under the bill, doctors who are central to the working of this act must be qualified but they do not have to be registered — that is, doctors who prescribe drugs that will kill the patient do not have to be registered to practise. It is sufficient, as I said, that the doctor is legally qualified. I am not sure why this distinction is in place, but I understand that a proposed amendment will remedy that omission and I would support any such amendment.

At the end of the day, I am not a medical-legal practitioner and do not claim to have expertise in this area. I do not have the experience or the familiarity to attempt to provide amendments to address the concerns I have. This is not a bill that has gone through extensive consideration by a body such as the Law Reform Commission and it has not had the benefit of departmental input. This is no fault of the author of the bill but it makes me concerned about any unintended consequences of the bill that have not been carefully and rigorously considered.

While I support people dying with dignity and not suffering unnecessary torment, I think this bill goes too far. It seems to me that anyone who has an existential angst over their conditions can, on one reading of the bill, end their life. So the bill has moved from a humanitarian position of helping someone die with dignity to helping them commit suicide. While I have no doubt that the community supports dying with dignity, I do not believe there is broad support for assisted suicide. So I cannot in good conscience support this bill, and my opposition to this bill is not the decision that I wanted to make.

Mrs PEULICH (South Eastern Metropolitan) — I just hope that I keep it together for the duration of my contribution to this debate. Because it has spanned some weeks, it has been cut and dissected and reconsidered many times over, not because of any doubt in my moral, personal or social framework but I guess because irrespective of the confidence that we have in our views based on the information that we have acquired in the course of our own personal experiences, nothing is ever 100 per cent certain. There is always that small element of doubt in one's mind. Having considered all the issues — and as I said I was not one of those who was wavering a hell of a lot — I must confess that I find it very difficult to support assisted suicide or euthanasia on any ground, be it moral, personal or social.

First I would like to say that, on a personal level, all of us have brought our own experiences to bear and mine are not dissimilar but nonetheless still unique. I also nursed my own father who at 63 years of age was diagnosed with lung cancer and died after a very short diagnosis spanning only eight weeks. My father had been a very courageous and brave person. He had been imprisoned by the communists and thought he would not survive to see his family again. He had taken a very brave decision to relocate his family to Australia in search of freedom and peace of mind. In so many ways he was a lot more courageous than many people and certainly a lot more courageous than I was. Yet he wanted to die at home; he did not want to die in a hospital. We were very lucky that we had access to palliative care. Through that experience I learnt what palliative care was. As I said, he wanted to die at home and I felt that it was my honour to grant him that wish because it was he who gave us life and the opportunity of enjoying much greater chances in life than he had ever enjoyed himself, having been left fatherless at the outbreak of World War II in 1941 in Bosnia-Herzegovina in the former Yugoslavia. His father had been killed before his eyes — cut open by a knife, as Shakespeare would say, from the nave to the chops — leaving his mother with four children and pregnant to survive the entire war.

As is the case in the history of many immigrants to this country who have come from troubled parts of the world with a blood-spattered history such as, for

example, the Balkans — and Bosnia-Herzegovina in particular, it having been under the Ottoman Empire for 450 years as well as suffering many other occupations — on the other side of my family, my mother had been in the children's concentration camp called Jasenovac. It was only a fortnight ago that a cousin of mine from Chicago alerted me to the fact that her eight-month-old brother was listed on a website as a victim in that particular concentration camp.

For many of us who have come from troubled parts of the world, life and death are important and precious issues, so I do not come to this debate lightly. I must say I found it difficult to attend any of the briefings. When Ms Hartland read her very detailed second-reading speech I literally had to run out of this chamber for fear that I was going to throw up. The images of death, whether they be sanctioned by the state or not, conjures in me such a violent physical reaction that it makes me sick, so I apologise if I do not remain composed for the duration of this contribution.

For me, death is rarely undignified. What is often more undignified is how people live their lives. An elderly person, a disabled person, or a person suffering an intellectual disability may be not as useful or functional, but they are not a styrofoam cup that can be thrown away when it is no longer useful. Although I am a Catholic I do not come to this position from my religious convictions but much more so from my personal experience. I never thought that I would quote Pope John Paul II from 2004, but it is a very appropriate quotation. He is reported as saying:

> … the intrinsic value and personal dignity of every human being do not change, no matter what the concrete circumstances of his or her life. A man, even if seriously ill or disabled in the exercise of his highest functions, is and always will be a man, and he will never become a 'vegetable' or an 'animal'.

From the moral position I must say I reject the view that a person can die with dignity; I think a person can live with dignity. As has been often said — and I do not want to use a cliché that has become trite — a civilised society is judged mostly by how it treats those who are most vulnerable. This bill ultimately deals with those people who are the most vulnerable in the most vulnerable times of their lives.

This bill is less about the right to choose. Although I am a Liberal and I believe in choice, I believe on balance this is asking me as a legislator and as a person to take part in establishing a regime that goes beyond just a personal choice — a regime I believe cannot possibly have the safeguards of which we have been assured. It is a regime that will lead to an irrevocable change in the culture of our society and a regime that I could not support on the basis of my own personal background, and certainly on the basis of my own moral beliefs.

I do not need to remind people of the Hippocratic oath. I am sure it has been quoted many times:

> I will give no deadly medicine to anyone if asked, nor suggest any such counsel.

As Ms Pulford said, and it was also alluded to by Ms Mikakos, it is for the same reason that I am a strong opponent of capital punishment. As a mother I could not support the establishment of a regime that could lead to one innocent death, because ultimately it could be my son, and I treasure him and understand and empathise with the importance of family. I could not take an active part in the establishment of a regime which could ultimately lead to an innocent person dying, to a person who was unable to express their view dying, to that decision being actively inferred by a third party, or merely that it be another accident of our health system, notwithstanding the great lengths to which Mr Scheffer went to cast doubt and dispute the 1000 accidental deaths in the Netherlands, citing that this occurred in 1995 and that it certainly could not happen again. We know that in actual fact that was not just a one-year audit. I could not support the setting up a regime of that nature, especially one that applies not just to the terminally ill, as flawed as that definition is — for me, terminal restlessness is the critical point in time; that is about three days before death, beyond which it is irreversible and one cannot recover.

As mentioned by Mr Tee, the much broader definitions in this bill relate to the hopelessly ill, the incurably ill and existential pain — and having studied sociology 101, I know existentialism is based on one's personal reality and may not be substantiated by empirical or objective assessment. For me there is no safeguard in that because it places at risk every person with an intellectual disability and every person with a physical disability who may not be able to express their wishes, such as a young baby who is unable to articulate. Even Mr Philip Davis mentioned that perhaps this bill is better designed for the articulate, the informed and the educated, and less suited to those who are less so.

