

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 8 October 2008**

**(Extract from book 13)**

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**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.

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**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)

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**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 Elasmarr, 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.

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**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.

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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**Wednesday, 8 October 2008**

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

## PETITIONS

**Following petitions presented to house:**

### **Abortion: legislation**

To the Legislative Council of Victoria:

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

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

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

**By Mr KAVANAGH (Western Victoria)  
(79 signatures)**

**Mr RICH-PHILLIPS (South Eastern  
Metropolitan) (362 signatures)**

**Mr VOGELS (Western Victoria)  
(135 signatures)**

**Mr ATKINSON (Eastern Metropolitan)  
(45 signatures)**

**Mrs PETROVICH (Northern Victoria)  
(351 signatures)**

**Ms DARVENIZA (Northern Victoria)  
(48 signatures)**

**Laid on table.**

**Ordered to be considered next day on motion of  
Mr KAVANAGH (Western Victoria).**

### **Abortion: legislation**

Debate will begin in the Victorian Parliament upper house on the Abortion Law Reform Bill on Tuesday, October 7.

The bill, while decriminalising abortion, fails to recognise women's right to choose and imposes restrictions after 24 weeks. Despite this the Right to Life and other conservative groups are pushing for amendments to the legislation to impose further restrictions on women's rights to choose, such as mandatory counselling, parental consent, mandatory waiting periods etc. If this bill passes with those amendments or fails completely, it will set back current clinical practice and make access to abortion harder.

Opinion polls have repeatedly shown that the overwhelming majority of people support women's right to choose abortion, including late-term abortion. Over 80 per cent of the general population believe that a woman has a right to an abortion including 72 per cent of Catholics. It has been shown that Catholic women seek abortions at the same rate as the general female population.

As is the case in Canada and the Australian Capital Territory, in Australia abortion should be treated like any other medical procedure, where the doctor provides all the necessary information and women have the final say over their bodies. The decision to have an abortion is never taken lightly, and the best person to make that decision is the person it affects most — the woman.

We call for members of the Victorian Legislative Council to listen to the demands of the majority of Victorians and oppose any amendments to the bill that further erode women's rights.

**By Ms HARTLAND (Western Metropolitan)  
(39 signatures)**

**Laid on table.**

### **Abortion: legislation**

To the Legislative Council of Victoria:

The petition of RMIT University students and staff members, of the state of Victoria draws to the attention of the Legislative Council that we support model C for abortion law reform in Victoria.

Model C represents a clear and fair law. It is the only option which reflects current community values, fully respects women's reproductive rights and choices, and is in line with the abortion laws of ACT and Canada.

The petitioners therefore request that the Council supports model C for abortion law reform in Victoria.

**By Ms HARTLAND (Western Metropolitan)  
(41 signatures)**

**Laid on table.**

### **Abortion: legislation**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws the attention of the Legislative Council to the Abortion Law Reform Bill 2008 which would allow abortion on demand in this state and oversee the deaths of thousands of Victorians before birth annually.

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 Abortion Law Reform Bill 2008 will allow legalised abortion up to 40 weeks gestation and is a gross violation of the right to life of children before birth.

The petitioners therefore request that the Legislative Council rejects the Abortion Law Reform Bill 2008.

**By Mr FINN (Western Metropolitan)  
(2360 signatures)**

**Laid on table.**

### **Water: north–south pipeline**

To the Legislative Council of Victoria:

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

**By Ms LOVELL (Northern Victoria) (5 signatures)**

**Laid on table.**

### **Technical and further education: fees**

To the Legislative Council of Victoria:

The petition of TAFE students and concerned Victorian resident points out to the house that:

- (1) increasing TAFE fees (up to 42 per cent for certificates 3 and 4 and up to 250 per cent for diplomas) and
- (2) introducing HECS (income contingent loans) for diplomas and
- (3) removing concessions for TAFE students studying diplomas

will cause undue financial hardship for TAFE students and will deny access to study for many disadvantaged people who cannot afford the HECS debt or to pay higher fees.

The petitioners therefore request that the Legislative Council of Victoria pass the 'Securing jobs for your future skills for Victoria' paper only if the Legislative Assembly amends the paper to keep the TAFE fee structure as it is in its current form.

**By Ms PENNICUIK (Southern Metropolitan)  
(16 signatures)**

**Laid on table.**

### **Port Phillip: licensed venue lockout**

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 temporary measure that was employed in the city of Port Phillip to stem crime and antisocial behaviour problems associated with licensed venues. The measure bans people entering licensed venues between 2.00 a.m. and 7.00 a.m.

Petitioners feel the measure improved their quality of life due to the reduction in crime and antisocial behaviour problems associated with licensed venues. The petitioners therefore request that the government conducts a comprehensive assessment of the 2.00 a.m. lockout trial and all results be openly and transparently debated with all relevant stakeholders.

**By Mrs COOTE (Southern Metropolitan)  
(138 signatures)**

**Laid on table.**

### **Wallan–Kilmore bypass: construction**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that at a public meeting, called by the Wallan–Kilmore Bypass Group, a vote of no confidence was unanimously passed condemning VicRoads in relation to the much needed Wallan–Kilmore bypass.

Your petitioners request that the minister for roads takes action to ensure:

- (i) that the proposed duplication of the highway between Wallan and Kilmore be abandoned;
- (ii) that the bypass options be pursued without using internal roads within either township, with all other options deleted in order to take the lien off the section 32 of the properties involved;
- (iii) that adequate funding be provided immediately to achieve the community requirements of a bypass of Wallan and Kilmore.

**By Mrs PETROVICH (Northern Victoria)  
(331 signatures)**

**Laid on table.**

## **PAPER**

**Laid on table by Clerk:**

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 98.

## **MEMBERS STATEMENTS**

### **Rail: Bendigo line**

**Ms LOVELL (Northern Victoria)** — The Brumby government's failure to plan for Bendigo was highlighted recently when it was reported that at least 50 passengers on a V/Line train were forced to stand when returning to Bendigo from Melbourne on a Friday night. One woman was said to have fainted from

fatigue due to the overcrowding and insufficient ventilation in her carriage. Overcrowding on trains is unacceptable and shows that additional rolling stock is needed right now, not in dribs and drabs over the next four years, which is the Brumby government's plan.

Bendigo's population is in a pattern of continuous growth and recently reached 100 000; it is showing no sign of slowing down. This, combined with higher petrol prices, has drastically increased patronage on V/Line services, but the Brumby government obviously failed to plan for this and now there are overcrowded train services and not enough seats to go around.

Other regular commuters have reported crowded early-morning services, and there was a report of an elderly gentleman being forced to stand while returning to Bendigo from Melbourne earlier this year. Obviously there is a dire need for additional trains and carriages to be added to Bendigo services so that an acceptable level of service can be provided to paying passengers.

These overcrowded trains highlight the farce of the Labor Party's so-called fast rail service to Bendigo, which has resulted in Bendigo having only a single-line track between Bendigo and Melbourne when there were dual tracks before. Trains on the Bendigo service are running marginally faster, but the people of Bendigo will be the first to tell you that they did not ask for faster trains; they just asked for more trains. The Brumby government must address the issue of overcrowding on V/Line services to Bendigo and fast-track the delivery — —

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

### **Transport: east–west link needs assessment**

**Ms HARTLAND** (Western Metropolitan) — I received a number of phone calls last week at my office from residents who have received a flyer in their letterboxes with the heading 'The facts: Sir Rod Eddington recommended no specific routes for either the road or rail tunnel proposals'. The flyer goes on to say:

Recently you may have received material from the Greens political party suggesting the Eddington report would result in compulsory acquisition of properties.

For the record, on the Department of Transport's website — [www.transport.vic.gov.au](http://www.transport.vic.gov.au) — there are links to the supporting technical documents to be read in conjunction with the Eddington report. One of these documents, entitled 'East west needs study' — and I have a copy of this report to provide for *Hansard* — assesses a number of properties that will be affected by

four possible options. Depending on which of these options the government endorses, this technical document states that either 496, 226, 354 or 3 properties will be affected by the four possible options. To my mind, referring to the statistics and information in the Eddington report does not constitute scaremongering. What is crystal clear is that the government has failed to consult the community. Whilst the flyer pledges that once the government has decided which proposal to proceed with there will be further consultation with the community, I believe it is too little, too late. You consult first, not afterwards.

### **Fanny Brownbill luncheon**

**Ms TIERNEY** (Western Victoria) — Last Sunday I had the pleasure of hosting the eighth Fanny Brownbill luncheon in Geelong, which commemorates the first woman Labor member of the Legislative Assembly in this state. It was fitting to hold such a celebration during the 100th anniversary of women's suffrage in Victoria. Minister Maxine Morand spoke on the fight for women's suffrage over 100 years ago and the significant milestones and achievements made by women since.

It was fantastic to see women who participate in all areas of our society at the lunch — women who are collectively optimistic about the ongoing struggle for gender equality. It was great to see June Bradbury, who came all the way from Casterton. June was one of the first female local councillors in Victoria and the first woman full member of the Collingwood Football Club. Jennifer Wills also attended; she is a recent inductee on the 2008 Victorian honour roll of women.

Guests were also treated to a wonderful speech made by a Brownbill family member, Max Drayton. Max brought Fanny Brownbill to life as he spoke of his memories of the woman he affectionately knew as Ma Brownbill. I take this opportunity to thank everybody involved in last Sunday's event. It was inspiring and very enjoyable.

### **Cloverdale community centre**

**Ms TIERNEY** — On another matter, I would like to acknowledge the Cloverdale community centre, which has created three banners in homage to the women's suffrage movement under the Victorian Women Vote community grants program. The banners highlight the hopes and concerns of women and girls in Corio and Norlane, and we were lucky enough to have one of the three banners created by Ms Kathy Williams at the luncheon. I would like to congratulate her and all the

other participants on this project and wish them well in their official launch of the banners on 31 October.

### **Water: north–south pipeline**

**Mrs PETROVICH** (Northern Victoria) — Last week I visited the property of the McLeish family in Yea. Members will recall that this property made headline news when its owner, Deb McLeish, was arrested because she refused to let people from Melbourne Water onto her property. To my mind she was totally within her rights to refuse them entry because they could not provide the required biosecurity and occupational health and safety documentation to ensure that landowners are protected against ovine and bovine Johnne's disease, but the police and Melbourne Water did not see it that way. Now Deb McLeish is expected to be charged on summons under the Water Act for obstructing construction of the pipeline, which will run through the property her family has owned for 170 years.

Despite the spin from the Premier and his water minister, 91 per cent of landowners affected by the dud pipeline are opposed to its construction. However, some landowners are letting water authority personnel onto their properties under sufferance because they are being bullied and strongarmed by people using these tactics.

**Ms Lovell** — Brumby is a bully.

**Mrs PETROVICH** — He is a bully; Ms Lovell is absolutely right. Deb McLeish told me she was sick of the lies being told by members of the Brumby government about the so-called support they were getting from the landowners. A lot of farmers are older and feel they have no choice, yet they are left in tears and feel that all their rights have been violated.

If Melbourne Water proceeds with the works on Deb McLeish's land, her family will lose a huge section of its best grazing land and their stockyards will be removed. Let me warn the city-centric government that all the signs in country Victoria are that we are heading for another shocking summer, during which the effects of drought will continue to hit our farming communities. It is bad enough that Mother Nature is playing her hand without the thugs from the government and Melbourne Water adding to the distress in country Victoria.

### **Banyule Community Health: problem gambling and primary care partnership**

**Mr ELASMAR** (Northern Metropolitan) — A new program to assist problem gamblers across my

electorate was launched recently by the Minister for Health and the Minister for Gaming at the Banyule Community Health centre in Heidelberg. This new program will tackle problem gambling in our community in an effective way. I wish this new program every success.

### **Cycling: Upfield shared pathway**

**Mr ELASMAR** — On another matter, the Upfield bike path is to be extended an additional 1.6 kilometres in Moreland. This bike path is already utilised by more than 800 cyclists a day, and the extension will be enjoyed by both pedestrians and cyclists.

### **Olympic Games: athletes**

**Mr ELASMAR** — On the further matter of the Olympic parade in Melbourne, I salute all our athletes who competed in the Beijing games, even those who did not win a medal.

### **Darebin: mayor's open day**

**Mr ELASMAR** — I understand the Darebin mayor's open day this year raised funds for the Darebin community health care centre. It is a great cause, and a great day was enjoyed by all.

### **Paralympic Games: athletes**

**Mr ELASMAR** — I also congratulate our Paralympic athletes on their tenacity and impressive medal score for Australia, including those who did not win a medal.

### **Trams: accessibility**

**Mr DALLA-RIVA** (Eastern Metropolitan) — Here we go with this government yet again. It announced last year that it was about to complete platforms at tram stops 64, 65, 67, 68 and 69 along Burwood Highway that meet the requirements of the Disability Discrimination Act 1992. The minister was quoted in March 2007 as saying:

The tram stops are being constructed in accordance with the act and will help to make tram travel more accessible for all tram commuters, in particular passengers with disabilities, older passengers and passengers with prams, shopping and luggage.

It is a bit like *Yes Minister* under this government, because whilst it might have spent millions constructing the tram stops to allow accessibility to the trams, it forgot one thing — to make the trams compliant. The trams that roll along tram route 75 have steps leading into them. You can roll up to a stop in your wheelchair,

but when a tram comes along you cannot get onto it because the tram is not compliant. Despite all the spin from this government, the bottom line is that people along that tram route do not have the accessibility the minister proposed. Despite this issue being raised time and again the government seems to ignore it and continue to use the old rolling stock. Why is that? It is because the government has nothing in the pipeline and nothing planned, and that shows that its whole transport strategy is out the window.

### **Schools: Catholic sector**

**Mr VOGELS** (Western Victoria) — The Brumby Labor government has announced it will grant the Catholic education sector an extra \$38.9 million in capital funding over two years — \$24.3 million in 2008 and \$14.6 million in 2009 — no doubt in response to the coalition's promise to inject \$394 million over four years. The coalition policy was worked out in consultation with the Catholic Education Commission and will provide funding for teacher salary increases, children with disabilities, programs for needy schools in disadvantaged areas, capital works and maintenance, and improved internet access and bandwidth, as well as teacher and principal professional development. Most importantly the coalition has committed to funding 25 per cent of the cost of educating a child in a Catholic school.

It is clear that the coalition policy is long term and is worth more than 10 times the Brumby government's commitment. The Catholic school education sector deserves the support of the state because by its very presence it saves the state, and therefore the taxpayer, hundreds of millions of dollars per annum in education funding. In country Victoria, in many Catholic schools anything up to 50 per cent of the students come from non-Catholic families. I call on the Brumby Labor government to step up to the mark and at least match the coalition's commitment to the Catholic education sector.

### **Horsham Special School: funding**

**Mr KOCH** (Western Victoria) — Horsham Special School caters for the education of children with special needs across the Wimmera. The school is highly regarded in the community and is well supported by parents, volunteers and dedicated staff. Horsham Rural City councillors and the wider community, along with staff, parents and carers, have long expressed concern about the substandard condition of school buildings, the lack of appropriate staff accommodation, playground space, inadequate car and bus parking and the challenges faced by operating on a dual site. Having visited the school with my colleague John Vogels, it is clear to me

that buildings, particularly at the junior campus, are in an appalling condition. I am sure the Minister for Education, Bronwyn Pike, in the Assembly would be astonished if she visited the school and saw what staff contend with in educating those special children.

It is more than a year since I first requested that the minister urgently address conditions at Horsham Special School. Although the minister reinforced the Brumby government's commitment to relocate the school to a new site, combining both the senior and junior campuses, the Horsham community is still waiting.

I have again written to the education minister, reminding her of the government's commitment to improve the appalling conditions at the junior campus, and have requested that she take the opportunity to meet with school representatives during the upcoming cabinet visit to Horsham on 20 and 21 October. Hopefully this will give the school community the confidence that it has been assured over the longer period.

## **BROOKLAND GREENS ESTATE, CRANBOURNE: LANDFILL GAS**

**Mrs PEULICH** (South Eastern Metropolitan) — Yesterday I gave notice of my intention to move a very important motion in order to draw attention to, and politically focus on, a very real man-made crisis which has turned the lives of a number of people on the Brookland Greens estate in Cranbourne upside down and inside out. I therefore move:

That this house acknowledges the man-made disaster caused by methane gas leaking from the Stevensons Road landfill in Cranbourne, the devastating effect of this event on residents living in homes built on or near the buffer adjacent to the landfill and the lack of a coordinated response by the state government to this crisis and therefore calls on the state government to immediately provide leadership and establish —

- (1) a high-level response and coordination of government agencies and services to the crisis caused by the migration of methane gas from the Stevensons Road landfill to abutting homes to ensure effective support for affected residents of the Brookland Greens estate;
- (2) a fund to assist in the emergency response measures and rectification of the problem; and
- (3) an independent and public inquiry with powers to investigate all factors which led to this crisis, including the role of the state government instrumentalities.

I am grateful to the house and to the opposition as well as members of the minor parties for the opportunity of bringing this motion to the chamber's attention. I am very disappointed that there is now only one

government minister in the chamber to witness debate on my motion.

The Labor Party has been hiding. It has left the community faced with a genuine crisis, which has resulted from the failure of this government at multiple levels and from a number of policy failures. The government has been hiding; it has failed to front a single public meeting, to meet with residents, or to come, listen and take part in this debate. What is the point of a government if it is not going to provide support to people when they most need it — when their safety, their security and their families are most threatened?

As a local upper house member of Parliament it is my honour to stand shoulder to shoulder with those who have offered assistance to members of the Liberal coalition team and with Ted Baillieu, the Leader of the Opposition in the Assembly, who has taken a very strong and personal interest in this issue. He has attended a number of public meetings and also met with a number of affected residents. I am very grateful for his support in the effort to create some political will to force this government to lift its game and make sure these people do not continue to be betrayed and deserted as they have been.

I am also grateful, of course, to all of the relevant shadow ministers who have made themselves available, who have attended public meetings and shed light on the needs that are currently being ignored or not responded to sufficiently. I include in that list Mr David Davis in his role as shadow Minister for the Environment and Climate Change; also Mr Matthew Guy as shadow Minister for Planning — and members know that currently his wife is in hospital under some fairly concerning circumstances with a pregnancy, yet he has found the time to make himself available to attend public meetings, to issue press releases, to also attempt to create some political will in very stark contrast with the Premier's failure to cut his holiday short.

I am not saying the Premier should not have a holiday — every person deserves the right to have a holiday — but it would have been appropriate for him to have made available just a couple of hours of his time to meet with the affected residents or to at least provide some leadership or direction. He has not seen fit to make 2 hours of his time available since this crisis emerged, yet Matthew Guy, with his own personal crisis and circumstances, has made himself available; on behalf of the affected community, I say thank you to him.

I am also grateful to my colleague Gordon Rich-Phillips for making himself available, and I certainly welcome the more vigorous support from our

other upper house colleagues representing the region. Ms Wendy Lovell has extended some assistance in relation to housing issues, and I also acknowledge members from the Assembly: Mrs Helen Shardey, the member for Caulfield, in her role as the shadow Minister for Health, Ms Mary Wooldridge, the member for Doncaster, Mr Andrew McIntosh, the member for Kew, and a number of other opposition members who have all made themselves available.

This is in stark contrast to the manner in which this government has been scampering, hiding, evading, and playing a low target, praying that this crisis will disappear. It will not disappear because this community deserves better representation; it deserves a task force or high-level coordination of the government's response. It is not just the availability of services or support, it is much higher than that, and these problems need political will and some political effort to lead us out of this mess.

The opposition has been asking questions in this place, and that support from the opposition has meant it has been able to strongarm the government — first of all to provide some emergency grants when the government had clearly not intended to do so, but further as a result of questioning in this chamber and other actions to force the government to increase those grants to offset some of the greater costs incurred by affected families and individuals as a result of the evacuation notice issued by the Country Fire Authority's chief fire officer.

Many other families do not have that financial option; they do not have a choice; many of them are mortgaged to the hilt. If they leave their homes, they need to leave them open in order to ensure that they are ventilated as a result of the methane gas leak threats. But if they do leave them open and unattended or vacant, they may invalidate their insurance; if they close them up, they expose their properties to much greater risk of contamination. They are facing the whole vexed issue of insurance, as well as the provision of vital services, and I understand there are a number of vital services that are refusing to go into the estate.

This is a most serious matter that deserves to be responded to at the highest level. It is disappointing that, for example, the Attorney-General, instead of coming down and providing some leadership and listening to the stories — because they may in actual fact shed better light on the course of action that this government needs to take — has found it opportune to go to Geelong and have a kick of the footy with the cameras rolling. I am sure the residents affected by the Stevensons Road landfill methane gas leaking into abutting properties would have welcomed him as a hero

if he had decided to attend those public meetings or at least to have met with residents.

For members who perhaps do not know all of the details, I will recap them quickly. The Stevensons Road landfill was a disaster in the making from the very time the Victorian Civil and Administrative Tribunal (VCAT) overturned the City of Casey's objection to properties being built on a buffer abutting the landfill. That objection was substantiated and supported by the Environment Protection Authority (EPA).

The transcript has been kindly typed up, obviously from old audio tapes, by VCAT and placed on its website, where people are invited to have a look at it, but it is difficult to read because every fifth word is indecipherable and it does not start a new line for each speaker. You would need to read it several times to understand clearly what is going on. It is most unusual that the determination was not written up and provided to the parties concerned at the appropriate time; perhaps other action might have been taken. This disaster was in the making from that point onwards.

The Stevensons Road landfill operated between June 1996 and June 2005 as a municipal tip for the City of Casey and City of Frankston councils under an EPA licence. The EPA obviously had a very important role in determining the manner in and conditions under which the tip operated, with the issuing of the licence to begin with and the ongoing monitoring, including the monitoring of the waste-management companies that have operated the tip on behalf of the councils. It continues to play a role, and the operations of the EPA are crucial to understanding clearly how this man-made disaster has been allowed to occur. Since the tip's closure in 2005 the City of Casey, together with the City of Frankston and under the direction of the EPA, has been progressively rehabilitating and revegetating a site which would eventually become public parkland.

This man-made disaster came to the fore as a great example of multiple policy and operational failures involving a number of state government agencies and other parties. You have the involvement of VCAT in its functions and the involvement of two city councils in using the land as a municipal tip. Then you have Peet Ltd, the buyers or purchasers and the tenants. A range of others have played a role in this unfolding drama, an understanding of which we cannot fully develop without an open, independent and full inquiry.

It is most disappointing that the Attorney-General has embarked on a course of action which is obviously going to cost many millions of dollars through the Ombudsman's inquiry, when under the 1973

Ombudsman Act you can quite clearly see that the Ombudsman's powers merely enable him to look at a number but not all of those players. There is no certainty or surety that the report will be tabled in Parliament, that evidence will be taken in open and transparent ways so lessons can be learnt about what went wrong so as to avoid the possibility of such a disaster occurring at other municipal tips and landfills in other contexts. There are no guarantees there.

The Ombudsman's inquiry has been labelled as terribly inadequate by the City of Casey, which last night passed a motion that the state government be called upon to initiate an independent and open inquiry. Those types of open and independent inquiries are invariably headed by a retired judge or someone of that nature. I understand the City of Frankston has also passed a motion calling for the expansion of the current inquiry. It does not provide any details as to what that mechanism should be.

The Ombudsman does not have the power to investigate matters relating to the operation of private businesses, whether they be the developer, Peet Ltd or the operators of the landfill. He does not have the capacity to investigate policy failures. He does not have the power to consider VCAT; nor does he have the power to investigate the intersection between policy and guidelines that has possibly and probably led to this significant failure. The Ombudsman does not have the power to investigate the action, or lack thereof, taken by ministers or councillors. He does have the power to investigate local government — that is, the actual council or councils — government departments and the EPA.

The inquiry is manifestly inadequate in terms of the Ombudsman's powers, it is manifestly inadequate in terms of the manner in which it will be conducted and it is manifestly inadequate because it cannot shed light for the residents — many of whom wish to pursue their legal rights. In coming to power in the state of Victoria this government made commitments to being open and transparent and supporting justice for individuals. This course of action will deny all of that. The government is clearly hiding its incompetence and its bungling of this very important issue, which has turned the lives of many people upside down.

We all know that Slater and Gordon has taken the opportunity of going in and signing up a number of people who may wish to pursue legal action. One may argue that that is a course of action people have the right to follow. Renters, however, who in my understanding constitute approximately 15 per cent of the affected residents, will not be represented by Slater and Gordon. Slater and Gordon, the peninsula

legal service and the two councils that have passed motions to indicate their lack of faith in the capacity of the Ombudsman to conduct the wide, vigorous inquiry the situation requires have all clearly said that the Ombudsman's inquiry is inadequate. They all believe the only way forward is to embark on an independent and open inquiry.

The longer this government avoids this action, the longer it delays the recourse, answers and justice this community deserves. Not only were the community's members betrayed in the first instance by the lack of government interest and response, which continues to this very day, but they continue to be betrayed by the putting into place of a mechanism which cannot deliver the sorts of results and the sort of justice this community deserves.

The lack of leadership shown by the Premier, John Brumby, and his senior ministers is nothing short of pitiful and deplorable. They have an opportunity to redeem themselves. The Leader of the Opposition has said that if the government establishes a high-level subcommittee of shadow cabinet or a task force, and if it establishes what this motion calls for, which is a fund to assist in the emergency response measures and rectification of the problem, the opposition will support it in that. That is a very important bipartisan offer that has been made unequivocally and categorically. Spin and hiding are not going to provide the answers or the solutions for this government. You cannot hide from the truth. You cannot avoid it; eventually it will catch up with you.

There is a need to continually address a number of emerging issues — further assistance to families affected by the methane emergency was mentioned by Ms Hartland yesterday. People are losing their businesses because banks are no longer prepared to offer them finance. As I mentioned, renters are being taken to VCAT. Ironically VCAT — the body which, by overturning the objections of the council and the EPA and granting the developer permission to proceed, allowed houses to be built on the buffer — is also the adjudicator on many of the issues to do with the fallout from and cause of the initial bungle. The Premier can arrogantly say that Melbourne is the most livable city in the world, but in times of need the Victorian government cannot actually provide a fundamental, basic response to the needs of its constituency, and that is a very sad thing for Victoria.

This motion calls for all those key ministers to have an opportunity to do their job — to do what they are paid for. The Minister for Community Services, Lisa Neville, needs to be looking at what further assistance

can be given by her department, the Department of Human Services, to families affected by the methane gas in Brookland Greens. There is an opportunity for Bob Cameron, the Minister for Police and Emergency Services, to address the issues of crime in relation to the evacuation of properties and the concerns members of that community rightly have about the protection of their property against property crime and looting. The Minister for Health, Daniel Andrews, needs to address a range of health concerns, some of which have been covered in the daily media, especially concerns about even low levels of methane gas leaking and perhaps impacting upon unborn children, pregnant women and people, including young people, with respiratory problems or heart conditions. They need advice, and they need advice not only about immediate health concerns but also about future health concerns.

There is a critical need for a whole-of-government response to the situation in Cranbourne, and I use this opportunity to repeat my calls and the calls of the Liberal leader, Ted Baillieu, and the entire party for the Premier to immediately establish a high-level subcommittee of cabinet in order to respond adequately, although belatedly, to this man-made crisis.

I turn to the second matter addressed by this motion — the need to establish a multimillion-dollar fund to assist in the emergency response measures and rectification of the problem. The Brumby government must immediately establish a crisis fund for residents of Brookland Greens estate to assist with the emergency response and rectification of the issue and to assist them in finding safe housing in the wake of the methane gas threat. It is not easy to find safe housing, and it is not easy even to find a vacant property to move into. The local vacancy rates are very low, so even if affected residents have the financial wherewithal to make the move, many of them have nowhere to move to. They cannot afford to pay high rental charges as well as continue to pay off the mortgages they have taken out, so these people are facing a major financial disaster and major problems. They need high-level leadership, which this government has failed to provide.

The planning failure is a disaster for Cranbourne residents, and providing financial support and security for families should be the government's first response. The fund needs to be much more significant than the amount currently being offered. On 11 September the state government announced, after pressure from the opposition, that it would provide an immediate emergency grant of up to \$1067 and a means-tested temporary accommodation hardship grant for eligible families. Again after pressure from the opposition, that grant was raised to \$8000.

It is also interesting that at the Casey City Council meeting on 16 September the council agreed to waive rates for 12 months for residents of the Brookland Greens estate whose homes are adjacent to the Stevensons Road landfill, with an annual review. Clearly the rectification and resolution of the issues pertaining to this problem will take 12 months and more likely in excess of 18 or 24 months, so the need to have some certainty is critical. The City of Casey announced on 26 September a further \$5 million funding for additional measures to help stop methane gas escaping from the Stevensons Road closed landfill and to rebuild the local community affected by the current situation.

It is most disappointing that the government has not stepped up to its responsibilities to establish such a fund and to see where other funds could be secured and what other departments could be making a contribution in order to help us find a way out of this mess. When I asked the Treasurer in this place what the government was willing to spend on emergency assistance to ensure that Brookland Greens estate is made safe for the future of the affected families, especially in the context that those who have purchased properties there have paid somewhere between \$10 million and \$15 million in stamp duty, the Treasurer responded by saying that his ministerial colleague Mr Gavin Jennings had already announced money that the government had provided to deal with those immediate issues of safety and the concerns of families.

The government is failing to meet its obligations to that community in myriad ways. The residents are facing enormous financial pressure and uncertainty. Clearly the Treasurer believes the government has already dealt with those immediate concerns. This situation is likely to require tens of millions of dollars, and possibly a lot more. That will clearly be beyond the capacity of the City of Casey and is most likely not the sole responsibility of the City of Casey, given the role the Victorian Civil and Administrative Tribunal, which is obliged to implement state government policy, has played. We need to closely examine and scrutinise how planning policy and environmental laws for the conduct and management of waste facilities intersect. The state government must ensure that these families are not left in financial ruins, as they already face a number of challenges in an economic environment that is becoming increasingly hard as each day passes and as food and utility costs increase as a result of this government's policy failures.

The fund must also cater for renters who will be forced to stay in houses that are clearly uninhabitable and pay landlords without too much compassion. I understand

the landlords themselves may have financial obligations to meet, so I am not being critical of them, but I am critical of the process which pitches members of the community against one another. That is not what the community needs and deserves. The Victorian coalition parties have stated that the Brumby government must show leadership for the residents of the Brookland Greens estate, and it will have the full support of the Victorian coalition if it does so. I invite the government to review its performance and change before too much time is lost and before too many of these problems continue to crystallise and destroy more and more lives.

The last part of my motion calls for the establishment of an independent and open inquiry with open terms of reference and a defined and appropriate time line for reporting, with the powers to investigate all factors which led to the crisis, including allegations made at two recent meetings by a former employee in relation to corrupt management of the waste facility. I do not know whether that is true. I have had a conversation with the gentleman, and he seems to be most convincing and to be prepared to provide evidence. I understand there may be other whistleblowers who are concerned about a range of things that will not be captured in the Ombudsman's report.

If they are captured in the Ombudsman's report, they will not necessarily be captured in a way that will shed light and provide answers to the community, which deserves the answers, and it will not shed light and provide answers for other communities so that similar mistakes will not be made. The more time passes without an adequate inquiry, the greater the opportunity for that important information and those important witnesses to disappear. This is what the government wants. It does not want to capture the truth. That is why it has implemented this inquiry rather than a full, open and independent inquiry to investigate all the factors, many of which the Ombudsman is not able to investigate, even with the willing cooperation of the president of VCAT to try to circumvent the major concern that VCAT is immune from the Ombudsman's review.

The players involved include the City of Casey, the City of Frankston, the Environment Protection Authority, VCAT, the South Eastern Regional Waste Management group, the developer Peet Ltd and various contractors who transported waste to the landfill. The state government has called on the Ombudsman to inquire into this matter, but as I have mentioned before there are restrictions on who the Ombudsman can and cannot investigate. These are clearly set out on the Ombudsman's webpage and they put the lie to the claim by one of the local members of Parliament that

the Ombudsman has almost judicial powers. That is absolute deception and a lie to the community. The community deserves better from its elected representatives.

The Ombudsman is not able to investigate complaints about private individuals, businesses, commonwealth government agencies, judges, courts and tribunals or government ministers. The Ombudsman is not able to investigate complaints about Centrelink, the Australian Tax Office, child support agencies or immigration. The Ombudsman's website does not give me a lot of comfort. I have no doubt the inquiry will be conducted, despite the Ombudsman's office attempting to have some street corner meetings, behind closed doors where transcripts may or may not be taken and his report may or may not ever be released to the public — and it may or may not ever be tabled in Parliament. That is manifestly inadequate. We deserve to know. We deserve to know when eventually this government is forced to consider some political settlement of the matter. The state of Victoria and Victorian taxpayers deserve open and transparent information about the nature of any deals that may be struck with the legal firm Slater and Gordon, which is doing the job but nonetheless has a very close affiliation with this government.

In a letter to a resident dated 6 October the Ombudsman said:

The Ombudsman's act requires me to conduct investigations in private ... At the conclusion of the investigations a report may be tabled in Parliament and made public when I deem it in the public interest to do so.

That is not giving me, as a local member of Parliament, or this chamber any comfort and certainly should not give members of the community much comfort that this investigation will ever provide the answers they deserve. They want to know who is responsible. They deserve to know who is responsible, and they deserve the right to pursue action to seek remedies, both short term, medium term and long term. Eventually those remedies will be found. The longer the government stalls, the less capacity there is to capture information, to shed light on this matter and clearly identify what went wrong so we can avoid it in the future.

As I mentioned before, the Ombudsman will not be able to inquire into any of the matters that were raised with me by Charlie Meo, with whom I spoke at length and who made some fairly colourful interjections at meetings I attended about the way the Stevensons Road landfill was operated on behalf of the cities of Casey and Frankston. He made a number of very serious allegations about a range of waste matter being

routinely dumped into that landfill that would have been outside the guidelines and the licence of the Environment Protection Authority. Because it was under the management of a company I believe the Ombudsman is powerless to take evidence or to speak to Mr Charlie Meo and to let us know precisely what role that played in the unfolding of this drama.

If corruption were substantiated by these allegations, Victorians deserve the right to know. I know the Brumby Labor government is very edgy when it comes to mentioning the word 'corruption'. That is why it has opposed the establishment of an anticorruption commission. The only question is: what does it have to hide, and what does it have to hide in relation to this instance? Is this the reason why we have only an Ombudsman's report rather than a full, open and independent inquiry that the Cranbourne community deserves, that Victorian taxpayers deserve and that all of those whose lives have been ruined deserve?

We know the Ombudsman's office has been talking to individuals, but it is my understanding there are no specific terms of reference and no time frame has been provided. All we know is what the Attorney-General said publicly — I have scoured all the government websites for details — but all I can go on is that the Attorney-General has said the government will be setting up an inquiry to try to give it the answers it is seeking. Not good enough! We want the answers, we deserve the answers and we must have the answers. The Attorney-General is reported to have said that in the *Herald Sun* of 16 September this year.

The Brumby government must not hide behind the Ombudsman's investigation. That is the primary concern, and that should be the primary concern of Victorians, irrespective of where they live. If there is to be an inquiry, it has to be independent and cannot leave any stone unturned to get the answers before all of this is swept under the carpet, which is clearly the intention of the government.

The residents are angry because they want leadership and resources and they want to know who is responsible. This inquiry needs to look at how each party has acted in allowing houses to be built on this site, including full accountability of the state government authorities as well as the council and the developer. All the residents affected by this situation deserve to know the answers and who is responsible so they can pursue corrective action and/or compensation, if that is the course of action they deem appropriate.

As I mentioned, the City of Casey has supported a motion for that public and independent inquiry, but it is

interesting to see who voted for it and who voted against it. It is most concerning that one of the persons who voted against it was an employee, a member of the Labor Party and an employee of the parliamentary secretary to the Premier, Cr Kevin Bradford. Cr Bradford claims that he lives on the Brookland Greens estate. First and foremost, according to the government's own legislation which has been introduced in the lower house in relation to councillor code of conduct, he should not be voting on these matters, yet clearly he has been doing so. In fact Cr Bradford has been spearheading the local campaign to have the state government wash its hands of its responsibility in terms of the role it has played in the unfolding of this drama.

He has tried to create a lynch mob mentality targeting only the City of Casey, when clearly there are a number of players, a number of stakeholders and a number of policies that need to be considered. Under the new legislation Cr Bradford should step aside from any matters on a number of grounds first and foremost, because he claims to be a resident — whether that is true I am not sure — and secondly and most importantly, because there is a conflict of duties. His master is the member for Narre Warren North in the other place, Luke Donnellan, in his role as Parliamentary Secretary to the Premier, and clearly it is in this government's interest to kill off this inquiry and any political fallout when it comes to Labor.

It has been convenient for Cr Bradford to try to divert and influence the course of action on the ground. He has called on the City of Casey to expend significant funds, all of its reserves, on paying out for this mess. At the end of the day, if an open independent inquiry shows that the City of Casey was solely responsible, it should pay up, but I do not believe that will be the case. On a close reading of all the information that is available, including all the transcripts — often at 1 o'clock, 2 o'clock or 3 o'clock in the morning — I have found it is clearly not the case. In my view, whoever is responsible ought to pay. It may be a cost that is shared.

In closing I would like to say that this government has failed to show any leadership on a range of issues that have confronted Victorians at the most difficult times in their lives. This is one example. Another example is the total absence of any representation from the state government in relation to the disappearance of young Victorian Britt Laphorne in Dubrovnik in Croatia, which I mentioned yesterday. Yes, it is moving off the track to mention that matter, but time and again this government becomes obsessed with pursuing its own

agenda, settling its internal scores and spending its time pursuing socially divisive legislation. We have seen it.

There is a string of legislation that is currently being debated in the lower house, and the government has taken its eye off the ball. Victorians are suffering as a result and the people of Cranbourne in particular are suffering as a result. I call on every member of this chamber to support the motion because it is the right motion for the right reasons. These people deserve a coordinated response at the highest level involving the leadership, given the government's multiple policy failures and the multiple failures of a number of instrumentalities and stakeholders, some of which are under the control of the state government and some of which are not. The people affected deserve to have a multimillion dollar fund to provide immediate rectification of the problem. I do not know whether it can be rectified, but I am pleased to hear that experts are being called in to provide some scientific guidance as to how the matter may or may not be resolved. It may be possible, but it is going to cost a lot of money.

The amount of money being made available by the state government following lobbying from the coalition — in particular by the Liberal Party leader, Ted Baillieu, and through questioning here in this chamber, as a result of which the government was forced to make some emergency grants available — is not enough in the short, medium or long term. Members of the government cannot hide the truth. They do not like the opposition talking about corruption; it makes them feel very uncomfortable. They do not know where the steps are leading or which doors they will lead to. The only reason government members are not backing an open and independent inquiry is clearly because they have something to hide. If they had nothing to hide, they would back it.

I call on absolutely every member of this chamber to stand shoulder to shoulder with those whose lives have been turned upside down as a result of the man-made disaster that is the methane gas leaking from the Stevensons Road landfill in Cranbourne into their homes. I visited some of those homes, and people are absolutely devastated. They are beautiful homes; those people do not know what to do, and the council is not in a position to provide the level of leadership that is required. That is the role of this government; it is the driver in this state, yet the car is going and government members are not in it. If they get in the car, drive it, do their job and fulfil their duty, then the opposition will back them on it. With those few words I urge all members to show support for the affected residents and to support the motion.

**Mr SOMYUREK** (South Eastern Metropolitan) —

It is with a great deal of sorrow and regret that I rise to speak against the motion standing in the name of Mrs Peulich. I use the term ‘sorrow and regret’ for two reasons: firstly, because I am a member of Parliament who represents people on the Brookland Greens estate, and secondly, because as a person who resides only a suburb away from the estate I feel a great deal of empathy for its residents. Like myself and my family, a fair proportion of these residents are first or second homeowners who are probably battling to pay off their mortgages. Again like myself and my family, they probably had great dreams when they first purchased their homes, because they were making the biggest investment of their lives, and there is no doubt they thought they were going to live happily ever after in Brookland Greens estate.

For the residents of Brookland Greens estate the story so far has not unfolded as the dream would have us believe. At the moment the residents of the estate face a great deal of anxiety because they do know what their future will be. They may have to move from their houses and there are potential health concerns, and the investment they have made in their houses is at risk. I have a great deal of empathy — and the government has a great deal of empathy — for the people of Brookland Greens estate.

I also rise in sorrow and regret to speak on this motion because I am starting to get the feeling that these poor, decent folk are being used collectively as a political football at a time when they are most vulnerable. I do not want to be too damning of the opposition; I can understand that its members are doing their job, which is to hold the government accountable. The Parliament of Victoria is one of the key accountability mechanisms we have in our system of democracy, so I am not too damning of the opposition for doing that, but I would urge its members not to lose sight of the interests of those they are purporting to represent. There is a fine line between, on the one hand, the vigorous and robust advocacy of a community and, on the other hand, actions that can be construed as manipulating a community. I am not saying that members of the opposition are doing that at the moment, but there is a fine line and it is important that members of the opposition do not cross that line.

The motion before the house this morning calls on the government to immediately provide:

- (1) a high level response and coordination of government agencies and services to the crisis caused by the migration of methane gas from the Stevensons Road landfill to abutting homes to ensure effective support for affected residents of the Brookland Greens estate;

- (2) a fund to assist in the emergency response measures and rectification of the problem; and
- (3) an independent and public inquiry with powers to investigate all factors which led to this crisis, including the role of the state government instrumentalities.

The wording of the motion is a little loaded, but apart from that it is a bit of a Dorothy Dixier. I can imagine backbenchers in the government raising this as a Dorothy Dixier in question time — not that our backbenchers do that, of course!

Let me go through why I think this motion is a Dorothy Dixier. It is because to date the government has provided the Environment Protection Authority with \$3 million to assist the City of Casey to urgently install monitoring equipment and to undertake household remediation. The government has introduced international and long-term mitigation measures. The government has also established grants to help householders immediately: emergency grants of \$1067 for temporary accommodation and \$8650 per affected household for temporary accommodation. The government has also made free legal advice and referrals available to residents so they can explore their legal options through the Cranbourne office of the Peninsula Community Legal Centre, which is a very good legal centre, and I am sure that its staff will do their job well. The government has also established a 24-hour one-stop shop to enable residents to access assistance more easily, and a 1800 telephone number has been established. I also understand that the Department of Human Services is establishing a neighbourhood house on the estate in order to improve access to DHS services, counselling and advice.

I turn to the matter of the Ombudsman’s response to the situation. As Mrs Peulich has pointed out, the state government has announced that the Ombudsman will, without fear or favour, investigate the administration of councils and government agencies, development approvals for the estate, environment controls and the sale of lots of the Brookland Greens estate. I should also point out that the government has approved an additional \$700 000 in resources for the Ombudsman to ensure that the inquiry is thorough and timely.

Furthermore, I have in my hand a letter dated 6 October from the Acting Ombudsman, Mr John Taylor, to the residents of Brookland Greens estate. Mrs Peulich referred to this letter just a few minutes ago during her contribution. I will not read the entire contents of the letter. Mrs Peulich quoted from the letter, but I will quote it in more detail — about three or four paragraphs. The letter states:

As an independent officer of the Victorian Parliament, I investigate impartially the administrative actions of Victorian government departments, statutory authorities, municipal councils, including their interface with private companies. I then make recommendations to relevant bodies where I conclude action is required.

When conducting a formal investigation, I have powers similar to those of a royal commissioner. I have the power to summons witnesses and interview under oath any person who I believe may have relevant information, including private individuals. I may also compel the production of documents and other records.

The Ombudsman Act requires me to conduct investigations in private which ensures the evidence which I receive is treated confidentially.