I have been contacted by thousands of people. So far I have tabled a petition containing nearly 5000 signatures. Many have been ruled ineligible because some people are illiterate and they did not know that you have to sign or that you have to put your address down, but they wanted to make their views known. It applies to a whole range of people who are

not necessarily well informed and who may not be able to articulate their views.

For me the bill is fatally flawed. It is too broad, and there are no safeguards. It irrevocably changes the culture of our society and the relationship between patient and doctor. Based on a whole range of other reasons, as I mentioned before, I do not believe I could vote for the bill, whether it was referred to the Legislation Committee or not.

That does not mean that we do not feel compassion for people who are ill and are in pain. I lived through every moment of my father's illness. I took him to every appointment and to every session of radiology. I was there to wet his lips in his last few days of life. My husband changed his incontinence nappies. Some people may think it is a little dehumanising to be talking about such personal matters. Many of us from Europe do not care; we wear our hearts on our sleeves — and that is me. As I said before, I did not see that there was anything undignified in making my father's last wish come true. We were fortunate that palliative care was important, but as soon as you move that next step, how can you be sure that the health services are not going to be reconfigured to deliver services more for the easier, cheaper option, especially when our hospitals are clogged with so many aged people and especially as the cost of health care — rather than funding for palliative care — is escalating? Having read through the Oregon experience, it appears that that is very much the case.

Palliative care is vital. The advancement of pain management means that people who are terminally ill need not suffer unbearable pain. Despite the fact that this debate has been happening for 3000 years plus, those advances mean that fewer and fewer people need to suffer that sort of sense of hopelessness that the second-reading speech refers to.

In terms of psychological pain, evidence shows that once you treat that depression, that psychological pain, quite often the desire to live is reignited. Medical science is not that precise, with the exception perhaps of the passing of that point of terminal restlessness, that we can predict the time of death. People have been diagnosed as having a short time to live but have outlived that prediction. I knew a woman who suffered from multiple sclerosis and was in a wheelchair for most of her life. She was doted on and cherished by her husband and lived in a wheelchair for 45 years. She had an incurable disease, but she still wanted to live.

As I said, it is very difficult to talk about people at their moment of death because we do not ultimately know how they will react. Quite often people who wish to die, as I said, if treated properly, their zest for life and willingness to live is reignited and they are able to live a quality of life that perhaps they would not have otherwise been able to envisage.

I think that to destroy the boundary between healing and killing would mark a very significant departure from the longstanding legal and medical traditions of this country and would threaten unforeseeable magnitude to vulnerable members of society. This is a cultural change that we cannot afford — a culture of death, as Mr Kavanagh has referred to it, where life is treated as a commodity. To use a metaphor my son was responsible for, 'of the styrofoam cup', I believe that people are more than just empty vessels.

On Saturday I went to a coffee shop where I saw a woman of 92 years of age. She was still dressed fairly snappily and was being taken out of her nursing home by her daughter and her son-in-law. We engaged in a bit of conversation. She was having afternoon tea, still mobile and dressed quite well. She spoke to the owner in Indian, because she had lived in India for 10 years. She had led quite an interesting life. As we walked out her daughter turned and said to me, 'You would not want to live that long, would you?'. I thought, 'Here is a 92-year-old woman who is still enjoying a good quality of life', and I said, 'I would love to live to be 100, not 92'. That showed me a very different perspective of life — that is, this notion that somehow you have lived your life and that you are being selfish if you cling onto it. This is the dilemma, because if we go down this track, then the culture of our society will be that those who wish to live will be seen as selfish, as not doing their duty and as exacerbating the family's drain on resources, be it time or money. Such people will be seen as selfishly using up resources in our hospitals that could perhaps be better diverted to the treatment of babies or of people who have a longer life prognosis. This is a culture of death and it is something that I see as a retrograde step. I believe the pressure to die will prevail if we go down this track, and growing old will be something that this society will not support. Over time I believe that those cultures will be the culture of this society, which is basically focused on the protection of family. Protection of individual choice indeed will militate against it.

As I said earlier, there has been enormous response without a lot of fanfare from a lot of people who have wanted to sign petitions opposing what they see as a very disturbing piece of legislation. As a legislator I cannot agree to this legislation. I do believe in choice, but, as Mr Philip Davis said, a choice that does not harm others. I believe this legislation, if adopted,

certainly would. This is not about exercising personal choice. It is about asking a society to set up a regime to make that possible. Extrapolating and interpreting the wishes of others can establish a very dangerous regime. As safeguards go, I believe the certainly will not protect the elderly, the frail, the infirm, the inarticulate or people with disabilities. Those who promote this last fatal escape as a right should remember that such a right may quickly become an expectation and, finally, even a duty to die. We fear eventually that some individuals and families will be forced to put financial concerns above the needs of loved ones.

I would like to read one letter that I received with some petitions that were forwarded to me from the Greek Orthodox Community of Mentone and Districts. It says everything in a very simple and measured way:

> We at the Greek Orthodox Community of Mentone and Districts and the Mentone Greek Elderly Citizens Club are glad to have been given the opportunity to express our opposition to the proposed bill. Our opposition is considered and measured. It stems from deep religious and cultural beliefs. In fact, for us, the euthanasia issue was settled a couple of millennia ago at the time of the Spartans. The story goes something like this. It is said that a son was taking his old and infirm father to throw him over Mount Taygetus as was the common practice at the time. The father turned around and said to his son, 'Son, I am very happy for you to throw me over the cliff but remember that one day your turn will come'. The son turned around and took his father back. The Spartans stopped the practice of euthanasia.
>
> We, who have signed the petition, are not callous people. In fact, many of the older ones in our midst have witnessed the horrors of war, knew a time before penicillin and have had firsthand knowledge of losing loved ones in the most trying of circumstances. It is because of these experiences that we believe human life to be precious. It should not be cheapened by legislating to hasten death.
>
> As far as we are concerned, the existing legislation more than adequately covers the most difficult of circumstances that can be encountered when a person is dying. One only has to visit the palliative care wards to know that measures are already in place to deal with hopeless cases …

The letter goes on to say:

> A core measure of any civilised society is how it treats its most vulnerable and infirm. Parliament should concern itself with raising the bar and getting world best practice in place for areas such as palliative care, which in our opinion is inadequate and underfunded.
>
> Thank you once again for alerting us to this bill.

In addition to that we have received correspondence from ad hoc interfaith committees representing clergy from Christian churches and from the Islamic and Jewish religious communities. They are all very firm in their opposition to this particular legislation. We have also heard from myriad medical practitioners in this state, from interstate and internationally. From other members of the opposition I have heard of the concerns of nurses about what this legislation will mean. I acknowledge that many individuals who support this legislation hold a different view. However, in summary, on my own personal experience, on my own moral framework and my concern about the irrevocable change in the cultural practices of our community, I could not support the bill as it is, or even if it were referred to the Legislation Committee.

Mr JENNINGS (Minister for Environment and Climate Change) — I would like to take the opportunity to make a pretty unqualified statement that in fact I love life. Indeed I cherish life, and I am committed to ensuring that there is a quality of life for all of those I come across in my human experience. I have a love for humanity, and I express that in the true spirit of the various vantage points and expressions of humanity that is evident in this debate in this chamber. In dealing with life-and-death issues of our human spirit, our human consciousness and our approaches to our philosophy, this government has pretty much a 360-degree framework. Within our global community I can say to those who will have a very different view to the way in which I intend to vote on this piece of legislation that I have a wholehearted respect and regard for their point of view and for their commitment to the quality of life of the people they express and demonstrate concern for and commit themselves to.

In terms of how we should be measured, I think a number of people in this debate feel as if their lifetime of experience and commitment to humanity is somehow summed up in their contribution to this debate. I would like to contest that that is not the case. In fact their lifetime contribution to the spirit of equality and to achievement for all and to making sure that global citizens maximise their opportunity and their potential and that they live the longest, happiest and most fulfilled lives I do not doubt for a second. All of us have an ongoing opportunity to find a way of giving life to that — all of us!

I do not think for a second that we should be swayed by the gravity of this piece of legislation and the gravity of the issues that actually confront us to the extent that we lose sight of that. Regardless of how we vote on this issue, regardless of the views we express, we have a lifetime of opportunity to demonstrate our compassion and commitment to humankind. I would encourage all of us to dedicate our lives to that. That is the nature of my commitment to political life. It is the reason I am here, fundamentally because I seek to maximise the opportunity for a quality of life for all our citizens.

Clearly limits are placed on quality and opportunity. In various societies, whether they are ours or others around the world, a whole range of structural, philosophical and physical barriers are put in the way of people being able to maximise their full potential and live happy and fulfilled lives. Just yesterday in this Parliament we acknowledged that Aboriginal people continue to this very day to have a life expectancy well below that of the Australian population, and that is intolerable.

We should dedicate ourselves to rich, fulfilling and satisfying lives for all of our citizens — for all of us. A number of complicated and perplexing issues bedevil some of us when we are trying to drill down to what that means when we grapple with issues of death and dying. In trying to find a way of dealing with those perplexing issues, we somehow lose sight of our commitment to humanity and to a satisfactory and fulfilling life.

I want to place on the record that I do not think we need to entrap ourselves by trying to come to terms with the way that we deal with end-of-life decisions and the quality of life that may occur at the end of life. We can lose sight of some of those commitments that we try to perpetuate through our political and community life, such as trying to empower people and enabling them to make the most profound decisions that would affect the quality of their life and at what point we say they cannot make those decisions any longer.

People who dedicate their lives to empowering people consider that at some critical point in time that empowerment right should be taken away from them, when in fact they do not have the capability to make those decisions. At that ultimate moment it is not their right to choose whether they should live or die, even though there may be a whole range of extreme and valid reasons — such as the pain and suffering, the anxiety, the angst, the humiliation, the shame, and a variety of those factors — that lead them inexorably to considering it a very reasonable judgement for them to make.

I do not say that I equate ageing with a debilitating downhill trajectory and that we cannot cherish the opportunities and the capacities of those octogenarians, and those in their 90s or their hundreds, to reach a satisfactory and fulfilling life. Ageing is not a relevant issue in relation to this dynamic.

All of us have been inspired and will continue to be inspired by those who have terminal illnesses, who endure great pain and suffering, who are wholeheartedly committed to maximising their potential and their engagement in life each and every day, and who will not give up one day of that life. We should all dig deep and find a supportive community and supportive environments that provide caring relationships to enable the most satisfying, fulfilling and enriched life for those with whom we share the global community and who are committed to maximising each and every day of their lives.

I am not ignorant of the range of issues associated with terminal illness and what it means for the person who requires care, support and assistance. They may learn many things about themselves. They may learn new powers of understanding and enlightenment as they endure the things they are subjected to, but the same can also apply to those who provide the caring relationship. This is not the first time in public life that I have volunteered my personal experience. My mother endured many years of a terminal illness. Her quality of life deteriorated over many years of pain and suffering. The care that my father provided to her was his redemption, because in fact my wayward father found his way in providing care for my mother who was unable to care for herself. When he dies he will have value in his life. The most shining example of his achievement will be the love and compassion that he showed to my mother in her years of decline.

I understand that pain and suffering, both for the person who is subjected to the pain and suffering and those who provide the care, can add to the value of life. Many people who have entered into this debate volunteer that they are particularly troubled by the notion of regulating and intervening in decisions about the end of life and the nature of the caring relationship. They find it perplexing, and they say they are troubled by it. I say to those people who volunteer that they are troubled by it that that is not in itself a bad thing. Be troubled by it. Exercise your mind about it. Seek out pain and suffering. See how you respond. See what is your mettle in actually dealing with these issues. See what value you can add — beyond palliative care and palliative intervention — to the human spirit by your engagement and your intimate involvement in that pain and suffering. Seek out more trouble for yourself in dealing with this.

This is the challenge that I issue to those people who have a contrary view about the way this bill should be dealt with. It is a challenge that I will respond to. I will not turn away from the pain and the suffering, I will not be ignorant of the depths to which people have to go in order to find their humanity to deal with these issues. I encourage all of us for the rest of our lives not to turn away from these issues. These are profound, troubling and important issues which will lead us to find out

something important about ourselves. They will add to the human spirit any day that we try to make sure that the quality of life for those whom we come across is cherished.

A number of paradigms relating to this matter are thrown up by this bill, and people have demonstrated time and again that they have great difficulty in dealing with them. It is important, as complex and as vexing as these issues are, that we bring some clarity to what we are trying to achieve through end-of-life decisions — if we do regulate them — and decisions around the caring relationship. Ultimately we need to consider whether that leads to a regime of informed consent and a range of issues regarding end-of-life decisions and actions taken. We should try to think that, as enlightened as we think we may be — as many people in this debate have actually acknowledged — there is a degree of confusion and ambiguity about the various rights and responsibilities under the law that currently applies in Victoria. That is an organising principle. We should try to think about how we can reduce the ambiguity, confusion and anxiety that may be derived from that.