At the conclusion of the investigation, a report may be tabled in parliament and made public when I deem it in the public interest to do so. Therefore, information on the progress of my investigation will not be available until my activities are complete. The duration of the investigation will depend on the volume and complexity of the information to be analysed.

That to me is pretty clear. The Ombudsman states that he has the powers of a royal commission. They are very extensive powers, despite Mrs Peulich attempting to unilaterally dilute the Ombudsman's powers. Mrs Peulich was on message with that, but pretty comprehensive powers are given to the Ombudsman. The following sentence in particular is important:

Therefore, information on the progress of my investigation will not be available until my activities are complete.

Let us not try to pre-empt the inquiry. Let us not hypothesise about what happened or what could happen. The people of Brookland Greens estate naturally want answers and want them now. They are in a vulnerable position, and we have to be sensitive to their needs, but without going through due process and waiting for the Ombudsman to release his findings it is not possible to come up with answers. I urge opposition members to wait for the findings of the Ombudsman, and no doubt when the findings are out they will put a case in whatever way they see fit.

Point 1 of Mrs Peulich's motion concerns response and coordination. Throughout this process the government has ensured that the community has been kept fully informed of developments and services. Victoria Police, the Country Fire Authority, the Environment Protection Authority, the Department of Human Services and the council have been working together in partnership to ensure that the community is provided with the information and services it needs. This has included a number of community meetings and smaller street meetings — which Mrs Peulich was pretty dismissive of, but they are all part of the response process — and the provision of information to residents

from information tents located on the estate and regular information bulletins being distributed to households. They are the best ways to target residents. When reading on paper about those measures it is easy to be dismissive, but we should all know, as we are in the business of getting information out to the electorate, that that is the best way to get information to the residents of Brookland Greens estate.

My colleague the member for Cranbourne in the Assembly, Jude Perera, has spent many hours with the residents of Brookland Greens estate providing support and ensuring that issues and requests are responded to. I understand that Mr Perera was out doorknocking in the estate over the weekend and listening to the concerns of residents. The then Acting Premier Hulls and the Minister for Police and Emergency Services also spent time out in the community, as did the Minister for Environment and Climate Change, Mr Jennings.

In concluding my contribution I would like to reiterate that the Victorian government understands what a difficult time this is for the householders of Brookland Greens estate. The government is committed to working with the City of Casey, emergency service agencies and the community to manage the situation and support families through this difficult period of time. Given what I have just said, I oppose this motion.

**Ms HARTLAND** (Western Metropolitan) — To say that I was shocked when I first heard about Brookland Greens is an underestimation of my feelings. Having been involved for over 20 years in issues around contaminated sites and quarries, I just could not believe that yet again a man-made disaster that was going to put people's homes and lives at risk had been allowed to occur. I have a number of points to make, but I am not going to go over all the technicalities because I believe that Mrs Peulich has done that quite effectively. I am very surprised that the government is not going to support this motion, because I would have thought it would want to know exactly what went wrong to make sure that it never happens again.

It is unclear at this stage who is to blame. Is it the council, is it the Environment Protection Authority or is it the Victorian Civil and Administrative Tribunal? The concern I have about the council and the EPA is that if they told VCAT they did not believe this was the right site, their decision has been overturned, so why did they not go out and advocate for the community? Why did they not alert buyers on that estate to the fact that they believed this was a dangerous site? Looking at those aerial photographs, how could anybody believe that building an estate of this size 200 metres from a landfill would be an acceptable way to go? Have people

forgotten about the Yarraville sinking village, a block of flats that after completion literally sank into the old quarry site that it was built next to?

**Ms Lovell** — I remember it.

**Ms HARTLAND** — I thank Ms Lovell. There was also the Ardeer lead site where houses were built and three days later the Environment Protection Authority (EPA) had to evacuate people because there were mineable quantities of lead on the site. That was some 20 years ago, and after that the EPA started doing some work around contaminated sites. We are not talking about something that is new and unknown. We are talking about something that has history, that has happened before. I find it really difficult to understand why this has happened again.

I have real concerns about the Ombudsman's report. I do not think it is going to be quick enough or open enough. The community needs to know exactly what is happening, and I have to say from personal experience dealing with the EPA that it often has contempt for local communities and is certainly not honest and open. In saying that I also have to say that Minister Jennings's answers yesterday and in the last sitting week were probably some of the most honest answers from a minister in regard to this issue. Unfortunately the minister and the culture within the EPA do not quite match up.

I have been involved with other sites such as Tullamarine and Lyndhurst, and one of the complaints that people from Tullamarine have raised with me over the past few weeks is that EPA staff have been moved from the Lyndhurst site because they are needed at Cranbourne, so the clean-up and capping process at Tullamarine is going to be slowed down.

I would have hoped that no. 1 of the three points mentioned in the motion was happening. Unfortunately in my experience, having been involved in a number of environmental disasters such as the one at Tottenham at Christmas where chlorine gas was filling people's houses, the one at Coode Island and a number of other contaminated sites, I have never really seen departments cooperate with each other, be honest with the community and work to help the community. We need to know whether this is working and make sure that, if it is not, we move it along.

Yesterday I raised with the Treasurer the fact that a number of residents are having severe financial problems because they are paying both rent and a mortgage. Why can the government not set up a fund that pays people's rent until these issues are resolved? I

am aware of a number of families who are renters but who want to stay in the area because they do not want their children to have to move schools again, so this \$8000 grant is just not going anywhere for them.

One of the most important factors in this issue is the need for an independent public inquiry because obviously nothing is happening for the residents. Legal services and other agencies I am in contact with are telling me that this is a real problem. Residents do not know what is going on; it is very emotional, and they are afraid of losing their homes. This is going to take years to resolve in terms of legal matters, so we need an inquiry now.

RATWISE (Residents Against Toxic Waste in the South East), one of the groups that I work with, has raised a petition with residents and has been at most of the public meetings asking for signatures. The idea of a public inquiry is extremely popular with residents, and for that reason it is really important. The other reason I think a public inquiry is very important is that I rang the EPA some three weeks ago asking for a list of all of the tip sites that are being investigated, as I understand the EPA is auditing some 50 sites. I was told the list is not publicly available and that I would only be able to access it via an FOI request, which I have lodged.

Where is the transparency? Where is the public knowledge about that? I am concerned that the EPA may not know about all of the problematic tip sites, because it certainly never seems to consult very well with the community.

In concluding my contribution to the debate I make the point that one of the really important reasons why we need a public inquiry is because I am tired of having to deal with residents. Having been involved in situations like this myself, I have found that we keep repeating these environmental disasters. We do not deal with them well; we do not look at why they happen, so we continually allow them to repeat. I would hope that an open, public inquiry, especially one in which residents could be involved, would establish a baseline by which these kinds of things could be handled.

We would look at the issue properly; we would say, 'This is not acceptable, we are not going to allow it to happen again'. We also have to take into consideration the views of people who live on these estates. If we do not look at history, we will just keep repeating our mistakes and creating the same disasters. For those reasons, the Greens will be supporting this motion.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise this morning to

support this very important motion by my colleague Mrs Peulich. It concerns the wellbeing of people on the Brookland Greens estate in Cranbourne within South Eastern Metropolitan Region.

What has happened to the residents in those 800 homes in Cranbourne is, for most Victorians, an unbelievable scenario. To discover that the house you purchased in the last couple of years is suddenly subject to inundation by gas leaking from a landfill site in an adjacent part of Cranbourne, to such an extent that it has led to serious concerns about the safety of residents who are staying in their houses, is quite extraordinary. The flow-on effect of that extraordinary circumstance and the way in which it has come to broad media attention, splashed across the front pages of the daily newspapers and television news, has led to further consequences for these residents of Cranbourne in terms of lost confidence in their area, a diminution in the value of properties and ongoing concerns about the viability of their investments in the Brookland Greens estate.

As Mr Somyurek pointed out, most of the residents of Brookland Greens estate are first-home buyers. They are heavily geared; they have made a major investment in that estate, and now that investment is substantially at risk. As well as that there are immediate concerns about their safety and wellbeing. While this issue may have passed from the front pages of the daily newspapers, it has not passed for residents of the Brookland Greens estate and surrounding areas who are also close to that landfill. For those residents the issues are still very real and still need to be dealt with on a day-to-day basis.

The motion moved by Mrs Peulich this morning is about addressing the problem and providing practical solutions and help for affected residents. For that reason, I am perplexed by the government's decision not to support this motion. Mr Somyurek, as a representative of the area and as the government's lead speaker on this matter, indicated his personal empathy with the residents of Brookland Greens, yet made no case as to why the government will not support the very sensible proposals contained in the motion the house is dealing with this morning.

There are three key elements to this motion. I make the point that it does not set out to assign blame; it does not set out to score political points against the government. The motion sets out to establish a framework in which this problem for residents of the Brookland Greens estate can be addressed.

The first and perhaps key element of the motion requires the government to provide a coordinated

response to what is going on. In her contribution to the debate, Ms Hartland made the valid point that often where there are major issues involving multiple agencies, time and time again you have those agencies trying to shift responsibility to other agencies. Every agency is trying to say that it is another agency's responsibility. In the case of Brookland Greens, we have issues relevant to the EPA (Environment Protection Authority), we have issues relevant to the Department of Planning and Community Development, we have issues relevant to the emergency services, and we have issues relevant to the Department of Human Services on a number of levels, both health and housing. The only way in which those disparate agencies can be brought together and a coordinated response provided is through coordination at a ministerial level. It has been the position of the coalition, as articulated by Leader of the Opposition Ted Baillieu in the Assembly more than a month ago, that the appropriate response from the government is a ministerial subcommittee of cabinet that brings together those relevant ministers and the Treasurer, to ensure that the particular aspects falling under each of those agencies can be addressed in a coordinated way.

To date we have not seen that coordinated response at a ministerial level that ensures a seamless package is put in place to address all of the key concerns and government responses that are required to this problem. That is why we today again restate the call for the government to put in place that coordinated response via a cabinet level subcommittee, that ensures those agencies are brought together at the highest level so that the particular concerns can be addressed across the range of those portfolio responsibilities.

As I said earlier, while this issue is off the front page of the newspapers, it has not gone away for the residents of Brookland Greens estate, and as public interest in the matter diminishes the problem is even more significant for the residents who cease to have the public's interest and who therefore, frankly, have less interest from government.

The second element of the motion is funding, on two fronts. The first is to address the immediate need of the residents. We have heard that the initial response of \$1066 was inadequate, and the subsequent means-tested availability of \$8000 is also arguably inadequate when there is such a range of needs for different residents of that estate. Those who have vacated their properties are required, of course, to maintain mortgage payments on those properties, and they may have moved to alternative accommodation involving either rental properties or motel accommodation.

There is a range of different circumstances that apply to the various households across the Brookland Greens estate, and it is appropriate that an aggregate package be put in place so that the different needs of the different households can be addressed in a way that is most appropriate for them — not a one-size-fits-all response from the government, but a response that recognises that there are different needs in different households across that estate.

The second aspect of the funding package is the overall compensation question. This is a significant issue for residents of Brookland Greens estate, as is the case throughout much of that part of South Eastern Metropolitan Region. Many of these residents are new or first-home buyers. They are people with very large mortgages and proportionately small equity stakes in their homes.

Throughout that Narre Warren South and Cranbourne area we are already seeing people not caught up in the Brookland Greens estate issue experiencing mortgage stress. The value of properties is starting to fall or soften. Interest rates had been rising prior to yesterday's Reserve Bank reduction, so the residents generally have been under enormous stress and their equity in their property has been diminishing.

All those general problems throughout the area are exacerbated in Brookland Greens, where, as a consequence of the public coverage of this issue, properties in that estate are virtually unsellable and arguably, in the short term, their value has been enormously diminished. That has put enormous pressure on those households that obviously need to continue to meet mortgage payments, and it is appropriate that a compensation mechanism be put in place to recognise the way in which the value of their investments and houses has been damaged as a consequence of this event.

We have seen, since this circumstance became public, Slater and Gordon step in and proceed to launch a class action. The latest advice from that firm is that it has received expressions of interest from around 400 residents of the estate who are interested in participating in a class action.

My view and that of the coalition is that just because Slater and Gordon is initiating this class action that does not absolve the government from providing appropriate compensation to these residents. The reality is that if they are forced to pursue this class action, it will be a process that will take a lot of time and cost a lot of money. Notwithstanding that the firm is operating on a no-win, no-fee basis, if there is a judgement in favour

of the residents of Brookland Greens, much of the compensation has the potential to be lost in legal fees, and it would be a far more efficient and effective mechanism if the government put in place compensation that did not rely upon the success of a class action or that did not rely upon the residents of the estate retaining legal representation.

It would be a far more efficient and overall a far cheaper mechanism if the government stepped up to the plate, took the initiative, showed leadership and put in place such a mechanism that avoided the need for these residents to collectively or individually take legal action. This is the second element that we are seeking in calling on the government to put together an appropriate package to address the issue for these residents.

The third element of the motion relates to an independent inquiry. Calling for an independent inquiry is not a vote of no confidence in the Ombudsman, who is undertaking a limited inquiry as directed by government; it is a recognition that the residents of the Brookland Greens estate are entitled to a full and public inquiry into this matter.

Mrs Peulich referred to the letter from the Acting Ombudsman, as did Mr Somyurek, who made it very clear that the Ombudsman's inquiry would be undertaken in private and it would be at the Ombudsman's discretion as to whether a report was released publicly, based on his judgement as to whether it was in the public interest.

That, frankly, is not good enough for the people of Brookland Greens. Having experienced the trauma of this event in terms of the direct impact on their health and the perceived safety on the estate, having endured the impact on the value of their homes on that estate, it is appropriate that those residents have the issue investigated in an open and transparent manner through a public inquiry process in which they are able to participate, in which they are able to hear the evidence, and in which they will hear the results of that inquiry. These elements are all sensible and logical steps which, if implemented, would assist the residents of Brookland Greens estate to get on with their lives and to overcome the problems that have occurred on the estate. They do not seek to apportion blame but they do call on the government to provide leadership at cabinet level. They call on the government to provide appropriate compensation — both emergency relief and long-term compensation — and to endorse an open and transparent public inquiry process which, given all the trauma that these residents have endured, is the least that they are entitled to. These are sensible proposals from the coalition; they have broad support in the

house, and I would urge the government to stop playing politics, to stop trying to hide behind private inquiries, to stop passing the buck between agencies and to support this sensible proposal which provides some relief to a long-suffering part of the community.

**Mr VINEY** (Eastern Victoria) — I will not be long on this motion; I just want to make a few very brief comments. This is a serious issue of considerable concern to the residents of Brookland Greens estate. It is a serious issue, and naturally, as Mr Somyurek just said, when people purchase a home it is part of their dream. It is probably the most significant financial investment that anybody is going to make, and they purchase it in good faith, that the authorities such as the local council have considered all the issues in an appropriate planning process. Particularly when you are transferring land from what was a rural zone to a residential zone, you would expect the council officers and councillors to have gone through a proper planning process, and in particular the councillors involved would have carefully considered issues such as landfill and appropriate buffer zones.

It would appear, without pre-empting the investigation of the Ombudsman, that something has gone wrong here in terms of the — —

**Mr D. Davis** — That is bleedingly obvious. Something has gone incredibly wrong.

**Mr VINEY** — Yes, indeed, Mr Davis. Something has gone wrong with the management of the landfill and with the planning procedures that would have required appropriate buffers and so on. So one needs to consider the original problems.

Residents are now facing the potential decline of the asset value they have invested in, and the government has put in place a range of strategies and assistance to help people through this process — and to be sure that the investigation into the cause of the problem happens in due course and in an appropriate manner. In the meantime, assistance is to be provided to the residents.

The government has also made sure that the relevant ministers have been accessible. I understand that a number of ministers have visited the community, conducted direct consultations and tried to help the community through this. I know the member for Cranbourne in the other place, Jude Perera, has door-knocked the entire community affected by these circumstances, talking to people and trying to understand their circumstances. I believe Mr Scheffer is going to speak to the motion after me, but I believe he

assisted Mr Perera in that regard and may be able to advise the house more on those things.

That stands in stark contrast to the political approach and political opportunism that Mrs Peulich has been undertaking. On 17 September Mrs Peulich sent a letter to the residents of Brookland Greens, in which she said:

I am concerned that the Ombudsman will not have power to investigate the state government's Victorian Civil and Administrative Tribunal which ruled in favour of the developer and against the City of Casey and the EPA ...

You have to be careful in this place about the words you use, so I will be careful about the words — but that is at best misleading. As I understand it, the Victorian Civil and Administrative Tribunal has already handed over to the Ombudsman all of the documents in relation to this matter, so there is not a problem with the Ombudsman's investigation.

But what did Mrs Peulich omit from her letter? She omitted the fact that in 2000 the City of Casey resolved the following planning scheme amendment:

- A. That council prepares and gives notice pursuant to section 19 of the Planning and Environment Act 1987 to exhibit amendment C6 to the Casey Planning Scheme generally in the form attached as appendix A of this report.
- B. That council officers exhibit, concurrent with amendment C6, the Brookland Greens development plan and finalised section 173 agreement.

I had a look at the council resolution that changes the planning scheme amendment from rural to residential. Does it include all of the buffers that are necessary around this landfill site, and who moved it? Who was the councillor in 2000 who moved it?

**Mr Somyurek** — Kevin Bradford.

**Mr VINEY** — No, it was not Kevin Bradford. It was moved by then Cr Shepherdson. Mr Shepherdson, who moved the motion to amend the planning scheme to establish the Brookland Greens estate without all the proper planning processes clearly in place, is obviously none other than Mrs Peulich's current electorate officer. Mrs Peulich wants to run a scare campaign, a political campaign creating political fury, frightening the people of Brookland Greens and talking about what this government's failures have been — making all of that up — but forgetting to mention that her electorate officer was the councillor who actually moved the planning scheme amendment in the City of Casey.

**Mrs Peulich** — On a point of order, Acting President, I welcome consideration of all factors by an

independent inquiry, but I would just like to point out to the house that in the year 2000 I was not the member representing the estate and nor was Michael Shepherdson in my employment at that time.

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! There is no point of order.

**Mr VINEY** — That was exactly my point. In fact in 2000 Mr Shepherdson was a councillor; that is correct. Right now, today, he is the electorate officer helping Mrs Peulich write these letters and posting these letters. Presumably he is putting the stamps on them, knowing full well that these letters do not declare what he was doing as a councillor. He licks the back of the envelopes, he plonks on the stamps, he runs them down to the post office and pops them into the postbox knowing full well that when he was a councillor at Casey he moved the planning scheme amendment that created this problem.

Let us just have a bit of honesty in this whole process. A mistake must have occurred. Of the 270-odd landfills in Melbourne, this is in my understanding the only one that has that problem. As I said, let us have a bit of honesty in the debate. A mistake has occurred, and the government has said that irrespective of the cause of the error or the basis of the problem we need to put in place some strategies to assist these people. The Attorney-General has been down there; the Minister for Community Services apparently has been down there; Jude Perera, the member for Cranbourne in the Assembly, has been down there; Johan Scheffer, who is going to speak in a moment, has been there; all of these members have been there to assist the community. We have put in place a package of assistance to immediately assist the community and those people directly affected, and in the last sitting week we heard the Minister for Environment and Climate Change, Mr Jennings, outline the comprehensive response of the government.

Over the top of all that we have put in place a process for the Ombudsman, who has the powers of a royal commission and who is an independent officer reporting directly to this Parliament. We have put that in place to uncover the cause of the problem. My assurance is the same as that of the government: we will undertake a comprehensive investigation through the office of the Ombudsman to get to the cause of the problem. In the meantime it is the government's responsibility — and we accept it — to do all we can to assist a distressed community. That is what we are doing: all we can do. They are the two things I think the community would expect of us.

I ask the people of the Brookland Greens estate a simple question. Who would you trust to look after your interests as ordinary people who have invested everything you have in buying a new home?

*Honourable members interjecting.*

**Mr VINEY** — Do you trust the side of politics that represents and looks after ordinary people or do you trust the mob on the other side who, as Mr Pakula said, are a bunch of ambulance chasers, who are stirring up the problems — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! As loudly as Mr Viney speaks, I am struggling to hear him over the top of Mr Pakula and Mr Guy.

**Mr VINEY** — Thank you, Acting President; I will speak more calmly to assist you.

Who do you trust? Do you trust the Labor Party, which exists with a guiding belief of fairness and looking after ordinary people, or the other mob, who are purely stirring the pot? I am being careful with my words. The other mob is stirring the pot, putting out letters that are not only misleading but fail to disclose the direct interest of a member of Parliament in protecting her electorate officer, who was the councillor who actually moved the planning scheme amendment. Would you trust a member of Parliament who is sending out letters that fail to disclose that her own electorate officer, who stuck the stamps on and licked the backs of the envelopes that community members received from her, not only assisted in this process but was the councillor who moved the motion for the rezoning to occur in the first place?

I am sure the people of Brookland Greens estate will understand a government looking at this rationally and carefully and providing a quick but considered response to their needs and then putting in place a fearless investigation by the Ombudsman, who is an independent officer of this Parliament and who reports to this Parliament, not to any minister — and it was this government that established that independence. Who will they trust? I think they will come on side with supporting a Labor government that has put in place a proper and appropriate response to their immediate needs and then put in place an investigation to get to the cause of the problem. I am sure the Ombudsman will be looking at the original resolution of the council.

**Mr GUY** (Northern Metropolitan) — What a tirade of rubbish from a nasty man! We have heard it all in this chamber this morning. It is not enough for people to

have methane gas in their homes and to be kicked out of their homes; some people paid half a million dollars to live in these places, yet the government has given them \$8000. One of the members whose electorate is close by walked in and said, 'I'm going to take the politics out of the debate' then proceeded to spend 10 minutes talking about the politics of the issue. He walks into this chamber and says, 'I'm going to take the politics out of the debate' — just like Luke Donnellan, the member for Narre Warren in the Assembly, said at the public meeting I attended, and just like Jude Perera, the member for Cranbourne in the Assembly, said at the public meeting I attended along with Mrs Peulich, Mr David Davis, opposition leader Mr Baillieu and the member for Warrandyte in the Assembly. No other members attended.

That reminded me of what Luke Donnellan and Jude Perera, the members for Narre Warren North and Cranbourne in the Assembly, said at the public meeting I attended. Also present at that meeting were Mrs Peulich, Mr David Davis, the Leader of the Opposition, Mr Baillieu, and the member for Warrandyte in the Assembly. No other members attended.

Jude Perera's response to the gentleman who asked the first question was, 'I'll take the politics out of this issue. By the way, you must be from the Liberal Party'. When a man who can no longer live in his house asked a difficult question, Jude Perera's response was, 'You must be from the Liberal Party'. That is the type of response we have seen from this completely incompetent government; it has been completely incompetent on this issue.

Any politician who is a local member or who has responsibility for the planning portfolio or a portfolio that is concerned with this area and who says, 'We won't get involved. We won't have anything to do with the many hundreds of people who live in this estate' is derelict in their duty by not showing any interest in this debate. I find it astounding that members opposite, including Mr Pakula, Mr Viney and the joker Minister for Planning, Justin Madden, have not even been to this estate, yet Matt Viney says, 'Who do you trust?'.

I will tell him who the residents of Cranbourne trust: they trust people who actually listen to them, who respect their point of view, who go down to that area, who speak to them one on one and who listen to the concerns they have — not through a consultant, not through a Labor Party councillor and not through a councillor or other person who has accepted donations from the developer in question, like Mr Viney's party has. That is who the people of Brookland Greens will trust.

While we are talking about the politics of this issue, it is interesting to note that Mr Viney failed to mention that his party is the only political party to have accepted donations from the developer in question. It is funny that he did not mention that and that Minister Madden has never mentioned that — or even been there. It is funny that Mr Pakula has never mentioned that. No doubt Mr Scheffer will not mention it, and no doubt none of the others will either. It is funny that they do not mention any of this.

**Mr Pakula** interjected.

**Mr GUY** — Of course you do, because you would not want the difficult part of this debate to come to the fore. Members opposite do not want to be involved in the difficult part of the debate, because the clear fact is that the Labor Party wants this issue to just go away. You could tell very clearly at the public meeting we had that Labor wants this debate to just go away. It is just another problem for the Labor Party. The pain these people are going through is of no relevance to it whatsoever.

The only consideration for the Australian Labor Party is the electoral damage this issue could cause. You could tell that from the ridiculously impudent response we got from the planning minister in this chamber. Is it any wonder that his own colleagues question his competence, when all we get is a ridiculously impudent response — a handball, if members will pardon the pun — on an issue as important as this?

This issue deals with people's homes, their lives, their livelihoods and their futures. The greatest asset these people will have in their life is their home. In some cases they have spent their life savings to live in this estate. It is not a joke. You can claim all you like that the issue is about politics, but the reality is there are politicians in this chamber who are doing their job to represent those people.

**Mr Pakula** — Yes; Jude Perera.

**Mr GUY** — Not Jude Perera, I am afraid. If Mr Pakula had bothered to come to the last public meeting of Brookland Greens residents, he would have seen Jude Perera's performance. His performance was comical. Luke Donnellan's was even worse! I have seen Road Runner, Mighty Mouse, Noddy and all the rest, but these guys made those characters look articulate. In fact the only comment that Mr Perera, the member for Cranbourne, has made in Parliament in the last two weeks occurred last night — but it was not on Brookland Greens, it was on traffic lights in Carrum Downs.

I am sure that is an issue unto itself, but let us put Mr Perera's electorate problems into perspective. There are hundreds of people in his seat who cannot go home safely tonight — that is what the EPA (Environment Protection Authority) says, and that is what the government says — and the problems faced by those people are enormous. The best their local members of Parliament can do is ignore them, pretend the problem does not exist and come into these public meetings with a handball and say, 'I'm sorry, it's off to the Ombudsman'. I will get to the Ombudsman's situation later. The clear fact is that the government sees this as a political issue first and a community issue second — way second!

**Mr Pakula** — What a joke!

**Mr GUY** — Mr Pakula might see the issue as a joke, but we do not. We see the issue as being of the utmost seriousness.

**Ms Hartland** — On a point of order about relevance, Acting President, I thought this debate was an opportunity to discuss the problems of the residents of Brookland Greens, not an opportunity for Labor Party members and Liberal Party members to yell at each other across the chamber.

**The ACTING PRESIDENT (Mr Vogels)** — Order! There is no point of order, but I urge the member to get back to the debate.

**Mr GUY** — I thank Ms Hartland for her point of order, but I have not seen her at any of the public meetings down there, either.

**Ms Hartland** — On a point of order, Acting President, I have been in contact with the legal centre and with the community centres, and I have had community meetings, but not in front of the cameras — unlike Matthew Guy.

**Mr GUY** — I repeat that I have not seen Ms Hartland at any of the two public meetings that were organised not by the Liberal Party but by the council and the community.

**Ms Hartland** — I have had meetings with the community.

**Mr GUY** — Is this a point of order?

**Ms Hartland** — I am correcting Mr Guy.

**The ACTING PRESIDENT (Mr Vogels)** — Order! There is no point of order.

**Ms Hartland** — His meetings were in front of the cameras.

**Mr GUY** — In fact they were not in front of the cameras. I never appeared in front of the cameras.

**Mr Pakula** — They were. I saw you on the telly!

**Mr GUY** — I say to members present, particularly those of the Labor Party and the Greens who are obviously doing their best to interject, that maybe they should be a little more attentive rather than making accusations.

There are 36 other sites around this city listed by the EPA which may not necessarily be at risk — I do not want to paint a picture that alarms people unnecessarily at all — but they are sites where there is a responsibility for the government to ensure that safety is at a premium. In relation to Brookland Greens, the government has a responsibility to ensure that a proper investigation into this issue is conducted — not an investigation by the Ombudsman but an investigation that is an independent inquiry chaired by a retired judge, with appropriate terms of reference which can scrutinise the decision of the Casey council, the EPA, the Victorian Civil and Administrative Tribunal (VCAT), the government and the developer without fear or favour and with the absolute ability to be uncompromised in its investigation.

The reality is that the Ombudsman cannot inquire into certain key aspects of this issue, no matter what window-dressing we get from members who walk into this chamber, and that is a fact. The Ombudsman cannot inquire into matters to do with the waste management companies which have operated the Stevensons Road landfill on behalf of the cities of Casey and Frankston over the years. The Ombudsman cannot inquire into matters of policy which have impacted VCAT's decision and which VCAT is obliged to uphold through its own rulings. The Ombudsman cannot inquire into VCAT's determination and its reasoning. The Ombudsman cannot look further into the policy basis of the council. The act of Parliament which governs the Ombudsman says he can only inquire into administrative actions, so policy failings are clearly out of the Ombudsman's jurisdiction, and it is very clear that in this case, this is a massive policy failure.

The residents of Brookland Greens just want an answer: they want to know who is responsible, and they want to know what compensation they are going to be able to get.

Ted Baillieu, the Leader of the Opposition in the Assembly, has said on a number of occasions that this is a statewide problem. This is not a problem that can be solved by the Casey council alone, which does not have the mechanisms to deal with the massive compensation that will come out of this situation. As we have said and as Mr Baillieu has said on a number of occasions, there needs to be a multimillion-dollar compensation fund established for residents of this estate. That is significant. As I said before, there is no way the council will be able to fund this by itself.

It is worth noting that for those people who have been through the Brookland Greens site, for those members of the chamber who have bothered to take a look around the site, which, I understand, was approved by another councillor, Sam Afra — am I not correct, Mrs Peulich?

**Mrs Peulich** — Yes.

**Mr GUY** — He voted in favour of the same motion that Mr Viney was referring to. At the time Sam Afra worked in the office of Assembly member John Pandazopoulos. It is funny how there was a loss of memory by Mr Viney earlier; he must have had selective amnesia at the time. Had members visited that site they would have seen very large tubes through which the gas is coming up at a very high rate 24 hours a day, because there is so much gas below these people's homes. At the end of the day the people of Brookland Greens need certainty.

**Debate interrupted.**

### DISTINGUISHED VISITOR

**The ACTING PRESIDENT (Mr Vogels)** — Order! I would like to acknowledge the presence of the former Governor-General, Archbishop Peter Hollingworth, in the chamber.

**Debate resumed.**

**Mr GUY** — As I said, at the end of the day the people of Brookland Greens are after certainty. At this point in time their local members of Parliament have not given them certainty. They have given them a promise, a wink and a nudge that the Ombudsman will be able to look into who is to blame, which is all the government seems to be interested in. The government is not interested in a proper outcome for residents.

On this side of the house we are talking about a proper outcome for residents, which is an inquiry by a retired judge with sweeping terms of reference and a

multimillion-dollar compensation package that will have to be considered by government. On this side of the chamber we are interested in outcomes for residents. We have been listening to the residents and, indeed, Mrs Peulich has been to a number of meetings where she has listened to residents talk of their fears and concerns and their worries about their greatest asset. We understand and recognise that, which is why on this side of the house we are responding. It is a very great shame for the people of Brookland Greens that the government and their local members of Parliament have, on this issue, totally and utterly failed them.

**Mr SCHEFFER** (Eastern Victoria) — I will make a brief contribution as foreshadowed by my colleague Mr Viney, but before I share with the house my experiences in doorknocking at Brookland Greens estate I acknowledge that this is an extremely serious issue. The comprehensive contribution made on two occasions during question time by the Minister for Environment and Climate Change, Gavin Jennings, gives expression of the government's deep concern about this matter. As members know, the government is working with the City of Casey, the emergency support services and with the community in general to manage the situation and to support families at this time.

It is worth pointing out to the house some of the measures the government has put in place to address some of the difficulties people are facing at Brookland Greens. The first is that we have provided the Environment Protection Authority with some \$3 million to assist the City of Casey to urgently install monitoring equipment and to undertake household remediation where that is necessary. We have also convened an international expert panel to advise on short-term and long-term mitigation measures. We have established immediate emergency grants of just over \$1000 and temporary accommodation grants of some \$8650 for affected householders.

We have made free legal advice and referrals available to residents so they can explore their legal options through the Cranbourne office of the Peninsula Legal Centre. We have established a one-stop 24-hour assistance phone line to enable residents to more easily access that assistance, and I believe the Department of Human Services is establishing a neighbourhood house on the estate to improve access to DHS services such as counselling advice and so forth.

We have also announced that the state Ombudsman will without fear or favour investigate the administration of councils and government agencies, development approvals for the estate, environmental controls and the sale of lots at Brookland Greens estate.

As members will be aware, on 6 October the Ombudsman wrote to all residents of the estate.

In addition we have approved some \$700 000 to the Ombudsman to ensure that his inquiry is thorough and timely. Members will also know that Victoria Police, the Country Fire Authority, the Environment Protection Authority, the Department of Human Services and the council have been working together to ensure that the community is provided with full information.

The local member in the Assembly, Jude Perera, the member for Cranbourne, who has been mentioned a few times in this debate has spent many hours with residents of Brookland Greens estate, and in my direct discussions with residents some three weeks ago I was impressed by the high recognition Mr Perera has and the very favourable responses that people offered about him. Indeed, many of them asked me to extend their regards to Jude Perera. He is well known and well respected in the Brookland Greens estate.

I doorknocked something like 100 houses during that Saturday afternoon. To be frank, from the television and newspaper coverage in the preceding days and weeks, I expected a wallop. Doorknocking is not something that I am a stranger to because I have done it for many years during and before my political career. I was impressed by the balance and sound understanding of every resident I spoke to. Residents told me that they had known about the situation for a long time. They said it was regrettable and expressed the view that it should never have happened. They said they were satisfied that the information they had received from authorities, including the member for Cranbourne in the Assembly, Jude Perera, was appropriate and that they were fully informed.

They said they were confident that what needed to be done was being done, but they were disappointed and puzzled by what a number of them called a media beat-up. They said it was the media beat-up, that adverse publicity around Cranbourne, that had contributed to what they thought might be a loss of value of their properties. One woman told me that earlier that morning she had been on the telephone with relatives who were overseas and these people were very alarmed because they believed the whole of Cranbourne had been evacuated because of this problem. Of course the resident shared that with me as a joke, but she was pointing out how much the media treatment of this matter had been exaggerated and had got out of proportion. Residents told me they were not planning to sell, so the apparent loss of value of their properties was a theoretical question, but they said they

felt sorry for some of their neighbours who were planning to sell their properties.

I am not saying in any way, shape or form that people living in the Brookland Greens estate whom I spoke to were not concerned: they are. I am simply reporting to the house my experience from talking directly to some 100 residents on a Saturday afternoon about three weeks ago. When I spoke to the member for Cranbourne in the Assembly and some of the other people who had been visiting right across the estate, the impression I gained from the people I had spoken to was generally true of the whole area, so the sample I had seemed to be typical. It is important to register that everyone I spoke to said they liked living at Brookland Greens; they did not want to move and had been very happy there for the 8 or 10 years most of them have lived in that area.

In conclusion, when I was talking with people they were very clear about the extent of the danger that the methane emissions presented to them. I note that Dr John Carnie, the chief health officer, said in a statement in the middle of September that exposure to methane gas at low levels is unlikely to result in long-term adverse health effects.

That is what residents understood and that is what they told me when I spoke to them. They were also clear that they realised that methane is not likely to cause serious long-term effects such as cancer or birth defects and those sorts of things that Dr Carnie referred to. People understood, as I heard them, that they could be affected by the methane but that it was most dangerous when it was in enclosed spaces, and they understood the kinds of measures they needed to put in place in their houses to make sure that these things did not happen.

I share the disappointment of some members on this side that some people are playing fairly serious politics with this issue. I do not think it does the local residents any good to have their personal situations turned into a public arena for political advantage. It is important for members to speak directly to constituents, as I have done and as has the member for Cranbourne in the other place. I place those matters on the record.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to support the motion moved by Mrs Peulich from the South Eastern Metropolitan Region. She and her colleague Gordon Rich-Phillips have led the community down there and worked with the community in its great concern for what has occurred at Brookland Greens. It is a very sad event that has occurred. I have listened to much of this debate today and want to compliment Mrs Peulich on moving this

motion and on the thought, care and preparation that has gone into supporting her community on this issue.

A number of the contributors today have made important points. Mr Guy made significant points about the failings in the government's inquiry process. This motion, as outlined in point 3, calls for:

an independent and public inquiry with powers to investigate all factors which led to this crisis, including the role of the state government instrumentalities.

There needs to be that open inquiry. We need to get to the bottom of what has occurred here. We need to find out why this planning process has failed, why the environment protection processes have failed, and why the processes of state control and organisation disaster response, emergency response, have been so ineffective in this case.

What has occurred here is an absolute tragedy for the residents of those several hundreds of houses immediately on the estate and those nearby. It has been a huge impost on the lives of normal families, families who have in good faith bought their properties, built their dream homes, and put their life savings, their resources, their capital and their goodwill into this area, where what has become a critical incident has occurred. Now what we have seen is a poor response from the state government.

So many ministers have been afraid to go and front the people at Brookland Greens — the planning minister, the environment minister, the Treasurer and the Premier. They have all been afraid to set foot in that area and to confront the anger and the genuine concerns of the local residents.

Labor backbenchers in the area, Mr Donnellan, the member for Narre Warren North, and Mr Perera, the member for Cranbourne, both in the Assembly, have not done what is needed to lead their community. They have not done what is needed to protect their community from this tragic incident.

There are two parts to the response, in effect, when you look at this. One is retrospectively to find out what has gone on and to ensure that it never occurs again. Yesterday we heard that the Minister for Planning clearly had no plan into the future to prevent this sort of occurrence at another site. Mr Guy has already drawn attention to the 36 sites that are now under investigation by the Environment Protection Authority. That is not an open or public investigation. In my view the community cannot have confidence in the Environment Protection Authority (EPA) for some of the reasons that Ms Hartland accurately outlined. The organisation has

been weak and vacillating; it has not been up to scratch on this incident or on so many others. The community is fast reaching the position that major reform of the EPA must be on the agenda for the state.

Equally, we need to look forward — we need to assist people in their immediate circumstances and into the future. The small grants that have been provided by the government have not been adequate. People have had to move out of their homes; they are still paying significant mortgages but are also incurring rental costs. This is a terrible situation for families and for those who are facing financial stress as they have recently purchased their home.

This government has collected massive stamp duty revenues — \$10 million to \$15 million on modest calculations — from the Brookland Greens estate, but it is not prepared to make proper provisions to put some of that money back in. What it has done at almost every turn is blame the council. I make the point that the council must be part of the investigation — it must be examined and its role must be open to scrutiny — but fundamentally, looking forward, the state government and senior ministers must take responsibility. Senior ministers must lead in this situation, but to date we have not seen that leadership.

I ask John Brumby to visit the site, understand what has occurred and take charge — maybe by forming a cabinet subcommittee of some type that will provide leadership. This process should be focused on achieving an outcome for those people at Brookland Greens so they are not left swinging in the breeze, as this government has left them. They are suffering. Families will be broken up and face financial ruin unless the government takes a proper approach. A significant compensation fund needs to be put in place so the community can get the just outcomes that must be provided in this case.

That is why this motion is so important. The government has hidden; a couple of backbenchers have gone to one or two meetings, but they have been very quiet. At the last public meeting I attended, in the south-east, it was interesting to see the community's reaction to those Labor backbenchers. There was great anger. Members of the community realised they had been deserted by those backbenchers. Those backbenchers have not been prepared to fight for their community; they have not been prepared to knock on John Brumby's door — and knock it down if necessary — to ensure a just outcome.

Mrs Peulich's motion touches on the fact that this is a man-made disaster, on the devastating effect on

residents and on the need for a proper buffer around the area. Everyone in that community has a right to ask: how on earth was this buffer built on? How did the planning process fail in such a spectacular way? How did the EPA fail? It is true that the EPA opposed building on the buffer at the Victorian Civil and Administrative Tribunal hearing, but I am informed — and during a recent question time the Minister for Environment and Climate Change was not able to deny this — that the EPA submitter failed to rebut all the arguments put forward by the developer. The EPA submitter's failure to rebut the developer's arguments about environmental protections was a critical factor in the end result of the granting of a planning permit and the building of hundreds of houses close to a landfill on what should have been a buffer area.

I am pleased to support this motion. I believe the government has a lot to answer for. Only an independent and public inquiry can get to the bottom of the issue and explore the deficiencies in the Ombudsman's process for the reasons outlined by Mr Guy. This is not to criticise the Ombudsman personally — he is a man of goodwill, but he is operating in a legal framework that is inadequate for these purposes. As Mrs Peulich, others and I heard at a public meeting, private contractors may well have broken the law in what was dumped at that waste site over a number of years. They may have done so flagrantly, and there may have been corrupt processes involved. I am not competent to judge that allegation, which was made at a public meeting, but it should be tested at a public and open inquiry to get to the bottom of what has gone wrong here and how, under the Bracks and Brumby governments, the planning system has deserted the people of Brookland Greens.

**Mr KAVANAGH** (Western Victoria) — I rise to support Mrs Peulich's motion, and I congratulate her on bringing it to the house. The situation that has arisen on the Brookland Greens estate is very disturbing. It should disturb all of us, because obviously something is very wrong. In spite of the planning process and the requirement to obtain building approvals and so on, many people are in danger in that part of Melbourne. The danger is physical, but it is also financial. Families who are affected by this methane situation face the fact that their properties have become worthless overnight — it would be very difficult to sell a property in the area — and cannot be lived in, but they still retain the responsibility of paying off their mortgages. They are going to have to go out and rent alternative accommodation whilst still paying for a house they can no longer live in.

This is a crisis for those people, and some speakers have made good points about the amount of money that has been received in stamp duty on the purchase of those homes. Indeed the return of stamp duty would seem to be a starting point for compensation for the people who have paid maybe \$15 000 or \$20 000 in stamp duty as a tax to the government on the purchase of their homes, only to find that their homes are uninhabitable through no fault of their own but through a fault in the planning process. The motion calls for an open inquiry into — —

**Business interrupted pursuant to sessional orders.**

### DISTINGUISHED VISITOR

**The PRESIDENT** — Order! I draw to the attention of the house that a former member for Koonung Province, Mrs Helen Buckingham, is in the public gallery.

### QUESTIONS WITHOUT NOTICE

#### Stamp duty: revenue

**Mr D. DAVIS** (Southern Metropolitan) — My question without notice is for the Treasurer. Given the report in today's *Australian Financial Review* that the New South Wales government's stamp duty revenues have plunged by 26 per cent in the past month, will the Treasurer advise the house whether the Victorian government's stamp duty receipts have been or will be similarly affected and what impact this will have on Victorian government services?

**Ms Lovell** — Good question!

**Mr LENDERS** (Treasurer) — Ms Lovell says 'good question'. I find Mr David Davis's strategy amazing. Clearly opposition questions come from his reading of the *Australian Financial Review* every day — but generally from his reading it inaccurately. It is an amazing strategy, and next time we on this side are in opposition I hope Liberal ministers will not be blessed with an equally competent opposition.

I say that seriously. We are facing serious issues at the moment with the downturn in the international economy. These are serious issues dealing with confidence across the states, and they are serious issues that change on a daily basis. If David Davis has not noticed, yesterday the Reserve Bank of Australia actually cut the cash rate at which banks borrow from each other by 1 per cent.

If he reads another article in the *Australian Financial Review* he will find that, in percentage terms, that is the largest change in monetary policy in the history of the Reserve Bank. We are in a situation where our economy — —

**Mr Koch** interjected.

**Mr LENDERS** — I take up Mr Koch's inane interjection. In the history of the Reserve Bank, pro rata the last time there were cuts of that size, interest rates were of the order of 17 per cent. The cash rate is now much lower than half of that, so in pro rata terms it is a significant change.

What I am getting to in my response to Mr Davis is that he comes into this house every day asking questions about the economy, and he will go out, like his leader, to try and cause runs on credit unions and banks. The motivation of the opposition is to throw rocks, throw bombs and destabilise the economy. They come in here and ask questions about other states and about Victoria, then go out and upset investors and citizens and try to rock the financial system.