It is important for us to think about what many people have described as the decision-making process they go through in considering suicide — whether they do it on their own or whether they do it with some form of assistance. It is also important to think about whether in relation to this very confronting issue of suicide we have an idea of the chaos and violence that is quite often associated with it and the trauma it creates not only for the victim but for many other people in the community and whether that is an ongoing tolerable situation or whether there is some need for dispassionate and calm consideration of these matters. It is important for us to at least think about these types of issues.

Ultimately — and I do not say this to be dismissive or disrespectful in any way of people's faith and their deeply held convictions — in relation to the sanctity of life and decisions around the end of life, we are trying to grapple with whether the pain and suffering that is endured by the people we are talking about who might be exercising their right under current law or the proposed law might be addressed through a dignified way of dying and exiting this life, or whether their pain and suffering will only be relieved ultimately through their salvation in the afterlife.

For many of us that is a key organising principle of our lives, so I do not dismiss it. For many of the people taking part in this debate here and around the world this is a key organising principle of their life and their sense of self. I do not underestimate this issue at all. From my vantage point I am interested in the certainty of the dignity of this life. The way in which we respond to humanity in this life and how we try to ensure that the quality, dignity and sanctity of this life is demonstrated each and every conscious, living, breathing day in the only life that ultimately we know.

This legislation is trying to create some certainty in a field where ambiguity exists. It may err for a variety of reasons, but that is what it is trying to do. The current Medical Treatment Act is, I think, a reasonably good piece of legislation. We should not try to pretend for an instant that the regime that applies in relation to these issues in the state of Victoria from which we are starting is a greenfield approach in policy development and practice. The Medical Treatment Act is a very good and enlightening piece of legislation regulating end-of-life decisions in respect of the caring relationship. Certainly that is the view of the government. There is no doubt about it — the prevailing view of the government is that the act and current practices very satisfactorily cover the field.

From my vantage point and my experience in a whole variety of aspects of my life, including a period of time as Minister for Aged Care, I am acutely aware that there are many circumstances in which the current law does not account for — again related to conscious, informed decisions not the chaotic end-of-life decisions — conscious, informed deliberations in terms of providing care directives. There is an absence of advanced care directives within the current legislation, and time and again it has been identified as a failing of the current legislative regime. In practice, because of the limitations related to the absence of advanced care directives and information about their application, there is ambiguity and confusion in the minds of medical practitioners providing care and assisting in end-of-life decisions.

This bill takes a different approach and tries to deal with and remove those ambiguities. Many people are affronted by the fact that it removes them so comprehensively. They think it is a whole new world order, but — not for the first time in this second-reading debate in this chamber — I can say that it is important to see this regime as part of a continuum of legislative and practical approaches to these issues, rather than a starting from scratch.

In relation to the principle of empowering people to make decisions throughout their lives, it is an important statement. From my vantage point and in terms of my political pedigree, legislation that empowers people is generally good — and supporting empowerment is an organising principle of this legislation.

Many people have entered into this debate and spent a lot of time trying to rule it in or rule it out based on its technical standing — whether it is rigorous, whether every bit is cogent and whether all the mechanisms will work. Can I say that at this stage of the debate all we are deciding is whether we support the bill or do not support the bill on the basis of what it is purporting to do. On the basis of what it is purporting to do, as a matter of principle, whether you are on one side of the ledger or the other, I am for it. Because from my vantage point it is trying to empower people, trying to deal with the removal of ambiguity.

All of us have a test in terms of how we organise our lives and what we are committed to, but ultimately the test I apply to myself basically comes from my organising principles of how I live my life and my value systems that I have adopted. In this instance the simple test comes from the value systems that my mother gave me. Many people may dismiss the gravity or relevance of that, but I assure members that my mother's principles, her values were more consistent than the Bible, the Koran or the readings of the Dalai Lama. She was very straight. She gave me the values that will sustain me through most of my conscious life. She gave me the framework that I have applied in this contribution, because I started in the spirit of saying that we are all in this together. Whether we agree with one another or not, we are in this together and we have an obligation to one another. We have a need to respect one another and to treat one another with decency and dignity. Ultimately we have an obligation to enrich each other's lives and to empower one another. My mother gave that to me and it holds me in good stead.

My mother died a diminished woman. Instead of being the humorous, lively, well-informed, articulate woman that I knew when I was a child, she was a woman who in the last two or three years of her life was embittered and diminished. She had lost her ability to feed herself and had lost her ability to speak. The very last time I saw my mother, as I held her hand, as I made I eye contact with her for many, many minutes, she conveyed to me a number of things. She conveyed to me the fact that she loved me, that she was very proud of me and that she wished me the best that I could be. She also conveyed in her eyes that she did not want to see me again, that she wanted to be let go. This is a view that she had held for years. She conveyed to me very clearly what she wanted for herself and what she would want me to do in this debate.

In this debate I have no option about what my fibre tells me to do because it is very clear. The interesting thing about this is that I will vote in favour of the bill on the second reading for the reasons I have outlined, but probably there is a joke in this. I will not be voting in favour of the reasoned amendment moved by Philip Davis. My mother would be okay with that too. She understands that I am not here as an individual — much as I have individual views, principles and values — but that I am part of a collective. She knows that I would not be here if I were not part of a party that was elected to govern.

The government has determined that it is not going to take responsibility for tidying up this piece of legislation and passing it. If this chamber does, that is something else. The government is of the view that the Medical Treatment Act is sufficient to cover the field. In terms of the responsibility for getting this bill into the form required to pass the third-reading stage, the government believes it is the responsibility of this chamber. My mother would understand that. In terms of her expectation of me my mother knows the principles that I take, knows what I am committed to do within the collective, she knows what my limits of ministerial responsibility are, she knows what I will be determined to do for the rest of my life, both in terms of this debate, how it proceeds and what happens with this legislation. She knows what I will be committed to do for the rest of my life with adding value and touching the human spirit each and every day with the people I come into contact with.

Ultimately that is a test for all of us, regardless of what we do in voting on this bill. Members should not trouble themselves too much about what they do with their vote; they should trouble themselves about what they do in life.

Mr FINN (Western Metropolitan) — I was riveted by the comments made by the Minister for Environment and Climate Change. Many of his comments were very worthy and should be commended for our consideration, to say the very least.

This is a very important and a very historic bill in many ways. There are four sorts of people who support the bill. There are those who genuinely wish to ease the suffering of loved ones or to put in place a situation where they themselves will not be subject to excessive pain at the time they feel they are ready to go. I have total sympathy for that position. It is not something that any of us would get any joy out of — feeling the sort of pain that we know some have suffered in the past. I know in my own case with my own parents, whilst I was not there for my father's passing I was there when my mother died. While holding her hand I prayed that her next breath would be her last, such was the difficulty she was clearly having in breathing. When that final breath did come there was a sense of very

great sadness and grief, but also a sense of relief that she had gone to a better place and that she was no longer in the pain that she had been.

I have considerable sympathy for the position held by the proponents of this legislation, those who have been most active in supporting it and those who put this bill together. There are those, of course, who will and do support this legislation for the advancement of their own social agenda. They see the elderly, the sick and the disabled as a nuisance to be disposed of. These are people I have met — doctors, professors, so-called ethicists — who have told me that members of my own family should have been killed. They are people like Professor Peter Singer, whom I regard as one of the more dangerous individuals on the face of the earth. He believes that as human beings we have a responsibility to put down people with disabilities, for example. Just this week I received an email from one of my constituents, Helga Kuhse from Monash University, one of Professor Singer's long-time, right-hand women. That email brought back many bad memories for me and reinforced the view I had perhaps already taken on this bill.

There are those who see this bill as an opportunity to ease the squeeze in hospitals and in the welfare sector. They are the ones — not all of them — who will quite often decide who deserves the very limited funding that public hospitals have. They will decide who gets the beds and who gets the sorts of services that the elderly and disabled receive. They are the sort of people who, because of the constant financial pressure they are working under, are inclined to support the bumping off — if I can use that very crass term — of those they see as being well past their use-by date. I can see that they would certainly be supporting this legislation.

There is another group that would support this legislation. They are relatives, friends, loved ones — and I put that in inverted commas — who are very keen to get their hands on property, perhaps on the family home or on life savings. Of course the bill says this cannot be done. But it will be. If this bill is passed there is nothing surer. They will get around it and that will happen. We are, as I think Ms Mikakos said a little earlier, fighting human nature here, and that is not something that we often win against. Granny would not be granny for long, but she would be an end to, perhaps, a family's financial problems. Dad would no longer be dad; he would now be a way of paying off the house. We would see families impressing upon their elderly members that they are burdens on their children or grandchildren. We all know them within our own families.

One of the worst things that people can be told at a certain age is that they are a burden. There are so many people I know, even in my own family, who live in fear of becoming a burden. I can assure the house that nobody in my family will ever be a burden. But there will be some who will use that argument, in line with this legislation, to get rid of their aunty, their uncle, their grandfather, their mother — whoever. They will impress upon these extraordinarily vulnerable people in our community that their time has come and that they are a burden on their families and on society. Greed is a part of human nature. That greed will come to the fore if this legislation is passed. People will die as a result of that greed. Let me assure the house that that happens in the best of families.

I have a philosophy in life — and this will surprise some members of the house — that was given to me by one Jeffrey Gibb Kennett, a former Premier. It is that one should never, ever give up. I suppose it was not just Jeff Kennett who gave me that philosophy. He reinforced the philosophy that was first shown to me by my own father. When I was three years of age my father contracted cancer and was given six months to live. I was only three at the time so of course I was totally unaware of what was going on and I have absolutely no recollection at all of my father being a well man. But I do have many happy memories of dad because he did not last 6 months, he did not last 12 months — he lasted another 17 years. The doctors got it wrong, as they so often do.

If we put all our faith in the medicos or the medical community, we are really short-changing ourselves. My father would have been short-changed if he had listened to those doctors and gone home and said, 'I've got six months to live. I might as well take some tonic and I'll tootle off a little bit earlier'. Seventeen years would have been lost. My father was not the only one who would have been in that position, and that was a long time ago, far too long and much longer ago than I am going to mention.

Medical science has of course improved enormously since then, so we should never give up. We should instil in those who are facing difficult times — whether it be mentally, emotionally or health wise — the joy of hope. We should never seek to steal from them what may be possible tomorrow — that is just so important.

We must always keep hospitals as places of healing. Hospitals should always be seen as places we go to to cure our ills; they should never be seen as places to which we go to be killed. They should not be regarded as human abattoirs. This legislation moves us down that track. When I enter a hospital I do not want to see signs

directing patients to two separate wards — one saying, 'To be saved, this way', and another saying, 'For those who wish to be killed, over here'. Do any of us want to see that? Under this legislation there is a very real chance that we would see something along those lines.

It is intrinsically wrong for doctors to involve themselves in the taking of patients' lives. It is a step that we as a society must not take. We must not have the sick being afraid to go to hospital. In the Netherlands, which has embraced euthanasia in a fairly big way, a large proportion of euthanasia victims are not voluntary at all. In the past 30 years Holland has moved from assisted suicide to euthanasia, from euthanasia of people who are terminally ill to euthanasia of those who are chronically ill, from euthanasia for physical illness to euthanasia for mental illness.

Business interrupted pursuant to standing orders.

COUNTY COURT AMENDMENT (KOORI COURT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

LABOUR AND INDUSTRY (REPEAL) BILL

Introduction and first reading

Received from Assembly.

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

WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Driver Education Centre of Australia: Careful Cobber program

Ms LOVELL (Northern Victoria) — The matter I raise is for the attention of the Minister for Education regarding the Careful Cobber road safety program that has been delivered at the Driver Education Centre of Australia (DECA) in Shepparton for more than 30 years. My request of the minister is that she reinstate state government funding of this highly regarded and successful program for primary schoolchildren.

The Careful Cobber program is a hands-on, interactive road safety education program for young schoolchildren, starting with the basics. It is iconic across northern Victoria, and indeed most of the state, as a critical early years road safety program. It teaches prep students about road safety and how to be safe pedestrians, whilst older children are taught appropriate attitudes, skills and knowledge for safe cycling, as well as being given an understanding of road laws and the need to abide by them. In grade 6 students progress to driving motorised Careful Cobber cars. Driving the cars teaches the children to be more aware of some of the social and legal responsibilities of drivers and puts them in a good position to become responsible road users.

In 2007 a total of 8493 students from 155 primary schools participated in the program. Over the 30 plus years the program has run, literally hundreds of thousands of students have participated in the Careful Cobber program, and even Prince Charles and Princess Diana had firsthand experience of driving the Careful Cobber vehicles.

The program is booked out in advance from year to year, and primary schools from as far south as Hastings, as far north as Cobram, as far east as Porepunkah and as far west as Swan Hill bring their students to Shepparton for the program each year. Primary school students from Westmeadows in Premier John Brumby's own electorate of Broadmeadows have participated in the Careful Cobber program and will miss out if funding is not reinstated.

My office was devastated by the news of the potential loss of this program, as my two electorate officers and I have completed road safety education programs at DECA, including the Careful Cobber program, and have learnt invaluable skills that remain with us today. It is not only my office that is concerned about the potential loss of this program but also the parents — many have contacted me to express their concern that

children may miss out on participating in this valuable program.