Mr Davis asked a question about what lessons there are from the state of New South Wales, where presumably former Treasurer Costa and current Treasurer Roozendaal have made comments about stamp duty receipts in that state. Mr Davis seeks to extrapolate that across to Victoria so that undoubtedly he can go out and try to wreck our economy, which is the greatest joy he seems to have.

What I will say to Mr Davis is that this government will report every six months, as it does, with updated economic parameters. We have a midyear budget update which will come forward, and we will report on what we think revenue is. We will report on what we think the economic growth is, and we will do that when we do the midyear budget update.

But I repeat the point: we are in a global market where stock markets will go up 3 per cent one day and down 3 per cent the next day. We are in an environment where the Reserve Bank of Australia has made the most dramatic intervention into our financial system, and other central banks around the world are responding to that. In this state we are beyond playing politics with where the economy is and trying to get a hit, to stir up fear and uncertainty and talk down the show. We are beyond that.

*Honourable members interjecting.*

**Mr LENDERS** — Members opposite laugh; they think it is funny that business and consumer confidence — —

*Honourable members interjecting.*

**Mr LENDERS** — I make the point that members opposite are laughing about where our economy is. The two things in this economy that are critical at the moment are, firstly, we know that credit is expensive — —

**Mr Guy** interjected.

**The PRESIDENT** — Order! In my view there is nothing wrong with Mr Guy implying that any member opposite is a joke or joking or whatever, but I am uncomfortable with 'buddy'. I ask him to withdraw the 'buddy'.

**Mr Guy** — I withdraw, President.

**Mr LENDERS** — As I said yesterday in question time, we have a material issue in our economy now that the cost and availability of credit are affecting business and household decisions, and the Reserve Bank of Australia yesterday intervened in a dramatic manner that will affect households and will certainly affect businesses. That is one issue.

As I also said yesterday in this house, the second issue is that business confidence and consumer confidence are critical. They are issues that we need to address, because if business confidence and consumer confidence are affected, the response to that is real people losing jobs. In hospitality, manufacturing, tourism and retail real people lose jobs. What I am saying here today is that it is irresponsible for the opposition to try to talk down the economy and talk down the state, because what it will do is take real jobs away from real people.

I would hope that in politics we are above that, so I will not answer Mr Davis's question in the spirit in which it was intended, which was to try to exploit uncertainty and score political points to actually damage the economy. I am not going to play that game, and I am not going to respond to that.

What I say to Mr Davis is: we will give a midyear budget update which will come forward in December. I might add that no previous government has ever had this level of transparency. We will bring that forward, and we will work with the commonwealth, with the business community and with other governments in Australia to address the issues facing Australia. This is not a time to play politics and talk down the state.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — I thank the Treasurer for his answer, but note that it was inadequate, and I make the point that confidence will be strengthened by openness and transparency. Therefore can the Treasurer confirm that there has been a significant fall in stamp duty revenues from the commercial and residential sectors, and will he explain to the house how this compares to the stamp duty revenues expected in the budget?

**Mr LENDERS** (Treasurer) — Mr Davis clearly has not noticed that yesterday the Reserve Bank reduced the cash rate by 1 per cent and Australia's four largest banks have reduced interest rates by 0.8 per cent. Mr Davis is out of touch with average Victorians on a mortgage of \$240 500, which is the average mortgage size in Victoria. That is actually a saving of \$121 a month for every such Victorian.

If Mr Davis had asked me about stamp duty and what has happened retrospectively in New South Wales and asked me to get up in the house today and pre-empt the midyear budget update, which is a considered and measured response from Treasury — —

**Mr D. Davis** interjected.

**Mr LENDERS** — Mr Davis says he is asking a simple question, and it is a simple question, because he is not factoring in what the good news from the Reserve Bank will do to the house purchases he is talking about. Mr Davis should go and talk to Enzo Raimondo and ask what Mr Raimondo and the Real Estate Institute of Victoria think is going to happen at auctions around Victoria this weekend and going forward. He should go to a few banks and ask them what they think the Reserve Bank's dramatic intervention is going to do to consumer confidence when people seek loans to purchase houses.

Mr Davis has asked an interesting, academic question. His motives and intentions are to conduct a scare campaign. It is an ill-informed question because that is information that moves on a daily basis. We will respond in a measured fashion with the midyear budget update as we go forward and with our key directives in this state. They are to manage the economy, to deal with the credit issue and to deal with the business and consumer confidence issues that will be affected by our position on infrastructure expenditure, by our long-term decisions on skills development and on bringing projects forward and having a path forward for this state which gives confidence to our businesses and consumers based on good foundation, a good financial

system, good human capital programs and good infrastructure programs. That is the way forward for this state. There is no place for anyone to throw rocks and talk down the show so that they can get cheap political points.

**Economy: interest rates**

**Ms TIERNEY** (Western Victoria) — My question is for the Treasurer. I ask him to inform the house of the effects on Victoria's working families of the 1 per cent interest rate cut announced yesterday by the Reserve Bank of Australia.

**Mr LENDERS** (Treasurer) — I thank Ms Tierney for her question.

**Mr Drum** interjected.

**Mr LENDERS** — Quite clearly Mr Drum does not care about working families. He is more interested in scoring political points. I say to Ms Tierney that what this means for working families in Victoria is, firstly, that for a Victorian on an average mortgage with one of the four big banks it means costs of \$121 per month that will not need to be met in servicing their mortgage. That is money that can either be reprioritised to meet pressing family needs and working families' budget issues or put into their home loan to pay it out faster or to have equity that can be drawn down into the future. An immediate effect of the Reserve Bank of Australia's decision yesterday for an average Victorian working family on a mortgage is \$121 a month, and that is significant support.

We need to add that onto what has happened since June. Since 30 June the commonwealth government's interest rate cuts have come into effect. We are seeing pressure coming off working families with that assistance from interest rates, and we have seen retail petrol prices declining by around 9 per cent since June, so this interest rate cut, added onto the commonwealth tax cuts and onto the petrol changes since June, has been of assistance. In Ms Tierney's electorate, the dollar having gone down, rural communities, particularly those relying on commodity exports, will find that their product is more competitive. In parts of Ms Tierney's electorate where there are manufacturing industries, particularly in the great city of Geelong and some of the other rural areas, the Australian dollar's depreciation will make manufacturers more competitive internationally.

A range of things are happening, but there are good reasons to be optimistic about the Victorian economy's future. In this budget we planned for a slowing down of economic growth, which I am sure Mr David Davis is

aware of. We planned for slower growth rates than were predicted, and there were various packages including the innovation statement and the skills statement that were funded in the budget to assist the Victorian community in those areas going forward. We also adjusted the rates of payroll tax, land tax and WorkCover premiums specifically to assist business in this area.

In conclusion, the world is facing difficult economic times. What we are seeing in this state, though, is that compared to other states in Australia we are better positioned; we are more cushioned for this. This downturn is affecting working families across the state, but we have seen that yesterday's Reserve Bank of Australia decision, a single decision of our central bank, reduces the mortgage for average families by \$121 a month and introduces liquidity into the banking sector, which will let banks lend more effectively, assist businesses in their endeavours and create jobs into the future. We have seen that happening. I welcome the intervention of the Reserve Bank of Australia. We will see a direct flow-on for working Victorian families as a result. These are important and difficult issues for the Reserve Bank. I welcome its decision and look forward to the flow-through into the Victorian economy.

### **WorkCover: premiums**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer, as the representative in this house of the Minister for Finance, WorkCover and the Transport Accident Commission. Can the Treasurer confirm that more than 22 per cent of industry sectors will pay higher WorkCover industry premium rates in 2008–09 compared with 2007–08?

**Mr LENDERS** (Treasurer) — I would need to take on notice the specific detail and number of those issues from Mr Rich-Phillips because I am here representing the Minister for Finance, WorkCover and the Transport Accident Commission. But what I can say to Mr Rich-Phillips is that the underpinning of the WorkCover scheme is that there is an average reduction of premiums across the whole scheme of 5 per cent. Let us start putting into context what this government's reforms to the WorkCover system have done. They have reduced premiums across the board by 5 per cent. As Mr Rich-Phillips knows, and as the house knows, WorkCover is an insurance scheme, so there will be some areas where the safety record or the claims management area of a particular industry or just the nature of a changing industry mean that rates will go up, which is appropriate in an insurance scheme, and yet in most areas of the scheme where the occupational health and safety issues and the claims management are

dealt with effectively, the rates have come down, so there is a net reduction of 5 per cent in the scheme.

Why have we got that? We have got it for two reasons. We have got it fundamentally because of the new Occupational Health and Safety Act. The WorkCover Authority in its administering of that new regime has reduced the number of injuries in workplaces. Workplaces are safer because intervention by this state government and the WorkSafe authority in cooperation with trade unions and employers has seen workplaces become safer. Safer workplaces mean not only that a worker goes home to their family at night, which is an extraordinary tick on the triple bottom line, but it is also a good economic outcome — a skilled workforce remains at work, which is a big plus for employers as well. Our WorkCover scheme has seen premium cuts for five years in a row and more generous benefits for injured workers. That is a pretty heady combination that no other jurisdiction in Australia has seen. In fact other jurisdictions are seeking to emulate the Victorian WorkCover Authority. It is there because workplaces have been made safer, and claims are managed more effectively.

In response to Mr Rich-Phillips, that is the general outlook. I can certainly take specifics on notice for the minister to assist him, but I can say to Mr Rich-Phillips that, unlike the scheme we inherited, we have one that has safer workplaces, fewer injuries and lower premiums, which is a pretty good trifecta from my perspective.

### *Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I take up the Treasurer's response with respect to the 5 per cent cut in average premiums. Can the Treasurer confirm that of the 500 industry sectors more than 300 sectors pay premiums higher than the average and that 155 industry sectors pay premiums more than double the average?

**Mr LENDERS** (Treasurer) — We have an insurance scheme. The devil is in the detail of this. Some industry sectors are much larger than others. If you had an industry sector called 'Mrs Peulich's electorate officers', its main area of injury would be moving motions on Casey council to approve projects that she is now condemning or licking the stamps to send out her material. Some industry sectors are small, some are much larger, but what I can say to Mr Rich-Phillips is that across the board the entire Victorian employment insured sector has had net premium reductions of 5 per cent. Whatever figures Mr Rich-Phillips wishes to use, the Victorian

WorkCover scheme has fewer injuries, lower premiums and more generous payouts, and it is making a profit. It is a pretty good case of economic management.

I am happy to take on notice the particular issues that Mr Rich-Phillips has raised, but this is the flagship of responsible management in a Labor government that delivers benefits for workers and delivers benefits for industry, and does so while keeping the fund in the black. That is impressive and something that former Liberal Treasurer Mr Stockdale never achieved.

**Information and communications technology: sustainability and climate change initiatives**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Information and Communication Technology. Can the minister inform the house how the Brumby Labor government is encouraging the development of innovative technology to address sustainability and climate change issues, especially in northern Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Information and Communication Technology) — I thank the member for her question and her enduring interest in matters relating to northern Victoria. This is about us finding smarter and more sustainable ways to do things in regional Victoria and also throughout Victoria and Australia that will grow our economy. I want to refer to a few, but the one in northern Victoria that I want to refer to is a program about smarter irrigation, because finding smarter ways to irrigate using the latest technology is a way for us to be able to conserve water, which of course is very important in those regions.

The Victorian government contributed \$1.5 million to a project run by the National Information and Communications Technology Australia with Melbourne University. This project, which is being developed at Dookie, near Shepparton, is undertaking ground-breaking research in this area. It is developing advanced, low-cost wireless sensor technology and smart-control engineering software to develop a smart water management system. This might not be at the forefront of everybody's thinking, but developing this kind of technology allows us to save water, which will be one of the biggest issues we face as we go forward. It is an innovative and user-friendly sensor system which has the potential to raise product yields and quality and to reduce labour costs while using less water. Irrigation uses 70 per cent of the total water harvested in Victoria. This project uses innovative technology to increase the economic output of irrigation and makes more efficient use of this valuable resource.

There are other initiatives using technology that the government is pursuing in its attempt to ensure that sustainability is at the forefront of our economy. The Brumby government is also supporting the AIIA (Australian Information Industry Association) in setting up the Victorian Green ICT Capability Network and in producing a new manual for Victorian small and medium enterprises called 'Going green' using information and communications technology (ICT).

ICT has resulted in our capacity to become more productive in a substantial way over the last few decades. These new initiatives, which allow us not only to use ICT to become more productive but also to become more green, are very important initiatives. The government has also contributed \$2 million to the Byteback program, which offers an effective model for e-waste recycling. These initiatives, amongst many others that have also been put forward by my colleague in the innovation statement, form part of the government being able to deliver on green ICT in this state. As part of those initiatives the government is giving \$500 000 in funding to the AIIA for that organisation to continue its good work. We will continue to work with the AIIA and the local industry to develop innovative technology to address sustainability and climate change in this state.

ICT is a key sector for Victoria. It is a growing sector, and it is important that it contributes to sustainability — not just in water projects in northern Victoria but throughout our economy.

**Public sector: financial reporting**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is again to the Treasurer, who in this house represents the Minister for Finance, WorkCover and the Transport Accident Commission. Given the government's claimed commitment to openness and transparency, why has it stripped back the annual reporting requirements laid down in the financial reporting directions?

**Mr LENDERS** (Treasurer) — When I am asked technical questions for other ministers I will take the technical part on notice and get back to the member. But what I can say to Mr Rich-Phillips is that the financial reporting directions — and I was responsible for those for five years when I was finance minister — are a living set of regulations that are put in place for all —

**Mr D. Davis** — This state is dying.

**Mr LENDERS** — Mr David Davis interjects, but I will not take up the interjection.

Mr Rich-Phillips asked a question about the financial reporting directions which are the responsibility of the Minister for Finance, WorkCover and the Transport Accident Commission under the Financial Management Act. The financial reporting directions are an instrument to be used over time to regulate what the 600-odd government entities in the state are required to report and what they are not required to report.

This is a framework, and it is always a balance between this framework and unnecessary regulation and unnecessary reporting requirements that add costs to businesses and instrumentalities and take services away from the state. Mr Rich-Phillips and the opposition are constantly critical of the government in respect of the size of the public sector. They are constantly critical about the jobs we have in the public sector and say, 'Cut the number of public servants'. One of the ways in which you can manage efficiencies in government is to say, 'Is that regulation necessary?'. One of the challenges the Premier has given to me as Treasurer — it is one of my key performance indicators — is to make sure we cut our red tape burden by 5 per cent a year. You have that requirement on the one side, which needs to be balanced against reporting requirements that can be used by the community to see exactly what is going on. It is always a balance between regulating what is required and what is not required.

To use an analogy I have used in this house under a previous portfolio, when Julie Bishop was the federal education minister she required our education minister to report on whether or not all 1594 government schools had flags flying on flagpoles and posters on walls. That is an unnecessary red tape burden. The Minister for Finance, WorkCover and the Transport Accident Commission needs to keep a balance on what is reported and what is not.

On the issue of transparency that Mr Rich-Phillips raised — and this is the critical matter — under this government every single minister, without exception, faces the Public Accounts and Estimates Committee, of which Mr Rich-Phillips is a member. Every single minister faces that committee and is grilled. We report five times a year. Five times a year our financial statements are submitted to this Parliament.

Mr Rich-Phillips loved the article in the *Australian Financial Review* of 15 January 2003 which said that because we reported so much we were too transparent. This goes to my other argument that we need to keep the balance on these things right. I am absolutely sure that my colleague Mr Holding, the Minister for Finance, WorkCover and the Transport Accident Commission, will have financial reporting directions

that are as transparent as those of any Parliament in Australia, if not further afield, while also keeping a focus on the unnecessary red tape burden — red tape that the opposition does not like, the business community does not like and this government is determined to root out.

I will take on notice the specifics for my colleague to answer, but I can assure Mr Rich-Phillips that under this Brumby Labor government we received an A-plus rating for transparency — the only government in Australia to get it — because we are transparent, and we will continue to do that.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The Treasurer, when he quotes the *Australian Financial Review*, never gives the full story, and likewise with the government's reporting. I draw the Treasurer's attention to the example of the Victorian WorkCover Authority, with which he would be intimately familiar. From 2000 to 2007 the VWA has reduced its annual reporting of workforce data from a full page of detailed tables down to most recently a single footnote only nine words in length. Is that reflective of the government's commitment to openness?

**Mr LENDERS** (Treasurer) — What I would say about the WorkCover authority to Mr Rich-Phillips is that, if I recall, Elana Rubin, the chair of the authority, gave a full — —

**Mr Dalla-Riva** interjected.

**Mr LENDERS** — I might be crossing my arms, Mr Dalla-Riva. I enjoy crossing my arms, and I do not feel intimidated by your drawing attention to it either. I will cross my legs and my toes as well, if it makes you feel better!

Elana Rubin, the chair of the VWA, continued the half-yearly briefings on the finances of that authority in front of all the journalists and commentators — and it may still be the case that he was invited before the shadow minister. In fact she gives that briefing twice a year in front of anybody who wants to come, in order to receive questions or be questioned on the reports.

When a former member of this place, Roger Hallam, was the WorkCover minister you would have had to get a Patton tank to even get into the building, and then the next level of defence to keep information away would have commenced and proceeded, level by level by level, until you got to the top of the building from where those responsible would have parachuted out!

We are not afraid of transparency. Twice a year our WorkCover authority chair goes out there, and I do not think any other work safety authority in the country does that. Whether there is good news or bad news, she is out there answering the questions, and her minister is in the Legislative Assembly for 50 sitting days a year, taking questions and facing the Public Accounts and Estimates Committee, which is something that never happened under Roger Hallam's stewardship.

We are more open, transparent and accountable than any other WorkCover authority I know, and the test is that all the other states are seeking to copy the Victorian WorkCover Authority as a model that is transparent, operates in the black, delivers outcomes for injured workers and delivers low premiums for businesses, which is a win-win-win situation.

**VicUrban: performance**

**Mr VINEY** (Eastern Victoria) — My question is to the Minister for Planning, Justin Madden. The Brumby government is committed to providing Victoria with new housing, employment and construction opportunities. I ask the minister to update the house on what the Victorian government's development agency, VicUrban, is doing to achieve housing and construction employment outcomes across Victoria.

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Viney's important question particularly around housing and jobs in Victoria. Obviously at this time in world events there is no greater value to a person than their job and the ability to house their family and themselves. Therefore it is wonderful to see VicUrban doing great things on a number of fronts right across the community.

I should mention the revitalisation of central Dandenong, and one of the first major developments that is taking place is the Grenda redevelopment site and the Dealcorp building on Latrobe Street in Dandenong. It is estimated that throughout the course of the revitalisation of central Dandenong we will see of the order of 6400 construction jobs, and as well as that it is estimated that we will see 5000 people employed in that urban renewal project once it is completed.

But it is not just about urban renewal. Out in the west of Melbourne the boardwalk development at Point Cook is involving something of the order of 2000 employees, and the scale of that project is 1700 residential allotments that will be constructed. That amount of employment out in the west is particularly significant, and as well as that we will see something like 500 post-construction jobs based in that community.

We are seeing also in the west of Melbourne the Tenterfield estate in Burnside Heights, where over 1200 workers will be needed to build the homes for around 3000 residents on that 108-hectare site.

But there is even more. It is not just about urban Melbourne or the suburbs of Melbourne, it is also about the regions. In the Tower Hill estate in Swan Hill we are seeing a community develop through VicUrban with 110 dwellings, a diversity of housing types and an aged-care facility and a retirement village close by. While that might not seem like a very significant development in terms of the number of dwellings, what is significant are the stories about people taking the opportunity of buying a residence in that development, because having the aged-care facility and the retirement village nearby means that often their aged parents can move from an existing dwelling, either in town or further out from Swan Hill, into those locations, because the family is now relocating itself.

The aged parents can then be close by and can be supported by their families and visited by their grandchildren and the like. It is the sort of community where we can see people living for their entire lives and not having to move too far away as time goes on. It is a great urban model, particularly in regional Victoria where we know we have an ageing population and where people are sometimes finding it difficult to move off the farm or property. It is also creating jobs, housing and urban development right across the state.

In Shepparton the two Parkside projects managed by VicUrban will create 400 jobs and an extra 240 residential allotments for the local area. No matter which way you look at it, VicUrban is doing great things right across Victoria on all fronts, with housing diversity, housing choice, housing provision, jobs, creating communities and also stimulating the economy, not just in central Melbourne. Great work is being done by VicUrban to make Victoria the best place to live, work and raise a family.

**Minister for Industry and Trade: overseas travel**

**Mr DALLA-RIVA** (Eastern Metropolitan) — I direct my question to the Minister for Industry and Trade. According to his department he spent \$32 500 on a jaunt to China and India for 17 days earlier this year. I note that one of the purposes of the trip was to promote the Victorian financial services industry. How can the minister justify spending this amount of money on travel when he has not even spent time developing a financial services strategic plan here?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — Out of courtesy, I will thank the member for his question. I do not know whether the member has worked it out yet, but I am actually the Minister for Industry and Trade. The last time I worked it out, ‘trade’ involved trade with other nations, which therefore means we have to engage with other countries in order to get investment into Australia and to get business coming into Australia.

When I travel overseas I bear in mind that the primary job I have is to get those investments into this state. That is what I do; that is part of my job description. So when the trip to China and India was organised, there were a range of objectives, not a single objective, surrounding that trip. I notice that the member did not mention anything about India because he wants to focus on one element of the trip, but the fact of the matter is that that trip involved me going to India and cementing an agreement with the third largest information technology company in India, Satyam Computer Services, to come to Australia.

**Mr Drum** — Did you go to the call centre?

**Hon. T. C. THEOPHANOUS** — No, it is not a call centre. That company is coming to Australia to establish a facility via an agreement which I signed on behalf of the Victorian government with the head of Satyam, B. Rama Raju. I signed an agreement with the head of Satyam to bring 2000 jobs to Victoria — in fact to Geelong. Those jobs will commence with the construction of a new facility. That construction will commence in December this year under agreements we have with Satyam. A new facility will be constructed next to the university in Geelong. It will allow for 2000 people to be employed as new employees in this state. I would have thought a trip to India would be well justified just on the basis of that one contractual arrangement that we were able to bring together and bring into this state.

But it is not the only thing that we do. Let me tell you that in India I spoke to many such IT companies who have existing investments in this state and who want to expand those investments. We managed to get iGate to come and employ people in regional Victoria and to expand its operations. That is what being a trade minister is about: going overseas and bringing investment back. As I have said before, I travelled to Malaysia and brought back AirAsia X, a low-cost airline that has been established to provide low-cost fares between Malaysia and Victoria. I went to Korea and brought back the airline Korean Air, which will provide direct flights into Victoria, so I am not going to apologise. I might add that I came back on the first

flight of Korean Air into Victoria, and therefore I have managed to save an airfare for the Victorian government because I was a guest of Korean Air on its inaugural flight into Victoria. So let me tell the honourable member that I do not apologise for travelling overseas.

Financial services is an industry which we of course support. I have restructured the Victorian Finance Industry Council, which I have mentioned before in the house, and it is now based on having very high level people in the council. When I went to China I also went to Hong Kong and addressed a high-level meeting of bankers and financiers. I was there with the head of the Victorian Funds Management Corporation, Syd Bone, because we have a product that we want to sell overseas. That product is our capacity for funds management in Victoria — something we have done extraordinarily well. I look forward to the finance industry developing further. I look forward to additional flights coming into Australia from China, from India, from Malaysia, from Korea and from a host of other places that we have been able to attract.

**Mr Dalla-Riva** — But there’s more!

**Hon. T. C. THEOPHANOUS** — There is more; I am happy to tell you more. I also went to Singapore — —

**An honourable member** — Perhaps you should do it in the supplementary.

**Hon. T. C. THEOPHANOUS** — I might do it in the supplementary. I went to Singapore and brought back Tiger Airways. I am happy to keep talking about the overseas trips that I make. Mr Dalla-Riva can bring them on; I am happy to answer his questions.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am glad the minister is a great fan of the aviation industry and a frequent flyer along the way. Given that he has been on at least three taxpayer-funded overseas trips this year alone — the 5-day trip costing \$21 000, a 17-day trip and more recently a 2-week trip — how many more trips is he proposing to do before he actually deals with the struggling financial services sector and gets his strategic plan done?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — Let me just explain to the member that this government is about bringing business into this state. That is what I am about, and that is what I am going to continue to do. If the member thinks that as minister for trade I should stay home and not take

overseas trips and that I should not engage in trying to bring trade into Victoria, he is wrong. If Mr Dalla-Riva thinks that is the best way to run the government, if he ever gets to be a minister for trade, he will be a minister for trade who never travels outside of Victoria.

**Environment: sustainable precincts**

**Mr EIDEH** (Western Metropolitan) — My question is for the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house of how the Brumby Labor government is working to help make our homes, offices and communities more sustainable?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank the member for his question and the opportunity to talk briefly about the importance of the government’s commitment to the sustainable built form. With my colleague Minister Madden and his good officers and the people who work with me at Sustainability Victoria and the Department of Sustainability and Environment, we try to make sure we are alive to driving and supporting sustainable buildings in the state of Victoria — in support of our contribution to greenhouse gas abatement, in terms of resource efficiency and in terms of quality of life for people in their homes and the precincts in which they live and in the offices, buildings and factories in which they work.

We are trying to find ways in which we can support sustainable outcomes. One of the most famous of those is the Victorian leadership in relation to 5-star homes, a program which was implemented a number of years ago and which has led to over 100 000 homes in Victoria being built to that standard. Astute members of the chamber would be alive to the continuing conversations about the next iteration of those standards. I am pleased to see from the Council of Australian Governments agenda last week that the Prime Minister of Australia is interested in sustainable dwellings and buildings and is actually going to play a role in promoting them. For the first time in recent memory an Australian government has demonstrated some interest in the built form and tried to drive sustainable outcomes for the built form. Victoria welcomes the entry of the Australian government into this space, and it looks forward to many collaborative efforts between us.

The Victorian government took the opportunity at the World Sustainable Building Conference 2008, known as SB08 and held in Melbourne recently, to add to our armoury of programs designed to support this worthy outcome. Investments worth \$12.6 million, which try to

drive better efficiency in low-income households, were announced at that conference. A \$2 million program was allocated to try to climate-change-proof low-income households in terms of their efficiency, which adds to our retrofitting programs. We are trying to support an additional 21 000 low-income households throughout Victoria to be able to audit their efficiency and drive their costs and emissions down into the future. We want to support those who have already found ways of improving efficiency in their neighbourhoods through a \$3.5 million program called ResourceSmart Hubs, which will create opportunities for people to share information in their community organisations and in local government areas about the ways in which great environmental outcomes can be driven within their communities.

A very exciting program that the Minister for Planning and I — wanting to work with the local government sector and the development community — are very enthusiastic about is trying to drive zero-emission zones. With \$6 million we are providing support and encouragement to developers and local government, working in collaboration with the various state agencies, to try to have a look at precinct management, whether it be through looking at more efficient transport connections, through the siting and location of those precincts, through the way in which waste management will be dealt with or through energy generation on those sites, so we can develop neighbourhoods that have zero emissions within the precinct. We think that will be a hallmark of neighbourhood development in the future, and I congratulate VicUrban on being an agency that is acutely interested in these programs. The involvement of Minister Madden, the Minister for Planning, and VicUrban in those developments will see great results in the years to come.

We want to make sure we support the development of sustainable housing and sustainable precincts in the future, and the opportunities that were taken at SB08 are just one measure of the commitment of the Brumby government to support these initiatives in Victoria into the future.

**Water: food bowl modernisation project**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change, and it is in relation to the 75 gegalitres of water promised for the environment from the savings to be generated in the food bowl modernisation program. Is the minister able to tell me how that environmental water will be secured and managed? Will it be through a bulk entitlement in the name of the environment

minister, as some others are, or through some other type of mechanism, and how are his discussions with the Minister for Water on that issue going?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Barber for giving me the opportunity to let him know that my conversations with the Minister for Water are going very well. They are extremely amicable, they are extremely focused and they are rising to our collective challenge of making sure we do justice to the food bowl modernisation program, to the investments through which we are trying to drive greater water efficiency across northern Victoria and to the commitments we share to protect the interests of all stakeholders in the Victorian community, whether they be farming communities, rural towns that rely on greater efficiencies in our water allocation and distributions —

**Mr Viney** — Do you exchange any good jokes?

**Mr JENNINGS** — We share a sense of humour, but most importantly we share a sense of unswerving commitment to resolve some of the conundrums that confront our community and the environment in relation to climate change scenarios and the ongoing drought. A number of people think these are mutually exclusive propositions, but they come simultaneously. We may have to account for drought conditions in climate change scenarios going forward.

On the mechanism the member has specifically asked me about in relation to the most appropriate way in which we can identify, secure and distribute water entitlements in the future, he would be aware that a northern sustainable water strategy has been identified. We are going through a consultative process across the Victorian community with the various stakeholders which includes the ways in which water entitlements could be dealt with in the future. The mechanism the member has specifically asked me to comment on is one mechanism in the mix.

From my vantage point I think that as much as possible we need to be certain about the identification of water going forward — to specify when it is available, both its source and its distributional effects and outcomes, and to be very clear about that. That is something we are currently working on in relation to the redevelopment — the infrastructure proposals in their own right — and then subsequently in relation to the implementation of the strategy and in accordance with the obligations we would have under the Murray-Darling arrangements. The member would appreciate that they are a work in progress and will be subject to legislative change and collaborative

arrangements across jurisdictions in the months and years to come.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — I am sure the minister did not just tell me that that 75 gigalitres now just gets double-counted as part of a Living Murray target. In relation to some of the issues the minister just raised, what are the limitations on this 75 gigalitres of water likely to be in terms of security, timing of flows throughout the year and deliverability?

**Mr JENNINGS** (Minister for Environment and Climate Change) — The member is asking me to be more specific in relation to the basket of issues I have already outlined. I have outlined to him that these matters are being worked through, and they will continue to be worked through. From my vantage point — and the Minister for Water appreciates this point — in terms of the flooding regime and the availability of environmental flows into the future, our interest is in trying to maximise their environmental benefit by making sure they are available at the most appropriate time to support the strategic environmental needs of the river systems. The availability of water at critical times and making sure it is used as strategically as possible is one of the key parameters in our consideration of these issues going forward.

**Commonwealth-state relations: specific purpose payments**

**Ms PULFORD** (Western Victoria) — My question is for the Treasurer, John Lenders. Will the Treasurer inform the house of outcomes from the Council of Australian Governments meeting of last week, and in particular those that relate to special purpose payments?

**Mr LENDERS** (Treasurer) — I thank Ms Pulford for her question about the outcomes of the COAG (Council of Australian Governments) meeting and where we were on reforms to specific purpose payments (SPPs) in particular. Approximately one-sixth of the Victorian budget comes from specific purpose payments. They are a very large component that we rely on to fund core services. On the table at the next COAG meeting on 17 November will be \$83 billion of specific purpose payments which are in the commonwealth's forward estimates. They are at the current levels, which are the levels inherited from the Howard government. We hope there will be a greater amount in specific purpose payments available from the new national government.

This is an area that is challenging for states to get right with the commonwealth. This is a historic opportunity. The largest single specific purpose payment — the AHCA or Australian health care agreement — is one which is absolutely fundamental to the funding of our health system. Between 1996 and 2007 we saw that drift from a situation where through that agreement the commonwealth paid for half the cost of hospital treatments to one where at the end of the agreement it paid for approximately 40 per cent of the cost of hospital treatments. If that ratio had been maintained, we would have had one-eleventh extra capacity in our hospital system throughout Ms Pulford's electorate and every other electorate in this state to treat patients and deliver services.

These are big issues that are now being discussed by all jurisdictions. At the most recent COAG meeting we had, for the first time since I have attended as Treasurer, people of a different political persuasion. We had the West Australian Premier and Treasurer attending that meeting, and I must say they had a far more collaborative approach to these issues than the former federal government had. I congratulate the new West Australian government on being collaborative. I just wish on a partisan note that Mr Barnett and Mr Buswell's West Australian colleague Mrs Bishop, the shadow federal Treasurer, was equally collaborative.

We have big issues in front of us. The challenge for us to rectify the slide we saw over the 10 or 11 years of the Howard-Costello government will be enormous and something that needs to be built on over time. But I can say that all eight state and territory jurisdictions, regardless of where they are and regardless of their political persuasions, have their shoulders to the wheel on the work we need to do with the commonwealth to address that, and that is probably the first time that has happened since Federation.

In response to Ms Pulford I can say that a lot happened at the COAG meeting. The discussion was not just about what the current economic situation is. We as first ministers and treasurers had the benefit of discussions with the secretary to the federal Treasury. The Prime Minister had recently been in the United States, and we shared the views of a number of leaders around the country as to where their areas were going. There was a lot for us to discuss in immediate terms, but in the longer term we need to get the SPPs right. There is a lot more to federal-state relations than just those payments. There are a whole lot of other payments that come after that and other structures that we need to deal with, but that is a critical start. I am confident we will get a better hearing on 17 November

from the current federal government than this state has had from the commonwealth for more than a decade.

**Sitting suspended 12:57 p.m. until 2:04 p.m.**

## **BROOKLAND GREENS ESTATE, CRANBOURNE: LANDFILL GAS**

**Debate resumed.**

**Mr KAVANAGH** (Western Victoria) — Prior to the suspension of the sitting I was saying that this is a disturbing development. There are two priorities that emerge from this very difficult situation being faced by people who are affected by the methane gas in Brookland Greens.

Those priorities seem to be, first, to deal with the problem by helping the people affected, and second, to rectify the problem. As suggested earlier, the stamp duty paid by those people on the purchase of their properties that are so badly affected seems to be a starting point for compensating them for the expense of paying the mortgage, while at the same time having to pay rent on other accommodation. Of course, the value of the property, as noted before, has dropped very considerably.

The second aspect of this is to ensure that it does not happen again in any other part of Melbourne. That would seem to involve reviewing the requirement for the Victorian Civil and Administrative Tribunal to overturn decisions of the local council and the Environment Protection Authority, and to consider the place of the Environment Protection Authority. For example, in Geelong a lot of local people have complained about air quality. It was disappointing to note how many restrictions there are on the ability of the EPA to even monitor let alone do very much about air quality questions in the Geelong area.

With those few words, I congratulate Mrs Peulich on moving this motion. I support the sentiments expressed in addressing the problem and most of all ensuring that it does not happen again.

**Mr FINN** (Western Metropolitan) — In supporting the motion moved by Mrs Peulich today about the area known as Brookland Greens estate, where a tragic situation has developed for thousands of people, I want to congratulate Mrs Peulich and Mr Rich-Phillips for the work they have done in bringing this matter to the attention of the authorities and the government. Clearly the government was not even mildly interested in what was happening to the people at Brookland Greens. That in itself was a disgrace, but it is a very welcome lesson

for a lot of people, not just in that area but throughout the state and throughout the country that when good local members such as Mrs Peulich and Mr Rich-Phillips are doing their job, working hard, earning their money and working for the constituencies they represent, they will get the results.

I fear to think what these people would be facing if they had not had Mrs Peulich and Mr Rich-Phillips going in to bat for them. I really fear to think of the neglect they would be facing, even more than they are facing now. It is a credit to both Mrs Peulich and Mr Rich-Phillips for the work they have done. That should go on the record and they should be congratulated for their tremendous effort in fighting for their constituents and doing the job they were elected to do in this Parliament. It is a sad reflection on the government that it has fallen upon the shoulders of two opposition members to do this because the government has totally failed in protecting the interests of people in this situation.

The people of the western suburbs are obviously deeply concerned about what is happening on the other side of Melbourne. They have a great deal of sympathy — perhaps empathy would be the appropriate word — for the people of Brookland Greens because many of them may feel that, if not for the grace of God, there go they, if I could totally mangle that old cliché. The people of the west are acutely aware that this government does not care, and I have said this in the house before and it is worth repeating, about the people of the outer suburbs of Melbourne.

The outer suburbs may as well not exist so far as this government is concerned. That has been reflected abundantly in this situation when the Premier, the Minister for Planning and the Treasurer have ignored the people of Brookland Greens. Who did the government send out to express its sympathies or concerns? It was the member for Cranbourne in the Assembly, Jude Perera. As if the people of Brookland Greens do not have enough problems, the member for Cranbourne in the Assembly was sent out there! If Mr Perera, a nice man, were able to ease the concerns and pour oil on the troubled waters that these people were travelling on, I for one would be very surprised indeed.

As I mentioned earlier, it all goes back to the fact that the government shows time and again that it does not give a damn about the people of the outer suburbs. I live in the outer suburbs and know what I am talking about because this government has given us in the outer west nothing. I know the outer east is getting precious little. In terms of this particular issue, outer west residents are getting abundantly nothing, if I can use the term. They are being ignored by the bagful. It is a

disgrace that the government has turned its back on the people of Brookland Greens. Here are people who are hardworking, have bought their homes, are paying off their homes, have families, and have everything that makes Australia great. Everything that has built this nation they are doing in Brookland Greens.

**Mr Koch** — They have had their legs cut off!

**Mr FINN** — As Mr Koch says, they have had their legs cut off. What does the government do? It does not even give them a bandaid. The Premier does not want to know about it; the Treasurer does not want to know about it; the Minister for Planning does not want to know about anything: he is in a bunker out there and does not want to talk to anybody about anything — a more useless minister you would be hard stretched to find, I would suggest.

**Mrs Peulich** — He even got his footy tips wrong, too.

**Mr FINN** — It would not surprise me that he got his footy tips wrong because he is, after all, a Carlton man. The level of neglect and contempt that has been heaped upon the people of this area is appalling. Can you imagine what it must be like for these people who have just woken up one morning and found that their houses are worthless, houses that may have been worth perhaps \$500 000, perhaps more? Suddenly they are worthless and the residents are told to get out. They are refugees in their own country. They are told to pack up and get out.

Who do they turn to for help? Naturally, as we all would, they turned to the government. One would think that is a fairly basic responsibility of any government. What has the Brumby government done? It has turned its back on these people, added insult to injury and said, 'We don't want to know; we don't care what happens to you; we don't care what happens to your families'. That is the way of this government. It is despicable, it is disgraceful, and this government stands condemned in every way for the contempt in which it holds the people of Brookland Greens.

It is without doubt something that the government will pay the price for at the next election, but of course in the meantime there are many people in this area who do not have a home. At this point they do not have a future, and the government is not interested. I am delighted to see that the Treasurer is in the chamber because I beg him to put his hand in his kick and give those desperate people a bit of support in their time of need. It is the only decent, honourable thing to do.

I ask the Treasurer to do that. He is desperately hiding from that question and ignoring me in the hope that I

might go away but, as most people will vouch for, that is not going to happen any time soon. I say to the Treasurer and to the government, 'Here are people who need help now'. They do not need it next week, next month or next year: they need it now. It is the government's responsibility to come to their aid. If it does not do so, that sends a message not only to the people who need the help and are being ignored but to every Victorian about what sort of government we have in Victoria.

As I have said before in this house, this is a miserable government, it is a mean government, and it is proving that yet again with regard to Brookland Greens and the people who are being ignored in this manner. I do not know how the Treasurer, the Premier and the Minister for Planning sleep at night. I would not be able to look at myself in the mirror in the morning if I were treating people the way the leaders of this government are treating the people of Brookland Greens. It is something they should hang their heads in shame over.

The Ombudsman is investigating it, but we will not get anywhere with him. He can investigate what happened — how it came to be that these people found themselves in this predicament — but he does not have the power to investigate policy, and that is where the real issue lies, because it was policy that caused this debacle. Even if we find out the whys and wherefores, it will not do anything to help the people who live in the area and who have lost their homes and been thrown onto the scrap heap. These people need assistance from the government now, but the government will not come to the party.

I could go on for some time about the Environment Protection Authority, because I have had considerable experience with it regarding the Tullamarine toxic waste dump. Given the debacle at Brookland Greens, there is some concern about what might occur at the toxic waste dump at Tullamarine. It was only closed after I disclosed in this house that there had been leaks of toxic waste into Melbourne Airport. That was the only reason it was closed; the government was happy to let it go on forever. Now the people of Tullamarine and surrounds are deeply concerned about their fate if Brookland Greens is anything to go by.

The concerns over this issue go well beyond Brookland Greens and the outer eastern suburbs of Melbourne; they go right over to the other side of town, to the outer western suburbs which could face a similar situation — I pray not, but perhaps! — in the not too distant future. We are concerned that we will get the same treatment from this government: we will get nothing, we will be ignored and treated with contempt and we will be

treated as if we did not exist. This situation is a message to every Victorian about exactly what this government stands for and what it thinks about them. It is a disgraceful, mean and miserable government. What it faces at the moment in Brookland Greens is a test, and how it would treat people in other parts of Victoria in similar circumstances will be judged on how it treats the people of Brookland Greens.

Once again I congratulate Mrs Peulich and Mr Rich-Phillips on the magnificent work they have done on this issue. They have really brought it to the fore. There would be few people in Brookland Greens and the surrounding area who are not extremely grateful to those two members of this place who have done so much work. I strongly support this motion and urge the government to actually do something. In the words of the great John Kennedy, 'Don't think, do!'. That is something the government does not seem prepared to do, unless it is some weird left-wing social experiment.

**Mr DRUM** (Northern Victoria) — I take this opportunity to revisit an issue that I regularly spoke on in this chamber while we were going through the process around the toxic waste dump at Nowingi; and before that, the Tiega toxic waste dump proposal. During that process we were looking at the substantial imposition of this government on the communities in the Nowingi — and later Tiega — areas. The Rural City of Mildura got together and fought very hard, along with the entire far north-west community of Victoria, to try to stop the toxic waste dump going into that area.

One of the groups arguing against the toxic waste dump being put in the area was pushing hard for different forms of waste-to-energy production. Through the process I became acquainted with a company in Western Australia that had over a period of years been manufacturing waste-to-energy systems. These systems are Australian designed and Australian made, yet there is not one Australian government that wants to know anything about such waste-to-energy, or gasification, systems.

As I understand it, the gasification process is slow burning. It might take two or three days to have all the waste products burnt, reburnt and burnt again. This Western Australian company is selling these systems to Europe, and selling and installing them right across America. It is very successful. We have an Australian-made and Australian-designed product that is able to turn domestic and industrial waste into energy for foreign states, but we cannot find an Australian state that is prepared to install and operate one of these slow-burning energy systems.

Throughout the 18 months to two years that the opposition parties in this chamber fought the government on the toxic waste dump — and I might add that a former member of this place, Barry Bishop, led the charge very regularly — we pushed the government to investigate gasification, not only as a new power source but also as a way of effectively bringing an end to the need to build bunkers in northern Victoria and put container load after container load of toxic industrial waste under a mound of dirt, envelop it in plastic and go on to the next bunker. This was a way to eradicate that type of storage facility and to turn that toxic industrial waste into energy from which people in northern and north-western Victoria — indeed all Victorians — could benefit.

As is the way with this job, once the immediacy of these issues leaves our desks, sometimes these matters fall by the wayside, especially for those of us in opposition who are not as well resourced as members of the government. More pressing matters come across our desks, so it is with some guilt that I acknowledge that I simply have not followed this issue through. However, it is quite astounding that this situation has arisen through years of neglect. We have been doing things the way we have always done them, which is by dumping our domestic rubbish into a big tip, filling it up with dirt and enveloping it with plastic, then filling it up with landfill and hoping all the gases that emanate from the process that happens naturally beneath the surface will dissipate into thin air. In this instance that has not happened and these gases have been escaping through the entire estate of Brookland Greens and finding their way into the cavities behind brick walls and kitchen cupboards. Effectively the build-up has been so intense that the gases have created a very dangerous situation.

I congratulate Mrs Peulich on bringing this raw, extreme and urgent issue to the attention of the house. In typical form the government effectively has accused the opposition of playing politics with an issue. Every time government members feel under attack they simply accuse the opposition of playing politics, not treating the people of Victoria with due respect and not treating these issues with the sincerity that they deserve. With such matters as the crisis in financial markets, suddenly opposition members are accused of scaremongering. Opposition members are always to blame, and government members are never to blame for anything. Unfortunately that does not always sit with the people of Victoria. Every now and again the people of Victoria are going to want the government that is in control, as in this case, to stand up and say, 'Yes, our processes were not right. The processes that we have in

place were not followed and adhered to and we have ended up with a mess'.

I am with the government on this. Let us not worry about the blame as much as about looking at the problem and what are we doing about it. We still cannot get a government in Australia, let alone Victoria, to look at high-temperature incineration. Even with low and slow-burning incineration, why cannot any government in Australia look at gasification as a serious opportunity to embed waste-to-energy systems? It would be a win-win scenario if we could take away many of our landfill deposits. It is happening all around Europe and in America, but not here in Australia. Why is that? Instead we are happy to continue with the way we have always done things, which is to open up a new landfill.

Up in Bendigo in the next 6 to 12 months a new landfill will be opened. The old one will probably just be closed down, and 10 or 20 years later houses and factories will be built nearby, and 5 or 10 years after that we will have another problem similar to the one we now have. It is not as though we are learning from the mistakes that we keep making. Here is some modern technology that we could use.

I remember some statistics about gasification. The reason we are given for so many countries and states being scared of high-temperature incineration is that the early models incinerated high levels of toxins and dioxins into the atmosphere. That might have been true 20 or 25 years ago, but these days emissions from gasification waste-to-energy systems are cleaner than natural gas produced via power plants. I do not know how many times cleaner that makes them than coal-fired power plants. Certainly we have a real opportunity to do something, and we have been given an enormous kick in the backside about the way we are storing our waste in landfill. The situation that has arisen is a strong reminder that such systems do not work because the gas that has built up under the ground in Cranbourne is causing enormous damage. In this instance it will cost some \$80 million to \$100 million to compensate the residents who have built on the Brookland Greens estate in good faith.

These sorts of mini-disasters will happen into the future right around any housing or industrial development that is built in the proximity of a landfill. We are also running out of space to build new landfills. There is also the fact that we are in dire straits searching for new sources of renewable energy, and this waste-to-energy proposal is one of the best ideas for renewable energies into the future. We have an opportunity to take this technology on board and to fight the energy crisis that we are currently facing head on in this country with

some innovative thinking and new technology. We should take on board Australian-made and Australian-designed programs for the generation of power so that hopefully we could offer people in many places around Australia, particularly in Victoria, the opportunity to dispose of their waste, to create energy and avoid these sorts of disasters. We need a government that is prepared to take advantage of these changes and take this technology seriously. Unless we trial and implement these sorts of systems we will simply repeat the mistakes we have been making year after year, decade after decade and government after government. To me, it is an indictment of any government if it refuses to look at these advanced technologies that may be able to offer so much going forward.

I am not about apportioning blame in this particular instance — indeed I congratulate Mrs Peulich on bringing this issue before the Parliament — however, I implore this government and all governments around Australia to start looking seriously at waste-to-energy programs and systems in the hope that one day we can use these valuable resources to bring energy to some of our remote and regional country areas.

I might add that in regional Victoria, in such places as Bendigo, we are paying 40 per cent more for our electricity than is being paid in Tullamarine. I do not know how this government can sit by and let that happen. Government members say that they are all about promoting development in regional Victoria, but development in regional Victoria is being hampered by electricity costs that are 40 per cent more than people are paying in Melbourne. Hopefully we have learnt from our mistakes and we will be able to come up with new systems to avoid the sorts of disasters that are happening on other housing estates around Victoria.

**Mrs PEULICH** (South Eastern Metropolitan) — Before summing up I take this opportunity to thank all contributors to this debate: Mr Somyurek, Ms Hartland, my parliamentary colleague Mr Rich-Phillips, Mr Viney, Mr Finn, Mr Kavanagh, Mr Guy, Mr David Davis, Mr Drum and Mr Scheffer.

Some of the exchanges today have been heated. There is a lot of passion. It is heated here, but let me assure the house that it is even more heated in the council chambers and public meetings, and it is certainly more heated in the community. There is a standard joke going around, which is a bit sad — but people try to retain a sense of humour even in these difficult times, because life has to go on. People are having barbecues, and the joke is that in Brookland Greens you do not

need to bring the gas, because it is already there. The reality is that this is a hot issue of debate.

This motion was a grand opportunity for the government to provide a chance for the Brookland Greens residents to hear what their government has to say on this issue which has turned their lives inside out and upside down. They had the opportunity of hearing from key ministers — for example, from the Treasurer, Mr Lenders, about what funds were going to be made available in the short term to support their emergency needs in the medium and long term. If he were a responsible Treasurer, he would consider this issue very carefully, because rectification may well cost less — I do not know — than eventually having either a court settlement or an out-of-court settlement of the class action that is being mounted by Slater and Gordon. If action were taken to remediate and rectify the problem, it could well cut out a lot of those additional costs if done promptly — but the Treasurer has failed in that duty and missed that opportunity.

We could have heard directly from the Minister for Environment and Climate Change, especially given the significant role that the EPA (Environment Protection Authority) has played in the management of this facility for a number of years and also in giving approval to various licences and management of that landfill activity.

We could have also heard from the Minister for Planning about how planning policy under the Brumby Labor government has failed the Brookland Greens estate residents and why the Victorian Civil and Administrative Tribunal was obliged to take note of its planning policy over and above the EPA waste management guidelines. The presiding VCAT member said he was obliged to give a higher priority to the policy rather than to the guidelines, because guidelines are not policy.

There is a whole range of areas in which this government has yet again failed to demonstrate leadership. What government members have done in their contributions and in the way they have conducted themselves over the last month at least, when we could have rightfully expected them to show some leadership, is stonewall, play the invisible game, obfuscate, try to blame others and muddy the waters. They have been wriggling, going to ground and praying to God that the issue would disappear. If the Brumby brigade were in the military, its members would be court-martialled for being AWOL from their duties.

Before going on I will briefly rebut and highlight the grubby tactics and the allegations that somehow we are playing politics. The role of an opposition is to shine a

light on the failures of the government of the day. That is the linchpin of this democracy. This is my duty, and it is the duty of this chamber and every single member of Parliament. Mr Viney tried to infer that Michael Shepherdson was somehow responsible for the makings of the disaster that was Brookland Greens by voting for a rezoning from rural to residential in the year 2000. At that time Michael Shepherdson did not work for any member of Parliament. He was a councillor and supported a motion, just as Sam Afra supported the motion, although he was in the employment of the member for Dandenong in the Assembly, Mr Pandazopoulos.

In the year 2000 when this motion was supposedly voted on, the City of Casey moved to change that zoning to residential to allow the development of the estate. It entered into an agreement with Peet Ltd that no dwelling be built within the buffer until the council and the EPA had determined that the buffer was no longer required. I am informed that that was the motion voted on. It was not until 2002 — two years later I say to Mr Viney, who is not in his place — when most of the Brookland Greens estate was outside the buffer around the former landfill, that Peet Ltd first proposed to develop the residential allotments within the buffer zone. Mr Viney has attempted a cheap trick to muddy the waters, to be a part of this blame game, to play the invisible game, to shaft everyone else and most importantly to betray a community that deserves leadership and the support of the party it voted for. He has failed it and deceived it.

Slater and Gordon's class action will not be resolved for at least 12 to 18 months, because there are so many other things that need to be resolved before then. Communities cannot wait two years or more. They have needs now, and this government needs to make sure there is an independent and open inquiry, which the Ombudsman is not able to deliver, that provides an opportunity for a detailed investigation into why this crisis has occurred. It needs to consider the role of government in all aspects of the planning and approvals process associated with the development of the Brookland Greens estate. It needs to investigate the role of local government in all aspects of the planning and approvals processes as well as the role of all public and private agencies and individuals in all aspects of the planning and approvals processes associated with the estate, the role of government agencies in responding to the crisis and the extent to which that response has met the needs of those residents in Brookland Greens estate who have been affected.

The inquiry must look at options for the rectification of damage, by whom and at whose expense such works

should be undertaken, the extent to which the government will indemnify or compensate residents and ratepayers of the cities of Casey and Frankston, the damage arising from the crisis and any other matters of relevance. This government knows that the Ombudsman's inquiry — which is not required to be tabled in Parliament, which is not required to be conducted in public and for which there will be no public hearings of which transcripts will become publicly available — is stonewalling. It is a whitewash, and it will be inadequate for the purposes of this crisis.

I thank all members for their contributions and urge them to support this three-part motion to establish a high-level, coordinated response requiring political leadership to resolve this; to establish a multimillion-dollar fund for emergency measures, rectification and compensation, irrespective of who is ultimately responsible — that can all be settled later; and lastly to make sure that all the facts are known and that the blame game ends.

People do not want politicians to play with their lives, with their assets, with their families or with their health, safety and wellbeing. That is what the Labor Party is doing. My job as a local member of Parliament is to give the community whatever support I can in my limited role as a member of the opposition. I thank all those members of Parliament who have supported this notice of motion and say in advance — shame on anyone who votes against it.

#### House divided on motion:

##### *Ayes, 21*

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

##### *Noes, 19*

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

#### Motion agreed to.

**ABORTION LAW REFORM BILL***Second reading***Debate resumed from 7 October; motion of Mr JENNINGS (Minister for Environment and Climate Change).**

**Mr DRUM** (Northern Victoria) — Those who were in the chamber last night would have heard me outline the status of the unborn child in the early and middle stages of the pregnancy. I spent time talking about the status that is afforded to a baby at around the 24-week stage.

I want to move the focus of the debate to clause 8 of the bill, which deals with the conscientious objections of doctors and medical practitioners. I note with great irony that today, because of the sensitive nature of the debate, we have given ourselves a conscience vote so we can speak and act in a way that will not interfere with our moral beliefs. We have done that for ourselves; we believe this issue to be so sensitive and contentious that we should give ourselves the opportunity to vote outside of party lines.

We can judge for ourselves, and if we want to have nothing to do with this debate, we can decide not to come into this chamber. If we want to stand up and talk for the bill, we can; if we want to talk against it, we can. We can vote for it, we can vote against it and we can vote in any way we want. We do not even have to vote at all if we want to have nothing to do with this debate. Effectively we have given ourselves those freedoms, yet one group of people about whom we are passing this legislation — doctors and medical practitioners — are not being given the same option. Irrespective of any conscientious objections they may have to abortion, these doctors are going to be required to refer women who want an abortion to someone who will perform one.

It is not just my understanding but that of all members of Parliament who have been told time and again by a huge array of medical practitioners that this legislation goes against the beliefs of many of our doctors who swear the Hippocratic oath. They make that oath, and the very core and crux of their being and their work practices is all about preserving life at any cost. Here we are, making some of those practitioners — GPs and surgeons — into criminals, because if they continue to act in the way that they have been acting historically, they will be working outside the law that will be implemented.

Even nurses and pharmacists can be forced by doctors to participate in abortions, regardless of their belief or level of objection. This is an unprecedented attack on

the freedoms and rights of medical practitioners, and this bill will make them complicit in acts they believe to be morally and ethically repugnant.

That is the language of the medical profession; that is the language of the practitioners. Some of them believe this legislation is morally and ethically repugnant. It is their view and their language, but we need to take stock of the fact that we could pass laws to force them to be complicit in this legislative action, and we need to be very conscious of the fact that that is what we are doing.

I re-emphasise that we are not simply legalising or decriminalising the status quo; we are actually going further in that what we are doing here is imparting the will of some onto the day-to-day practices of all. In my opinion the very least Parliament could do is to give these people in the medical profession the same level of respect we are affording ourselves and the same level of freedoms we are affording ourselves.

It is very righteous and honourable of us to talk about how we have given ourselves this opportunity to speak our minds and to vote according to our conscience and our hearts, yet we are not offering people in the industry and in the sector that same respect.

The government simply has not done its work in this aspect. It has not gone out there and worked this through, and now it has come up with legislation that has a major flaw in it. What will this do to the Catholic health system? Archbishop Hart has not threatened but stated the fact that they will not — point blank — be put in a position where they have to be complicit in abortions or where they have to comply with a whole regime, whether the start of referrals or otherwise. The Archbishop of Melbourne has been very strong in his language when saying the Catholic health system will not be complicit in abortions. He said, ‘We will not in any way be part of the abortion regime of the state, and if that means we are breaking the law, then so be it’. If that attitude forces them to close down, then that is what the Catholic health system has threatened to do. We all know that Victoria’s health system is in a big enough mess as it is; if anything like that were forced onto its health system, we would be in a state of absolute panic because the health system simply could not cope with the workload that would then fall onto the public sector.

We have heard some other debate in this chamber about late-term abortions and the fact that we only have a very small proportion of the total abortions done at that stage. A number of members of Parliament have given their best guesstimate as to what the actual number of total abortions is, and in Victoria it seems to sit

somewhere around the 20 000 mark. But a number of speakers who are proponents of the bill, who are advocating for decriminalisation, have come up with a figure that late-term abortions account for about 0.7 per cent of the approximately 20 000 abortions; and they are using this small number as some form of defence against this horrific wrongdoing.

I want to broadly address all members of Parliament who have used this defence as part of their logic. I could rattle off a whole raft of heinous, horrendous crimes that are not very common, and I could say that these horrendous murders, rapes or acts of child brutality only happen every now and again; they only happen once a year so we do not actually have to change the law because those incidents occur only very occasionally. If we want to take that path, then we will seriously have to look at all the different types of problems in society.

We could argue that we still have people speeding in their cars even though we have laws to stop speeding. Does it mean that because drivers keep speeding, we should make it legal? Banks continue to be robbed even though that is against the law. We have laws in place to limit behaviour, to tell people they cannot do certain things.

We have laws to stop people murdering others. We have laws in place to stop a whole raft of crimes, but the crimes keep being committed. But we do not all of a sudden relax those crimes; we do not relax the penalties or the laws simply because those crimes continue to be committed — yet that argument keeps being made by the proponents of this bill.

I do not know whether anyone has acknowledged the fact that this legislation concerns the killing of babies. This provision says that even though killing babies is horrendous and horrific, it is okay, because it only happens in 0.7 per cent of all abortions. We just need to be up-front about the fact that it is not okay!

I do not mind admitting to the fact that I was ignorant of some of the aspects of abortion, which I learnt about when listening to the debate in the other place. I was ignorant of the aspects of what they call partial-birth abortions, and I was staggered when I sat there and heard the details about how a partial-birth abortion occurs and how the baby is effectively breached and is delivered feet first, legs first, then the body comes out and then the skull is punctured, the brain is effectively sucked out, and then the skull is crushed and the remainder of the baby is taken from the womb.

When I heard that, I thought, 'This is unbelievable'. I again started thinking about the status. We know that if the baby is born, that baby is then afforded full rights as a human being. Even inside the womb the baby has the rights of a human being — the house argued that fact last night.

What I would like someone in the government to tell me, possibly during the committee stage or even in summing up the debate, is what happens in the process of a partial-birth abortion where the baby is actually born before the surgeon has an opportunity to kill the baby? Say, for example, a woman goes in for a partial-birth abortion; then the doctor gets called away after an emergency phone call; he comes back and the midwife or the assistant is holding a fully born baby.

What status does that baby have at 24 weeks? Is the doctor simply allowed to kill that baby outside of the womb because it was always the intention of the mother that it be aborted? Or now that the baby has been born, is there some other greater law that comes in and protects that baby because it is a fully born human being, breathing on its own in the world? I am unsure as to the legal status surrounding those babies.

Again I am asking a question without knowledge of the answer. I imagine there would be some terminations performed by caesarean section. I do not know whether that is the case, but I would imagine that there are some women who are never going to deliver their babies naturally, even though they have had a pregnancy, and at some stage there is an abnormality detected that forces them to choose to have an abortion. Are there then abortions, terminations, that are carried out by caesarean section? How is this done? Can someone from the government tell me how these procedures take place? What is the status of that baby as it is taken from the womb before it is executed? I am not quite sure about some of these technicalities. When we are talking about the status of a baby who is clearly past the age where there is any debate about whether it is a life or is not a life — we have gone way past that — how do we get around some of these technicalities with this bill? I would like to leave that there.

There is another issue I would like to talk about. Science is becoming very good at identifying some of the abnormalities that we may consider to be reasons necessitating abortion. We know that when there is a scan at 16 weeks it is a very anxious time for young expectant parents who watch the ultrasound. It is an amazing time, and people are very anxious. They are really looking forward to seeing the ultrasound but are concerned that they are not going to find any abnormalities. We all love the idea of bringing healthy

children into the world, but we know that as science goes forward — and scientists are already at this stage now — it is going to be able to detect abnormalities in a foetus in the womb at a very young age. I would imagine that scientists are now finding genetic make-up to be the cause of many of the problems or issues we have later in life.

This bill is more or less saying it is going to be okay for us in effect to make these decisions based on the evidence and the data we receive from these ultrasounds of the foetus within the womb. We may have ultrasounds that tell us we are going to have a perfectly healthy baby, but we may be going to have a baby that may have issues — a cleft palate, for example. Are we going to have a baby that will have an issue with a club foot? Are we going to have a baby that will have issues because of some other abnormality or disability that we may or may not be willing to bring into the world? This legislation is going to leave that decision solely at the behest of the mother. That decision will be left up to the mother.

As we move forward we hear people asking: where do we draw the line as to what we consider to be acceptable to bring into this world? Where do we decide, and when do all these parents decide what we accept as being able to be brought into this world? Scientists have been able to discover a fat gene, so they can identify people who are going to be battling a lifetime of obesity. They can discover that in the genetic make-up of an embryo. People say scientists are going to be able to discover the gay gene. They will be able to discover that in the make-up of the embryo. They will be able to identify a whole raft of problems. Multiple sclerosis is going to be evident; dementia is going to be evident. All these potential problems we may have later in life are going to be able to be detected in the genetic make-up of the human being. In the future will we be able to just sit there and say, 'I do not know whether I want to have an imperfect baby'? That is the direction we are heading with this legislation. That is where we are going with this.

We have also heard people in the chamber talk about choice. The bill is supposed to be about choice for women, choice to live the life they want to live and to make the decisions they want to make. They do not need to be dictated to by anybody — that is their angle. But in this chamber yesterday Mr Atkinson started talking a little about responsibilities, and that was the first time I have actually heard responsibility spoken about in this chamber on this matter — not just a person's rights or the choices available to us but responsibilities. And God help us, we might use the words 'duties' or 'obligations'. And God help us again

if we wanted to use the word 'consequences'. Something we are told when we are very young is that there is a consequence to every action we take. It is up to us, and the sooner we learn that the better off we are in this world. The sooner we learn that we have to deal with the consequences of our actions, the sooner we are in a position where we can get on with our lives. But it just seems as though what we are embedding with this legislation is the view that we can act however we want to act, and to hell with the consequences. That is what we are talking about. Here, we are quite simply talking about sex.

If you look at this historically, you see this whole area of abortion was handled horrendously. Many women were killed in the process of having an abortion. If you go back and read history, you will also see there was an amazing fanfare around the time of the entry of the pill onto the market. One of the pill's big selling points was that it was going to stop abortions; to be the end of people needing to have an abortion.

What happened since the advent of the pill is that abortions have gone up tenfold — 10 times since the 1960s, when all of a sudden the sexual revolution came about. You have to go overseas to get this data. I am using the assumption that things in the United Kingdom are not going to be significantly different to things in Australia. I might be wrong there, but I do not think I am going to be significantly wrong either way, either aggressively or conservatively. The only reason I am using the UK as a comparison is that it is the only place I could find statistics for.

We talk about rights and the right to make our own choices, but we also have the duties and the obligation to be conscious and responsible for consequences that result directly from our actions. This bill is going away from that. It is something we need to be very aware of; it is not about being responsible for our actions or their consequences at all.

Do not let anybody argue that the opponents of this legislation want to send abortion back to where it has been: we do not want that. We understand that if people are in a situation where they need to have an abortion, in Victoria they will receive an abortion, which will be done in a highly credentialled and highly qualified clinic with the best health care. We understand that. We do not like it; we hate it — but we understand it. But we need to understand also the concept of consequences, and in this country and this state we need to be pushing people to accept responsibility for their actions. We need to be very much aware of that.

That leads me to an angle that no-one else in this chamber has touched on. When is someone going to actually start doing something about the rate of abortions? I do not mean just to legalise or decriminalise abortion or to make it safer or more accessible by moving it into the regions: when is some government, health department or health minister actually going to do something about decreasing the rate of unwanted pregnancies, therefore decreasing the rate of abortions? No-one is talking about this. No-one is prepared to venture into this area because again they are told, 'Get out of the road. It's a woman's right to get pregnant. It's a woman's right to have an abortion. Don't you dare impose your will on my right to live my life the way I want to live it'.

That argument is okay providing you do not give any weight to the life of the unborn child. As soon as you start giving those rights to the unborn child, then all of a sudden the argument that it is a woman's right to do what she wants to do does not stack up. If she wants to get pregnant and have an abortion, then it is not just her right.

In Australia and in Victoria governments spend literally hundreds of millions of dollars telling people how to live their lives. They spend money telling people not to smoke. We should not start smoking, we are told, and if we start, we should give it up. The antismoking campaign is literally worth tens of millions of dollars. Also we are told not to drink and drive, because it is dangerous; it is not good for our health. We are told that 47 is too many, that 47 people get seriously injured on the road every day in Victoria.

Again governments spend millions of dollars telling Victorians to look after themselves. We hear the Treasurer telling us in this chamber about safe work practices; if we employ people, we have to be careful at work, because we do not want to hurt anybody. Our televisions are inundated with state-paid advertisements telling us to work safe, because the government wants the people in this state to be well looked after.

There is the message about 'Slip, slop, slap', which tells us, 'Be careful out there, because there is a thing called the sun, and it will give you skin cancer. Be careful of tanning studios, because they will also give you cancer'. Governments spend millions of dollars telling everybody to be careful about those types of things. There are advertising programs telling men not to bash their wives or girlfriends, because that is wrong. The vulnerable in this state are looked after through the continual education of people in television advertisements which tell them that sexual abuse, domestic violence or any sort of attack against a woman

is wrong. Our televisions are inundated with this type of protectionist attitude through which governments try to look after the average person.

The list goes on and on: we are told about domestic violence, we are told about consuming alcohol in moderation, we have to make sure we have safe sex. When the AIDS epidemic came through this country, we had the Grim Reaper shoved down our throats in advertisements that told us to have safe sex. We are told to always wear a condom and that 'If it's not on, it's not on'.

Our parents are even told how to barrack at the local footy. We are told, 'Don't be an ugly parent. Go along to the footy and support your kids, but don't get too over the top'. We have so much protectionism and so many people telling us how to live our lives — yet what are we doing to protect the unborn? What are we doing to bring down unwanted pregnancies? What are we doing to bring down the number of abortions? Absolutely nothing!

How do I know that? My sister volunteers her time for the Billings foundation. This group has two aims: its primary aim is to try to help subfertile couples achieve pregnancy. Its staff meet with a lot of couples who cannot get pregnant; they take them through the fertility cycles and help them get pregnant. They have amazing success, by the way, with a success rate that far outstrips IVF (in-vitro fertilisation). Many people do not believe that claim, but it is the truth. You have a better chance of getting pregnant using the Billings method than you have of getting pregnant through IVF.

The spin-off from this is that to get to a lot of subfertile couples, the Billings foundation talks to a lot of doctors and runs courses for a lot of doctors in Victoria. The doctors are there because they get points for attending these courses. They come along to hear what this Billings method has to offer to their education and their knowledge base. Some 80 per cent of the doctors who the Billings people talk to as they leave say, 'The advice we have been giving women on how to get pregnant has been 80 per cent inaccurate'. General practitioners in Victoria and in Australia are giving inaccurate advice as to how women can get pregnant.

When it comes to avoiding becoming pregnant, the rate of inaccurate information being given drops to about 75 per cent. When young girls go along to see doctors to talk about going on the pill, to talk about their fertility cycles or to talk about how to avoid getting pregnant, the Victorian GPs out there have an inaccuracy rate of around 75 per cent in the information they are giving out; perhaps a better way of explaining

it is that in 75 per cent of cases, they are giving out inaccurate information.

You would like to think that in order to get a better understanding throughout the community about when women have the best chance of falling pregnant, some of the governments in this country would be taking a proactive step. The Billings foundation and I decided we would try to talk to the former federal government about this issue. It took six months, but we finally got a meeting with the then federal Minister for Health and Ageing, Tony Abbott. He gave us a good hearing, but I was very disappointed with his response.

The little bit of money that came through was barely an increase on what the foundation was already receiving. We then brought the battle in here, and we met with the office of the Minister for Health, Daniel Andrews, to see if the Victorian government was interested in helping subfertile couples achieve pregnancy and to see if it would also be interested in taking the Billings program — an Australian-designed program and an Australian invention — out into the community in the event that it might have a spin-off, which it undoubtedly would, in helping reduce the rate of unwanted pregnancies and therefore reducing the number of necessary abortions. We were able to give a briefing to the adviser to Minister Andrews, but we did not hear anything back from that office. They obviously were not interested.

We then turned our attention to the new federal Minister for Health and Ageing, Ms Roxon. We sent a letter to her saying we would like to have a meeting at a time that would suit her, to see if she would be interested in helping subfertile couples and also helping to bring down the rate of unwanted pregnancies in this country. The letter we received from the federal health minister stated, 'I'm not going to be able to meet you'. I kept reading to see the rest of the answer. Was she not going to be able to meet me in Bendigo or not going to be able to meet me in Melbourne, Sydney or Canberra? Was she not going to be able to meet me formally or informally, or was she not going to be able to meet me over dinner or drinks? No. She was just saying she was not going to be able to meet me. Obviously it is not very important to the federal health minister — I suppose she is just off doing her thing and making sure that women have an opportunity to make their choice.

It is an interesting issue, but however you explore it, the undeniable truth about the rate of unwanted pregnancy is that no government in Victoria or Australia is doing anything about it. All the speakers can stand up as often as they like and say, 'Abortion is a horrible thing. Abortion is terrible. It is just absolutely gut-wrenching

that women have to go through it' — and it is, and I am not downplaying that at all — but I am just asking, 'When are we going to have a government that is going to try to do something about it?'.

In conclusion, I think we need to be aware that this bill goes further than the existing practice. Currently women are not in danger of being charged for undergoing an abortion. I hope someone can tell us in their contribution to debate about the last time a female in Victoria was charged, and then we can see how relevant that argument is. Knocking this bill over, defeating this bill, will not return the practice of abortions to backyards, to dark alleys or to the so-called butchers of yesterday. We know that is not going to happen.

Another problem with this bill is that medical practitioners can currently object to having anything to do with an abortion, which is a practice that many doctors abhor, but going forward they are going to have to be complicit in this act by referring women on to someone who has no problem with doing an abortion. As I have said, the real fact behind this issue is that in Victoria life status is awarded to an unborn child at 20 weeks gestation. The proponents of this bill may want to bring in another law to have this changed in the future, but it will be impossible for anyone to continually change the status of the unborn when we acknowledge that an unborn child at 20 weeks gestation is a life, and yet we also acknowledge that we can kill it without it being a crime.

I feel very strongly about this issue. We need to understand that an unborn baby at 20 weeks is exactly the same as a born baby — the only difference is that it has changed its address.

**Debate interrupted.**

## DISTINGUISHED VISITORS

**The ACTING PRESIDENT (Mr Leane)** — Order! I have pleasure in announcing that Mr Cyril Kennedy, a former member for Waverley Province, is in the gallery, together with several other members who were announced yesterday.

**Debate resumed.**

**Mr TEE** (Eastern Metropolitan) — This is a very historic occasion and a very historic debate, but it is not a new debate. The issue of abortion has been around for thousands of years. We know that the first abortion we have evidence of occurred some 3000 years ago. As we have seen, debate on the issue generates enormous passion and extreme responses,

but I think surprisingly there is some common ground even on this issue in this chamber.

I think we all agree that the decision to have an abortion can be a very difficult one. It is a decision that can occur at a very difficult time in a woman's life, and we know that for some women it is a decision that they need to make on their own and which they make without the support of their friends, their family or their community. Making a decision to have an abortion is not one that should be taken lightly, nor is it a decision that is taken lightly; in fact the research shows that women considering abortions are often well informed. But I think there is consensus that women dealing with an unwanted pregnancy need and indeed deserve our sympathy and support.

I also think there is some consensus in this place about the rate of abortion, which is the issue Mr Drum raised. I have seen estimates that some 19 000 abortions are conducted in Victoria each year. It is reported that one in three women will have an abortion in their lifetime, and I think collectively all members of this chamber would like to see the rate of abortion come down. I think that is where the common ground ends in the debate. The arguments then seem to veer off into a parallel universe.

I have spoken to many people and received many emails and many more letters from those on both sides of the debate, both from those who oppose and those who support the bill. Those against the bill ask me to oppose it as a way of supporting their opposition to abortion. Underlining this argument is an implicit assumption that without this bill there will be no abortions. That logic obviously confounds me. The failure of the bill will not stop abortions. The failure of this bill will mean the status quo, and the status quo is that abortions are freely available. The status quo means that one in three women is likely to have an abortion. The status quo means that some 19 000 women will have an abortion in Victoria each year. I am not persuaded that a vote against this bill is a vote against abortion. A vote against the bill is a vote in favour of the status quo. I do not think the status quo is good enough. Many who oppose the bill do not favour the status quo. They would argue for a different bill and a different approach — one that restricts access to abortions. This is not a position that I can support. I cannot support any bill or any proposal that reduces the current access of women to abortions.

We know that irrespective of the legality of abortions women have always used abortions to control the number of children they have. This defiance of any law against abortion is not some principled act or statement

of defiance or independence. Historically defiance of the law has often been a desperate response to grinding and entrenched poverty. For many, illegal abortion was the only chance to avoid a child, compounding the degradation of poverty. Many had abortions knowing they were risking their own lives.

The World Health Organisation study in 1964 showed that, of the 12 countries studied, Australia had the highest death rate due to abortion. In Victoria illegal abortion was one of the top four causes of death in pregnancy. We also know that when abortions are illegal and restricted working women die and corrupt police and officials benefit. Wealthy families were able to pay expensive doctors and pay off corrupt police. The tragic victims were working families who lost wives, mothers and daughters through unhygienic abortions. I cannot and will not support any proposition that restricts a woman's right to an abortion. A return to those conditions is not feasible, not responsible and not humane.

I cannot move back and I do not think the status quo is acceptable. What then is the way forward? The first clear objective has to be to reform the current law. The state of the current law is woeful and completely unacceptable. Abortions are regulated by a Crimes Act prohibition that goes back to English statute of the 1860s. Apart from the wholesale incorporation of that English law into the Victorian Crimes Act there have been no substantive changes to the provisions dealing with abortions for over 140 years. About 40 years ago we had the so-called Menhennitt ruling. This was a somewhat curious decision. It was a decision that on its face appears to fly in the face of the Crimes Act prohibition against abortion. In practice the Menhennitt ruling means that in a very broad range of circumstances abortion in Victoria is legal. Under the Menhennitt ruling a lawful abortion is one where the doctor believes on reasonable grounds that the abortion is necessary to preserve the woman from serious danger to her health, to her life or to her physical or mental health. We have a decision by a single judge of the Victorian Supreme Court interpreting 140-year-old legislation and this decision, for the last 40 years, has been the shield against Crimes Act prosecutions. The decision was written by a judge for a particular audience. It was written by a judge for the use of lawyers and for the use of jurors in a criminal trial who were weighing up the state of mind of a doctor who had been accused of performing an illegal abortion. The decision does not provide a coherent policy response to the issues around abortion and was never intended to do so. It does not and was not intended to support or guide a woman, a doctor, or indeed the community. The law does not and was not intended to provide the clarity and certainty that the community expects and deserves from

the law, particularly when the law is dealing with such a contentious issue. This failure by legislators, this failure of the law is more than some curious, obscure, academic or interesting oversight.

The legal confusion, the ambiguity and the complexity has had a profound and adverse consequence for the service delivered to women who are considering an abortion. For too long, elected representatives have shirked their responsibilities to legislate in this area, to legislate one way or the other to deal with this important issue. As legislators we have put our heads in the sand and refused to deal with the reality of abortion, and our failure to act has had consequences. Our failure to act has stymied the delivery of good policy outcomes for sexually active men and women.

The time has come for us to take seriously our responsibilities in this area. We owe it to the community; we owe it to the medical profession; and most importantly we owe it to those facing an unwanted pregnancy to provide clarity on the issue of abortion. We have failed those women, we have failed their doctors, and we will continue to do so if we fail in our duty to legislate.

This bill and this debate is well overdue. We know from the limited research that an unwanted pregnancy can be the product of a number of complex and interwoven issues. Often those underlying issues are a series of failures. An unwanted pregnancy can be a failure of contraception; it can be a failure of communication; it can be a failure of education, and sometimes it can be a failure of choice. Some of these failures are failures of policy-makers, including legislators. Sometimes they are failures of the medical profession, and sometimes they are failures of government.

Policy-makers have failed to provide that adequate educational support. We have failed to provide effective contraception, we have failed to provide effective alternatives, and we have failed to provide women and men with the confidence and support to take control of their sexuality and their fertility. If we are serious about reducing rates of abortions, we must tackle each of these failures. We have the technology, we have the resources and the capacity to address these failures, but for the last 140 years we have lacked the will and lacked the courage to act.

We have failed to effectively tackle the underlying causes of high abortion rates. I have no doubt that this paralysis, this failure to act is in large part the product of the cloak of illegality that hangs like a dark shadow over the issue of abortion. The cloak of illegality has meant that the debate often focuses on the legality of

abortion rather than on the causes. The cloak has meant that policy-makers have not filled the gap. We have not taken the responsibility to develop the policies needed to address the underlying causes of abortion.

The legal shadow, this cloud, has pushed the delivery of abortion services and advice to the fringes away from the mainstream, away from the considered views of policy-makers. As a result, by our failing to take responsibility, we as lawmakers and the government have failed to stop many women from having an unwanted pregnancy in the first place.

One clear example of this inaction is the fact that we do not even properly measure the number of abortions in Victoria. We have no clear precise information around even this very important basic issue. What we know from the research is that if we are committed to reducing the rate of abortion, we must increase the availability and use of contraception. The clear evidence is that when contraception use and its effectiveness increases, the number of abortions decreases. If we are serious about reducing the rate of abortion, we must turn our focus from legality and focus on better and more effective contraception.

The Victorian Law Reform Commission report on which this bill is based recommended that we need better uniform standards of best practice. We need those standards to inform pregnancy and abortion counselling services and to encourage accountability and quality. We need best practice to promote sexual and reproductive health. Most importantly, we need an approach that empowers young people to take control of their lives and be able to discuss sex and fertility, not in some silly, dirty and smutty way but in a way that is informed, mature, empowering and reasonable. If we are serious about reducing the number of abortions, we must move this issue from the shadowy legal existence in which it now sits. Only then will we properly tackle the underlying causes, and only then can we hope to reduce the rate of abortion in this country.

I welcomed the government's decision to refer the bill to the Victorian Law Reform Commission, and I have welcomed the report of the commission. The report provides an excellent and clear summary of current law, current clinical practice, community attitudes on abortion and options on the way forward. It is an excellent resource for all sides of the debate, and of course one of the commission's models for abortion law reform has been adopted in this bill. I welcome the bill. It reflects current practice and community standards and provides a clear way forward. The bill acknowledges the current reality that abortions occur and it provides a new, fresh and better way. It will

allow us to finally move abortion from the fringes into the mainstream where it can properly be measured, debated and, I hope, ultimately reduced.

Until then — until we properly measure, research, understand and deal with the underlying causes — we will never reduce the rate of unwanted pregnancies. At the moment we do not even know how many women have abortions. We do not understand why they do so, and we do not know what steps we can take to reduce the level of abortions. The bill provides a platform for us to move forward and answer those important questions. After 140 years the bill takes the issue of abortion out of the darkness and into the light where it can be properly examined. I urge the house not to waste this opportunity. I urge the house to support the bill.

**Mrs KRONBERG** (Eastern Metropolitan) — From the outset I thank all the people in my electorate, across Melbourne, throughout Victoria and even from overseas who have sent me very well thought out, carefully crafted and well-researched submissions and letters of appeal, and given me the opportunity to meet and talk with them. I have had people coming to my electorate office; I have also had the opportunity to meet with groups. Therefore I can say I come to the debate as well informed as humanly possible in terms of the open mind I have adopted and how much of my time and energy I have applied to absorbing this information because this bill is so important. At times I have felt overwhelmed by the sheer volume of material. I underscore the fact that I have not been able to respond to people in the way that I would if I were not dealing with such a large volume of material. I ask people to understand that we are dealing with literally thousands upon thousands of written submissions. My electorate office and my staff would be in meltdown if every person were responded to, but I give my thanks to each and every one of them.

Much about this legislation causes me grief. Clauses 4 and 5 enable a registered medical practitioner to perform an abortion on a woman who is up to 24 weeks pregnant, with the regulations prevailing for abortion being the same as those for any other medical procedure. For me — and I know the proponents of the bill will not like to hear this — this is abortion on demand. I am very proud to say that I am the mother of two sons — one is 30 and the other 27. I can vividly remember, when I was carrying my first son at 26 weeks and had a frightening sign, how I felt when that pregnancy was threatened. My husband and I were in sheer panic. The reason was that I had had that baby inside me, basically playing soccer, for a long time, and I identified with him. He is now a son of such fantastic stature and significance — he is working in London —

that I am bursting with pride, but I cannot help but think about that time when I was really tested and how emotional I felt at 26 weeks. That is only two weeks beyond the 24-week cut-off point.

I understand that this cut-off point is tied to diagnostic regimes. I am not a scientist, but I understand what is available through ultrasound, amniocentesis and other ways of examining the unborn. Many people want to go through a pregnancy without knowing the sex of their child or about any possible imperfections or deformities. I can understand that, because in normal conditions pregnancy starts off with a great amount of optimism and joy.

The bill provides that abortions after 24 weeks gestation are sanctioned after a doctor has consulted with at least one other medical practitioner and has been convinced that proceeding to an abortion is appropriate in all the circumstances. The term ‘circumstances’ has been defined as meaning in this context all relevant medical circumstances and the woman’s current and future physical, psychological and social circumstances.

Clauses 6, 7 and 8 also cause me grief. In the situation where a woman wishes to have an abortion before 24 weeks gestation, the bill authorises a registered pharmacist or a registered nurse to administer and supply a drug for the purpose of causing abortion. Who asked the nurses? When the baby is further developed — that is, past 24 weeks; it is almost sailing off the edge of a flat earth — the bill allows for the administration of a drug by a registered pharmacist or a registered nurse to induce abortion in a public hospital, a private hospital or a day procedure centre with the written direction of a medical practitioner. Whilst the bill implies that a registered health professional who has a conscientious objection will not be compelled to provide an abortion, it does compel these practitioners to make an effective referral to another practitioner who will perform the abortion on their patient.

The bill makes it clear that a woman who consents to or assists in the performance of an abortion on herself is not guilty of any offence, and I applaud that. The abolition of common-law offences in relation to abortion in section 66 of the Crimes Act has been set out in a new insertion to the Crimes Act 1958.

Having gone through all of the gruesome and heavily contested elements of this legislation, I need to say a number of things very much from the heart. I do not want one woman in this state to suffer, to be frightened, to be traumatised and to face a dilemma alone with the consequences of her fertility, femininity and vulnerability as the result of an unwanted pregnancy.

Rather I stand before members in this debate with a fervent desire to be instrumental in turning around community attitudes towards women who find themselves with an unwanted pregnancy.

As a member of the Legislative Council it is my duty of care to the people of Victoria to consider as far as is humanly possible the consequences of any legislation before this chamber. From my perspective, the issue is not so much where we stand but in what direction we are moving. I have decided not to dwell in the comfort zone of having an each-way bet on this bill. Many people have come up and been sanctimonious about their religious beliefs whilst still supporting this bill, and I feel that that is an each-way bet. However, I will stretch myself for a good cause.

At this point it is probably relevant to refer to a beautiful piece of prose by the 17th-century poet John Milton, who wrote:

Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.

I support the tenets and the wisdom of the Menhennitt ruling of 1969. There is no way that I want the way abortions are managed in this state to return to what I am happy to call the Dark Ages. I am a child of the 1960s, so I knew people who faced abortions and the terror that rippled through them. I also know about the incidence of blood poisoning, of perforated uteruses and of the use of hideous implements and people scurrying from one state to another. Before the Menhennitt ruling, South Australia was a very popular destination for Victorian women who wanted to procure an abortion. Nobody wants to return to those days, but this bill is not an answer to that. There are so many flaws in this bill that it is a bridge too far.

My feeling is that in the excitement to modernise abortion laws, to use the term used by Ms Broad, so much has been trammelled in the process. What is the net effect to our society? So much is at risk, and I do not want women to be made scapegoats and blamed for the erosion of the values that have held our society together for so long. I feel that the proponents of abortion law reform are earnest in their endeavours, but to be frank, I think they are blind and swept up in a euphoria. My view is that abortion can be justified in circumstances that pose a danger to a mother. This has been the case in a lot of instances, but the architects of this so-called reform bill are opening up the prospect of unrestricted killing of unborn children up to 24 weeks gestation. I appeal to every member here that the law of unintended consequences is likely to apply with the passage of this bill.

People in this country are genuinely concerned about the number of abortions performed in Australia, and they are especially concerned about late-term abortions. During the debate I have heard people quote statistics, but I am not going to do that. Frankly, I do not think this is a time for statistics. Some people have said that everybody supports the idea of abortion. I do not argue with that, but not everybody supports the tenets of this legislation. In the proportion of 200 to 1, the people who have approached me have said, 'I am terrified at the prospect of what late-term abortion means. Don't tell me, Jan, that they are going to murder little babies!'

One reason for not quoting statistics is that it is hard to find statistics on abortions. A few members who support this bill have referred to that fact, so it is hard to know what they are. In effect we are flying blind. I can tell members that my research tells me why statistics are hard to come by: it is because abortionists do not want people to know. If this bill goes ahead, I am prepared to say this: people like Eddie Groves, who runs ABC Learning, who listed his child-care centres on the stock exchange and whose company is now in a calamitous state, might find that he can get public support if he were to float a business that provides abortion clinics on every corner. I ask members to think about that.

According to Maxine Morand, the Minister for Children and Early Childhood Development, who was in the public gallery of this chamber a moment ago, this bill has been designed to reflect current practice in hospitals and fertility clinics in Victoria. Others have said that this legislation reflects the maturity of those proponents. How patronising! How dare those proponents say that they have a more mature outlook than the people who find this legislation offensive.

This bill goes far beyond simply providing legal protection for abortionists, other medical practitioners involved in abortion and those seeking abortion. The bill provides too few protections for women and the unborn and too few controls on those providing abortions. How is it that this legislation seems to have been written for abortionists? Is this legislation predicated on the cost of professional indemnity insurance? I ask members to think about that. If members know nothing about how an actuarial mindset works, I suggest they do some research. No matter what the proponents of this bill say about support for this bill, I say that the vast majority of the people I have spoken with are opposed to it and believe that this legislation will put society on a slippery slope.