The last state government funding that the DECA received for the Careful Cobber program was about $180 000 over the past three years, which equates to about $7 per student participating in the program. This funding came from the Department of Education and Early Childhood Development. No more funding has been allocated for future years, and without further state government funding the program will have to close at the end of this year.

If the state government does not reinstate funding, the Careful Cobber program will be lost forever as there is no way DECA can fund the program itself. I call on the minister to immediately reinstate state government funding for the highly regarded and successful Careful Cobber program for primary school children.

Consumer affairs: lottery scams

Mr PAKULA (Western Metropolitan) — I raise a matter for the Minister for Consumer Affairs. About two weeks ago my office received a letter from Euromilliones Loteria Internacional — I cannot say that as well as Mr Languiller, the member for Derrimut in the Assembly. The letter informed me that I had won a rather large lottery.

Mr P. Davis — No, no, I won it!

Mr PAKULA — Mr Davis won it too! It was a win of €799 925.20. The lottery is apparently backed not only by the European Union but by Bill Gates as well. The letter was signed by a gentleman by the name of Roberto Diaz Lopez. To claim my prize of nearly €800 000 I merely had to contact a Jose Juan Carlos and of course provide certain details, including my bank account number.

It is easy to be flippant or to make a joke about this kind of correspondence. However, the unfortunate reality is that many people are taken in by these schemes. We read in today's newspapers about the tens of millions of dollars that have been scammed out of people by the well-known Nigerian lottery scam. I understand from talking to other members that this particular piece of correspondence has been widely circulated in the western suburbs of Melbourne. It has been targeted at Melbourne's Spanish-speaking community, of which there are large numbers in the western suburbs, particularly in St Albans, Sunshine, Maidstone, Footscray and Werribee. I was discussing this matter with the member for Derrimut today, and he informed me that a large number of his constituents have also received this correspondence.

I intend to draw attention to this scam locally, but my request to the minister is that his department investigate this particular lottery scam and, more importantly, that he initiate a public information campaign to warn the community about it and target that information campaign at the Spanish-speaking community in Melbourne's west.

Rail: station safety

Mrs COOTE (Southern Metropolitan) — My adjournment matter tonight is for the Minister for Police and Emergency Services, and it is in regard to a feasibility study into an increased police presence at train stations, starting with McKinnon station, which is in the Assembly electorate of Bentleigh. As I explained last night, I recently held a public transport forum, and one of the overwhelming concerns that came out of this forum was people's safety. Some suggestions also came out of it. I have done some research into this, and I would very much like the minister to organise a feasibility study to have a closer look at what can be done to make these stations safer.

There is an excellent British government scheme called the Secure Stations Scheme. It is a little like the Heart Health tick on our food that shows we can feel confident when we pick up a food product that it is going to be healthy for us and will protect our hearts. This scheme works along the same sort of lines. A number of issues need to be ticked so a station can be considered safe in all aspects. This is not just done once; it has to be monitored on a regular basis. This ensures that people can have confidence that the station has met its requirements. The points covered include staff training, help points, closed-circuit television (CCTV), lighting, increased security and having police regularly involved in the station itself.

I would like to see the minister implement a feasibility study into significantly upgrading security measures at train stations, beginning with McKinnon. I would like this study to look into having police posted at stations 24 hours a day, installing and 24-hour monitoring of CCTV cameras for all station areas, including car parks, and installing more emergency alarms — and for this process to happen on a regular basis. This should be accompanied by a six-month pilot trial of increased security measures at McKinnon station. This would become a benchmark for railway stations throughout Victoria. I know the community of McKinnon would be particularly pleased to be involved in such a comprehensive feasibility study.

The action I am seeking is for the minister, as a matter of urgency, to conduct a feasibility study into significantly upgrading security measures at train stations along the lines I have just mentioned, starting with a six-month trial at the McKinnon station.

Breastfeeding: Best Start program

Ms PULFORD (Western Victoria) — My adjournment matter this evening is for the Minister for Children and Early Childhood Development, Maxine Morand. There is substantial evidence about the significant benefits breastfeeding provides to both mother and baby in the short and long terms. The Brumby Labor government supports people breastfeeding in a variety of ways, in particular through programs including maternal and child health services and the Best Start program. Best Start is part of our early youth initiative. It supports families, caregivers and communities in providing the best possible environment, experiences and care for young children in those all-important preschool years.

I had the pleasure last week of launching Ballarat's Best Start breastfeeding charter. This is an initiative designed to promote and encourage better breastfeeding rates in Ballarat. In preparing a few speaking notes for the launch I was a little disturbed to learn that Ballarat ranks 71 out of 78 local government areas in the percentage of infants fully breastfed at six months. Ballarat's rates at three months and six months are consistently lower than the state, metropolitan and regional averages, and the Grampians region average. Fewer than 50 per cent of mums in Ballarat are breastfeeding after three months, and the figure drops to around 35 per cent at six months.

The benefits of breastfeeding are clear. The United Nations Children's Fund, among other organisations, suggests that breastmilk alone is the ideal nourishment for infants in their first six months of life. Breastmilk contains all the nutrients, antibodies, hormones, immune factors and antioxidants that an infant needs to thrive. Breastfeeding assists maternal recovery following birth, it is convenient, it enhances the special bond between mother and child, importantly in this day and age it is very environmentally friendly and low on packaging and unlike most things these days it comes free.

The Best Start program is continuing the work it started in 2004 with its initial campaign, but these statistics indicate it has quite a lot of work to do. I ask the minister to work with me to develop strategies to improve breastfeeding rates in Ballarat.

Princes Highway–Cardinia Road, Pakenham: signage

Mr O'DONOHUE (Eastern Victoria) — My matter this evening is for the Minister for Roads and Ports, and it concerns the intersection of the Princes Highway and Cardinia Road in Pakenham. Since the opening of the Pakenham bypass a significant volume of traffic has been taken off the highway, which has been fantastic for the township of Pakenham and the residents in and around that area.

One of the unfortunate consequences has been an increase in the number of people making right-hand turns from Cardinia Road into oncoming traffic on the Princes Highway. As traffic volumes have been removed, often it is possible from Cardinia Road to erroneously believe that the road is a single lane each way, and consequently people are turning right into oncoming traffic. In the absence of traffic the signage at that intersection is poor and does not indicate clearly to people who may be unfamiliar with the area or who may be in haste that they are making a mistake.

This issue was brought to my attention by a local constituent Mr Wayne Lording, and I thank him for making me aware of it. Since being made aware of the issue by Mr Lording I have spoken about it with other people and have been surprised at how many near misses there appear to have been in the area.

The action I seek from the minister is to investigate this intersection and as a matter of urgency improve signage so that people are under no illusion that they need to cross the median before they can access the other lanes of traffic.