I have in front of me a letter written by the Catholic Archbishop of Melbourne, the Most Reverend Denis

Hart, which he wrote to every member of this Parliament. I will read some of his letter as part of my contribution to today's debate. I am also going to say something else that is really important. I have been given an insight into how to develop a strategy based on research in the United States to mobilise a community to support something, the genesis of an idea that is a seismic shift in social policy. The first thing you do is capture the media so that unpaid they will promote it for you. Do we know what the manual says is the second thing you do when you create a seismic shift in social policy, like euthanasia or abortion law reform? You marginalise the Catholics. For that very reason I am going to include what the Catholic archbishop has to say in that letter about this bill:

It requires health professionals with a conscientious objection to abortion to refer patients seeking an abortion to other health professionals who do not have such objections. It also requires health professionals with a conscientious objection to abortion to perform an abortion in whatever is deemed an 'emergency'. This is clearly intended to have the effect of requiring Catholic hospitals to permit referrals for abortions.

He says it has been stated that:

... it is an insidious irony that this coercion of conscience is being carried out in the name of choice.

We have talked a lot about doctors; let us talk about nurses. Under their duty of care in the pecking order in medical settings nurses have to obey what doctors, surgeons and senior nurses ask them to do. They would be forced to assist in abortions if a doctor demanded their involvement. Jo Grainger, a registered nurse and lecturer in nursing and midwifery at the Australian Catholic University, has stated:

It is of grave concern that Victorian parliamentarians believe they are speaking on behalf of all Victorian nurses over the controversial abortion reform bill.

MPs do not know what nurses really think on the issue of abortion. The Victorian Law Reform Commission consultative process did not represent 80 000 registered Victorian nurses on this important public health and social issue.

At the bottom of this opinion piece it asks:

So who is telling Parliament that nurses should not be permitted to claim conscientious objection status in clinical practice to an abortion?

The answer is this:

Well, there is the Royal Women's Hospital. It suggested that there is no requirement from their perspective that doctors or nurses need to be granted an opportunity to conscientiously object. No surprises here.

While we are talking about the Royal Women's Hospital, I find it absolutely ironic that this government stands condemned for its commitment to women with the Royal Women's Hospital. By the way, it has erased the word 'Royal'. If you go past the hospital, you will see that it is no longer call the Royal Women's Hospital; it is just called the Women's. We got rid of the 'Royal' to start off with, and we have also said we will get rid of most of the women, because instead of building the last two storeys, we thought, 'We know what is going on in our city, so we will let women stand up in the lifts giving birth. We will just provide them with the most confined, inadequate conditions'. If that is a means of providing some kind of disincentive for having a family, it is certainly there if you want to give birth in the Royal Women's Hospital. Stand in the queue and cross your legs.

Frankly, I am concerned that this contribution from a nursing lecturer will affect the career choices of nurses and doctors in this state. My goodness! If we are lacking in anything, we are certainly lacking numbers of nurses and doctors, and we want the ones who are already trained to stay and continue to practise here.

The argument that the church views are — and I will put it in inverted commas because I am quoting a passage I have seen earlier — 'mere prejudice' is an argument that in itself smacks of prejudice. It is a direct attack on religious expression and is unworthy of a place in a contemporary, mature state which values diversity of thought. The Legislative Assembly has removed the freedom to hold and exercise a fundamental religious belief. That is what has happened. That is what happened in the Legislative Assembly on 11 September. We should all hold that this freedom is an essential ingredient for the maintenance of a tolerant society of which we are all very proud. I have spent much time working with communities from different faiths through interfaith networks. I have experienced firsthand what tolerance and harmony can do for diverse communities, and these experiences have informed me as to how concerned the leaders of other major faiths are about this legislation. I am moving on from the Catholics now.

I have a submission from Rabbi Shimon Cowen, the director of the Institute for Judaism and Civilisation, who is the son of a former Governor-General of this country, Sir Zelman Cowen. Talking about the notion of abortion as it applies to Noahide laws he says:

This principle applies even to permission for abortion, where the foetus in various ways threatens the life of its mother, though it is not itself an intentional or voluntary predator. In short, life may be taken only to preserve life, whether of an

individual or of society. Killing for lesser reasons is prohibited.

There is a piece from the Yeshivah Centre in St Kilda East. These people are not in my electorate, by the way. They are not constituents, but what they have to say has great resonance for me, and I include it as follows:

Whilst abortion can be justified under certain circumstances of danger to the mother, the proposed bill opens up the prospect of the unrestricted killing of unborn children up to this stage of gestation. This is something absolutely prohibited by Jewish tradition ...

I turn to a submission that every member here has, but I wonder if they have read it. It is from the Ad Hoc Interfaith Committee, and says this:

We oppose abortion on demand which this bill effectively allows. The bill does not reflect public concern about the high rate of abortion, or about late-term abortion. It does not reflect current practice and is likely to further increase the frequency and acceptance of abortion. Normally a major surgical procedure requires referral to a specialist. The bill requires neither referral nor that the procedure be done by a person properly qualified.

I will not read the names of the signatories to this document, but I will go through the organisations they represent: the Syrian Orthodox Church; the Presbyterian Church; the South Port Uniting Church; the Assembly of Confessing Congregations within the Uniting Church; the Casey Pastors Network; the CityLife Church; the John Paul II Institute for Marriage and Family Melbourne; Ridley college, Melbourne and St Hilary's Anglican Church, Kew. Signatories also include the infectious diseases registrar at the Alfred Hospital, who is coordinator of the Centre for Applied Christian Ethics; Chaplains Without Borders; the Melbourne Anglican Diocese; a priest from the Good Shepherd Antiochian Orthodox Mission, based at Monash University; a consultant nurse educator — not the one I quoted earlier — the Serbian Orthodox Church; the coordinator, Transforming Melbourne; the convenor, health and chaplaincy committee, Presbyterian Church of Victoria; the Russian Orthodox Church Outside of Russia; a senior minister from Careforce Church, Mount Evelyn; the Anglican Catholic Parish of St Mary the Virgin; and the Life Ministry Centre. Signatories to the document also include the convenor of the Church and Nation Committee of the Presbyterian Church of Victoria, the Lutheran Church of Australia, the dean of the Russian Orthodox Church in Australia, the Catholic Archdiocese of Melbourne, the bishop of the Southern Apostolic District, the Primate of the Antiochian Orthodox Archdiocese of Australia, New Zealand and the Philippines. Other signatories are Family Voice Australia, the bishop of the Coptic Orthodox Diocese of

Melbourne, the John Paul II Institute for Marriage and Family, Melbourne, the Australian Christian Lobby, the Victorian District of the Lutheran Church, the Presbyterian Church in another form of representation, and the president of the Orthodox Chaplaincy Association.

How is it that this government can ignore so much input from people of faith across this state and, with alacrity, dismiss their heartfelt pleas for review of this legislation they abhor. Is this government, seemingly driven exclusively by secular humanist values, saying that it largely prefers to be swayed by the thoughts of atheists over the views of its faith communities? The government should be directing its policies towards giving women with unplanned and difficult pregnancies real support, rather than treating abortion as simply another medical procedure. For me this leaves far too many women to carry this burden silently and to deal with the grief and psychological harm.

As I said earlier, I grew up in the 1960s. Nobody can tell me anything about the fear that people had of getting pregnant. In the 1960s we had some liberation. The women's movement was still in its foetal stage; still embryonic. Then the oral contraceptive pill became available for women, and this ushered in a new kind of freedom that in the entire span of history women had never experienced.

In terms of the impact of abortion on a population group, I am not a nurse but I have observed a number of people over time in a strange, almost vicarious way. For a number of years I operated a business in Wellesley House, which is located on Wellington Parade, East Melbourne, and shares a common access laneway with the Wainer fertility control clinic. When I parked at the back of my building I often had to give way to the medical waste truck coming the other way. The image of that medical waste truck coming down that laneway, the end result of a factory process, is still very difficult for me to deal with, and I shudder at the thought of it even now.

I was also able to witness the constant arrival of young women coming for the procedure. I saw the looks on their faces as they prepared to have an abortion, and I have to say that I still feel immensely for them. They made that decision, and somehow or other they found the strength to lift one foot after another, go through the gate in that wall, walk across the garden and go in. Some of them were supported by female relatives, but there were not too many men around. That is the thing that concerns me. Just as I can conjure up a constellation of images, those women probably still have memories of that day and what it represented

lurking in the corner of their minds somewhere. It was a day of sadness, trauma and personal risk as they faced up to the abortion as well as the day they remember they were let down and persuaded to have an abortion which might have let others off the hook. I ask that all young men look deeply at their attitude to taking responsibility for their actions in relationships.

I refer to a publication known as *The American Feminist*. It contains an interesting passage which is something the government could take on board. It would require cooperation through the Council of Australian Governments, but it has a nice thing in it about making men more responsible and requiring them to play more of a partnership role and be more accepting of responsibility when their partner — girlfriend, one-night stand or whatever — gets pregnant as a result of the relationship. It says:

When you conceive a child you both enter into an implicit contract to care for your daughter or son for the next 18 years. Thanks to legislation that strengthens paternity establishment and child support enforcement, no longer can the father threaten a woman or abandon his child by saying, 'Hey, I'll pay for an abortion, but I won't pay for child support'.

Non-custodial parents who refuse to pay for children they conceive face stiff penalties. Guess what — and this would strike at a lot of men — they actually take away their drivers licence!

We need to provide the women of this state and this country with greatly improved access to information on birth control. My coalition colleague Damian Drum went into great detail about the Billings method he is involved with. It is just another method for informing people that if you had sex last month and you did not get pregnant and you think you can perform the same routine without using a contraceptive, you might get away with it again this month but you have no idea when you are going to ovulate and therefore be more likely to conceive and you may not be taking into account how long sperm can survive inside a woman. All of these sorts of things need to be considered. So many people are so fundamentally ignorant, and it is kind of like playing Russian roulette.

Outside the horrors of an unwanted pregnancy resulting from incest or rape, women do find themselves with an unwanted pregnancy through ignorance, and we should be focusing on teaching young people in schools about sex education. It is enshrined in our schools, and I think it is still funded in some way, but I cannot see that it is out there in the public domain for the general population.

What are we doing for our changing demographic? There are a lot of people coming to this country who

have not had the benefit of sex education when they went to school, because if they come from countries in the Horn of Africa, maybe they have not gone to any sort of school.

We need to get all that information out there, and this goes to the heart of some of the views people have been talking about on family violence. The highest incidence of family violence in this state is actually committed against women from the Horn of Africa. So there are plenty of areas where we could improve things.

Women taking the oral contraceptive pill as a means of contraception often have that contraception compromised by taking antibiotics at the same time. Prescription medications have been known to nullify the effects of the contraceptive pill. Is that a bumper sticker? Is that up in lights over the freeway? It is something pretty basic. I know three people who have children because they took antibiotics and used no extra means of protection. They relied on the contraceptive pill alone. That should be up in lights.

I believe there has to be a review of sex education for young people, and we need a real commitment to that. I would love to see, if we are talking about numbers, the number of abortions reduced purely because people have been able, through knowledge and care for themselves, and some thought for the future, to be able to prevent them.

Many people in the community feel that clause 8 — the attack on the rights of health practitioners and their conscientious objection — contravenes both human rights and civil liberties, and I feel that a letter from some lawyers is probably worthy of inclusion. It is headed 'Letter from lawyers to members of the Legislative Council' and is dated 2 October, with probably about 15 signatories. It states in the letter:

Clause 8 directly attacks the rights of conscience of health practitioners who have a conscientious objection to abortion by requiring them to refer a patient wanting an abortion to a health practitioner who they know does not share their conscientious objection. The referring health practitioner thereby is required to be involved in arranging an abortion.

Clause 8 is a very grave assault on the human rights and civil liberties of health practitioners.

They go on to say:

It is ironic in the extreme that parliamentarians, in voting on the Abortion Law Reform Bill, are exercising a conscience vote to decide whether the rights of conscience of health practitioners are to be greatly reduced.

That is certainly ironic.

Talking about doctors, I intend to refer to the modern Hippocratic oath, which I have been told most doctors pledge nowadays. It says, in part:

I will respect the privacy of my patients, for their problems are not disclosed to me that the world may know. Most especially must I tread with care in matters of life and death. If it is given to me to save a life, all thanks. But it may also be within my power to take a life; this awesome responsibility must be faced with great humbleness and awareness of my own frailty. Above all, I must not play at God.

In terms of clarity of thought in how to actually deal with something like this, I turned to the famous United States of America case law of *Roe v. Wade* and the principles drawn from that case by the Victorian Law Reform Commission:

It must be stated at the outset and with clarity that *Roe's* essential holding, the holding we affirm, has three parts. First is a recognition of the right of the woman to choose to have an abortion before viability and to obtain it without undue interference from the state. Before viability, the state's interests are not strong enough to support a prohibition of abortion or the imposition of a substantial obstacle to the woman's effective right to elect the procedure. Second is confirmation of the state's power to restrict abortions after foetal viability, if the law contains exceptions for pregnancies which endanger a woman's life or health. And third is the principle that the state has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the foetus that may become a child.

I find it interesting. Here we are, on 8 October 2008, facing an unprecedented meltdown of the world's financial system. I happen to be somewhat privileged to have the insight from a professional across all of this, and so I can say with a measure of authority, without naming the source, that a lot of the problems with the Wall Street meltdown, the collapse of the system that we are going through now, and the White House's response to pump \$800 billion into the economy, with still another \$10 trillion required to prop it up, are due to greed and corruption.

This era that we are living through today — or in an hour, tomorrow, Saturday or Sunday — may well go down in history as the beginning of the end of the dominance of Western civilisation. The disintegration of great civilisations and cultures of the past were preceded by a decline in moral values. This is why I am so very concerned about the unintended consequences of this legislation. I believe we are flying blind. Can anybody who is a proponent of this bill tell me that in years to come groups will not actively use this bill to go ahead with sex selection?

We know it is unfashionable in many communities to have too many daughters, and I find the ironic part of this again is that women are proposing this, and at the

same time they may be providing a way out for communities which deal with the women in their lives, judge them as a chattel or a burden, cannot wait to marry them off, and they might say, 'I would rather have six boys'. Can anyone in this chamber guarantee me that, once you know what sex your partner is carrying, you will not intervene and put pressure on them? Tell me now if you believe that will not happen.

Tell me now that in years to come there will not be a resurgence of the science of eugenics. It happened in the 20th century; it can happen again. And the good people of Nazi Germany were Christians. They were God-fearing people just like everybody in this state. But they subscribed to eugenics. They engineered a master race, they thought. Can anybody here guarantee me that will not happen if this bill goes forward? Nobody! That is a potential unintended consequence of all the earnest desires to save women today.

Is this a wakeup call for us all? The intensity of this debate, and perhaps the bringing forth of this legislation, is timely in that it has given people an opportunity to focus on what is important in this life and in this society. For its proponents, I imagine that not in their wildest dreams did they think this bill would bring about so much criticism and put them in the firing line as the people of Victoria stand up for their deeply held values — the values that made this country strong. I feel that the proponents started from the position that they intended to do good and provide direct assistance to women with unplanned pregnancies.

I ask those of you who regard yourselves as sociopolitically aware to look around you. What do you read about? Who do you associate with? Have you got inward-looking ideas? Do you coalesce? Do you talk amongst yourselves, or can you actually embrace diversity of opinion?

Western culture in Europe is being deconstructed on a relentless basis, and this is especially so when the twin horrors of abortion and euthanasia are practised. If this legislation is passed, it will debase this proud state of Victoria. We will be immersed in a society where a 40-week-old baby could be killed as the result of the signatures of two doctors who stand to gain financially from their involvement.

The proponents of this bill have adopted a mantra that this bill is socially progressive and that those who oppose it, of all things, lack maturity. I put the words of the poet T. S. Eliot before us now: 'Where is the wisdom we have lost in knowledge?'. I plead with my colleagues in this chamber not to put their hand on this bill. If this bill is passed, it will lend public support to a

practice deeply corrosive of social values. And if this bill is socially progressive, then I ask what is it progressing towards?

**Mr LEANE** (Eastern Metropolitan) — I would like to start speaking on this bill by commending the Premier for referring the decriminalisation of abortion to the Victorian Law Reform Commission. I also commend the Premier and ministers Maxine Morand and Daniel Andrews for their courage in bringing to Parliament a government bill that decriminalises abortion and reflects current clinical practices. I would also like to commend Candy Broad for previously introducing a private members bill in this Parliament; it helped encourage debate on this issue.

I would like to thank the people who have spoken to me in person and on the phone and those who have lobbied me on both sides of the bill. I would also like to thank the ministers' offices for organising the many briefings for MPs on the bill along with the various experts who made themselves available for those briefings. I would especially like to thank the health professionals at the Croydon clinic for giving me time to speak to them in person at their premises and for giving me a run-down of the workings of their clinic. It is one of the three facilities in the state that perform abortions, and it also falls inside the electorate I represent. Later in my speech I plan to speak about some of the things I learnt firsthand from that visit.

There have been an estimated 2000-plus emails sent to my electoral office regarding the bill — many of them arguing for the bill to be introduced and many of them arguing against it. I would like to thank the majority of people who sent me those emails. I appreciate their passionate views on either side of the issue, and I appreciate their rights to hold those particular views.

Even those who sent emails that were critical of my position on the bill when the local and mainstream papers reported that I would be supporting it went about it in a respectful and objective way. I believe it is important to not block out criticism; I think it is very important to try to understand why people are criticising you — no doubt this gives you the ability to make yourself a better person. In saying that, I am in no way trying to process in my mind the emails which called me a heartless, baby-killing, fascist Hitler wannabe. I know that is something I am not. I know that, like a number of other people, I am a person who has a job to do. My immediate, pending, primary task is to exercise a conscience vote on this particular bill.

I appreciate the contributions of previous speakers on this bill. Mrs Coote, Ms Lovell and Ms Mikakos

expanded on how they believed a conscience vote should be exercised. I outlined in the debate on Ms Hartland's private members bill, which we debated recently in this Parliament, that I am a person who is a product of a lifetime of peer groups, work, beliefs, lack of beliefs and biases. My belief is that this is not my vote; I have a responsibility to cast this vote for what I see as the best for the majority of the people I represent. Nothing and no-one has convinced me that maintaining the provisions relating to abortion in the Crimes Act could have any benefit for the people I represent.

A few weeks ago the *Sunday Age* contacted members of the Legislative Council and asked if they would mind responding to a request to say how they had been lobbied on this bill and how they would be voting on it. I was one of the MLCs who complied with that request; most of the time I do not respond to such requests, but this time I did. I have to say I found it a good process to sit down in front of the computer and produce and refine a response to those two questions for that newspaper. This is what I sent to the paper on those two questions. On the first question I wrote:

I'm concerned that most people who have lobbied me against this bill honestly believe we are voting on whether abortions should occur at all in this state when there's currently 20 000 procedures here a year.

On the second issue I wrote:

Rather than worrying too much about the perceived morality of the state I want this bill to be passed to allow the state to legally respect women's right to choose, take ownership of what is occurring in reality and develop modern-day strategies to reduce abortion rates instead of relying on a piece of existing inactive legislation that we inherited from halfway around the world at a time when women couldn't vote let alone be a member of Parliament.

I would like to expand on this position a bit further. People have said previously that we need to get fair dinkum about this vote, and I believe we need to get fair dinkum about what this bill is. We are not, as some people would have you believe, voting in any way, shape or form on whether there should be abortions at all in this state. Many people have contacted me to say there should not be any abortions in this state and that abortion is murder and an act against their God. I respect their right to be passionate on those grounds, but if that is their quest — that there be no abortions in this state — unfortunately I have to inform them that they are charging at windmills. Twenty thousand abortions occur in this state that may or may not legally be protected by the Menhennitt ruling. I stress that: they may or may not be protected by the Menhennitt ruling, and that is an important reason why we are here today. I have to say to those people that unfortunately their

quest is lost and that this current debate will not resurrect it.

To people who have spoken to me about this bill who understand that 20 000-odd abortions a year occur in this state and who have told me that abortions still should not happen and that if we pass this bill abortions will increase, I have to say I am in no position to disagree that 20 000 abortions a year are too many. Without knowing each individual case of abortion, I say it might be a fair argument that that figure is too high. That is without knowing about the cases. But if that is what we believe, we should be looking in a fair dinkum way at modern strategies to reduce the abortion rate rather than clinging to provisions in the Crimes Act that do not get enforced. That is what we are clinging to here. I cannot accept the argument that the abortion rate will rise as a result of this bill being passed. Women are not queuing up to terminate their pregnancies, waiting for fat blokes like me to put their hands up in relation to this bill. I believe that position is an insult to women.

The argument that abortion is immoral and that therefore the state should continue not to condone it by maintaining these Crimes Act provisions, coupled with another argument I heard — that the Menhennitt ruling has served us well, so the state should maintain the status quo and therefore its morality — is a huge cop-out. The state needs to take this opportunity to be fair dinkum and to take ownership of what is actually happening in reality, and as I said before, if we believe the abortion rate is too high, let us work on ways that will reduce it. We cannot stand back and say, 'We know what is happening when it comes to abortion, but as far as the state is concerned we are morally okay because the state is not involved. We can say to people passionately against abortion that the state's morality is fine; they just have to look at the legislation — it is a crime for women to have an abortion and for health professionals to assist in that abortion'. Equally we cannot say, 'On the other hand we do not want the actual prescribed penalties to be enacted, because that would be very unpopular as well. We have let a Supreme Court ruling from 40 years ago shield us from that, so we are okay'.

Maintaining this grey area in the status quo would be a huge cop-out, as I said, and that is a huge part of my mindset in voting on this bill. We cannot selectively take ownership of things that are happening in reality in this state based on their degree of popularity among some groups.

As far as modern ways to reduce the abortion rate go, I have to say I do not have a lot of answers myself. One thing I did think of that may help — it might not — is

that as a society we could do a lot better at changing the false way we sometimes let single mothers be portrayed by certain parts of the media. If a woman were deciding whether or not to have a child and raise it without a partner, I am sure the stigma we let some parts of our society put on single mothers would not be a positive thing in their thought process. In my first speech in this house I said that single mothers should be held in much higher esteem in our community because of the double load they carry and the important role they perform.

I want to touch on one area alone where we could do so much better. I cannot believe we let commercial television stations and shock jocks on radio continually vilify a whole group in our community — single mothers. I reckon you could set your calendar on this: I reckon twice a year the commercial television current affairs shows run a story about single mothers having a number of kids to different fathers just to live off social security. That one really gets the rednecks going — they love it. They say, 'Yeah, those single mothers are out there stealing our taxes'. As someone who lived for a fair period of time on social security and had to bring up children at the same time, I have to tell you it ain't no gravy train! That attitude is moronic in the extreme. Those people do not just say 'Some single mothers do this' — they say 'Single mothers do this'. It gets people going, and I cannot believe we let them get away with it. I know it might not be the only answer, but if we are fair dinkum, we have to find ways to further support single mothers and take away this vilification of single mothers. Why not send the television stations over 2000 emails every time they run one of those particular episodes and say, 'It is not good enough that you are treating a whole group — an important group of our society — in this way'?

Another criticism of the bill that has been stated in a number of areas and in the other house is that it is an abortionist's dream. To accept that concept we would have to accept that there is some evil sect out there in our community seeking out pregnant women as potential victims to suck in, coerce and force to have an abortion. I do not accept that to any degree. As I said previously, I went to the Croydon clinic and spoke to the health professionals there, and they are not evil people. They are health professionals and they have medical expertise, but they also have friends and family who love them, just like everyone else. I found them to be people who understand the reality of the assistance some women will seek when they find themselves in difficult situations, and they believe that a safe service for those women is very important.

I was impressed with the professional nature of the facility, and in my discussions over the couple of hours

I spent there I learnt quite a lot. I was told that one of our problems is that we look at abortion as a whole: we throw a blanket over it and call it abortion. But every woman who goes to the clinic has a separate set of circumstances that are completely unique to them, and we have to be careful about just throwing that blanket across them. If a woman arrives at the Croydon clinic with an unsure mindset, the procedure will not go ahead. The clinic has the ability to and will refer women to a number of professional services to help them think through and understand their options.

Another thing that impressed me during my visit to Croydon was that the people there show a lot of empathy and understanding for their detractors. One of the nurses told me something that stuck in my mind: she said that when some women go to the clinic they have to go through a protest line to get to the door. The women come in and say to the nurses, 'I didn't like that. What they did to me was no good'. This particular nurse usually says to those women, 'We're probably lucky that we live in a country where they have the right to protest, and we're also probably lucky that we live in a country where you have a right to walk through that door and walk past them'. I was impressed with their empathy towards their detractors, because it is not easy for them down there.

I do not believe any amendments have been circulated by previous speakers, but I suspect there will be a few amendments if the procedure mirrors what happened in the Assembly. I think it would be helpful for the people who move amendments to inform the house whether or not they will be voting for the bill if their amendment is successful. If they have 10 amendments, 5 successful amendments might make them vote for the bill, or if they have 10 amendments that all are successful, they still might not vote for the bill. I think that information would be an important part of the process for me to understand where they are coming from in moving their amendments.

**Mrs Peulich** interjected.

**The ACTING PRESIDENT (Mr Pakula)** — Order! I advise Mrs Peulich that until now this debate has been conducted with a total absence of interjections, and it should remain that way.

**Mr LEANE** — I would like to touch on one of the amendments that will no doubt be proposed relating to mandatory counselling and cooling-off periods. To me this is another insult to women's thought processes. If such an amendment were passed, we would be saying to women requiring an abortion — after taking counsel from partners, sisters and friends and after arriving at a

decision that would never be taken lightly — 'The state now wants you to tick a box. We want you to go to the prescribed services. Make sure you tick the box and then come back'. I believe that mandatory counselling would never work; counselling only works if someone wants it.

I would like to share an incident that occurred over two decades ago when I had to have some mandatory counselling. My wife-to-be was a practising Catholic and I was not, but it was her desire to get married in the Catholic Church. To do that we had to go through a number of marriage counselling sessions — I think it was three — with the local parish priest. I always believe honesty is the best policy, and in the first few minutes of the first session we had with this particular priest, who was a good man, I told him honestly that I had no religious beliefs and no faith. That particular priest gave me an earful — an earbashing — and rightly so. He said, 'You can't just use this church like an automatic teller machine. It's not a service, and it's not like any other paid service'. But, as the good man he was, he gave me a get-out-of-jail-free card. He said, 'But I can see in you, Shaun, that you might have a little bit of faith'. That was my get-out-of-jail-free card. I looked at my wife's face after he said that — it was not a good face — and then I lied to the priest. I lied to him and said, 'I think you're right. I think I have got a little bit of faith'. The point I am making is that it was a means to an end: I could then tick that box. My wife wanted to get married in a church and we needed to tick the box, so I lied. People will just make sure they tick the mandatory counselling box if they want to have the procedure, and it will be a farcical thing.

The other thing that arises from that — a much less important thing — is that people have emailed me saying they are waiting and queuing up for me to put my hand up for this bill because they want to condemn my soul when I do that. I have to tell them that I took care of that myself 20 years ago when I lied to that priest, so they are too late.

I had a long meeting in my office with a gentleman who passionately opposed the bill. At the end of that meeting we amicably agreed to disagree. During that meeting the gentleman asked me to go through a number of points in the document he had been issued regarding this bill. One of the points in the document — this was in writing — was that the bill says that anti-abortion doctors will have to refer women to pro-abortion doctors. I said the fault with that statement is that there are no pro-abortion doctors, just as there are no pro-abortion members of Parliament. I am not a pro-abortion member of Parliament. Some people say that we are trying to hide what abortion actually is; I

know what abortion is. I did not need the videos sent to me or the graphic material; I know exactly what abortion is. I have to say that it makes me uncomfortable. There are a lots of things that make me uncomfortable. One thing I try to do is to put myself in other people's shoes, and if you do that sometimes it can make you uncomfortable. It is all right for us in our privileged position, as representatives of the state Parliament, to frown on the actions of others that we would not necessarily follow. I think what we need to do is to try to understand people who are in different circumstances in our community. If we do not do that, we will quickly become irrelevant — as irrelevant as the provisions in the Crimes Act.

I want to touch on some circumstances in which women may find themselves regarding abortion. We can talk about the reasons for women having an abortion that are easy to talk about, such as incest or rape or where scanning of the foetus shows severe abnormalities that mean the foetus will not survive. We could say that it is okay then. But we should try to put ourselves in other people's shoes. What about homeless women? Homeless women would be more susceptible to unwanted pregnancies than any other women. Do we say that is all right? I do not know. Do we say it is okay for a woman who is in a violent environment to have an unwanted pregnancy? Do we say it is okay for a woman who already has children and is on a sole-parent income and will lose that income and therefore her main means of support to have an unwanted pregnancy? The scenarios are endless. I want to know where do we start judging these women and where do we stop judging these women. I do not think we can.

I think some people who want to maintain these provisions in the Crimes Act want to say to women who want to have an abortion or are thinking of having an abortion, 'Thou shalt not'. That is what they want to say. It is not the state's role to do that. The state's job is to reflect modern-day conditions and to reflect what real people are actually doing and what is acceptable for the majority.

In closing I reiterate that maintaining the status quo and the grey area around the legality of abortion is a huge cop-out. In commending this bill to the house I ask the people who have indicated to me that they will be praying for me during my contribution to the debate and when I vote on this bill to direct their prayers somewhere else. To the people who sent me emails saying they would condemn my soul, I say, 'Don't bother. I have already taken care of that'. I urge people not to give me special consideration, because the way I see it I am doing my job. I am just doing my job like

thousands of other people out there at the moment. This is the way I see my job being done. I commend the bill to the house.

**Mr FINN** (Western Metropolitan) — It is a fascinating experience to follow Mr Leane at the best of times, but having listened to his contribution to the debate I am sorely tempted to discard my prepared contribution — and I put some significant time and effort into preparing my contribution — and to respond to him for the next 4 hours. I will resist the temptation to do that and make one point to Mr Leane — —

**Mr Leane** — Just say it: 'Thou shalt not'.

**Mr FINN** — Thou shalt not interject, Mr Leane. I say one thing to Mr Leane: if there is a homeless woman who is pregnant, do not kill her baby, give her a home. That is the answer. It would be very easy for me to stand up briefly and say that abortion kills babies, it hurts their mothers, it is wrong and I am voting against it, and sit down again. I am sure there would be many people who would be pleased if I did that, but this issue is far too important to be dismissed so lightly.

In opening my contribution to the debate on the Abortion Law Reform Bill 2008 I make it very clear to the house and to the people of the Western Metropolitan Region whom I so proudly represent and the wider Victorian community that I am strongly pro-choice. Choice is arguably the greatest gift given to humans by our creator. My belief in the right to choose was very much a part of my decision to join the Liberal Party almost 28 years ago. Each and every one of us has an undeniable right to choose where to live, with whom we live and how we live our lives. Choice is crucial to our basic freedom. Choice must be respected, indeed revered. It must not only be the powerful and the strong who have choice but also the weak, the vulnerable and the defenceless.

I believe in choice for all so long as the exercising of that choice does not hurt others. That is my basic philosophy in life, and that is why I so vehemently oppose this bill. This bill leaves far too many victims with a false choice — a choice based on a lie. Such a so-called choice can only ever end in injustice.

There is nothing pro-choice about killing babies. I have heard members in this house and the other place explain the difficulties they have faced in grappling with this bill and with this issue. I too have had some difficulties faced with a bill to legalise the wholesale slaughter of babies and the hurt of so many of their mothers. It is hard for me to know quite where to start.

There are so many words I could use to describe this legislation — cruel, heartless, dictatorial, fascist. Yes, all of those are fitting, but there is perhaps one word that best sums up this legislation: that word is ‘betrayal’. This legislation betrays the three main victims of abortion. It most certainly betrays the babies killed at the hands of the abortionist; it betrays those babies’ mothers who so often suffer both physically and psychologically as a result of an abortion; and it betrays our society that is diminished every time a baby’s life is destroyed and his or her right to be born is violated.

The betrayal of a baby is most obvious. It is hard to believe — indeed, it is impossible for me to believe — that in 2008 we still have people in this community, indeed in this Parliament, who refuse to accept the humanity of the child before birth. With all the overwhelming evidence to show these tiny humans are just that — that is, human — some just do not want to know.

The humanity of children before birth is, particularly to the abortion industry, perhaps the most inconvenient truth of all. At the risk of telling members what most people probably learnt in primary school, but perhaps have forgotten since, for the purposes of this debate it is important we know exactly what, or indeed most importantly ‘who’ we are dealing with: we are dealing with a real, living, human baby — one whose heart begins to beat just three weeks after conception. Extraordinary as it may sound to some, just three weeks after conception the baby’s heart begins to beat.

I refer to MayoClinic.com. Most members, if not all, would be aware of the Mayo Clinic. This is information for women who are pregnant and are obviously very excited about the pregnancy. It informs them of the development of their child as the weeks and the months progress. It says that just four weeks after conception:

Growth is rapid this week. Just four weeks after conception your baby is about 1/8 of an inch long. The neural tube along your baby’s back is now closed, and your baby’s heart is beating with a regular rhythm.

That is 20 weeks before this so-called cut-off point of having to get two doctors’ approval — 20 weeks or five months, and we are talking about a baby’s heart beating with a regular rhythm. It continues:

Basic facial features will begin to appear, including an opening for the mouth and passageways that will make up the inner ear. The digestive and respiratory systems begin to form as well.

Small blocks of tissue that will form your baby’s connective tissue, ribs and muscles are developing along your baby’s midline. Small buds will soon grow into arms and legs.

I hope members are listening to this and taking note, because this information is crucial to this debate. We are talking about the killing of tiny children. Just six weeks after conception, it states:

Your baby will develop webbed fingers and toes this week. Wrists, elbows and ankles are clearly visible, and your baby’s eyelids are beginning to form. The ears, upper lip and tip of nose also become recognisable.

As your baby’s heart becomes more fully developed, it will pump at 150 beats a minute — about twice the usual adult rate.

This happens just six weeks after conception. There is a fair chance that many women would not even know they are pregnant at this point. Seven weeks after conception, which is week 9 of the pregnancy, the Mayo Clinic tells us:

Your baby’s head — which is nearly half the size of his or her entire body — is now tucked down into the chest. Nipples and hair follicles begin to form. Your baby’s pancreas, bile ducts, gallbladder and anus are in place. The internal reproductive organs, such as testes or ovaries, start to develop.

This is at seven weeks after conception. It continues:

Your baby may begin moving this week, but you won’t be able to feel it for quite a while yet.

Even before the mother knows or feels the baby moving within her, that baby is alive, is active and is getting around doing things; it is preparing for his or her life ahead.

At eight weeks after conception, the Mayo Clinic tells us:

By now, your baby’s vital organs have a solid foundation. The embryonic tail has disappeared completely, and your baby has fully separated fingers and toes. The bones of your baby’s skeleton begin to form.

This week, your baby’s brain will produce almost 250 000 new neurons every minute.

Your baby’s eyelids are no longer transparent. The outer ears are starting to assume their final form, and tooth buds are forming as well. If your baby is a boy, his testes will start producing the male hormone testosterone.

This is at 8 weeks, 16 weeks before this mythical cut-off point after which you have to get two doctors’ approval to get the baby killed.

At 10 weeks after conception, the Mayo Clinic tells us:

This week marks the arrival of fingernails and toenails. Your baby’s chin and nose will become more refined as well.

That is truly remarkable — we are just 10 weeks in, and the new child has undergone this wonderful development.

At 11 weeks after conception, the Mayo Clinic tells the mother:

You can't feel it yet, but your baby can move in a jerky fashion —

Mr Leane might take note of that —

flexing the arms and kicking the legs. This week, your baby might even be able to put a thumb in his or her mouth.

At 11 weeks the baby is sucking his or her thumb — 13 weeks before the 24-week cut-off point. It is extraordinary that any Parliament could have legislation like this.

At 13 weeks after conception:

Your baby's skin starts out nearly transparent. Eyebrows and scalp hair may make an appearance. For babies destined to have dark hair, the hair follicles will begin producing pigment.

The bone and marrow that make up your baby's skeletal system are continuing to develop this week. Your baby's eyes and ears now have a baby-like appearance, and the ears have almost reached their final position.

At 14 weeks after conception — 10 weeks before the cut-off point after which two doctors are needed to kill a baby:

He or she can now make a fist.

Your baby's eyes are becoming sensitive to light. More developed facial muscles may lead to various expressions, such as squinting and frowning. Your baby may have frequent bouts of hiccups as well. For girls, millions of eggs are forming in the ovaries.

That is at 14 weeks after conception — 10 weeks before the cut-off point after which a doctor's certificate is required. When I was a kid you needed a doctor's certificate to stay home; under this legislation you need a doctor's certificate to be killed — how weird this world is becoming!

At 16 weeks after conception, the Mayo Clinic tells the mother:

... your baby may hear your heart beating, your stomach rumbling or blood moving through the umbilical cord. He or she may even be startled by loud noises. Your baby can swallow this week, too.

This is 8 weeks before the 24-week cut-off point.

Your baby's kidneys are already producing urine. The urine is excreted into the amniotic sac, which surrounds and protects your baby.

You will notice at this point that the Mayo Clinic does not refer to embryos, clumps of cells, jelly or even a fetus, but consistently refers to a baby. I think I know

why: because that is what we are talking about. We are talking about babies.

The Mayo Clinic says about the baby at 17 weeks:

Thanks to the millions of motor neurons developing in the brain, your baby can make reflexive muscle movements. If you haven't felt movement yet, you will soon.

That baby is having a whale of a time in there. The mother has no idea, but the baby is going like the clappers at just 20 weeks — halfway through the pregnancy. At this stage, the Mayo Clinic says:

Taste buds are starting to form on your baby's tongue, and your baby's brain and nerve endings can process the sensation of touch. Your baby may experiment —

at 20 weeks the baby is experimenting —

by feeling his or her face or anything else within reach.

At 20 weeks the baby is feeling his or her way around the environment in which he or she lives. The Mayo Clinic continues:

For boys, the testes begin to descend from the abdomen this week. For girls, the uterus and ovaries are in place — complete with a lifetime supply of eggs.

I am not sure what happens medically or in the womb at 24 weeks — this extraordinary time when all of a sudden we need a doctor's certificate signed by two doctors to kill a baby — but the Mayo Clinic tells us that at this stage:

The eyebrows and eyelashes are well formed, and the hair on your baby's head is longer and more plentiful. Although your baby's eyes are fully developed, they may not open for another two weeks.

Up until this point, under this bill any baby can be killed at any time for any reason. There we have a fully formed human baby. I challenge anybody to get up in this house during this debate or at any other time and deny that what I am saying is true — to convince us that we are not talking about real, live human babies. I look forward to that. Over the years I have heard a lot of arguments to advance the case of the abortion industry, but I have never heard anyone say a baby at this stage of development is not a baby.

I would be really interested to hear a proponent of this bill get up and give us a bit of a run-down on what they think it is. If it is not a baby, what is it? I would love to know that. Even earlier abortionists will say, 'That is not a baby'. They will tell you what it is not, but they can never tell you what he or she actually is. In this debate I look forward to getting a definitive answer to that question.

The Mayo Clinic's information tells us more about a baby's development during the second trimester of a pregnancy. It states:

If your baby is born this week, the chance of survival is at least 85 per cent —

It says, 'at least 85 per cent'. Under this legislation, for no reason at all or for any reason, women will be able to walk into an abortion clinic and have a baby killed who would otherwise be born and would probably live. That is according to the legislation before the house.

The Mayo Clinic information states that at 28 weeks:

Your baby's eyes are beginning to open and close. The colour has been established, but the story's not over yet. Eye colour may change within the first six months after birth — especially if your baby's eyes are blue or grey-blue at birth.

And at 28 weeks after conception:

Your baby's bones are fully developed, but they're still soft and pliable. This week, your baby begins storing iron, calcium and phosphorus.

As your baby continues to grow, his or her movements will become more frequent and vigorous. Some of your baby's jabs and punches may even take your breath away.

Whilst I have not had the experience of having a baby within my body, I have certainly had plentiful experience of the baby inside the body of the person next to me, being my wife, and I know that they can be pretty powerful at times. There is no doubt about that at all.

I have covered the whole time span, right through! From week 33 a baby detects light and from week 35 rapid growth continues. I could go right through the information provided by the clinic. I hope the house is able to see clearly that what we are talking about in this debate is the killing of babies. We are talking about real, living human babies — not puppies, kittens or plastic toys. We are talking about real, live human babies. I was stunned yesterday, having listened to the debate for some hours, that nobody had mentioned the word 'baby'. You cannot have a pregnancy without a baby — it is just not possible — yet there are some people who do not seem to want to talk about it.

From very early on these babies are not clumps of cells or blobs of jelly, as those in the abortion industry would like to tell us, but very much real human beings. Yes, they are tiny, but nonetheless they are very human. Those of us who are fortunate enough to have children and to have been present at their first outing — that is, their ultrasound — will attest to the beauty of our own children before birth. I well remember seeing my kids swimming around as one of the great joys of my life. Let me assure members that there were arms, legs and little

noses and that those babies were doing somersaults and a variety of other gymnastics, but there were no blobs of jelly that I could see. These were real babies!

Further developments in ultrasound techniques, particularly the 3D ultrasound, show us all the wonder and beauty of life before birth. I wish I could put on a little show to demonstrate the beauty of what I am talking about. I am not talking about bits of cardboard; I am actually talking about little babies, and they can be seen on these 3D ultrasounds. They are extraordinary things. A quick search of the internet is well worth it if members are keen to see the facts of what this bill sets out to destroy.

Abortion is an act of death, an act of destruction and an act of incomparable barbarity. Before we vote on this bill, I believe it is important that we know exactly how this violent death is visited upon an innocent, unborn child. It is not something the abortion industry likes to advertise. Having extensively researched methods of abortion over recent weeks, I can fully understand why. Abortion is a gruesome business. At this point, could I suggest to Mrs Peulich that she might like to leave the chamber, because I know she is very sensitive when it comes to these matters.

In my research I have again turned to the internet. It is a marvellous thing, and we must thank Al Gore for inventing it. I judged some of the websites I viewed to be too medically complicated in their terminology for we mere mortals to easily comprehend, while others were too simplistic and, quite frankly, far too graphic.

The website [abort73.com](http://abort73.com) came up with concise descriptions which leave us in no doubt as to what an abortion involves. A number of abortion methods and techniques are described on this website, and I think it is important that, if we are going to vote on this bill, we are fully aware of what our vote will mean.

Firstly, I will refer to information on suction aspiration or vacuum aspiration abortion, also called a vacuum aspiration. The [abort73.com](http://abort73.com) website states:

Suction aspiration abortion (also called vacuum aspiration) is the most common abortion procedure in practice today. About 90 per cent of all abortions happen in the first trimester, and this method accounts for the vast majority of those first trimester abortions. For the procedure to begin, the woman's cervix must be manually dilated with a series of rods to allow for the insertion of a hollow plastic tube with a sharp cutting-tip. The tube is connected to a suction machine that is able to pull the tiny embryo or foetus apart (killing him or her in the process). The remains are sucked out of the mother and deposited into a collection canister. The placenta must then be cut away from the inner wall of the woman's uterus before it, too, can be sucked into the collection bottle.

Suction Aspiration Abortions are not generally performed before the seventh week or after the fifteenth.

That is the procedure as described by, as it is mentioned on the website, a typical abortion provider.

I turn to ‘medical abortion’. The website states:

Recently non-surgical abortion techniques have increased in frequency —

and with RU486 that is likely to increase in the next few years —

but have not yet taken hold like many predicted.

I think that might be changing over the next couple of few years as well:

Medical abortions are a two-step procedure generally requiring three trips to an abortion facility that can be performed on embryos in the first six or seven weeks of pregnancy. Patients that smoke, have asthma, high blood pressure or are obese cannot take the necessary drugs for a medical abortion. Those that do qualify begin the process by taking the first pill ... to block the hormone ... that maintains the uterus’ nutrient lining during pregnancy. Once the uterus is compromised, the embryo starves and dies. Two days later, the woman returns to the abortion facility for a dose of misoprostol to initiate uterine contractions. Most women will expel the dead embryo within 4 hours of taking the second drug. The final visit must take place two weeks later to ensure that the abortion has taken place. If it hasn’t, which is true in 5–10 per cent of all cases, a surgical abortion will then be required.