Water: small towns water quality fund

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Water. The action I seek is for the minister to officially launch the small towns water quality fund. The fund was announced in the 2007–08 budget and was allocated $20 million. The scheme follows on from the previous country towns water supply and sewerage program which funded 52 projects and which has been fully allocated. I believe the fund will enable cost-effective projects that will upgrade water and wastewater facilities in small towns, improve environmental conditions and better safeguard public health. The fund will support water corporations and regional councils on a matched funding, dollar-for-dollar basis up to $1 million. I expect the small towns water quality fund will be relevant to a number of towns in my own electorate of Western

Victoria. I congratulate the government for funding this scheme, and I call upon the minister to launch it.

VicForests: performance

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Treasurer. I have raised problems in respect of the management and resource allocation practices of VicForests on numerous occasions. Undoubtedly a problem exists — as manifested in the matter I raised yesterday on the closure of a sawmill and consequent loss of jobs at Cann River because of the failure of VicForests to supply wood. The experience of everyone who deals with VicForests — timber mills and processors, harvesting and haulage contractors, firewood contractors, even the Construction, Forestry, Mining and Energy Union that represents people working in those areas — is that VicForests is dysfunctional, incompetent, arrogant, out of touch and beyond salvation.

Most recently there have been more problems with the tendering of harvesting and haulage contracts and with the allocation of firewood supplies. Mill operators have impressed on me the extent of the problems and the uncertainty they face because of a lack of security of timber supply, rising sawlog prices and the supply of timber that does not meet their requirements.

VicForests was set up in February 2002 under a program with the glib title Our Forests Our Future to create a separate entity for commercial forestry management. The Department of Sustainability and Environment website talks glowingly of an objective:

> … to ensure the long-term future of our forests and regional communities.

Echoing that sentiment in March this year, the chief executive officer of VicForests, David Pollard, said in a press release that the organisation's tendering process would:

> … allow for long-term employment security in the Victorian timber industry.

The East Gippsland forest industries project was set up in 2006 to develop options for the future of the industry in the region, and yet the industry is in a more uncertain position now than ever. I remind the Treasurer that he has referred a number of times to the government's development of a new timber industry strategy and to a review of Our Forests Our Future. This government has merely meddled with commercial arrangements in a way that has made the whole system unworkable. We have seen no evidence of progress with the review, no indication of consultation or any outcome towards a new strategy for a country-based industry worth $6 billion a year and employing 25 000 people. I ask, therefore, that the Treasurer act to bring this process to a swift conclusion — that is, if it is indeed taking place — and deliver the promised comprehensive strategy guaranteeing a certain, viable, sustainable future for the Victorian timber industry.

Plastic bags: supermarket trial

Ms BROAD (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change. On Monday this week the Brumby Labor government commenced an Australia-first trial that will over the next month test a charge of 10 cents for each plastic checkout bag in major supermarkets at Fountain Gate, Warrnambool and Wangaratta in Northern Victoria Region. The trial is about identifying the best way of cutting plastic bag use and achieving the best result for customers, businesses and the environment.

Victorians use around 1 billion lightweight plastic checkout bags each year in Victoria alone, according to Sustainability Victoria. The government is mindful of the impact of charges on low-income shoppers, and for this reason 50 000 free reusable bags are being distributed in the trial areas.

I have been encouraged by the early comments from constituents and by Mr Steve Condon, owner of the Supa IGA in Wangaratta, who has said that his customers were well aware of the charge being implemented after weeks of staff handing out flyers and posters in the lead-up to the start of the trial.
Mr Condon also said that he has been astonished by the reduction in plastic bag usage which has exceeded all expectations to date.

I welcome the fact that the Brumby Labor government has determined that funds raised from the trial will be devoted to local environmental projects. Tonight the action I seek from the minister is to provide information about the process for local environment groups to be considered for funding raised from the trial.

Employment: regional and rural Victoria

Mr KOCH (Western Victoria) — I raise a matter for the Premier concerning his government's response to worsening job security, particularly in regional Victoria. Although the Premier has admitted Victoria is experiencing the toughest economic conditions since 1992, he has failed to put in place strategies that will steer the state through these difficult times. Business confidence is at its lowest level since September 2001,

and most economic forecasters are pointing to a growing number of job losses.

Victoria lost more than 1500 full-time jobs in July alone, the only state to record a deficit. As reported in the *Age* of 8 August:

> At 4.6 per cent, the state's unemployment rate remains stubbornly above the national average of 4.3 per cent.

Farming communities across regional Victoria were shocked when the Department of Primary Industries (DPI) announced it would be sacking 70 staff and by the end of next year closing three of its agricultural research centres at Walpeup, Toolangi and Kyabram, and depots at Stawell and Rainbow. With no consultation and under cover of darkness, the government is pushing through a poorly disguised restructure that is a serious blow to rural communities still struggling with the effects of drought.

Farmers rely heavily on the support of local DPI officers to help them through the drought, and they rightly feel betrayed and let down by the government and the Minister for Agriculture in particular, who refuse to intervene on their behalf. Far too many regional communities are struggling to come to terms with the tightening economic conditions on top of drought, higher fuel and input costs, and decaying road and rail infrastructure.

In Western Victoria the Dartmoor community is still reeling after the new owner of its sawmill, Carter Holt Harvey, heartlessly announced it was shutting down the mill and axing all 130 jobs. The full impact on Dartmoor's community is yet to be felt, but it will severely impact on local businesses, house values and possibly even the long-term future of this close-knit community. Last night we heard about a similar situation in Cann River, where timber workers will suffer a similar fate.

Deteriorating economic conditions and competition from cheap imports have forced Stawell's Motorway Tyres into receivership, sending its entire staff of 35 to the dole queue. This comes on top of Steel Chief's decision in June to close its Stawell fabrication plant. Local job losses hit country communities hard, forcing many who have lost jobs to move away in search of work. The flow-on effect is a fall in school enrolments, fewer customers for local businesses and reduced community involvement, threatening the very survival of these communities. My request is for the Premier to outline his government's strategies to ensure the ongoing future of jobs in regional Victoria.

Sunraysia Highway, Avoca: signage

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Roads and Ports, Tim Pallas. It concerns a decision by VicRoads to refuse an application by Don and Carol Foster to reinstate a road sign advertising the Avoca Motel on the Sunraysia Highway. This sign has been in place for many years. However, VicRoads has now pulled out section 6.2 of the Tourist Signing Guidelines to refuse re-instatement. The Fosters have the full support of the Pyrenees shire in writing this application, and once again this shows the inflexibility of VicRoads when dealing with tourist signage.

Only two weeks ago in this house the Rural and Regional Committee tabled a report on this very issue. A key recommendation was that VicRoads work collaboratively with stakeholders in the tourism industry to improve tourism signage throughout Victoria for the benefit of the industry and rural and regional communities.