The website then describes dilation and curettage or sharp curettage abortion, and states:

In a dilation and curettage abortion, a sharp curette is used to dismember and remove the embryo or foetus from the mother’s uterus ... The curette is inserted directly into the mother’s uterus and used to scrape, first, the baby and then the placenta out of the uterus and through the cervix. Bleeding is generally profuse.

...

Dilation and evacuation is a 2nd trimester abortion procedure. For the procedure to take place, the woman’s cervix must first be dilated, usually with laminaria, over a two or three day period prior to the abortion. Laminaria sticks are made of sterilised and compressed seaweed that can be inserted into a woman’s cervix. Here, they begin expanding from moisture absorption, resulting in an enlarged cervix. When the woman returns for the actual abortion to take place, forceps are inserted through the enlarged cervix into the uterus. The abortion provider then uses the forceps instrument to dismember the foetus by seizing a leg or arm and twisting it until it tears off and can be pulled out of the uterus. This will continue until only the head remains. Finally the skull is crushed and also pulled out. The body parts must then be reassembled to ensure that the entire baby has been removed.

Saline injection abortion:

Dilation and evacuation abortions have largely replaced the saline variety. Their extreme risk to the mother has removed

them from common practice today. In saline abortions, done after the 16th week, a large needle is inserted through the woman’s abdominal wall and into the baby’s amniotic sac. A concentrated salt solution is injected into the amniotic fluid resulting in acute hypernatremia or acute salt poisoning. The baby breathes in and swallows the solution and is usually dead within a couple of hours. Dehydration, haemorrhaging of the brain, organ failure and burned skin also contribute to the foetus’s demise. The mother generally goes into labour the next day and delivers a dead baby.

Finally for this exercise is dilation and extraction, often called partial-birth abortion, which is:

... used during the second or third trimester and is usually performed on a viable baby. The ultrasound-guided procedure is essentially the breech delivery of a live baby. Forceps, inserted through the cervical canal, are used to position the foetus so that it can be delivered feet first and facedown. The child’s body is then pulled through the birth canal, but the head (too large to pass through the cervix) is left inside. With arms and legs exposed (and likely flailing), the abortion provider then inserts blunt surgical scissors into the base of the foetal skull and spreads the tips apart. A suction catheter is inserted into the skull and the brain is sucked out. The skull collapses until the baby’s head can pass through the cervix.

I make no apologies for reading out what those grisly procedures involve, because that is what we are voting on. That is what this is all about. An injection of truth into the abortion debate is long overdue. The lies of the abortion industry have gone unchallenged for far too long, and far too many children have been killed as a result. Make no mistake; a vote for this bill is a vote for partial-birth abortion, surely one of the most violent and barbaric methods human beings have yet devised to kill one another. This is not really partial-birth abortion; this is partial-birth homicide. It is the murder of a child, evil in every way. It was banned in the United States after both houses of Congress voted overwhelmingly on three separate occasions for such a ban, and that ban was then ruled to be constitutional by the United States Supreme Court. This most violent and cruel act will become an everyday event in Victoria if this bill is passed. I ask members to consider what this dreadful procedure involves before they vote.

I do not want to repeat that, but I should and I will. It states:

The ultrasound-guided procedure is essentially the breech delivery of a live baby. Forceps, inserted through the cervical canal, are used to position the foetus so that it can be delivered feet first and facedown. The child’s body is then pulled through the birth canal, but the head (too large to pass through the cervix) is left inside. With arms and legs exposed (and likely flailing), the abortion provider then inserts blunt surgical scissors into the base of the foetal skull and spreads the tips apart. A suction catheter is inserted into the skull and the brain is sucked out. The skull collapses until the baby’s head can pass through the cervix.

That is what we are voting on today. A vote for this bill is a vote for that most barbaric of procedures. A vote for this bill is a vote to send God alone knows how many innocent babies to a gruesome and painful death. It is most important that every member of this house realise what their vote means.

If children before birth were not human, this debate would be like any other. This bill would sail through both houses and become law with a minimum of fuss. The emotion surrounding this debate, the extraordinary levels of correspondence from our own constituencies and from around Australia, and the general intensity of interest in this issue leave us in no doubt that this is no ordinary bill and no ordinary debate. How we vote on the bill is something we all have to live with for the duration of our earthly lives and, dare I say, beyond.

If the bill is passed, unborn babies in Victoria will legally carry less value than a plastic shopping bag. Already we have seen how they are treated by some sections of the medical profession. People assure us, and we have heard again and again in the debate in the other place and in here as well, that all doctors will act ethically and professionally. I wish we could accept that at face value, but from personal experience I, for one, cannot. I have learnt the hard way that some doctors should not be walking the streets.

Let us examine an example of how one particular doctor acted in one particular hospital in performing what he, at least, called an abortion of one particular baby. The power of one can be devastating. In a moment it will be clear that the word 'abortion' does not truly describe the horrendous act which this one particular doctor in question performed in killing this one particular baby. We must all be grateful to my friend and fellow Liberal, the former Senator Julian McGauran, whose zeal in standing up for the protection of babies before birth led to the public's horror at the facts of this particular abortion. I am talking of the notorious case of the so-called 'abortion' — and I use that term very loosely — of a baby at over seven months gestation. Yes, we heard that correctly — at over seven months gestation. We are talking about a baby who in the normal course of events would have been born in less than eight weeks.

However, we are not talking about the normal course of events. We are now talking about how this baby was killed by abortion. Where was this baby killed? You may perhaps think this baby was killed at some shady private clinic in the outer eastern suburbs. If you think that, you are entirely wrong. No, the baby in question was killed at the Royal Women's Hospital, then located in Carlton — not far from here. In case any members

may be tempted to imagine that I am loose with the facts or prone to exaggeration in this case, I refer them to a long and detailed report of this gross act of barbarity which appeared in the *Age* on 1 July 2005, written by *Age* feature writer Meaghan Shaw. I quote directly from the article:

On a cold Sunday afternoon, nearly five years ago, the media were summoned to the Royal Women's Hospital boardroom for an important announcement.

Grim-faced hospital managers flanked the board table and said they had referred a suspected late-term abortion to the state coroner for investigation. Three senior doctors had been suspended over the incident.

The management team appeared tense and did not volunteer further information, which had to be painfully extracted from the hospital's then medical director, Glenn Bowes.

Slowly, the picture emerged of a distressing termination at 32 weeks gestation of a foetus with an abnormality that would cause dwarfism.

Senator Julian McGauran had made a complaint to the Victorian Medical Practitioners Board.

He had raised the issue in the Senate in November 2000. Senator McGauran had urged that the doctor who committed the abortion be prosecuted under a section of the Victorian Crimes Act which creates the offence of child destruction after 28 weeks. Senator McGauran made the complaint after the Victorian coroner handed him a copy of the police brief that included the woman's medical files. So the senator based his pursuit of this matter on well-established facts from reputable and first-hand sources, not mere rumours or hearsay.

Senator McGauran told federal Parliament — and I quote from the same *Age* article:

... the files suggested the baby did not have dwarfism, quoting a handwritten note that said, 'On delivery: baby doesn't look small!'

Whether or not the baby actually did have a condition which could have led to dwarfism is not the issue. The issue is that in the state of Victoria, here in the city of Melbourne, in what promotes itself as our premier hospital for women's health care, a doctor killed a baby at 32 weeks. The article goes on to say that Senator McGauran:

... maintains the case was 'a disaster, a mistake and a tragedy', and he hoped 'someone should be held responsible'.

The article continues:

'The offending doctor is my main target', he says —

referring to Senator McGauran —

‘I really think he has done the wrong thing here. A lot — of responsibility —

goes to his and the hospital’s culture.

The revelation made by Senator McGauran at the time rekindled the debate about late-term abortions. As genuinely appalling as this bill is, at least it gives us a chance to raise and to debate the evils of late-term abortion because the legal killing of a clearly identifiable human baby is very much a part of what this bill is about.

The case I have referred to illustrates the base ethics of one member of the medical profession and then the acceptance of the killing of a baby of 32 weeks gestation, even where there was an offence of child destruction on our statute books. I cannot begin to imagine what abortionists posing as doctors would do if this chamber were to give them the go-ahead and the green light to perform abortions until birth. This bill has been effectively drafted to legalise baby killing until birth. It is option C with a twist, and only a slight one at that.

I hear some members mumble, ‘You are wrong, the bill only legalises abortion up until 24 weeks’. They are dead wrong, and I emphasise the word ‘dead’. The relevant provision is in clause 5, which has been misquoted in this debate. It has been misrepresented, not just in the other place but also in the news media over the length and breadth of Victoria. I turn to examine clause 5 in detail.

- 5 Termination of pregnancy by registered medical practitioner after 24 weeks
- (1) A registered medical practitioner may perform an abortion on a woman who is more than 24 weeks pregnant only if the medical practitioner —
    - (a) reasonably believes that the abortion is appropriate in all the circumstances; and
    - (b) has consulted at least one other registered medical practitioner who also reasonably believes that the abortion is appropriate in all the circumstances ...
  - (2) In considering whether the abortion is appropriate in all the circumstances, a registered medical practitioner must have regard to —
    - (a) all relevant medical circumstances; and
    - (b) the woman’s current and future physical, psychological and social circumstances.

What clause 5 achieves is crystal clear. On the one hand it purports to create some sort of restriction on abortions after 24 weeks of pregnancy. On the other hand, the

very terms of clause 5 specify such broad and all-embracing provisions for the doctor to have regard to, that he or she would virtually be obliged to perform an abortion. As a matter of reality, clause 5 will create a situation in which abortion can be performed at any time during the pregnancy with only the minor requirement that the medical practitioner practising as an abortionist consult another registered medical practitioner who can also be practising as an abortionist, engaged full time in aborting babies in the very same abortuary.

I am indebted to Mr Charles Francis, AM, QC, for his penetrating memorandum of advice on clause 5 of the bill. Mr Francis, as members know, is an outstanding Victorian. He is a former member of the Legislative Assembly and a man who has stood up on matters of conscience over many years. He is a former chairman of the Victorian Bar Council and someone who is held in very high esteem, not just by his colleagues at the bar but I am pretty sure by everybody who knows him.

When he practised at the bar he took an active interest in cases involving the protection of life and those involving abortion in particular. Mr Francis won settlements for women who sued their abortionist for failure to warn them of the psychological traumas suffered by women as a consequence of their abortions and of the increased risk of breast cancer caused by abortion.

In his memorandum of advice on clause 5 of the bill, Mr Francis explains that the bill creates what he calls a loophole which is similar to that created by the Menhennitt ruling of 1969. Remember that the infamous abortionist, Bertram Wainer, once declared that one can ride a horse through the loopholes in the judgement of Justice Menhennitt. Mr Francis points out the obvious truth — that a woman after 24 weeks gestation only need first to find a medical practitioner who is prepared to give her an abortion even though there may be no reason under clause 5.

In Victoria there are already abortion providers who are prepared to commit abortion on demand at any time during pregnancy. Any abortionist then only needs a partner or colleague who is prepared to collude and say that he, too, believed it appropriate in all of the circumstances to commit the abortion legally. If this were not a matter of life and death, the provisions of clause 5(1) and (2) would be laughable. They would do credit to the Lord High Executioner in Gilbert and Sullivan. I will read clause 5(2) again:

In considering whether the abortion is appropriate in all the circumstances, a registered medical practitioner must have regard to —

- (a) all relevant medical circumstances; and

- (b) the woman's current and future physical, psychological and social circumstances.

I totally agree with Mr Francis that the clause creates a giant loophole. I will go further and say that it creates a gaping gulf through which an army of abortionists would be able to march if this bill were ever to become law in Victoria.

If any questions were asked pursuant to inquiries, all that the two so-called doctors need say is that they both believe the abortion was appropriate in all the circumstances. In case any members of the house are still unclear as to whether clause 5(2) gives a green light and a medical clearway for abortion until birth, please take a moment to consider the phrase, 'All the circumstances'. 'All' means all. In case there may be a member who does not understand the word 'all', I consulted the *Concise Oxford Dictionary* to enable me to define it. It tells us that 'all' means the whole amount, the quantity, and the extent of.

Applying this to both the so-called doctors we can now see that absolutely nothing is to be overlooked in finding circumstances to justify committing the abortion after the baby has already passed 24 weeks of gestation. However, just in case the poor second doctor is scratching around to find a reason to justify the destruction of a child who is entirely capable of being born alive and kicking after 24 weeks, the good doctor — and I use that term extraordinarily loosely — is further assisted by the drafters of this extreme bill.

I again refer to clause 5(2)(b), which states that the doctor must have regard to:

- (b) the woman's current and future physical, psychological and social circumstances.

This is just extraordinary. It is preposterous. How, I ask you, can a doctor ever possibly have regard to all a woman's current physical, psychological and social circumstances, let alone have regard to all her future physical, psychological and social circumstances? The individual to be consulted must be a registered medical practitioner, but the bill makes no reference to the doctor having to be a registered clairvoyant or indeed a fortune teller.

How can any doctor have regard to all the woman's future physical, psychological and social circumstances? Nevertheless the two doctors have absolutely nothing to fear from this toothless ant of clause 5. Mr Francis points out that, in the extremely unlikely event that any proceedings were ever to be launched against either of the doctors, they can refuse to answer any further questions directed to the reason

they formed their belief about the abortion on the grounds that any answer to the question would be a breach of medical practitioner-patient privilege under the Evidence Act 1958. Thus the genuineness of their belief never would and never could be tested.

In those circumstances there would be no evidence by which proceedings for professional misconduct could be brought under the Health Professions Registration Act 2005. Consequently, unless the patient or the abortionist's staff are prepared to provide evidence that the abortion was performed without absolutely any reason at all, abortion providers will be able to commit abortions at any time without risk of proceedings before the relevant board. As mentioned above, this very convenient loophole provided under the law is somewhat similar to the situation which inadvertently developed after the Menhennitt ruling of 1969, which has led to abortion being performed until birth in Victoria without so-called doctors having any fear of prosecution or even proceedings.

Under the Menhennitt ruling, because the onus of proof was always to be put on the Crown, the abortion provider could assert that the abortion was committed because of serious risks but could refuse to identify those risks because of the medical practitioner-patient privilege under the Evidence Act of 1958. The Crown was then unable to prove that there were no serious risks to the woman's physical or mental health. Those who have drafted this current bill wanted to create an illusion that there was some limitation on abortion after 24 weeks gestation. It is yet another lie by the abortion industry and its cheerleaders.

Mr Francis concludes his memorandum of advice, writing:

In reality, in Victoria, we will have abortion on demand at any time during pregnancy.

It is incumbent upon those who are promoting and arguing for this bill to establish that the bill does not provide for freely available abortion right up until birth.

The proponents and promoters of this bill are caught on the horns of a dilemma. On the one hand they owe the sisterhood — the curious cabal of extreme left-wing women behind the Emily's List organisation, led by Joan Kirner, the failed former Premier of Victoria — to prove they are so dedicated and committed to the cause of freely available abortion without restriction in Victoria that they are actually providing for the unrestricted destruction of babies right up until birth. On the other hand — —

**The PRESIDENT** — Order! I am extremely reluctant to interfere with Mr Finn's current contribution, especially as I came into the chair after he had started, but could he clarify for me what he is reading from? I gained the impression it is someone else's communiqué to Mr Finn, because he has gone on with it for quite some time now.

**Mr FINN** — I am reading from my own notes but I am referring to a memorandum of advice from Mr Charles Francis, QC, with whom I am sure the President is familiar.

I have finished with the memorandum now. On the other hand, the drafters of this extremist bill and its proponents have to cloak their true intentions to get some degree of community support for the bill and try to get the votes of a few wavering members who know in their hearts that it is wrong to kill a baby before or after birth.

In an ingenious attempt to do this they have hit on the idea that they will present themselves as being very balanced and reasonable, so they dreamt up clause 5. That is the bottom line. It is sad to say that they have been able to delude large sections of the media. Over the past six weeks many media reports have talked about the bill providing unrestricted abortion up until 24 weeks gestation, as if there were some almost impenetrable restrictions limiting abortions after 24 weeks. If that had been the case it would have been welcome — to some extent, anyway. Any restriction that saves the life of even one baby would be welcomed by those of us committed to preventing the lives of tiny babies from being snuffed out by abortion.

Today I have been able to unmask the true impact and import of clause 5. That clause is nothing but a dishonest attempt to delude those who are not prepared to subject its wording to due scrutiny and linguistic analysis. Clause 5 does nothing to restrict easy access to abortion up until birth. In any pregnancy, I say — and I have always said this — that we have two patients: the mother and her baby. An ethical, principled doctor will care for both patients. On the contrary, a doctor who is acting as an abortionist will engage in a seek-and-destroy mission to end the life of a poor baby. The fact is that every abortion kills a living, growing human baby. Please never forget or obscure that fact.

The other clear and irrefutable fact is that this bill is a declaration of all-out war against unborn children from conception until birth. A vote for the bill is a vote for unfettered killing of unborn children right up until the moment that they would have been born.

I am the father of two sons with profound disabilities. One thing that has distressed me greatly throughout the course of this debate is what seems to me to be the general acceptance of the view that any child with a disability can be eliminated before being born. We have heard it here today; we heard it yesterday; we have heard it in the other place — that is, general acceptance that having a disability is an automatic death sentence. That is how we deal with people with disabilities — we kill them. I really struggle to find a word to describe how revolting, how offensive, how disgusting that is, because I look at my little bloke, my seven-year-old at home, and yes, he has a disability; he has autism. But he is a sensational little kid.

Just a few weeks ago my 10-year-old said to me, 'Dad, if Liam did not have autism, do you think we would still love him as much?'. I thought that was a remarkable insight from a 10-year-old as to how much love that little 7-year-old brings into our family and how much we love him. But I have sat in here for the last two days, and I sat in the other place a few weeks back listening to speaker after speaker after speaker just accepting the fact that if disability is involved, the baby gets killed: it is automatic. That seems to be the way that people think.

I have to say that just because somebody has a disability does not in any way diminish their humanity. Just because a person has a disability — irrespective of age or place of residence — it makes them no less human than you or me; they are still very much human beings. But here we have speaker after speaker getting up and declaring that it is okay to kill babies if they have a disability. I do not agree. As I say, as the father of two sons with disabilities — one with spina bifida and one with autism — I could not disagree more. I find the prospect and thought quite distressing, to say the very least.

I think that sort of attitude and perhaps even sections of this bill would be in conflict with the United Nations Convention on the Rights of Persons with Disabilities. The eight guiding principles of the convention refer to: (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of persons; (b) non-discrimination; (c) full and effective participation and inclusion in society; (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (e) equality of opportunity; (f) accessibility; (g) equality between men and women; and (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. I reckon that if we are going to kill children just because they have disabilities, that

contravenes almost every single one of these guiding principles.

I beg future speakers to take into consideration that just because a child has a disability does not mean it should automatically be given a death sentence. I know many children with various disabilities, and they bring the sort of love into a family that I would not have thought possible before my family had a child with a disability. I ring the bell on that one because I think it is appalling for proponents of this bill to be saying this bill is the cure for disability — to kill the disabled. I do not believe that to be a fair or a reasonable thing at all.

We have been talking here about late-term abortions. Just last week a submission came to my attention from the World Federation of Doctors who Respect Human Life — a submission to the Senate finance and public administration committee on item 16525 in part 3 of schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007. There has been a committee inquiry into this. For those who are unfamiliar with this inquiry, it is about commonwealth funding for abortions and in reference to the contribution from the world federation, particularly late-term abortions. It is interesting to note that this bill gets a fair mention in this contribution and in this submission by the world federation of doctors. I quote a little from it:

Facts showing that most second-trimester abortions are done on entirely healthy babies of entirely healthy mothers, some ... older than those in our hospital nurseries.

The truth that most late-term abortions over 20 weeks of pregnancy are done to entirely healthy babies and on entirely healthy mothers is confirmed by data collected in Victoria. Data from Victoria's health department's 2005 survey of perinatal death shows that contrary to pro-abortion claims, the majority of late-term abortions were for psychosocial reasons, not foetal abnormality.

The submission continues:

The term 'psychosocial' means there is no medical problem with the mother or the baby, but the parents request abortion because of economic or emotional stress.

In many cases these are babies older than those in our hospital nurseries, who might have been born alive and adopted to loving parents, but were instead 'terminated'.

At 23–27 weeks of pregnancy, when other premature babies are being cared for in the hospital nursery, the records for 2005 show 108 terminated for psychosocial reasons — five times as many as those terminated for congenital abnormality.

That in itself is an interesting fact to consider — that far more of these late-term abortions are conducted for psychosocial reasons, as described, than are caused by

the abnormality of the child, which people seem to be so keen on promoting. The submission continues:

Late abortion for psychosocial reasons has 15 times the body count of stillbirth due to infection, and 30 times that due to hypoxia — such as when the cord is tight around the neck. It is the fastest growing cause of perinatal death.

How does the official data square with the pro-abortion spin that late abortion is merely a tragic necessity in response to grave foetal abnormality or risk to a mother's life? It does not; late abortion is done for any reason that sufficiently stresses the parents, and its numbers are climbing fast.

Now with the introduction of the Victorian Abortion Law Reform Bill 2008 there is no longer any basis for the comforting belief that second-trimester abortion is only done on the basis of grave medical indications. This bill makes clear that it can be done, no questions asked, with no medical justification required, up to 24 weeks and, with the colluding nod of two abortion doctors, beyond 24 weeks.

I made some mention before of the particularly barbaric practice of partial-birth abortion, to which this legislation would certainly give the green light right across the state if Dr Grundmann and some of his colleagues were keen enough to actually bring that about. This submission refers to that particular practice under the following heading:

Facts about the practice of second-trimester abortion in Australia — including a method denounced by the US Senate as 'gruesome, inhumane and never —

never! —

medically indicated' but subsidised by Medicare item 16525.

It goes on to say:

This Medicare-subsidised 'service', as publicised and practised by a leading Australian abortion doctor, David Grundmann of the Planned Parenthood clinics in Brisbane and Melbourne, was banned by the US Senate in 2003 as 'gruesome, inhumane and never medically indicated' yet continues here.

The opening paragraph of the US Partial-Birth Abortion Ban Act 2003 sets the context for the Australian Senate's decision on funding these abortions.

I would think that more than the Australian Senate's decision, it should also set the tone for consideration of this bill, because as I have mentioned on a number of occasions now, this bill will give the go-ahead to partial-birth abortion. I am putting money down that before this debate began not too many members of this chamber knew what partial-birth abortion was. I am hoping that if I say it often enough, people will actually

understand what a dreadful and appalling thing we would be supporting by voting for this bill. According to the submission, the opening paragraph of the United States Partial-Birth Abortion Ban Act of 2003 says:

The US Congress finds and declares the following:

- (1) A moral, medical and ethical consensus exists that the practice of performing a partial-birth abortion — an abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing delivery of the dead infant — is a gruesome and inhumane procedure that is never medically necessary and should be prohibited.

I also should add that the ban was upheld by the United States Supreme Court when it was challenged in 2007.

The procedure of partial-birth abortion has been performed in Dr Grundmann's clinic, according to this submission, only a few blocks from the Royal Brisbane and Women's Hospital, where Dr David van Gend, who made this submission and who is the Queensland secretary of the World Federation of Doctors who Respect Human Life, wrote that he recalled:

... assisting at the birth of a baby just under 24 weeks.

It seems to me that if I had taken that baby from its mother's arms and pushed a puncturing instrument through its skull, that would be murder. Even if it had some minor abnormality, even if the mother wanted it dead and threatened suicide if I did not kill her baby, it would be indefensible murder. But when another doctor does this to another 24-week baby while it is being delivered at his clinic, that is family planning, subsidised by Medicare item 16525.

I know the realities of this practice in detail. Our federation first brought Dr David Grundmann's practice of second trimester 'partial-birth abortion' to the attention of Queensland Parliament in October 1994, and I have since appeared with Dr Grundmann at an AMA (Qld) inquiry into the practice (1995), and debated Dr Grundmann on an SBS *Insight* forum (2005).

Dr van Gend finishes off this section by saying:

A physician friend surprise me with the strength of his reaction to that televised SBS forum. 'Everyone in Australia', said this liberal-minded doctor —

And I am talking about small 'l' liberal —

'should have to watch a video of what Grundmann does to these babies. Then the debate on late term abortion would be over'.

I think it is important for every member of this house to take into consideration that the abortion industry, the abortion movement, has been using pretty vacuous slogans for a very long time, but we here have a

practice to which this bill would, as I say, give the green light. It is a practice I find obscene in the extreme. I find it to be possibly the vilest thing I have ever seen in my life, and I have seen some pretty shocking things over the years.

Let us face facts about this partial-birth abortion practice. I will say again and again until people understand and until members of this house understand that a vote for this bill is a vote for this dreadful practice — for this appalling, gruesome and barbaric murder of children. There is no other way you can put it. That is what it is; it is the murder of children.

On 17 April 2005, a decade later, according to the submission to the Senate, Dr Grundmann was asked again on *60 Minutes* about his practice. He was asked:

'Do you pierce the baby's head with a sharp instrument?'

He replied:

'I'm not going to discuss details or specifics about procedures because I don't think that you or the public needs to know.'

I bet he doesn't!

The submission continues:

He was again asked directly, a few months later in November 2005 on the SBS *Insight* forum which I —

Dr van Gend —

shared with him on abortion, to describe the procedure. He declined: 'I'm not sure that the debate would be in any way enhanced by descriptions of fairly explicit surgical and destructive procedures'.

Hardly surprising.

He continued: 'It tends to be this issue that has people on both sides of the debate coming more or less to blows with each other'. Indeed it does, in a rhetorical sense, and so it should in any decent society. Another participant asked him, referring to Grundmann's published lecture notes, 'Do you tell women you'll crush the baby's skull and suction out the brain?' but he gave no reply.

The submission finishes by saying:

Respectfully, I think this is information that should not be hidden from senators considering what level of violence is to be given federal Medicare funding. I hope the committee can make fresh enquiries of Dr Grundmann as to his past and current practices, including his stated justifications for performing such late second-trimester abortions.

I could go on at some length — some considerable length — about what Dr Grundmann has said at various times in the *Age* and on the *7.30 Report* when he has been questioned and cross-examined about his vile practice. You have to remember that this bloke does

this for a living. I frankly do not know how he looks at himself in the mirror every morning. I would not be able to do so, I have to say, if I was involved in making my living out of puncturing the skulls of babies, sucking their brains out and then crushing their heads. If that is what I was doing to make my living, I am not sure I would be able to live with myself at all, but this particular chap does.

This practice is performed and committed in Melbourne. It is done now, but I will tell you what: if this bill is passed, it is going to be done far more often, because this bloke is going to be allowed to advertise, he is going to be allowed to promote and he is going to be allowed to tell people what he does. At the moment there is, I suppose, a bit of a shield surrounding his clinic in Croydon, but if this bill were passed, there would be no shield, and I fear how many babies would suffer the dreadful death that Dr Grundmann would inflict upon them. The unborn babies of Victoria would suffer enormously under this legislation. I beg members of the chamber to take into consideration how many dreadful acts of violence would be inflicted upon innocent babies if this bill were passed.

Clearly another victim of abortion is women. We hear the catchcry — it has been going on for a long time now — that it is a woman's right to choose abortion. That is the catchcry — it is a woman's right to choose abortion. I have spoken to a lot of women over a lot of years now who have had abortions. Sometimes I have been debating them, and sometimes I have just been discussing matters with them. I have said to them almost invariably, 'Why did you have your abortion?'. In just about every case they have said to me, 'I didn't think I had any choice'. If we are talking about a woman's right to choose abortion, why are they being forced into abortion because they do not have any choice? Where is the sense in that? Where is the logic in that? The best we can do for pregnant women in trouble is to push them into the arms of an abortionist. It does not sound very civilised to me. The coercion by mothers, boyfriends, husbands and all sorts of people and the pressures that are placed on women and sometimes young girls to have abortions are dismissed as being a woman's right to choose. I would have thought if you have a right to choose, you would actually have some say in the decision — but quite often these women do not have any say in it at all.

I well remember speaking to one man — I would call him a gentleman, but a gentleman he was not — some years ago who looked me in the eye when we got into a discussion about abortion and said he was very strongly in favour of abortion. Before we had got too far into the discussion I said, 'Why are you so fanatically

pro-abortion?'. He looked at me and said, 'Well, it has got me off three counts of carnal knowledge'. That is what he said to me — 'It has got me off three counts of carnal knowledge'. That is what I am talking about. That is how the abortion industry is used by men — husbands, boyfriends and sometimes casual acquaintances — to force women into abortion, and in many cases those women never recover because, as I said, despite the catchcry of the 'woman's right to choose', they are forced into something they just do not want to do, but at that particular time they feel they have no other choice. They are given no other option. I think it is a blight on our society that we will provide limitless abortions, it would seem, for women in this circumstance, but we will not provide what they really need, and that is the ability to have their child and to get on with their lives.

I go back to what Mr Leane said earlier when he was talking about the need to provide abortion for the homeless. I repeat what I said to him at the beginning of my contribution: what pregnant homeless women need is not an abortion; what pregnant homeless women need is a home. That is what they need, and that is what we should be looking at providing these people with. We should not be saying, 'A problem; off to the abortionist with you!'. We should not be doing that to women. What sort of a society do we live in? How can we call ourselves civilised when we do that?

It is barbaric to see the sort of coercion that goes on, particularly by mothers who quite often force their young daughters into abortion. I have seen a couple of instances of that where a young girl has actually been forced through the gates of an abortion clinic by a mother who felt embarrassed that her daughter was pregnant. I agree with Mr Leane — it may be a red-letter day for us all — that while attitudes have come a fair way over the last couple of decades, they need to change a little more in regard to our attitude towards single mothers.

Like many members I have received much correspondence, and I am sure Mr Dalla-Riva will vouch for the fact that he has received much correspondence on this issue. I have to say in the nine years I have spent in this Parliament, both in this place and in the other house, I have never ever seen a deluge like it. It can only be described as a deluge of mail, phone calls, visits and a total ongoing commitment by people, predominantly against the bill, contacting me to tell me their views. I appreciate that very much. I have also received some letters that I have put aside. I got to the stage where I started counting letters — the ones that were the same, such as those supporting model C, of which there were 100; and those that did not support

the bill, and there were 120 of them. I would put them into categories and count them because they were all the same. There were some letters that I thought were particularly helpful and constructive. I received a letter dated 3 October from Denise M. Cameron, a nurse, who happens to be the president of Pro-Life Victoria. I think it is worth reading this letter to the house because it provides an angle that is very helpful to us all. It says:

I write as someone with 48 years nursing experience, including graduating in the top ten for the year in midwifery, who is alarmed at the misinformation regarding the practice of abortion that is being fed to the Victorian public, over the airwaves in particular, and in one case in the Legislative Assembly. Never in my 48 years of nursing have I heard of an 'emergency abortion' ... until the current debate on the abortion bill before Parliament.

That is an interesting observation in itself. She says that never in 48 years has this particular lady heard of an emergency abortion. It is only now, under the provisions of the bill, that we hear the term 'emergency abortion'. She goes on:

This is because there is no such thing as an emergency abortion.

As a midwifery nurse with some 48 years experience she would be in a far better position than I to make that point. She would be in a particularly good situation to make that point. The letter continues:

One such instance of this misinformation was on Melbourne radio 3AW when I personally telephoned the Neil Mitchell show to explain the issue of the conscientious objection many doctors, nurses and allied health professionals had to referring mothers for abortion. To use an analogy I explained that, given every abortion kills a baby, such material cooperation was akin to putting a contract on another's life.

That is a point that I have taken up with a number of people that I have had discussions with on this issue. The letter goes on:

Neil Mitchell's response was to rage against Catholic doctors —

Neil Mitchell does not like Catholics very much —

who refused to do an 'emergency abortion' when faced with a woman 'haemorrhaging uncontrollably to death'. This is nonsense! Women who haemorrhage in pregnancy do so because they have spontaneously aborted ... miscarried ... and may need a curette to stop the bleeding. They bleed because the placenta has detached from the wall of the uterus and exposed the blood vessels to bleed. The baby's life has long been lost when this has happened. Or they bleed in the latter stages of pregnancy when a caesarean section is required ... not an abortion! This is called an antepartum haemorrhage, it can be of varying severity and is an emergency situation. But it has nothing whatever to do with abortion! According to the World Health Organisation, the Republic of Ireland, where abortion is illegal, has the lowest maternal mortality rate in the world.

That is an interesting point in itself. The letter continues:

Hardly a country where Catholic doctors with a conscientious objection to abortion stand by and allow women to bleed to death for want of an emergency abortion! The Rotunda Hospital in Dublin has long had a renowned reputation for its success with repeated caesarean sections. Faced with a population which traditionally had large families the obstetricians simply 'adjusted' their skills to the prevailing culture!

Here we have this legislation providing for something that does not actually exist. You would have to wonder how relevant the rest of the legislation is if we have a section referring to emergency abortions when emergency abortions just do not happen. The letter continues:

On rare occasions pregnancies may have to be terminated for the physical health of the mother, but this does not mean the life of the child she is carrying has to be terminated. The classic case is for toxemia. But such cases do not occur until after 20 weeks gestation. The international level of viability is 20 weeks ... and has been for decades. A decision to terminate the pregnancy at this early stage is made as much for the life of the child as for the mother. The baby will die inside so its best chance is to get it out and hand it over to the paediatrician while the mother's life is saved. Whatever is the government thinking legalising abortion up to 24 weeks gestation? Such babies will be alive and kicking. How does the government intend such babies be treated? Left to die in a cold kidney dish?

Listening to the debate on the government's abortion bill in the Legislative Assembly I was astounded to hear the opening words of the member for Yan Yean's speech. 'I have been pro-choice —

A fascinating opening line of a speech —

since I was 10 years old'. She went on to reveal that on a wet day in her childhood she and her siblings had watched a movie in which a woman had died in childbirth.

I could not see the relevance to the debate on the legalization of abortion before the Parliament ... given that I recognised the movie as being *The Cardinal* ... a good ripping yarn set in 1915 onwards. I had trained as a midwife when this movie was doing the rounds of the cinemas and was mildly interested in the part where the young woman died in childbirth ... from obstructed labour ... not from the need for an abortion! She wanted her baby! According to this fictitious story the baby was a dreaded 'brow presentation'. Set as this story was, nearly 100 years ago, this was a problem for an obstetrician. The Catholic brother ... the Cardinal ... was supposed to have denied permission to the doctor to save his sister's life, preferring instead the life of the child. What I could not understand ... as a midwife ... was how the baby survived. I would have thought the baby would have succumbed before the mother. But it was a Hollywood movie after all and I would hope legislators in the Victorian Parliament don't take their cue from Hollywood movies based on fictitious situations nearly 100 years ago!

That is a point that needs to be reiterated. We have to base our views on fact, on science and on medicine. We cannot base our views on what, in this instance, Hollywood, or Hollyweird, tells us, because there are some strange people over there. We cannot base it on what somebody told us down the pub the other night. We cannot base it on what we heard at the pokies on Sunday afternoon. We have to base it on fact. We have to base it on medicine. It is so important. There is too much at risk to be basing our views on something that is not on solid ground. It is far too important.

This letter continues:

Other misinformation circulated in the course of the current debate is that there is no evidence that women suffer psychologically and emotionally as a result of being aborted. In the course of a 2-hour program on radio 3AW on a recent Sunday evening Dr. Sallyanne Cockburn, a spokeswoman for the abortion provider Marie Stopes International, who conducted the segment, stated categorically that any study or anyone ... who suggested otherwise had no credibility whatever, a favourite and repeated theme of Dr Cockburn. This then means ... without numerous other references ... that the Royal College of Psychiatrists has no credibility. The college has recently changed its position on how terminating a pregnancy affects women as a result of new research. It now says 'having an abortion may place some women at risk of developing mental health problems'.

Well, they are getting there! I have spoken to women who have suffered major psychological problems over many years. Having had an abortion can be almost as dodgy for the mother as it is for the baby. The letter goes on:

On the same program a nurse phoned in to express her distress at the repeated incidents of discrimination she suffered in her workforce because of her conscientious objection to involvement in abortion. This is not unknown to me, the most shocking example having been given to me once by a young nurse who was called to the office of the Director of Nursing after she refused to be involved in an abortion. She was told by the DON she did not have an excuse ... because she was not a Catholic. Nurses attracted to a profession characterised by the Nightingale Pledge to:

- 1 conserve life,
- 2 alleviate suffering
- 3 promote health

should not have to seek nursing positions outside of obstetrics and gynaecology. Every abortion kills a baby. Surely those willing to tolerate killing in the medical and nursing professions are the interlopers, not those opposed to it? Surely they are more in tune with those beautiful words of Hippocrates, the father of medicine, 'First do no harm'? My earnest hope is that in the coming debate on the legalization of abortion up to birth in the Legislative Council, truth will not be the victim that it has been in the debate conducted by some sections of the media.

I thought many, if not all, of the points made in that letter pushed home the story that there is so much more to this argument than has been put by proponents of this bill, because there is no doubt that there are dangers to women in relation to abortion.

One only has to look at the informed consent sheet put out by Planned Parenthood of Australia. I would love to tell you about Planned Parenthood of Australia and where it all started with a woman called Margaret Sanger, who was basically a Nazi. She started Planned Parenthood because she did not like blacks, and she thought abortion was a great way of getting rid of black people; but I might save that for another day.

This Planned Parenthood of Australia informed consent sheet tells women who are about to have a first-trimester abortion that the complications include:

- Post-abortion syndrome — blood clots accumulating in the uterus, bleeding of pain requiring another suctioning.
- Excessive bleeding that may require a blood transfusion.
- Residual products of conception —

Don't you love that word! They mean 'the baby' by their use of 'residual products of conception' —

- may be left in the uterus, requiring a repeat procedure.
- Infections, most of which are easily identified and treated if the woman carefully observes the discharge instructions given and explained to them prior to leaving the facility.
- A tear in the cervix that may require stitches.
- Perforation of the wall of the uterus and/or organs that may heal themselves or may require surgical repair or rarely hysterectomy.
- Failure of termination of pregnancy that does not end the pregnancy which requires that the procedure is repeated.

God knows what that would do to a woman's brain or to anybody involved: I could not begin to imagine. Other complications include:

- Excessive bleeding due to failure of the uterus to contract that may require a blood transfusion.
- Incompetent cervix/stenosed cervix (too tight or too loose cervix which may impair future fertility).

That amounts to a threat to having more children. It continues:

- Asherman's syndrome (cessation of periods and adhesions in uterus that may impair future fertility).
- depression or mood disturbance, suicide
- false passage/channel in the cervix not allowing entry into the uterus.

Do not let anybody tell you there is no threat to women from abortion — there is, and I have it written here, courtesy of the Planned Parenthood of Australia. It is hardly a group headed up by Margaret Tighe; it is one of the leading baby killers in the world today. It has put out this informed consent list for patients about to undergo an abortion.

### **Sitting suspended 6.31 p.m. until 8.05 p.m.**

**Mr FINN** — Before the dinner recess I was talking about the threat to women's health that this bill and abortion in general pose, and it is a significant one. I was pointing out that Planned Parenthood of Australia has an informed consent form for a woman to sign before she has an abortion. The complications listed on the form include depression, mood disturbance and suicide. I would have thought there was no bigger threat to a person's wellbeing than suicide, and if that were to follow an abortion, that is something that none of us would or could allow to happen.

Before they vote for this bill members should be aware that abortion is not the great panacea it is presented as being. The abortion industry loves to say that all women have a right to abortion, that all women appreciate abortion and abortion will solve all your problems. Clearly it does not, and there are many instances — some of which I am aware of and many others that I am not — of women who have suffered deep psychological problems and indeed have committed suicide as a result of having an abortion. People should be aware that abortion is not God's gift to women. If anybody has that in their heads, get it out now. Abortion is not God's gift to women, and the form from Planned Parenthood of Australia certainly proves that.

Continuing on the track of the threat that this bill and abortion pose to the health of women, this legislation is based on a report from the Victorian Law Reform Commission (VLRC), as I am sure the house is aware. This report was commissioned by the Attorney-General, Mr Hulls, and once the report was returned to him he sat down and drew up the legislation — presumably it was he who drew up the legislation. Interestingly enough, it is such a bad piece of legislation that even he voted against it. We should take into consideration the fact that the instigator and father of this bill — if an abortion bill can have a father — thought it so bad that he did not even vote for it. When the vote came, he was sitting on the no side of the chamber. That should also be taken into consideration.

On the subject of the damage done to women by abortion, I am grateful once again to Charles Francis, AM, QC, a man known to many members of this house.

As I mentioned earlier, he is a man of enormous integrity who has done a great deal of research and work examining what abortion does to women. In a paper that I have received he says of the VLRC report that he believes it has let the show down badly. He believes the commission had a golden opportunity to examine exactly what abortion does to women and its effects upon them, but the commission members blew it; they did not want to know. Frankly, I do not entirely blame the VLRC for that, because the Attorney-General gave it very specific directions. He said, 'Get me a bill that will legalise abortion in Victoria', and that is what the commission has done. The commission gave him three options to legalise abortion in Victoria and, as I mentioned earlier, the Attorney-General has chosen model C with a twist — a very slight twist, but nevertheless model C with a twist.

The VLRC had a great opportunity to examine the deleterious health effects that abortion has on women, and Charles Francis said the commission had abundant evidence that abortion can cause psychological damage, depression and suicide. Other evidence the VLRC referred to included the Rawlinson report to the English House of Lords on the effects on women of abortion. It says:

This report indicated that a high proportion of women who had abortions suffered some adverse psychological consequences, and a significant number suffered serious psychological problems requiring treatment.

Anne Lastman is a highly qualified psychologist who over the last 12 years has treated over 1000 patients for mental problems following abortions, including many with psychological damage and/or depression. The services Anne Lastman provides at her clinic are free, so she derives no benefit whatsoever from the counselling work she does. Those post-abortion problems are fully explained and detailed in her book, *Redeeming Grief — Abortion and its Pain*. I have a copy and have read a good deal of it, and it is extremely interesting and illuminating about the problems of the psychological impact that abortion has on women. A copy of the book was provided to the VLRC. The author incisively analyses from her own extensive personal experience the mental health problems associated with post-abortion syndrome. Mr Francis says:

Although Anne may well be one of the best persons in Australia to advise the VLRC on post-abortion problems, the VLRC made no attempt to contact her and without questioning her further were very dismissive of her views.

As I said, that could be explained by the Attorney-General giving instructions that he just wanted a bill to legalise abortion. He was not particularly interested in the effects that abortion has on women, on

babies or on anybody else. He just wanted to legalise abortion and did not really care about much else.

It should also be pointed out, says Mr Francis, that successful legal actions have been brought in Australia and in the USA on behalf of women who have suffered psychological damage as a result of abortions. Mr Francis has made written submissions and personally consulted with Professor Rees, chairman of the VLRC, informing him of these legal actions. The first such case in which he acted is known as Ellen's case, the full details of which were provided to Professor Rees. Ellen sued on the basis that she was not warned the abortion could harm her mental health. For some years following her abortion she was crippled by a black depression which prevented her from working. Her condition was so bad that her husband had to give up work to nurse her. Ellen's case was brought in the Melbourne County Court and was settled at mediation on 28 September 1998.

The second case about which Charles Francis gave evidence is known as Meg's case, which was also brought in the Melbourne County Court. Meg had an abortion in 1997. She was informed that after her abortion she might pass some of the products of conception — I loathe that term 'products of conception'; we are talking about parts of the baby — and went home believing she might pass some placenta or other unidentifiable human tissue. After she went home, to her horror she passed what may have been the umbilical cord. Later she passed an entire leg, followed by the other leg of her unborn child. Thereafter she passed part of the spinal column, the rib cage and the chest area with bones, muscles and flesh. Finally came her baby's heart and a small, very clearly identifiable head with glassy eyes which appeared to be cold and staring.

Meg developed a gross post-traumatic stress disorder with severe depression, and I am not in the least bit surprised. I am surprised it did not have an even greater effect upon her. Meg sued in the Melbourne County Court on the basis that she was not warned the abortion could cause her mental harm. In her claim she also alleged failure to warn of the abortion-breast cancer link. When four years later, on 2 August 2001, Meg's case was settled at mediation for a substantial sum, she was still in a dysfunctional state — depressed and unable to work. This is the sort of evidence that the abortion industry will go to extraordinary lengths to avoid telling people. When it comes out it shocks even those who are perhaps firmly committed to the concept of freely available abortion. To have this sort of thing happen to anybody I personally think is intolerable.

Mr Francis goes on to say that he verbally advised Professor Rees of the factual details of these two cases and provided him with printed material, setting out the above details. At no time did Professor Rees question in any way the truth of what he was so informed, nor did he question that both Ellen and Meg had suffered psychological damage. Professor Rees was also informed by Charles Francis of other successful legal actions for damage to mental health, in some of which he had also appeared as counsel for the plaintiff. He had also assisted in similar cases in Pennsylvania which were settled for substantial sums.

The written submission of senior Melbourne barrister Michael W. Houlihan referred to his personal involvement in many civil cases in which women who had had an abortion sued the doctor who conducted the operation and in several cases also the hospital where the procedure was carried out. He said he had also read the reports and interviewed numerous other women who for various reasons did not become involved in litigation, most because they could not bear the trauma of reliving their experiences and some who were too damaged to be able to carry the burden of litigation. If it was anything like Meg's case that was referred to a little earlier, one can fully understand that. To experience something like that once would be bad enough. It would shock you to your very being, but to have to relive that once, twice or more times would surely put you in a severe state of psychological disrepair.

Michael Houlihan wrote:

Each of these women had been profoundly and permanently damaged psychologically by their experience. The damage in each case was sufficiently obvious and florid to induce the defendants to offer substantial settlements rather than hazard a jury's verdict.

There we have legal backing once again for the case that abortion damages women. I repeat that it is not the great panacea for women that the abortion industry likes to tell us it is.

Canadian professor Philip Ney is a psychiatrist who for more than 20 years has treated patients who are psychologically damaged by abortions, has done extensive research on this problem and has written articles and books on the subject. The VLRC was told he was possibly the leading expert in the world on this subject, and it was referred specifically to his book, *Deeply Damaged*, published in 1997.

The VLRC was also referred to the research and statistics of the prestigious Elliot Institute in Springfield, Illinois, in the United States. This institute collates medical material and statistical surveys of

matters concerning abortion from all over the world. The commission was provided with a number of research articles from the Elliot Institute and the results of a number of American statistical surveys published by it. Amongst the articles provided was a list of major psychological soliloquies on abortion by Dr David Reardon. This article was fully referenced and indicated that a major random study had found that a minimum of 19 per cent of women suffer from diagnosable post-traumatic stress disorder following abortion. According to this report, almost a fifth of women who have abortions suffer from diagnosable post-traumatic stress disorder. The article was thus highly corroborative of the evidence of Anne Lastman, of which the VLRC report was dismissive, and that is at paragraph 8.55 on page 117 of the report.

Further articles include 'Women at Risk of Post-Abortion Trauma', which refers to British research which found that 44 per cent of women who had abortions complained of nervous disorders and 11 per cent had been prescribed psychotropic medical treatment. The article also refers to Canadian research which found that 25 per cent of women who had abortions made visits to psychiatrists compared to 3 per cent of the control group.

A letter published in the *Times* in England on 27 October 2006 was also handed to the VLRC. That letter was signed by 15 medical consultants, including Professor of Psychiatry Patricia Casey; Andrew Sims, past president of the Royal College of Psychiatrists in England; and Gordon Stirrat, Emeritus Professor of Obstetrics and Gynaecology. The letter says:

Research has shown that even women without past mental health problems are at risk of psychological ill effects after abortions. Women who had abortions had twice the risk of major depressive illness as those who had given birth or never been pregnant. Since women having abortions can no longer be said to have a low risk of suffering from psychiatric conditions such as depression, doctors have a duty to advise about long-term adverse psychological consequences of abortion.

The VLRC was also handed a recent study in New Zealand undertaken by Professor David Ferguson, showing that women who have abortions are more prone to psychological problems. Professor Ferguson is pro-abortion but considers women should be warned of this risk.

The commission was also handed the work of Silent No More in Canada, an organisation which warns women of the physical and psychological harm done to them by abortion. Amongst other work, Silent No More does counselling similar to that of Anne Lastman here in

Australia. The commission was provided with Silent No More's leaflet and a DVD about its work.

The VLRC was also handed mandatory legislation applicable in a number of American states, which requires abortion providers to give women information about the risks of abortion, including the risks of depression and post-abortion stress syndrome. The commission was provided with a disclosure and consent form of abortion clinic, the Women's Health Centre — a misnomer! — of San Antonio, Texas. Amongst the risks listed are depression, or the blues, and post-abortion stress syndrome.

The VLRC was also handed the confirmation of informed consent form of the Planned Parenthood of Australia, which I read to this house earlier this evening. Amongst the complications of abortion listed in that form are post-abortion syndrome, depression or mood disturbance, and suicide. As I said, the commission was provided with a copy of this form.

The commission also received a copy of the *BMC Psychiatry* journal outlining a recent British study investigating abortion and post-traumatic stress disorder (PTSD), which suggests that PTSD increased by 61 per cent after abortion. The authors of this study call for more screening to be done prior to an abortion being conducted in order to help identify women at risk of PTSD and provide follow-up care.

The VLRC was also given a new statement by the British Royal College of Psychiatrists, which warns that no woman should abort her child without counselling on possible effects such as depression and even suicide.

On the issue of suicide — and that is something that should concern us all; I am sure it is something that a good many members of this house, if not all members of this house, were unaware was a side effect of abortion in many cases — the VLRC had a body of evidence demonstrating that one of the risks of abortion was the subsequent suicide of the woman who had had an abortion.

Amongst other evidence the VLRC was referred to was the 1997 government-funded study of maternal deaths in Finland. This study shows that in the first year following an abortion, aborting women were 252 per cent more likely to die compared to women who delivered, and many of the extra deaths were due to suicide. Suicide rates within one year of pregnancy ended by induced abortion were 34.7 per 100 000 as compared with 5.9 per 100 000 of suicide rates within one year of the delivery of a child. This rate is less than the annual rate for all women, which is 11.3 per 100 000.

The VLRC had plenty of information, but what a great pity it sought to ignore it. It had access to information on research undertaken in California in 2002 — this was a study of 173 000 low-income Californian women, which found that in the eight years following an abortion, women who had been aborted had a 154 per cent higher risk of death from suicide than other women.

The VLRC also had some information on the suicide of talented English artist Emma Beck, who had been pregnant with twins which were aborted. On 1 February 2008 she hanged herself. Her death was the subject of news articles of considerable interest. She left behind a suicide note, which read:

Living is hell for me. I should never have had an abortion. I see now I would have been a good mum. I told everyone I didn't want to do it, even at the hospital. I was frightened, now it is too late. I died when my babies died. I want to be with my babies — they need me, no-one else does.

All this information surrounding Emma Beck's death and the material in her suicide note was provided to the VLRC.

In light of all the above information provided to the VLRC, how could it say, as it did in paragraph 8.55 at page 117 of its report, that there was a medical and scientific consensus that psychological damage, depression and suicide were not material risks. The primary meaning of the word 'consensus' is unanimity, although in certain contexts it may mean a majority. If there is any such consensus, it may well be worthless. The determination of such risks should not be made by some vote but by such matters as the facts of medical evidence and medical science and from the results of properly conducted statistical surveys. The VLRC had more than abundant evidence corroborating these risks, but its reference to that evidence was minimal. Maybe an inquiry into this particular inquiry might be in order.

The VLRC was provided with information and evidence that abortion increased the risk of breast cancer. There has been a devastating increase in the incidence of breast cancer, especially among younger women. In Australia the incidence has risen from 1 in 11 to 1 in 8 women. The single most avoidable risk factor for breast cancer is induced abortion. The VLRC was informed that firstly, a full-term pregnancy at an early age provides a woman with a protective effect against breast cancer. Young, childless, pregnant women who have induced abortions of their first and second pregnancies will delay the age at which they have their first full-time delivery of a baby.

It is generally accepted by breast cancer epidemiologists that each one-year increase in age of a

first full-time delivery elevates a woman's lifetime risk of breast cancer. According to top Harvard University doctors, including the great Dr Brian McMahon, each one-year delay in the first full-term pregnancy and birth boosts the relative breast cancer risk by 19 per cent; a 10-year delay by 41 per cent; and a 20-year delay by 99 per cent.

The VLRC was also provided with information that tells us that in addition to an induced abortion leaving a woman with a higher risk of breast cancer by abrogating the protective effect of a full-term pregnancy, it is also an independent risk factor for breast cancer. Twenty-nine out of 38 worldwide epidemiological studies show increased risk of breast cancer associated with induced abortion. Of the 29, 17 found a statistically significant increase in risk.

The biological explanation for abortion as an independent risk factor for breast cancer relates to the maturation of cells which make up the milk glands from type 1 lobules to type 4 lobules. At birth there are primitive type 1 lobules which are very immature and which may have many terminal ducts or lobular units, where cancers are known to arise. These type 1 breast lobules develop into type 2 lobules at puberty, which are still primitive and susceptible to carcinogens. During the third trimester of pregnancy, after 32 weeks, the breast lobules mature into type 3 lobules. Type 4 are formed after childbirth and produce milk.

The results of a study in 1989 by Howe and others on women in New York State showed the risk. The methodology of this study was impeccable. The results revealed a statistically significant 90 per cent higher incidence of cancer among women aged under 40 who had had an abortion compared with a matched control group who had not had an abortion.

The information that the Victorian Law Reform Commission had evidence on goes on and on. It raises the question — and it is a question that needs answering by either the Attorney-General or the VLRC itself — 'Why was this information ignored when they had information which shows that something is a direct and immediate threat to people's health? Why did they ignore it?'. That is a question that must be answered. It is a question that has come directly out of this inquiry.

A body like the Victorian Law Reform Commission was given information — and members can see the list of information it had; I have only scratched the surface — and it has ignored it. It just does not want to know. Whilst the Attorney-General was very keen for the VLRC to give him a way of legalising abortion, there is such a thing as negligence. You have got to

wonder if the VLRC has committed an act of negligence by ignoring the information that has been provided to it. I think it just might have, and it is incumbent on the Attorney-General to hold an investigation into what happened with this inquiry. It is incumbent on the Attorney-General to find out what is going on down there with the VLRC and why it ignored all this information which clearly shows that women's health is in danger with an abortion. Not only did the VLRC ignore the information, it went the opposite way. In its report it said abortion should be legal in options A, B and C, particularly in C as we have discovered with this legislation.

I suggest to the Attorney-General that he should hold an inquiry into what occurred with the VLRC, why the VLRC ignored all of this information and why such information on psychological damage, breast cancer, infertility and a whole range of issues on which information was presented was ignored. I do not think that is good enough. I do not think the people of Victoria regard that as good enough, and I think the Attorney-General should also be of the view that it is not good enough. He should immediately find out why the VLRC took the action it did — or perhaps did not take action might be more to the point.

One area came to my attention that I had not been aware of before. I found an article on onenewsnow.com on 21 September. The headline reads:

Post-abortive men finally speak out.

The article begins:

A second national conference on the negative effects of abortion on men has been held, and more may be scheduled.

The conference's purpose explores the revelation that men experience ... profound regret and grief after an involvement in an abortion decision. Vicki Thorn of the National Office of Post Abortion Reconciliation and Healing —

which I presume is in the United States —

believes consideration and psychological care for post-abortive fathers is long overdue.

'It is time we began speaking about it, and that was my intent in being able to organise these two conferences — that we begin to speak through the veil of science about the fact that there is more than one partner in this,' Thorn explains. 'The pregnancy did not occur in a vacuum, and so there is both a woman and a man that are involved'.

This will come as a surprise to some in the feminist movement, I am sure. The article continues:

Thorn knows that fact from her own practice. 'I have had calls from men from the very beginning, when I first started doing post-abortion work, risking to share their experience

and see that, within the society, there is no validation for the fact that a male might suffer afterwards' she adds.

Over 70 per cent of relationships, according to Thorn, break up after an abortion. She claims the American Psychological Association (APA) misled American people in its recent claims that abortion is 'psychologically safe' for women. The APA refuses to recognise long-term effects on women, and certainly on men, but Thorn believes it is a legitimate problem that needs to be addressed.

Another psychologist at the conference, Catherine Coyle, believes pro-lifers should be more available to help men who are grieving an abortion and show them that they are not alone.

'It is the compassionate thing for us to do to recognise that some people — men and women — have profound grief and suffering after an abortion', Coyle contends. 'And if we are to be a compassionate society, we must validate their pain and provide the help they need regardless of where we may stand individually on the issue of abortion'.

There we have it! Not only is there overwhelming evidence to prove that abortion hurts babies' mothers, we are also starting to see some evidence coming to the surface that babies' fathers are also hurt by abortion. Nobody should be under any misapprehension at all that abortion does not do a lot of damage. We know that abortion kills babies, but it does a lot of damage to those babies' mothers, and we are now seeing a situation where the babies' fathers are also suffering as a result of a decision that has been made to kill the child.

During the lead-up to this debate I have been honoured to be invited to speak at a number of functions, public meetings, rallies and all sorts of gatherings of people around the place. On a couple of occasions I have addressed thousands of people on the front steps of this building: people from all walks of life — men and women, families, Catholics, Protestants, atheists — they came from everywhere to protest against this bill.

The first of those occasions was the Freedom to be Born march on 6 September, a sunny Saturday morning in Melbourne, as I recall, when some 6000 or 7000 people gathered in front of Parliament House, having marched through the city beforehand. I met a very impressive young lady of 22 who addressed the gathering in front of this building. I was so impressed and moved by what she had to say that I asked for a copy of her address to that gathering because I think what she said sums up the problems that a lot of women, particularly young women, face after an abortion.

The young lady's name is Madeleine Tope, and she addressed the thousands of people in front of Parliament House in the following terms:

I was 15 years old when I fell pregnant. My boyfriend, who I later had two children with, was 10 years older than me. My parents had significant issues with him, to the point where they had registered a formal complaint with police and got intervention orders put in place to stop him from contacting me.

When I fell pregnant there was no discussion, I was given no choice — I was just faced with the proposition that if I had my baby, my boyfriend would go to prison. I had to kill my baby to spare my boyfriend a jail sentence.

I was given no counselling. I was never asked why I wanted an abortion. No psychological, physical or medical risk was ever assessed — being 15 was enough. I saw no doctors for referral and the doctor who performed the procedure even circumvented the law by not telling my parents. I was 11 weeks pregnant and was rushed into having an abortion because at 12 weeks the procedure became more complicated and more expensive.

I submitted to abortion. I had no idea what I was getting myself into. I was offered no post-abortion counselling and was sent home, merely warned that I may feel emotional for the next couple of days. My emotional few days has now stretched into its sixth year. It is too painful to even comprehend that I did this. I let this happen. I watch it in my mind like it is someone else. I relive it every day, thinking that if I think about it enough maybe the outcome will be different. Maybe I'll say no, maybe I'll run, maybe my baby will have a different fate.

November 27, 2003. That date is burnt into my memory. I will never forget that day nor will I forgive myself for taking away my baby's chance at life.

Family Planning Victoria and Dr Christine Healy made the decision that I was not a suitable candidate to be a mother. They rushed me, pretended to support me, and coerced me into something I never wanted to do. I was alone, terrified and turned to them for help. They feigned concern, sold their product and patted themselves on the back because they stopped one more teen pregnancy.

As clichéd as it sounds, a part of me died when Noah was taken from me that day. I was left empty, despairing and hopeless. I was miserable and just felt nothing. I couldn't concentrate. I couldn't think. I needed my baby back.

Every day I would be on the internet, looking up the most horrible material I could find — videos, pictures, whatever — aborted foetuses; abortions taking place; what 11-week-old aborted babies look like. I went to pro-life chat rooms and forums, basking in the hatred directed at abortive mothers. I wanted to punish myself because it was the only way I felt connected with my lost baby — through grief, regret and overwhelming guilt. I felt worthless, I felt vile, I felt low but at the same time I felt close to my baby.

I became determined to get pregnant again. I needed my baby back. I gave birth to my replacement child, Lucas, in June 2006. The second I lay eyes on him I fell in love. No words can express how I truly felt; it didn't feel like I had waited nine months to meet my boy, but three years.

I fell pregnant four months after I gave birth to Lucas. Abortion was not an option, and so Lucas ended up with a little sister, Bethany. I felt no connection with her like I did with Lucas. I was diagnosed with postnatal depression. I could care for her and look after her but I couldn't love her.

I felt resentful of her, as if she was coming between me and Lucas. I felt so deeply attached to Lucas because he represents the baby I lost and I don't want to ever risk losing him again.

I started to punish myself about the abortion again. A decision made years ago was still destroying me. It was making me a distant and angry mother. I wanted to be there for my kids but my obligation to my lost baby to be miserable outweighed any will I had to be happy.

I sought help from counsellors that acknowledged the existence of post-abortion syndrome. I acknowledged and grieved for my baby Noah. I have turned my misery and grief into strength and courage.

I denied my son life and a chance, now I want to honour him and let his fate be known. He will help me make a difference. I will fight to the bitter end to spare all unborn children the same fate as my baby Noah.

While the pro-choicers may want to make the issue about legalising abortion all about taking away a woman's right to choose, an accurate examination of the issue at hand will prove that once again these so-called feminists are way off. If this bill to legalise abortion is unsuccessful, abortion will remain illegal. Most people don't even realise that it is illegal in the first place — its placement in the Crimes Act has not restricted a woman's right to abort at any point. In addition, a woman has never been prosecuted for having an abortion so the argument that abortive women are being treated like criminals fall short of resembling any kind of logic. A change to the law — legalising abortion — will only protect doctors. It will remove any criminal liability they have for ensuring the health of women and unborn babies — they will not have to provide counselling, they will not have to ensure that a woman isn't coerced into a decision, they will not have to ensure a woman is seeking a termination for appropriate reasons. Has it occurred to anyone that the only people that will benefit from these laws are doctors? They are trying to shirk their duty to do the right thing by women (not to mention the unborn) and I can't see why anyone, pro-choice or otherwise, would want that.

The lack of anti-coercion provisions and indignation from pro-choicers when it comes to mandatory counselling appals me. If there were anti-coercion provisions and mandatory counselling, my baby would be here with me today. And these politicians and activists are trying to tell me there is no need?

I don't need to preach to you what is wrong with abortion. We are killing babies and destroying their mothers' lives. Abortion is not a right — it is a crime, and it should stay that way. Every woman has the right to choose if and when they have a baby; however, once a woman is pregnant that choice has already been made.

If the issue is women's rights, let's talk about a society where a woman has the right to have her baby regardless of her situation. Let's talk about a woman's right not to have to choose between having a baby and having a 'life'. Let's talk about a woman's right to say no to abortion. And what about a woman's right to justice when her baby is unlawfully aborted?

Aside from the baby involved, abortion destroys lives. It destroyed mine and also hurt my children. It put a huge

burden on my son to live up to the idealised image I had of what my first baby could or would have been and put my relationship with my gorgeous baby girl in jeopardy.

It is not time for the decriminalisation of the most horrific and most unenforced crime of our time. It is time to stand up, fight back and enforce the crimes of unlawful abortion and child destruction.

So I urge each and every one of you to please fight. Never lose hope, never lose courage and never lose sight of what you are fighting for. Please remember my baby and do not let his fate be forgotten. Noah deserved better, I deserved better, my kids deserve better. The unborn and their mothers deserve better than abortion.

That was the address from 22-year-old Madeleine Tope on the steps of this building on 6 September, barely a month ago. There is a lot of noise out there at the front at times. I cannot tell you how quiet it was as she gave that address. It was as quiet as was loud the roar that went up when she finished, because in front of the crowd was a young woman who had been to the brink and come back again. She had been to hell and back, and she knows it and is prepared to admit it; she wants to help others and prevent them from going the same way.

She was begging us, as members of this house, to vote against this bill. She was telling us where she has been. She was telling us about the suffering she has been through, and she was telling us that this will be repeated over and over again if this bill is passed. There are so many reasons why this bill should be defeated. Madeleine Tope's story is most surely one of them.

As I said earlier, all members have probably received thousands of pieces of correspondence. Another story that caught my attention was signed by 'Cindy'. It said:

Good morning. I had an abortion five years ago. It is not the answer. No person should be put in the position of choosing whether another person should live or die, not just another person — your own child. It haunts you forever.

I did everything right. I am a married lady with two beautiful boys, and I fell pregnant with a little Down's syndrome baby girl. It was the hardest decision in my life, that I killed my child. I should have had her. In this day and age there is so much help for disabled children, I could have done it. I have a supportive husband and family. But I was scared. I should have hung on as that would have passed.

Decriminalising abortion will make it so much ... easier and obtainable for women to do the most disgusting and heart-wrenching procedure they will ever have to come across in their lives — deciding that their child is going to die today.

They need to know that it really does change the course of their lives, that they will feel empty and long to hold that little child that they created inside them. They need to know that whatever the circumstances that brought them to this point in time, they have a precious baby in their bodies, totally reliant on them as they are now a mother. They need to know that

there are services out there who are ready to help them after they have the child.

Please, please reject abortion. Do not make it legal. Listen to your heart and to the little children.

Thank you.

When you make a stand on an issue such as this and newspapers and television and so on report what you say, it is amazing the number of people who come forward with their own stories to tell. They open their hearts, many of them for the first time ever. Many of them have been holding back for a very long time. Over the last few weeks in my office I have had women in tears, telling me about their abortions and how they wish they had not done it. One woman had an abortion 37 years ago; she has not recovered. I have been able to get her some post-abortion counselling now, and hopefully that will help.

As I explained to her, I do not seek to condemn anyone. I certainly do not seek to condemn women who have had an abortion — the last thing I want to do is condemn women who have had abortions. I want to help women who have had abortions, particularly those who most need help, and God knows there are a lot of them out there.

This jolly little fairy story we tell, that abortion is a great thing for women, is not helping these women who feel really bad, many of them having felt bad for a long time, about what has happened, about what they have been forced into doing in most cases. I say to this house: I beg them to take on board these two life stories, these two stories of what two separate women have been through. They are two women of many who are in the same situation. If this bill goes through, that number will be multiplied many times over. This Parliament sends a message, and if that message is that abortion is okay, you are going to see more women heading to the abortionists and more women forced into abortion as a first resort, instead of it being something that should come way down the track, if at all.

On the other hand I have also had some good letters from people — for example, one from a lady who was 30 weeks pregnant; well, she was when I got this on 29 September. She wrote to me saying:

I submit this position respectfully in response to the Abortion Law Reform Bill 2008:

I am currently 30 weeks pregnant and mother to three small children — five, three and one year old. I wrote the email below when I was 24 weeks pregnant and have included a photograph of myself at this stage of the pregnancy.

I am sure those of you with particularly good eyesight can see it. She went on:

The issue

I understand that abortion usually occurs because women find themselves in difficult circumstances. I also understand that many of you, as politicians, desire to protect women from further trauma, by removing the threat of prosecution.

The answer

I believe the answer to this complex issue lies elsewhere. The answer is one that embraces both women and unborn babies, because both are deserving of our respect and protection.

Hear, hear! I could not agree more with that.

The unborn baby/the woman

In some ways one doesn't need to argue the value of the unborn baby, since we've all seen the 3D pictures and read about the amazing development that happens with each passing week. We know they are human, alive, and (I believe) incomparably valuable.

But what about the women? What of their hardships? I believe that pregnant women in difficult circumstances do not need legal abortion, they need support and courage. They need friends who can help them embrace motherhood, and face its challenges with courage and determination. (And where motherhood is a foolish option, they need support to embrace the possibility of adoption, which also incomparably blesses the life of an infertile couple.) Motherhood and adoption are decisions that take courage, but I believe women have what it takes. And such decisions make women stronger and proud of who they are and what they can achieve. At the end of the day, babies are worth every bit of the effort and every bit of the heartache of the nine months and beyond.

Right now

Perhaps this answer is not your responsibility as politicians. Perhaps it is up to us in the community. Or perhaps we can share aspects of it.

In terms of right now, however, I see the role of politicians as being to uphold or create laws that protect the innocent. The unborn baby is clearly innocent, having no control over their mother's difficult circumstances. This cannot be ignored. A woman's circumstances can potentially be turned around or even positively embraced, but the abortion of a baby is irreversible. Yes, abortion law needs to be clarified, but this clarification needs to focus on unquestionably protecting the innocent unborn child.

I've been feeling my baby move in my tummy for at least 10 weeks now (visibly for the last four weeks), and I'm very aware, that although she was a complete surprise to my husband and I, this baby is a gift — I just need courage and support to persevere through the difficulties, and ultimately enjoy her.

Thank you for taking the time to read my position on this important issue.

Respectfully, Kirsten Jack.

I can relate to what Kirsten said to me in that letter, particularly the last bit. Nearly four years ago when I was at Parliament House in Canberra, getting ready to catch a plane home to Melbourne, I picked up my bag and the phone rang. It was my wife. I said, 'Hello darling, what's happening?'. She said, 'Guess what?'. I said, 'What?'. She said, 'I'm pregnant'. I have to say this came as an enormous surprise. We thought we were well past that sort of thing. But at the age of 43 or thereabouts, there we were, going around for the third time. We already had two children, and as I mentioned earlier one of those children has autism, which presents its own set of challenges — but challenges are given to us to be met, and meet them we shall.

That was only the first part of the shock. I have to say I was very excited about this new baby in our lives, as surprising as the news was. Once we got over the initial shock, it was very exciting indeed. But that shock was nothing compared with what was to come. We went to see our doctor, who had delivered the previous two babies. When he was doing the ultrasound — not the full-blown ultrasound but the one using the little machine in the corner that checks the baby's heartbeat and that the baby is doing everything babies should do at that age — he looked at me and said, 'I think you had better get a second job. There's two of them in there'. Now that is a shock!

Therefore when Kirsten says, 'I just need courage and support to persevere through the difficulties and ultimately enjoy her', I can fully understand what she is going through, because to find out at the age of 43 that you are pregnant with twins — and my wife had had two very difficult pregnancies previously, and we already had a child with a disability — is challenge upon challenge. I have to say that we persevered and had two beautiful little girls — absolutely mad as snakes, they are! — and they are coming up to their third birthday in just a few weeks time. I would not be without them. They are the delight of my life, and they have made my life what it is today. I can very much relate to what Kirsten says as to the joy of having a baby, unexpected as it may be.

Abortion diminishes and degrades our society. To take the life of an innocent human being, a baby, is as bad as it gets. To take an innocent human being, a baby, to a pre-appointed place at a pre-appointed time and have that baby killed in a cruel and violent manner undermines our right to call ourselves a civilised society. The abortion industry will never put it in such blunt and truthful terms.

When I was preparing these thoughts I suddenly realised why it is such a pity that those who ply this grisly trade

and all who come in here to urge those of us who love life and would do anything to stop the deliberate destruction of life try to hide just what an abortion involves. The last thing these people want us to know is the truth. They want to hide behind bizarre euphemisms. Allow me to expose the pathetic lengths to which the death lobby will go to stop us knowing the truth.

**Debate interrupted.**

### DISTINGUISHED VISITOR

**The ACTING PRESIDENT (Mrs Peulich)** — Order! I take this opportunity to acknowledge in the gallery the Honourable Mark Birrell, a former Leader of the House and a minister in the Kennett government.

**Debate resumed.**

**Mr FINN** (Western Metropolitan) — It almost makes him a historic document, but it is good to see him!

Allow me to expose the pathetic lengths to which the death lobby will go to stop us knowing the truth. They call themselves pro-choice, which sounds very sweet. I totally accept, as I said at the very beginning of my contribution, that we are all able to make choices. I rejoice that we live in a society that honours freedom, liberty and the right to choose. Having said that, we know that the same society sets limits and parameters on so many of our choices. It is unconscionable that we would not do that. The very protection of the common good, the upholding of the rights of all in the community to life and liberty require that those charged with the responsibility of government make laws to delimit our choices and ban the exercise of certain choices.

Parliament makes laws for the good of all, which often involves limiting the exercise of the choices of others which conflict with the rights of our fellow citizens. Because those who promote freely available abortions have so twisted and debased the meaning of the word ‘choice’, it is necessary for me to explain what some might say is just common sense. However, as the witty English author G. K. Chesterton said 100 years ago, ‘The problem with common sense is that it is not all that common’.

It seems common sense to me that we would all agree choices need to be evaluated and assessed for the impact on ourselves and on others. A simple but not unimportant example is how our state deals with all the laws we have which restrict and limit our right to choose how we drive a car. We have no hesitation in banning the exercise of the right to choose when it

comes to driving on the right-hand side of the road at excessive speeds.

The list of restrictions on how we are forbidden to exercise our right to choose to drive is nigh on endless, and thank God it is. These limitations on our choices are saving human lives on our roads. Some of these limitations on our choices help save our own lives when we drive. I am thinking about our law which restricts our right to sit in our cars as we might like. Instead there is a law that makes us wear seatbelts, and thank God there is. Many of the restrictions on our choices are for the good of others. Some restrictions on our choices are for our own good. I am pleased that we as lawmakers take our duties and responsibilities seriously. In so many ways we are continuing to come up with new ways to prescribe and delimit the exercise of choice in the state of Victoria. Of course, we do it for the good of all.

Members should take a moment to imagine what sort of society it would be if we did not limit the exercise of choice in order to attain the common good and protect the rights of all. Every time I drive down Pascoe Vale Road in Strathmore in my electorate, down beside the Cross Keys Reserve, my mind is filled with the frightening images of how one of our fellow citizens decided one Saturday morning to exercise his choice to kill in front of children sitting in the back of a vehicle, watching their brothers play a football game. The man approached the vehicle, pulled a gun and shot the fathers of those children. Whatever the circumstances behind the brutal murders, we all condemn that exercise of choice, and well we should.

Those who champion the almost unrestricted availability of access to legalised killing of the unborn think they are very clever. They continue to try to hide behind the euphemism of a so-called right to choose. I am not even going to try to apologise for exposing these people who treat us as if we are stupid. We have all heard their meaningless mantras: ‘Abortion, a woman’s right to choose’; ‘Women must have control over their own bodies’; ‘Safe and legal abortion is every woman’s right’; ‘Who decides, you decide’; ‘Freedom of choice a basic right’; ‘I am not pro-abortion, I am pro-choice’; ‘Not the church, not the state, women must decide their fate’ — and it goes on and on.

The right to choose, the right to choose, the right to choose — they babble on forever. How many times have we heard these mindless mantras? This debate on an abortion bill which seeks mischievously to supposedly confer on some a right to kill innocent unborn babies right up until the moment of birth gives

us the perfect opportunity to scrutinise and blowtorch these vacuous but seductive slogans.

There is perhaps no better authority to which I can turn to expose these utterances than the very person who created and disseminated many of these slogans. I refer to one of the architects of freely available legalised abortion in the United States of America, Dr Bernard Nathanson, MD, who once headed the biggest debauchery in the world; a man who committed some 70 000 abortions with his own hands.

I had the pleasure of meeting Dr Nathanson and his wife when they first visited Australia many years ago now. It is a fascinating story, because here was a man, an abortionist, who, as I have just mentioned, had personally committed some 70 000 abortions. He got a bit bored with the abortion industry and decided, because obviously he had made his money and was doing very nicely for himself, to move on, and he went back to university and started studying foetology.

I should add that at this point that Dr Nathanson was an atheist of Jewish background — not a Catholic in sight, just in case you are wondering.

**Mr Guy** — A good thing!

**Mr FINN** — A good thing, says Mr Guy. Thank you very much. I will speak to you about that later.

Here was a man, an atheist of Jewish background —

**Hon. T. C. Theophanous** — Don't forget Greek Orthodox!

**Mr FINN** — I will get to the Greek Orthodox in a moment, Minister. You can be absolutely assured of that.

Here was a man who had been deeply involved in the abortion industry. He was regarded as the father of the abortion industry. It sounds like a misnomer to be called the father of the abortion industry, but here was a man who had been largely responsible for the setting up of the abortion movement in the United States of America. Of course, he had a thriving abortion business himself that worked 365 days a year, Christmas, Easter, Fourth of July, the whole box and dice. Whenever the sun came up, and probably a few times when it went down, the abortion business that Dr Nathanson ran kept going. As I say, 70 000 abortions were committed by his own hand.

One day while he was at university undertaking the study of foetology, the study of the unborn child, it struck him gradually, I suppose, that something was not

quite right in his previous life. In his own words he woke up one morning and looked in the mirror, as we often do, and said to himself, 'My God, what have I done?'. It struck him what he had done, that he had been involved in one of the most evil revolutions in the history of the world.

He had been personally responsible for 70 000 deaths, and indirectly responsible for the deaths of millions of others. Here was a man who had come full circle. That man has now committed his life to travelling the world trying to undo what he had done in a previous life. He has spoken on pro-life platforms on every continent. He has certainly been to Australia a few times.

That in itself is an indication. You do not see many pro-lifers going to the pro-abortion side, but when people who are involved in the abortion industry — and Bernard Nathanson is not the only one, by any stretch of the imagination — realise what they have done, generally speaking they work extra hard to try to make up for the damage they have created.

I want to quote from Dr Bernard Nathanson's best-selling book, *Aborting America*. In that book Dr Nathanson writes:

I remember laughing when we made those slogans up.

You have to remember that Dr Nathanson and his friends were founders of the pro-abortion movement in the United States of America. They sat around the kitchen table and formulated the campaign which saw abortion legalised in United States of America back in 1973, I think it was, with *Roe v. Wade*. Dr Nathanson writes:

I remember laughing when we made those slogans up. We were looking for some sexy, catchy slogans to capture public opinion. They were very cynical slogans then, just as all of these slogans today are very, very cynical.

The pro-abortion movement cleverly hid the grim reality of what it was peddling by hiding behind emotionally compelling slogans and giving the movement the seductive name of the pro-choice movement. These slogans became the fierce rallying cries of the most successful political marketing campaign in modern history — you have to give credit for that — which made abortion legal up until birth in the United States and is now being used in this state to secure the same right to kill.

It is interesting to note that in the United States of America it is very much the Supreme Court that decides these matters. At the last count there is one vote on the Supreme Court, probably a swinging vote at this point, to decide if *Roe v. Wade* will be overturned. I think it is only a matter of time, particularly if John

McCain and Sarah Palin are elected to the White House next month. It is only a matter of time before *Roe v. Wade* is overturned and each state will then be able to make its own abortion laws, as used to be the case many years ago. I hope and pray that will happen soon.

I must admit that the slogans which Dr Nathanson and his pro-abortion associates dreamt up 40 years ago in New York have resonated around the world. It is extraordinary the way they have almost been unchallenged, but today I am challenging them. I am exposing them for the fictions that they are. Dr Nathanson said:

We persuaded the media that the cause of permissive abortion was a liberal, enlightened, sophisticated one.

I am pleased that we now know that abortion is illiberal, gross and a pathetic insult to the true dignity of women as well as being lethal to babies and perhaps basic to our society.

While we are focusing on the death peddlers, let us hear a few more sentences from Dr Nathanson. He said:

Knowing that if a true poll were taken, we would be soundly defeated, we simply fabricated the results of fictional polls. We announced to the media that we had taken polls and that 60 per cent of Americans were in favour of permissive abortion. This is the tactic of the self-fulfilling lie. Few people care to be in the minority. We aroused enough sympathy to sell our program of permissive abortion by fabricating the number of illegal abortions done annually in the US. The actual figure was approaching 100 000 but the figure we gave to the media repeatedly was 1 000 000. Repeating the big lie often enough convinces the public.

That is true. Lies like 'Unborn babies are not human' or 'Abortion is good for women' are rippers!

The public was largely seduced and duped for 40 years. Now people are finally waking up but, sadly, the abortionists' big lie has worked up until this point to the detriment of so many.

At the same time this bill is before the Victorian Parliament, abortion on demand is under attack in the United States after 35 years, and moves are afoot in Britain to restrict the killing of unborn children after a certain age. In Victoria we are going the other way — it is absolutely extraordinary.

In the past few years I have often wondered: at what age does the sisterhood begin? So many female babies throughout the world are killed purely on the basis of their female gender. All these babies are killed just because they are female, and I have wondered: where are the feminists jumping to their defence? Instead of that defence, we get legislation that will make that

lethal discrimination a fact of life — or death — right here at home.

People talk about how laws and the attitudes of government change cultures. My wife Cathy, who is a nurse, was talking to one of her colleagues, a fellow nurse from China, at work the other day. She was explaining that a few months ago she had had twins and that they were all going well; that it had been a bit difficult — as Cathy having babies tends to be — but we had got through it. That Chinese nurse's only comment was, 'Why didn't you have an abortion?'. She comes from a culture where abortion is the accepted way to go and where girl babies are killed at a much greater rate than boys.

I do not want that to happen here. I would hate to think that an Australian's first response to finding out that somebody had had twins would be to ask, 'Why didn't you have an abortion?'. I do not want that to happen here, but this legislation could well see that happening. It is not on. It is interesting to consider what effect sex-selection abortion will have down the track, not just in terms of how many babies are killed but also in terms of how many females are available to marry and do all those sorts of things that I suppose we all intend to do at some stage.

I have a little book here; I am not sure where I got it, but it is a very good book. It is called *Why Pro-life? Caring for the Unborn and Their Mothers*, by Randy Alcorn. I do not know whether Randy is a male or female; I am assuming male, but I could be wrong. It has a very interesting few paragraphs on the issue of sex-selection abortion and the number of female babies who are killed purely on the basis that they are female. It begins:

Susan B. Anthony stood for women's rights at a time when women weren't even allowed to vote. She referred to abortion as 'child murder' and viewed it as a means of exploiting both women and children. Anthony wrote, 'I deplore the horrible crime of child murder ... No matter what the motive, love of ease, or a desire to save from suffering the unborn innocent, the woman is awfully guilty who commits the deed.'

I suggest she was well before her time. The quote continues:

Anthony's newspaper, *The Revolution*, made this claim: 'When a woman destroys the life of her unborn child, it is a sign that, by education or circumstances, she has been greatly wronged.'

Anthony and other feminists who opposed abortion were followed decades later by a new breed of feminists. Most prominent was Margaret Sanger, who advocated abortion as a means of eugenics, economics, and sexual liberation. After eugenics fell into disfavour following the Holocaust, her organisation went underground, then later resurfaced as the

Planned Parenthood Federation. Sanger and others who followed Anthony tried to tie the abortion agenda to the legitimate issues of women's rights.

...

One of the ironies of feminism is that by its advocacy of abortion it has endorsed the single greatest means of robbing women of their most basic right — the right to life.

Abortion has become the primary means of eliminating unwanted females across the globe. A survey of a dozen villages in India uncovered a frightening statistic: out of a total population of 10 000, only 50 were girls. The other girls, thousands of them, had been killed by abortion. In Bombay, of 8000 amniocentesis tests indicating the babies were female, all but one of the girls were killed by abortion.

Because of sex-selection abortions, two-thirds of children born in China are now males. In the countryside, the ratio of boys to girls is four to one.

Amniocentesis is also being used to detect a child's gender in America. *Medical World News* reported a study in which 99 mothers were informed of the sex of their children. Fifty-three of these preborns were boys and 46 were girls. Only one mother elected to abort her boy, while 29 elected to abort their girls.

More girls than boys are now being killed by abortion. To kill an unborn female is to kill a young woman. There can be no equal rights for all women until there are equal rights for unborn women.

I think that is an extremely good point — a very good point, indeed — but for the purposes of what we are referring to here, there is nothing in this legislation about an unborn child being killed because of her gender. We live in a multicultural society, and as Victorians and Melburnians we are very proud of the multicultural society in which we live. It is a great place and multiculturalism adds to our way of life, but it concerns me that there are some sections of this multicultural society that will use this law to kill their female babies. They will have a sex test, and then they will go to an abortion clinic to kill their babies. It is happening in China, in India and in the United States, and probably in a lot of other places. I do not want to see that sort of thing take off here, but under the legislation that we are debating this evening and we will be voting on within the next day or two, that is exactly what is allowed — abortion for any reason: the killing of a baby because that baby is female. That is pretty revolting and absolutely intolerable. I ask the house to consider that issue.

Many aspects of this bill have not been considered, and I trust that they will be taken into consideration by the house, because these are matters that go to the very root of life and death. There would be many people, some perhaps who would regard themselves as being pro-abortion, who would be appalled to learn that some

children could be killed because of their gender. That is just not on, but under this law it could be. There is nothing in this law to stop that from happening. God help us if we ever go down that path! In my view, it is a terrifying prospect.

The attitude as expressed by the nurse who works with my wife will move right through the medical profession and the nursing profession if this legislation is passed; there is no doubt about that. Abortion will be as much a part of their core business, as it were, as will be delivering babies, and in a good number of cases I would suggest that it would be more lucrative and far easier.

There is also the issue of the right of conscience for medical practitioners and for nurses being very much up for grabs through this legislation, because we see that some doctors would be forced into referring women for abortions and effectively becoming accomplices to a murder, as they would see it. It would be a fair and reasonable thing to say that is what they would be — they would be accomplices to the killing of a child.

I have received a good number of items of correspondence on this particular subject, including a letter I received last week from Doctors in Conscience against Abortion Bill. Instead of going through each piece of correspondence individually, I think it is important that this argument be placed firmly in the spotlight. I think this letter from Doctors in Conscience against Abortion Bill very much sums up the argument. I will refer to the letter in passing to illustrate what arguments have been placed against clause 8 of the bill.

The letter, addressed to me, states:

Abortion Law Reform Bill 2008

We are a newly formed group of Victorian doctors from a range of medical specialities, with diverse backgrounds, representing various faiths and none. We call upon the Victorian government to reject the Abortion Law Reform Bill 2008.

We consider the proposed legislation to be poorly framed and unnecessarily coercive. It is based on false premises, incorrect definitions and is not reflective of current clinical realities nor is it supportive of vulnerable pregnant women.

1. The anti-conscience clause.

Clause 8 of the bill is unconscionable and unprecedented in this country.

We believe it to be an attack on the basic human rights of health professionals which undermines their moral integrity and professional autonomy. The state should not coerce its health professionals to participate in the taking of human life. Many doctors, nurses and pharmacists, with strong ethical, religious and cultural beliefs against abortion will have to

consider whether to continue to practice in breach of the law or to discontinue working as healthcare professionals in this state.

We concur with the position put forward by Dr Doug Travis, president of the AMA (Victorian Branch):

The bill infringes the rights of doctors with a conscientious objection by inserting an active compulsion for a doctor to refer to another doctor who they know does not have a conscientious objection. Respect for a conscientious objection is a fundamental principle in our democratic country, and doctors expect that their rights in this regard will be respected, as for any other citizen.

We believe the right to conscientiously object to participation in the process of abortion, either directly or through referral, should also be respected for nurses, pharmacists and other health-care workers.

They go on to talk about many other facets of this bill that they are very concerned about. I note that the names of some of the people who have signed this particular letter include Professor Emeritus Graeme Clark, Dr John Neil and Dr Julie Quinlivan — a number of very prominent doctors who have expressed their concerns about this bill.