I would like to read from a petition which was sent to me by Don and Carol Foster of the Avoca Motel and signed by many people and business representatives in Avoca. It states:

> Re complaint from guests
>
> We have been having guests stay with us who say they are discovering us by accident. Although we spend a lot on advertising it seems travellers don't know there is another part to this town. One guest said she found us because she had to find somewhere safe to turn around and bingo there is a motel, IGA, milk bar, hardware, hairdressers, butcher, grain store, coffee house, garage just to name a few businesses that cannot be seen from the south end of town and are missing out on trade. This problem could be rectified if we had some signs somewhere near the main intersection. Maybe a town plan could be positioned at or near the intersection.
>
> Below are the signatures of some guests who have been staying here and have made a comment about this problem, also the local business who support this request.

The action I seek from the minister is for VicRoads to work with the Avoca community and the Pyrenees shire to allow signage to be erected directing travellers, tourists et cetera to their right destinations, thereby helping small towns like Avoca to stay vibrant into the future.

Planning: Melbourne

Mr GUY (Northern Metropolitan) — My adjournment issue tonight is for the Minister for Planning and it concerns amendment C105 to the Melbourne planning scheme. The amendment proposes to introduce new local policy that will protect and

enhance our laneways in the CBD (central business district) and comes as a result of the CBD lanes built form review that was conducted by Hansen Partnership for the Melbourne City Council. The review that formed the basis of amendment C105 looked at four core value characteristics such as connectivity, proportion of activity frontages, elevation articulation and views.

Melbourne's laneways, as we all know, are part of our city's great attractiveness, our uniqueness and our livability. Laneways such as Hardware Lane, Meyers Place and others have been transformed from small, dark, dingy side streets to food and drink hubs with terrific restaurants, galleries and shops. They are a drawcard for tourists that no other Australian city can match. Some of them are under threat.

The rampant removal of heritage buildings under this government in particular, such as the Royal Sun building only recently, is rivalling what took place around Australia in the two immediate post-war decades. It is leaving a cloud over much of our remaining built history and, in particular, many buildings that have a terrific restoration capacity which could see Melbourne build brand new buildings but retain our fabulous heritage streetscapes.

The government approval of high-rise towers with limited or no setbacks from laneways can create wind tunnels and the kinds of dark and dingy laneways that exist in soulless city centres like Sydney and downtown Perth, and that is a growing problem for Melbourne. In short, we are losing our competitive edge in a downtown area that is one of the best in Australia. It is an advantage that can have a terrific business and tourism potential and one we should not lose without a fight.

Amendment C105 was exhibited in April 2006. The amendment and submissions received in response went to the city council's planning committee in September 2006. An independent panel was recommended and subsequently appointed. It was then the subject of a panel hearing in February 2007 and a month later the panel report was issued. After further rigorous checks, it was finally submitted to the minister in September 2007, which was 11 months ago. It sat with the minister for a very long time. In fact the longest phase of the C105 amendment's lifetime has involved in its sitting in a manila folder on the desk of the Minister for Planning.

Given that in this house today we have been discussing issues such as the promptness of decision making, my request to the Minister for Planning tonight is very simple. He is to pick up a pen, take the folder headed 'C105 amendment, Melbourne planning scheme', please open the file and sign the C105 amendment by the end of this week to ensure that our laneways have the protection they deserve.

Alexandra District Hospital: funding

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Health and concerns the Alexandra hospital. Earlier this month the minister had the audacity to announce the so-called increase in funding of a measly $158 000 for this hospital and once again failed to deliver on his government's re-election promise of $15 million.

In this year's budget we could see only $1 million for the preliminary planning phase, and that is some two years down the track. Instead of fulfilling this promise, Mr Andrews has tried to pull the wool over the eyes of the people of Alexandra by massaging numbers and making a huge fanfare about the normal increase in the operating funds. This really is scraping for good news. I am not sure why you would bother with a media announcement and a visit to announce a less than 3 per cent increase in annual funding. Maybe Mr Lenders can help me with this later on. Rather than inventing a publicity opportunity for the local member for Seymour, what this community wants to see is the Brumby government deliver on its commitments.

Mr Lenders — You are obsessed with Ben Hardman.

Mrs PETROVICH — I am, like the minister was before with somebody else. I was in Alexandra the week before last and spoke to a number of concerned locals about the lack of real progress in the redevelopment of this hospital, which had been promised more acute beds and additional support services.

At the moment the people of Alexandra know that there is about a $14 million shortfall that the government needs to deliver and not $158 000 more for the day-to-day operations. The sceptics amongst us believe that this multimillion dollar promise will be recycled as a new election promise for 2010. Meanwhile the people of Alexandra will have to wait at least another four years.

Given that the minister acknowledged in his media release the important role this hospital plays in the local community, this is not good enough. It is just another example of this government's neglect of country Victoria. Mr Lenders is right, I am obsessed. I am

obsessed with the electorate of Seymour and its lack of facilities.

As a matter of urgency I ask Minister for Health to advise the people of Alexandra when they can expect to get their promised funding and when they can expect the redevelopment of this hospital to begin.

State Emergency Service: funding

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services, Mr Cameron. It relates to funding for the Victoria State Emergency Service, the support that is provided to it by the Victorian government.

The South Eastern Metropolitan Region is well supported by six SES units, including those at Chelsea, Frankston, Waverley, Springvale, Narre Warren and also a unit in Pakenham, which, although outside the South Eastern Metropolitan Region, provides support in the Berwick area of the region.

As members know, the units provide substantial support to the community in times of emergency, such as floods, fires and storms, for damage repairs et cetera, and they are run by volunteers. A lot of the funding for SES units is raised by volunteer members of those units. One of the challenges that SES units are facing in the south-east, and elsewhere in Victoria presumably, is the enormous increase in fuel costs. This had added dramatically to the operating costs of SES units throughout the South Eastern Metropolitan Region and is putting substantial pressure on the capacity of the units to meet the fuel costs in addition to the operating costs met from their existing fundraising activities.

What I am seeking from the Minister for Police and Emergency Services is that he review the current structure of government funding for SES units. There is government funding, particularly of a capital nature, to SES units at the moment, but I ask that the existing structure of funding be reviewed so that this immediate need for recurrent funding for fuel can be met.

Responses

Mr LENDERS (Treasurer) — I have one written response to the adjournment matter raised by Mr Philip Davis of 29 May. Thirteen members raised adjournment matters for ministers, and I will refer 12 of those directly to the ministers. I will respond in writing to the matter Mr Philip Davis raised with me with the precise details.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.36 p.m.