I can understand why they feel that way, because if doctors and nurses are forced into doing something that they do not want to do, there is a fair chance that they just might walk away. We might have a situation where excellent doctors, people who have served their communities for many years — and done so in a way that makes them and those around them proud — will just walk away, and we will lose their services, and I think that is exactly what the pro-abortionists want to happen.

I have here an article from the *Herald Sun* of 3 October, written by Dr Sally Cockburn, a GP, medical health advocate and chair of Family Planning Victoria. I worked with Sally many years ago at 3AW and got on very well with her — perhaps up until tonight — for quite some time. I must apologise to her if I misled the house in saying that she was working for Marie Stopes International. I think she got a bit upset about that, and I did not quite get to the bottom of it. So if I have misled the house and have defamed Dr Cockburn about her association or non-association with Marie Stopes International, I apologise.

I know how I would feel if I were associated with Marie Stopes International. I would sue the tail off anyone who suggested that I would have anything to do with that group, so I can understand why Dr Cockburn would be feeling that way. Dr Cockburn pretty much sums up the attitude of the pro-abortionists towards those doctors who really cannot come at killing a baby.

Leading into the last paragraph of an opinion piece in the *Herald Sun* of 3 October she says:

I feel confident that the proposed new law reflects current practice, even in Catholic public hospitals. It is safe for parliamentarians to vote in favour.

And this is the cruncher — I want members to listen to this:

Maybe the doctors with the strong objections should consider a niche that won't challenge their moral views.

In other words, if you do not believe in abortion, if you will not perform an abortion, if you will not refer someone for an abortion, get the hell out of medicine! That is the attitude of the abortionists, that is the attitude of the abortion lobby and that is the attitude of the abortion industry. If you do not toe the line, if you do not kill babies, you can get out of medicine. It does not matter how long you have been serving your community. It does not matter how good a doctor you are. It does not matter how highly you are regarded. If you will not toe the line of this fascist new regime of the abortion industry, you can get out. That is what Sally Cockburn is saying, and she is saying it on behalf of the abortion industry. That is truly despicable, and I stand here tonight prepared to defend the rights of doctors, nurses and other health professionals who have a conscientious objection to being involved in the killing of children.

We have also seen in the *Herald Sun* of Monday this week a story following another big rally on the steps of Parliament House, which I was very pleased to speak at on Sunday, where nurses too have said they may be forced to quit as a result of this legislation. The story in the *Herald Sun* is by Brigid O'Connell and Nick Higginbottom, and it says:

Nurses have warned that new abortion laws could professionally and morally compromise Victorian staff and prompt an exodus to the aged care sector.

Bioethicist and registered nurse Jo Grainger said the laws would take away a nurse's right to object to assisting a pregnancy termination up to 24 weeks during an 'emergency abortion'.

As we heard a bit earlier, there is no such thing as an emergency abortion, so that may be something that the navel gazers might discuss at some length. It continues:

'If a surgical nurse is asked by a doctor to assist — and it can be any doctor, not necessarily an obstetrician — they are compelled to under the new laws' she said.

A letter from health minister Daniel Andrews —

and he has covered himself in glory with this —

to the Australian Nursing Federation confirms that nurses in operating theatres would not be covered by the bill's 'conscientious objection' clause.

Mr Andrews said the clause only applies to nurses 'providing direct services to women', such as a nurse practitioner.

'The purpose of the clause (is to) ... make it clear that where such an objection is held, that certain duties to the woman still apply, these being to disclose the belief and make an effective referral, and to act in an emergency despite the conscientious belief', he says.

But nurse Justine Armstrong, who has put her registration renewal on hold pending the outcome of the legislation, said surgical nurses could oppose abortion on numerous grounds.

'I've had a miscarriage so it would be double trauma for me to participate in an abortion', she said.

Kate, a government secondary school nurse who did not want to be identified, said while she could not give students Panadol, she would be allowed — and possibly compelled — to give students abortion drugs.

'My concern is that because I'm at a government school I'll be asked to administer abortion drugs, but I'd rather walk out of my job than give that drug to 13 or 14-year-olds', she said.

I should add that those abortion drugs would almost invariably be administered without the authority or even the knowledge of the parents of those 13, 14 or 15-year-olds.

We have a situation, as explained, where a nurse cannot give Panadol to a child with a headache but under this law can administer drugs to bring on an abortion. What is going on in our society? What is going on in Victoria in 2008? It is not very often that I am stuck for words, as most people who know me will be aware, but on this occasion I am very close to it. I do not quite know what is in the mind of somebody who would force a nurse to give abortion drugs to a child but not allow the nurse to give the child a Panadol for a headache. What is going on? You have to ask: has the world gone completely mad?

**Mr Drum** — It's Victoria.

**Mr FINN** — It is Victoria in 2008; Mr Drum is right. We see nurses threatening to walk out of the system — just what we need at a time when the health system is on its knees, pleading and begging for more nurses. The hospital my wife works at is on the phone every day asking her to work. She only wants to work one or two days a week, but she could be on full time if she wanted to be. They are begging for nurses. We have a situation where this law will force nurses out of nursing, which does not make much sense to me, I have to say.

We see a similar situation with doctors. It has to be said that we have a shortage of doctors in the state,

particularly in country areas. But an article in the *Australian* last week states:

New abortion laws in Victoria would prompt an exodus of doctors from the state's already stressed health system, a new doctors' group has warned.

...

The Doctors in Conscience against Abortion Bill group yesterday criticised the alleged lack of a true 'conscientious objector' provision in the bill, which would give Victoria the most liberal abortion laws of any state.

Here we go; we are putting abortion ahead of the health of ordinary men, women and children in this state. We are putting our health system in jeopardy because we regard abortion as more important. Is this or is it not some sort of ideological push? Surely it is. The health of ordinary Victorians is far more important than killing children. The right to a conscientious objection is fundamental to any civilised, decent society. If you take away that conscientious objection, you lose your right to call yourself civilised or decent.

On the subject of conscience, I am very glad that I am in a party that allows a conscience vote on an issue such as this. I am also pleased to note that the majority of my friends here in the Liberal Party will be voting and have voted in the other place against this bill. Sections of the Labor Party have also given their members the conscience vote, and I commend them for that. But there is one faction in the ALP that I have to say has absolutely disgusted me. The Socialist Left likes to parade itself as the epitome of all that is noble and good, does it not? We have been seeing that for years. Its members get up there and beat their chests and tell us all how good they are. But after denying their members — —

**The PRESIDENT** — Order! Regardless of the length of time Mr Finn has taken so far, which he is entitled to do, I am not convinced that his current comments on the workings or otherwise of a faction of the government have anything to do with this bill whatsoever, so I am raising the issue of relevance. As far as I am concerned, it is not relevant to the bill.

**Mr FINN** — On a point of clarification, President, are you suggesting that the fact that members of a faction of the Labor Party have been denied a conscience vote on this bill is irrelevant to this debate?

**The PRESIDENT** — Order! I am saying that Mr Finn's criticism of the way the Socialist Left faction of the Labor Party operates is of no relevance to this bill.

**Mrs Peulich** — On a point of order, President, whilst the issue may be somewhat sensitive for the

Labor Party, it is crucial to the debate, given that there is a provision in this bill in relation to — —

**The PRESIDENT** — Order! Mrs Peulich — —

**Mrs Peulich** — President, you have not even heard me — —

**The PRESIDENT** — Order! If Mrs Peulich has a point of order, she can raise it; she is not able to debate her point of order.

**Mrs Peulich** — May I resume, Mr President?

There is a provision in the bill to do with denying people a course of action on the basis of their conscience, and it is highly relevant for Mr Finn to compare and contrast the manner in which this operates amongst politicians with the manner in which it operates within the profession, because there is a little bit of a contradiction there.

**The PRESIDENT** — Order! I am of the view that Mrs Peulich is drawing a long bow on that issue. During the course of his contribution Mr Finn has quite eloquently made reference to the issue of conscience on numerous occasions. He is currently criticising the operations of a faction, which in my view have no relevance at all to this bill. That is my decision; it is my call.

**Mr FINN** — Mr President, I accept that it is your decision. It is your call, but I must say I find it very hard to understand how a comment about a person's decision or inability to make a decision as to how they vote on this bill is irrelevant to this bill. But, as you say, it is your call. I will be scratching my head for a very long time on that one. The point has been made, and it is regrettable that it occurred. It is a good thing that the majority of us have a conscience vote in this Parliament on this bill.

**Ms Mikakos** — On a point of order, President, I regret having to do this, because up until now every member in this place has been respectful of the other — —

**The PRESIDENT** — Order! What is Ms Mikakos's point of order?

**Ms Mikakos** — The comment Mr Finn has made is deeply offensive to me and, I am sure, to my colleagues. He is suggesting that members of the government have been pressured in some way. If Mr Finn has any proof of that, I challenge him to take the matter to the Privileges Committee — —

**The PRESIDENT** — Order! Ms Mikakos is quite aware that what she is raising right now is not in fact a point of order. If she wishes to debate it, she will not be allowed to. I have asked her twice to make her point of order; she has failed to do so.

**Ms Mikakos** interjected.

**Mrs Peulich** — I recall an email from one of your side that shows that is exactly what you have done.

**Mr FINN** — Mrs Peulich is spot on; she is on the money. It is well known, but we will not go into that right now. It is a bit controversial but not uncommon for this horror of abortion that we have seen sweeping the world over the past 30 years to be compared to two other periods in world history where humanity has also suffered to a very large degree. I refer to slavery in the United States — —

**The PRESIDENT** — Order! This is really unfortunate for Mr Finn, but it is not okay or appropriate for people in the gallery to photograph in here. I ask the security staff to keep an eye on anyone in the gallery who may attempt to photograph members in the chamber.

**Mr FINN** — As I was saying, there are two other eras in human existence that have been comparable to the last 30 or 40 years when millions upon millions of babies have been killed by abortion throughout the world. One is slavery and the other is the Holocaust and the final solution that Hitler attempted back in the 1930s and 1940s. Whilst researching my speech for this debate I came across a website called BlackGenocide.org. It makes a compelling comparison between three incidents — the final solution, slavery and abortion — particularly in the United States, but it could easily be here or Europe or Asia or anywhere else. It makes five points, and I would like to explain these to the house.

The first point of comparison is that:

Personhood is always redefined to exclude the intended victim class.

It says that in 1935 the Nazis enacted the Nuremberg laws, which:

... codified the exclusion of Jews from German society. The next year ... Germany's highest court ... essentially legalised the Holocaust. Cartoons routinely depicted Jews as pigs, dogs, rats and other vermin.

In relation to slavery, the website says:

In 1857, the US Supreme Court declared blacks '... a subordinate and inferior class of beings ...' in *Scott*

v. *Sandford*. Black slaves were often assigned diminutive names, such as ‘Mingo’, that were normally reserved for pets.

And in relation to abortion:

In 1973, the US Supreme Court found that ‘the word “person”, as used in the Constitution, does not include the unborn’. Today, unwanted children are spoken of in dehumanising terms such as ‘embryo’, ‘foetus’, ‘products of conception’, et cetera.

A second point of comparison made by the website is that:

Genocide is often framed in the language of ‘choice’

The Nazis asserted that the racial make-up of the German nation was an internal matter for the German people to decide. They also emphasised Hitler’s choice, his ‘will to power’, as a Nazi propaganda film put it.

In terms of slavery, it continues:

In the senatorial debates of 1858, Stephen Douglas said that he was personally opposed to slavery —

does that sound familiar? —

but that each state should have the right to choose whether to be a slave state or a free state.

Pro-abortion advocates argue that if pro-lifers don’t like abortions, they shouldn’t have them. Abortion is not mandated; it is a matter of personal ‘choice’.

A further point of comparison is that:

Victim class tends to be people who have what we want or get in our way.

In terms of the final solution, the website says:

Eastern Europeans owned land that the Nazis wanted for ... living space ... for the German people. Jews owned material wealth that Nazis wanted for themselves.

In terms of slavery:

Blacks owned the work product that slave owners desired for themselves. The loss of this uncompensated work product would deprive slave owners of material wealth they desired to maintain.

With regard to abortion, the website says:

Killing babies is often justified based on the desire to acquire material wealth and/or maintain lifestyle. Babies get in the way of career development, women’s rights, sexual freedom, et cetera.

The second-last point of comparison is that:

Victim class is often seen as a ‘disease’ on society or as diseased themselves.

‘Parasites’ and ‘bacilli’ were words used by Nazis to describe Jews and other targeted for extermination.

In terms of slavery:

Benjamin Rush, a leading American scientist who personally opposed slavery, speculated that all blacks were really leprous, diseased, whites in need of a cure.

The website goes on to say:

In his medical textbook *Abortion Practice*, Warren Hern analogises the unwanted, unborn child to a disease, the treatment of choice for which is abortion.

The final point of comparison the website makes is:

Resources are inadequate to care for intended victim class if they are allowed to live.

The Nazis justified killing ‘useless eaters’ based on the fact that they were using up resources needed by the German people.

Pro-slavery advocates justified the continuation of slavery because they said the slaves, if emancipated, could not take care of themselves and would be a drain on society’s resources.

Pro-abortion advocates attempt to justify abortion by stating that there are inadequate resources to care for all unwanted babies if they are not killed by abortion.

One day there will come to this society, to this nation and to various nations around the world a time of realisation. There will come to our society a time when we will realise what we have done. Just as 100 years ago the Americans finally accepted that blacks were human and that slavery was wrong and a social evil, and just as the Germans now hang their heads in shame about what happened in the Holocaust, we will accept that unborn babies are human. We will hang our heads in shame at what we have been responsible for. We will hang our heads in shame that we stood back and allowed millions upon millions of tiny children to be slaughtered. That day, when it comes, is not going to be pretty. In some ways I am really hoping that I will not be here to see it. That is how nasty it is going to be.

Whilst there will be some people who have tried to stop this, the vast majority, according to the polls, will feel themselves implicated in the horror of abortion we have seen throughout the Western world, the Eastern world, Asia and South America, although there are some parts of South America that have a strict pro-life policy with regard to these matters. Millions of people will feel the enormous guilt of having been involved in the horror of abortion — Holocaust Mark II, if you will — that has swept the world in the past 30 or 40 years.

Here in Australia alone somewhere between 80 000 and 100 000 babies are killed by abortion every year. At the MCG a week and a half ago there were 100 012 people at the grand final. The abortion rate is the equivalent of

dropping a nuclear device on the MCG every year — filling the MCG with people and blowing it up. That is the abortion rate in Australia every year — 100 000 babies killed every year. Here in Victoria some 20 000 to 30 000 babies are killed at the hands of abortionists every year.

We know what is going on; the politicians know what is going on and the government knows what is going on — and I am talking about both parties going back 30 years. The police know what is going on; everybody knows what is going on, but we have decided it is far easier just to look the other way. Here we have a piece of legislation that does not look the other way but wants to make abortion a legitimate and legal activity — something you can do for no reason at all. You do not need any medical reason. You do not need any reason at all. You just ask your friendly, local abortionist if you can pop down. They will make a time for you, and that is exactly what you do. That is something we will regret for a very long time.

**Business interrupted pursuant to standing orders.**

## ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) 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.

### ADJOURNMENT

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

That the house do now adjourn.

### School buses: Bendigo

**Ms LOVELL** (Northern Victoria) — My adjournment debate matter is for the Minister for Education. I request that the minister investigate the management of buses around Bendigo's four new secondary colleges with a view to improving safety for students and motorists, including a renewed commitment to construct an indented bus parking area at Crusoe Secondary College.

Kangaroo Flat residents are concerned that construction of the Crusoe Secondary College will not include the promised indented bus parking area. A glossy Brumby

government brochure sent to residents this year included details of an indented bus bay in MacKenzie Street west, but when the residents attended a meeting they were horrified to see that plans for the site did not feature any provisions for buses arriving at one of Bendigo's major school bus interchanges.

Despite assurances by officials from the minister's department that the matter would be investigated and details communicated with residents around the school, the residents are still waiting for a response. Each of the sites at Kangaroo Flat, Eaglehawk, Flora Hill and White Hills has sufficient area to allow the construction of special bus bays that will increase the safety of students and reduce impediments to traffic flow on busy streets.

Planning for each of the new secondary colleges should include indented off-street bus areas. Bendigo residents have already experienced the debacle of the local bus routes when the Brumby government contributed to central business district congestion with the increased number of bus services originating and terminating in Mitchell Street.

The minister must investigate the management of buses around Bendigo's four new secondary colleges, with a view to improving safety for students and motorists, including a renewed commitment to construct the indented bus parking area at Crusoe Secondary College.

### Teson Trim: closure

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Regional and Rural Development, Jacinta Allan, and it concerns the recent announcement of the closure of the car parts manufacturer Teson Trim in Euroa last week. Teson Trim has been operating in Euroa for more than 30 years and has supplied interior trims to the big car makers, Ford, Toyota and Holden. Some 96 staff were employed at the Euroa site, and it is the town's biggest employer. Euroa's population is just under 2800 so this is a big blow to the town, and we can also appreciate the angst that this announcement is causing within the Euroa community.

Minister Allan is to be congratulated on her quick response to the announcement of the closure by visiting Euroa last Friday and attending a meeting with workers from Teson Trim, representatives from the Strathbogie Shire Council, Regional Development Victoria, the Goulburn Ovens TAFE and Skills Store, and me.

The immediate concern of those at the meeting was to ensure that workers at Teson Trim received the right

assistance to find new employment and training opportunities. A number of government agencies and the Strathbogie Shire Council have responded rapidly to examine ways the workers and their families can be supported as well as opportunities for future economic development within the town.

Given this, the specific action I request of the minister is that she outline how the government is providing support and assistance for workers affected by the closure of Teson Trim in Euroa, and I also call on the minister to outline how the government is supporting future development in that town.

### **Planning: Cardinia land**

**Mr O'DONOHUE** (Eastern Victoria) — My matter this evening is for the attention of the Minister for Planning, Justin Madden. It relates to the unfortunate situation of Mr Rudi de Jong. Mr de Jong is the owner of the business known as West Gippsland Fertilisers, which for a long time was based in Cardinia, and after consultation with the Cardinia and Casey shires it was agreed, back in 1999, that his business would relocate, and a suitable alternative location was found in Koo Wee Rup. The basis of the agreement with the Shire of Cardinia for the relocation of his business was a section 173 agreement that was entered into between his business and the council.

After moving his business from Cardinia to Koo Wee Rup, Mr de Jong, pursuant to the section 173 agreement, applied to subdivide his property in Cardinia, via a three-lot subdivision. Between the section 173 agreement and the application for the three-lot subdivision, Mr de Jong's property was rezoned to green wedge, which prohibits a subdivision save for those which can receive parliamentary approval.

This matter has been going on for many years. Mr de Jong has spent many hours trying to work this through the system. The Shire of Cardinia is supportive of the section 173 agreement and the proposal that was agreed on. I understand that the government, broadly, is agreeable as well, given the nature of the land in question and its location close to the Cardinia township, and the longstanding agreement that applied.

I previously raised this issue with the minister during the adjournment debate in November last year, and whilst I received a reply from the minister in January, unfortunately the issue is still outstanding. It is not good enough. It has had a detrimental impact on Mr de Jong despite the fact that he entered into an agreement for the benefit of the town of Cardinia and of business in West Gippsland, and I ask the minister to urgently examine

this issue so that a satisfactory resolution can be reached as soon as possible.

### **Graffiti: Maribyrnong**

**Mr PAKULA** (Western Metropolitan) — My adjournment matter is for the Minister for Police and Emergency Services. It concerns the matter of graffiti in the city of Maribyrnong. We have had some significant discussion in this place earlier this year about graffiti, and part of the reason for that is that Victorians consistently rank graffiti as one of the most commonly perceived neighbourhood problems after theft from homes and dangerous driving.

In a 2005 survey more than one in four Victorians identified graffiti vandalism as a common problem in their neighbourhood. In 2005 a Department of Justice survey identified graffiti as one of the top three issues of concern for Victorians, with 10 per cent citing it as their main concern.

People react to graffiti in a range of different ways, and many people, especially the elderly, feel less safe because of the presence of graffiti in their neighbourhood. It feeds into perceptions that an area is being impacted by crime, and people often avoid heavily graffitied areas even if they are at their local shops.

There are also considerable costs because of illegal graffiti, and the public bears the brunt of this. It has the habit of creating delays on public transport because of the need for rolling stock to be removed from service to be cleaned; residents often have to clean graffiti from their own property, and traders are often impacted by their businesses being tagged, so all taxpayers bear the costs of having to remove graffiti from public assets through higher council rates and insurance premiums.

Many constituents raise with me concerns about graffiti in the city of Maribyrnong. There are a number of hot spots where illegal graffiti occurs, which is frustrating for residents and business owners, and they include the Footscray shops, the West Footscray shops, the area around my electorate office in Yarraville, the Churchill Avenue shops in Braybrook, and even the Hansen Reserve in West Footscray, which is regularly targeted.

I was a strong supporter of the government's legislation which cracked down on illegal graffiti and included heavy penalties and on-the-spot fines for carrying implements for the purposes of marking graffiti. The action I seek from the minister in this instance is that he provide grants for the removal of graffiti, and for him to make those grants available to the local council, to the local community and to traders groups in Maribyrnong

so that the residents of the city of Maribyrnong can join together and ensure that they live in safe and clean suburbs and that they can, on that basis, continue to enjoy living and working in the area.

### **Port Phillip: parkland fitness programs**

**Mrs COOTE** (Southern Metropolitan) — My adjournment issue is for the Minister for Environment and Climate Change and is in regard to the issue of appropriate noise levels in the city of Port Phillip, where we have some sensational parks and wonderful beaches surrounded in many instances by very good residential areas. My concern is about the boot camps that are taking place in these parks in the morning.

We have a whole range of people running these boot camps, and in these nice residential areas that are quiet and serene we have these voices coming out as if they are doing some sort of training camp for Vietnam back in the — —

*Honourable members interjecting.*

**Mrs COOTE** — And let me tell you it was most inappropriate and is causing some major concerns.

We all want to make quite certain that obesity is not on the rise and to make certain people are healthy and fit and well, so we all want to see good, proper exercise happening, and I encourage people to exercise on a regular basis. The parks are obviously a very good place to be in the mornings. However, being subjected to yelling and other loud noises from the boot camp fitness regimes is detrimental to residents' health and wellbeing.

The government has acknowledged this but yet has not implemented any guidelines on exercise noise from these activities. People go to the parks and foreshore for a range of reasons, and they must not be disturbed by overzealous boot camp instructors. There are many considerate fitness instructors out there who are professionals and do not disturb those around them, but the government must make sure that appropriate guidelines are in place to protect the residents against the ones who are not considerate.

The government has guidelines in place for other types of noise such as residential, entertainment venue, commercial and industrial, motor vehicle, and tram and trains, but there are no noise guidelines yet for boot camps. The action I am seeking tonight is for the minister, as a matter of urgency, to implement adequate recreation noise level guidelines for fitness programs undertaken on public land, to ensure the wellbeing of Port Phillip residents.

### **Consumer affairs: Browns Gas**

**Mr ELASMAR** (Northern Metropolitan) — I raise a matter for the attention of the Minister for Consumer Affairs concerning another new scam that has been brought to my attention. Unbelievably, this shameful company proposes to sell brown gas efficiency. It is conning people into parting with close to \$1500. This disgraceful scam actually advises unsuspecting energy consumers that the company's so-called efficiency kits — useless gadgets, for sure — convert water into hydrogen and oxygen, which is then burnt in the engine, using electricity produced from the engine.

Of course you can burn hydrogen because it is combustible, and you can burn it in an internal combustion engine. The problem is that it takes more energy to electrolyse hydrogen from water than the energy you receive upon burning it. Even if you buy a kit that works at 100 per cent efficiency, that process will lose 16 per cent of the energy. Of course in the real world there is no such thing as a 100 per cent efficient process.

I ask the minister to take action to warn consumers of the scam, which is promoted currently in a number of places, including on the internet. They advertise the scam, including kits such as the 'Electrolyser complete' for \$190 including GST, or a multi-pack of six electrolyzers in parallel for large diesel engines for \$1440 including GST.

The process is simply a scam that relies on people's fears about rising fuel prices to squeeze money for a useless product which will actually reduce engine efficiency rather than increase it. I urge the minister to take action to warn consumers against these dishonest scammers.

### **Eastern Freeway: noise barriers**

**Mrs KRONBERG** (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Roads and Ports. The mayor of the City of Boroondara has contacted me to express her concern about this government's disinterest in the problem of noise pollution that has been exacerbated by the opening of EastLink. Residents living in the environs of the city-bound side of the Eastern Freeway from Doncaster Road to the Bulleen Road off-ramp are suffering from a very substantial increase in freeway-generated noise pollution. Modern sound-attenuation structures in this area are non-existent. Instead the area is currently protected by only a low-profile earth mound and trees, a number of which have died because of the drought.

The council feels that the state government policy on traffic noise is unfair and unreasonable in that one standard is applied to VicRoads roads and a far more stringent standard is applied to Transurban's CityLink and the EastLink tollway. There remains a great need for a consistent and reasonable attenuation to noise levels, especially because of the increase in traffic congestion, pollution and competition for space within the road network.

To compound the problem, the Eastern Freeway is permitted to operate at 68 decibels against a fresh regulation, but this freeway's extension, the privately built EastLink, is 63 decibels. We recognise that the minister has met with the former mayor of Boroondara on 27 July 2007. That meeting solved nothing. Since then the council has had to endure the consequences of the minister's funding priorities being directed to projects of state significance. I ask that after reviewing funding for sound attenuation projects, the minister direct that funding to alleviate the suffering of Boroondara's citizens. We see that this problem has been bounced around by this government since May 2005.

### **Mount Hotham: leases**

**Mr P. DAVIS** (Eastern Victoria) — I direct a matter to the Minister for Environment and Climate Change concerning Mount Hotham resort management board's imposition of discriminatory lease provisions on ski clubs in contravention of government policy.

I refer specifically to the case of the Austen Alpine Club, a non-profit, volunteer-based organisation that has been established at Mount Hotham since 1972, but I understand a number of other ski clubs are in the same precarious situation. After prolonged negotiations, during which it seemed on a number of occasions that the Austen club would be granted a new, standard lease for the next 20 years, the management board now insists on inserting a prohibitive clause in the lease.

This provision — clause 2A — would prevent the club from assigning its lease to another organisation. In the event the club was to request an assignment, the management board could refuse it or grant it subject to conditions that principally would require the payment of a premium. The Austen club has a 32-bed facility at Mount Hotham, which was constructed and is maintained by its members. The facility is open to the general public at affordable rates, and the club provides subsidised accommodation for state school ski camps. Austen and the other 50 clubs at Mount Hotham cater for families and provide a substantial base for the ski industry.

Despite the Austen club's public-spirited approach, it observes its obligations on the same basis as any other lessee on the mountain and receives no concessions or subsidies from resort management. Should the club agree to the restrictive lease proposed by the board, it would be left without security of tenure. The investment of its members would effectively become worthless, because in the event any of them may want to sell out, there would be no takers. No-one would make an investment in the club, knowing they could never get it back.

It would appear the board's motive is to give it the option of possibly taking over some of the ski clubs, should they want to quit their leases, for sale to investors. The government's position has consistently differed from that of the Mount Hotham board. In March 2002 the government announced a new leasing policy for all Victorian alpine resorts. The statement of the then Minister for Environment and Conservation, Sherryl Garbutt, said:

The new leasing policy will offer existing lessees the first right to negotiate a new lease, subject to compliance with clearly spelt out conditions.

Existing lessees will also be able to transfer their assets to new lessees and thus retain the value of buildings and improvements that they have erected on the land.

The policy itself, dated 23 October 2002, recognised leasing policy as a key tool to attract investment in the ski industry and offered two new entitlements to lessees — the first right to negotiate a new lease and the right to the value in the improvements on their sites for the term of the lease. Mount Hotham management is clearly contravening the policy and taking a cavalier approach to the way it runs the resort as the government's agent.

I therefore ask the minister to act to ensure the board adheres to the government's leasing policy and applies the standard lease contained in the policy to guarantee tenure and certainty for the Mount Hotham ski clubs.

### **Schools: walking bus program**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Health, Daniel Andrews. This government's failure to deliver on its pre-election promise to expand the walking school bus program — instead it is scrapping it — has already been raised by my colleagues in the house. While this is another example of blatant cost shifting from state government to cash-strapped local government, the decision has far wider ramifications. For those councils who have decided to continue the program through various means and with support of

local schools and community groups, there are still issues that need to be resolved.

These programs cannot run on remote control. At the very minimum they need a coordinator to organise the volunteers, and then they are confronted with an almost insurmountable problem: who provides the insurance for those volunteers? It cannot be the schools, as their responsibility stops at the school gate. It cannot be the local council, as all funding for this program has been withdrawn.

This is a very real problem that needs to be addressed at the state level, not by individual councils, volunteer organisations or willing parents. But once again this government, without regard to the consequences, has made another knee jerk decision and then buried its head in the sand, refusing to listen to the needs of local communities. Instead of building on the success of these programs, it has decided to spend millions on other, more restrictive programs.

For example, last week I received a very expensive promo kit that said, 'It's cool to walk to school'. This package was encouraging students to walk to school —

**Mr Finn** — It's freezing to walk to school!

**Mrs PETROVICH** — We still manage, Mr Finn. Students were encouraged to walk to school on 22 October — one day of the year. What about the hundreds of other school days? Hello? Does the left hand of VicHealth know what the right hand is doing?

The program that has been touted as replacing the walking bus program is called Streets Ahead, but unfortunately, rather than being for the whole of Victoria, it is only for a select few. Six councils in Victoria were each given funding of \$225 000 — yes, almost a quarter of a million dollars each — over three years to run this program, whose main aim is to increase physical activity in children aged 4 to 12 years through active transport.

A number of councils in my electorate did not apply for funding for this program, because they did not fit the strict criteria — for example, the resident population had to be between 5000 and 8000, which excluded many country towns, and there had to be a cluster of three or more primary schools.

The action I seek from the Minister for Health is to provide an explanation of how he now proposes to assist and encourage daily activity amongst the children in the other 73 councils who did not share in the spoils of the Streets Ahead program, including assistance with

insurance for the volunteers who have been left to fend for themselves.

### **Drought: rate subsidy**

**Mr KOCH** (Western Victoria) — I raise a matter for the Minister for Agriculture concerning urgent calls to renew municipal rate subsidies for drought-affected farmers. As members ought to know, much of Victoria has received well below average rainfall during September. Earlier, water catchments across the state were well primed for much-needed inflows, and in western Victoria and up into the Wimmera-Mallee grain growers in particular were relying on good falls to help finish off what were very promising crops. But September rainfalls have generally been well below long-term averages, with some centres recording the lowest ever falls for September.

Rainfall totals of less than 10 millimetres in much of the grain belt, along with higher maximum temperatures in September, have been devastating for crops, and without considerable catch-up rains in October many farmers face another very bleak harvest. Farmers in the more reliable rainfall districts of the south-west are worried about how much rain will fall in the remainder of the spring. With the weather bureau predicting a 60 to 70 per cent chance of lower than average rainfall in southern Victoria until January, the coming weeks will be critical for farmers and catchment inflows in terms of carrying communities through this summer.

As each day passes without significant rainfall, farmers are looking to the government for assistance. Last year the government provided a 50 per cent municipal rate subsidy, but to date there has been no confirmation that this subsidy will be continued. Council rate instalments are now due, and farmers demand to know if the state government will renew its drought assistance until at least the end of March 2009.

Agriculture minister Joe Helper must act immediately to reinstate the municipal rates subsidy along with other drought assistance programs the government failed to recognise in July. Ignoring farmers by not providing this vital assistance now, when there has been no improvement in the season's outlook, further demonstrates the minister's lack of commitment to country Victoria. Already the minister has overseen cuts to drought funding, budget reductions, the sacking of Department of Primary Industries staff and the closure of DPI research facilities.

The minister again fails to understand the hardships rural families are going through, procrastinating and purposefully delaying announcements about the rate

subsidy. Instead he says it is up to the Premier to make the announcement. The minister has repeatedly ignored calls for drought assistance and has continually refused to provide farmers with ongoing certainty for their business planning. My request is for the minister to immediately reinstate the municipal rate subsidy for drought-affected farmers across the state, recognising their current plight.

### **Wind energy: Bald Hills**

**Mr GUY** (Northern Metropolitan) — My adjournment issue tonight is for the Minister for Planning and concerns the proposed Bald Hills wind farm, a 52 turbine, 104 megawatt wind energy proposal to be located roughly 10 kilometres south of Tarwin Lower in South Gippsland.

Can I say from the outset that you would have to wonder why a respectable company like Mitsui would get involved in such a poorly planned wind farm proposal as this. It should never have got through the planning panel process.

This wind farm has a multitude of issues that should have knocked it out at the early stages. Firstly, it does not comply with noise guidelines. Such a large wind factory, with 52 turbines, in a quiet rural setting will create noise issues for the residents in the district — an issue that I am sure many people who see wind farms pass their car window while travelling at 100 kilometres an hour fail to realise. Based on New Zealand examples, it totally fails noise requirements.

Visual landscape guidelines are nonexistent. This is an important factor as where this wind farm is proposed is in one of the most visually stunning areas of Victoria, close to Wilson's Promontory and located right on those magnificent sloping hills of South Gippsland. It is a part of Australia that is so very Victorian — a part of mainland Australia that exists really only in the south-west of Victoria and this part of Gippsland. Its scenic and tourist value cannot have a dollar figure placed upon it. It is an area that is peppered with bed and breakfast accommodation and is along a major tourist route.

The site is also along a migratory bird path. Migratory birds coming from the Northern Hemisphere come straight along this bird flight path to Australia and then head north and beyond. There will not be much ability for them to fly north if they have to get through the spinning blades of 52 turbines.

It should also be noted that there has only been limited public consultation with the community, which will be

impacted upon in the district that surrounds the proposed wind farm site. Further, it must also be noted that this wind farm proposal will significantly alter and devalue land values of the current residents in the area; people who did not want turbines on their property or who oppose the turbines will certainly be worse off.

It is important to note that the people in this district do not oppose wind energy, in fact they simply raise legitimate concerns about the scale of the proposal that has been put to them. I am informed that every title owner within a 5-kilometre radius was approached personally to ascertain their point of view on the wind farm. Only the wind farm landowners and two others in the district were in favour of it. In short, the whole district was against it. Despite over 1000 objections placed at the wind farm proposal panel stage, only 40 were in favour; and some of those 40 were from the Melbourne metropolitan area.

I ask the Minister for Planning to help this community. While I recognise that there has been state and federal planning approval for this development, it is still not too late for the government to save one of the most beautiful areas of Victoria from a wind facility that is in the wrong location and will ruin this magnificent location in Victoria forever.

### **Stamp duty: superannuation funds**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I raise a matter for the attention of the Treasurer. I refer to the levying of stamp duty on certain real estate transactions involving complying superannuation funds. The Treasurer would be aware that 12 months ago the commonwealth government changed legislation allowing superannuation funds to borrow for the purposes of purchasing assets. As a consequence, a number of complying self-managed superannuation funds have sought to use this provision to purchase properties backed by mortgages for the benefit of their superannuation fund.

The banks as the primary lenders in these transactions have required that a property that is purchased for a self-managed superannuation fund be purchased by a trustee company, which is then subject to the mortgage for the benefit of the self-managed superannuation fund. When the property is purchased by the trustee, a mortgage is issued by the lending institution, and stamp duty is payable on that purchase by the trustee company.

The issue arises where the mortgage is discharged, and the trustee company seeks to transfer the property from the trustee directly into the superannuation fund. The situation that arises is whether double stamp duty is

payable: firstly, when the property is purchased by the trustee; and secondly, when the mortgage is discharged and is transferred from the trustee directly into the superannuation fund.

Over the last 12 months the State Revenue Office has failed to provide any advice to practitioners in this area. In fact, it indicated it does not know how the Duties Act should apply to such transactions. What I seek from the Treasurer is for him to issue advice or instruct the State Revenue Office to issue advice as to the application of the Duties Act in relation to transactions where a trustee company is required to be used for the purchase of a mortgage before the asset is transferred into a superannuation fund.

### **Drugs: government policy**

**Mrs PEULICH** (South Eastern Metropolitan) — I raise an issue for the attention of the Minister for Health in relation to what is commonly referred to as antisocial behaviour and alcohol-fuelled behaviour, which is often linked to it. It seems to me that the drugs policy has fallen off the radar and unfortunately other policy areas are not being informed by accurate health information. The problem of the intersection of drugs and alcohol is often the cause of what is inappropriately and inaccurately referred to as alcohol-fuelled violence. In many instances it is a cocktail, and it fuels antisocial behaviour, but it is not solely alcohol fuelled. I ask the minister to make sure this knowledge, these insights and the latest evidence are used to inform government policies and programs, particularly with the review of the 2 o'clock lockout that applied to the entertainment precinct in Melbourne.

I was reminded of this particular point by a constituent who sent me an email. He was a young man of 22 years of age, who I will call Will; I will not use his surname although he gave me permission to. He spoke about his own drug addiction which he had recovered from. He states:

I started smoking cannabis at around the age of 15.

He goes on to say that over a number of years at school his use graduated to a daily habit before and after school. He moved on to using ecstasy and speed, and in his email he sets out the consequences of that for his own life. He says that he is not very proud of his past but he attributes his ability to change and turn his life around to the support of his family.

He talks about the ready availability of drugs and, in particular, the major ice epidemic or drug problem that we have in Melbourne as well as in his neighbourhood. He talks about the regular use by young partygoers of

these drugs, which are often mixed with alcohol in a deadly cocktail. He goes on to talk about the misguided policy initiatives, such as the alcopops tax which actually aggravates the problem, as well as the loss of many innocent lives as a result of drug addiction and drug abuse.

I call on the minister to place drug policy and programs back on the agenda, back on the radar, and to make sure he uses the latest evidence and information that is available to fully inform other policy areas, such as the 2 o'clock lockout that is currently being reviewed as a result of the trial having ended. It is important that that sort of information is taken into consideration.

### **Rail: Blackburn level crossing**

**Mr ATKINSON** (Eastern Metropolitan) — My matter for the Minister for Public Transport concerns the signalisation associated with the railway lines at the Blackburn Road, Blackburn, level crossing. The minister would be aware of a problem with the signals there which were moved as part of the work conducted on the Middleborough Road railway overpass crossing.

I know the minister is aware of this issue, because she was approached by the local council about it. I believe the member for Mitcham in the Assembly may also have raised it with her; I hope he has done so because I know the traders of the Blackburn shopping centre have raised it with him on a number of occasions as the underground railway works at Middleborough Road were completed in early 2007.

The signals were changed at Blackburn to alter the time the boom gates came down to facilitate the works that needed to be undertaken at Middleborough Road, and they have never been corrected since the project was completed. The traders were most concerned about this, because it has an impact on traffic and therefore also an impact on the use of their shopping centre — and, for that matter, safety in and around the shopping centre.

The reality is that the traders were unable to get anywhere with the member for Mitcham, the minister and the government, so they approached the Whitehorse City Council which shared their concerns. The Whitehorse council wrote to the minister in October 2007, but it took some eight months to get a letter back from the minister that said, 'Well, we have sent out some people and they agree the signals are on the times that were set back in 2007, and there is a problem'.

The traders are anxious to have this problem remedied at an early stage. While the minister apologised for the

delay in her correspondence and suggested that Connex was the responsible authority for this project and that it would reinstate the signal system to the way it was prior to the works at Middleborough Road, it is imperative for the traders that this is done at an early stage.

Therefore I request that the minister not simply handpass this off to the Department of Transport but work directly with Connex to ensure that the work is done this month.

### **Alfred hospital: performance**

**Mr D. DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Health, and it concerns the Alfred hospital and its performance. The Alfred is a hospital with a proud tradition that services not only the community in my electorate of Southern Metropolitan Region but much of Victoria in a specialist capacity. It has an important trauma unit, of course, and a series of important specialty activities.

It provides very valuable services. However, the performance of the Alfred hospital has slipped under this government in recent years, and in particular in the recent *Your Hospitals* report it failed four out of the nine government benchmarks. The elective surgery waiting list has increased by more than 62 per cent in just the last 12 months. There has been a decline in the percentage of emergency patients seen in 10 minutes, from 79 per cent to 68 per cent in the last 12 months; a decline in the percentage of urgent patients seen in 30 minutes from 75 per cent to 63 per cent in 12 months; a 23 per cent increase in the number of patients waiting more than 8 hours on a trolley; and a 46 per cent increase in the hours the hospital spent on bypass from 2006–07 to 2007–08.

These statistics tell only part of the story, because this is about individual patients. There is a massive number of patients on the outpatient waiting list at the Alfred, but that information is not publicly released by the hospital or by other public hospitals around the state. There is also a secret list on the hospital early warning system, which the government has used to replace bypass in many cases. That is also not publicly disclosed. The situation is much more grave than the *Your Hospitals* report and the limited statistics released in an infrequent fashion by this government.

What I am seeking tonight specifically from the minister is that he investigate the serious decline in performance of this once proud hospital and that he explain to the community what has occurred at the hospital. This serious deterioration in standards has serious impacts on patients — for example, the deterioration in times and

the lengthening of times at the emergency department puts patient lives at risk. This is a well-known and well-understood fact or consequence of long waits in the emergency department.

I seek the minister's assistance with a proper investigation of the decline in standards at the Alfred hospital, and I ask him to explain to the community of the southern region and of Victoria why this once-proud hospital is in such dire straits.

### **Housing: affordability**

**Mr FINN** (Western Metropolitan) — I wish to draw a matter to the attention of the Minister for Housing, which involves a family in my electorate that finds itself homeless and in urgent need of the minister's support. Mr Bill Jones, partner Sonya Vasilovska and baby Jessica, who is just four months old, were very good tenants but had to leave where they were living at the end of their lease due to a very large increase in their rent.

I think members would find this is a problem that is prevalent not just throughout the western suburbs but throughout the metropolitan area of Melbourne — with private rentals going through the roof, if you can get into them at all. We are seeing situations where a family — this family, for example — will show up to a private rental to apply for accommodation, while 20 other families will show up at the same time and also apply for the same accommodation. Some real estate agents — not unreasonably, in my view — turn it into a bit of an auction for rent. This situation is forcing a lot of families into extremely difficult circumstances in terms of their accommodation.

Bill Jones and his family have gotten back on the housing application list for priority housing, but were told the wait is at least two years. The thing is, they were on the list two years ago, but in between they found private rental accommodation; they have lost this accommodation, and now it seems they are back at the bottom of the list. The question of what the future will hold for this family greatly distresses and concerns me. They have one week of transitional housing with a charity but are on the verge of homelessness. They have been trying to find private rental accommodation but with no luck, as I said.

I ask the minister to direct his department to assist Mr Jones and his family to find government housing as soon as possible. As of Friday, all their belongings will be put into storage, as they have to vacate their home. I ask the minister to direct his department to assist this

family as a matter of urgency, as we cannot have baby Jessica or her family living on the streets.

### **Responses**

**Mr LENDERS** (Treasurer) — Tonight 16 members raised adjournment items; I will comment on two of them.

Mrs Coote had an issue for the Minister for Environment and Climate Change regarding noise from boot camps. I will refer that to the minister and also urge him to investigate the noise the residents of Mansfield suffered last year when there was an infamous parliamentary Liberal Party boot camp there.

Mr Rich-Phillips raised a matter for me regarding a number of fairly specific issues about the State Revenue Office and taxation. I will treat that as a normal adjournment matter directed to a minister, as I had difficulty understanding some of the technical issues Mr Rich-Phillips raised due to the noise in the chamber. I would normally seek to answer it here, but I will take it on board as an adjournment matter. It was technical, and there was a fair amount of noise at the time.

I will refer the other 14 matters to the relevant ministers.

**House adjourned 10.45 p.m.**