PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

11 October 2001

(extract from Book 5)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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THURSDAY, 11 OCTOBER 2001

QUESTIONS ON NOTICE

TUESDAY, 9 OCTOBER 2001

Thursday, 11 October 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PAPER

Laid on table by Clerk:

Office of the Regulator-General Act 1994 — Report on Options for the Review of Retail Electricity Tariffs, pursuant to Part 4A.

MEMBERS STATEMENTS

Depressionet

Ms McCALL (Frankston) — I draw the attention of the house to the issue of depression. Depression is something that perhaps not all of us in this chamber will suffer from, but we will certainly know someone who does. It is a disease or affliction that can strike anyone at any time.

I have been approached by a number of people in my electorate to say that they have until now found it very difficult to find any support mechanism or any means of getting the right sort of information about the best ways of dealing with their depression.

I commend to this house something called Depressionet, an Internet site which provides access to chat rooms and support networks, through which they are able to discuss at great length the things that concern them with someone of a similar mind.

The people who have approached me about this have said they are very upset that through a lack of funding they will be obliged to close Depressionet in the very near future. What concerns me is that they have written to all the ministers of the current state government with responsibility for health and affiliated services and, without exception, have received no response at all.

I suggest to this chamber that every single one of us may at one stage in our lives be afflicted by or know someone with depression. I would urge every one of us to do whatever we can to support such a program and such an Internet site.

Handbrake Turn

Mr TREZISE (Geelong) — I take this opportunity to recognise the work and contribution to the community of Geelong of the organisation Handbrake Turn. I recently took the opportunity to attend one of Handbrake Turn's graduation nights in Geelong, and I came away very impressed with its work.

Handbrake Turn provides young people in Geelong who have in the past been involved in car-related crimes with hands-on training in motor mechanics, spray-painting, panel beating, driver education and literacy, numeracy and communication skills. It also provides these young people with ongoing job search support once they have completed their training.

Since it was established in Geelong around 18 months ago, Handbrake Turn has worked with 145 young people. At its most recent graduation in August 17 out of 18 trainees graduated. Of these, 4 have now obtained apprenticeships, 1 has a part-time job, 3 are doing ongoing voluntary work while the others continue their weekly contact with Handbrake Turn while seeking employment.

I take the opportunity to congratulate Handbrake Turn's manager, Steve Singline, and his dedicated team on their work. I also congratulate the advisory board, which is made up of local business people, police and other civic leaders. Handbrake Turn is a major contributor in assisting disadvantaged youth to get a break in life, and I commend them for their work.

Elmore: field days

Mr MAUGHAN (Rodney) — I wish to compliment the Elmore Field Days committee on a magnificent 3-day event on Tuesday, Wednesday and Thursday of last week. It was the 38th Elmore and District Machinery Field Days. On its 32-hectare site the organising committee aims to present a display which is relevant to the farming districts and rural communities in north-central Victoria and also to provide a showing of products and services which are at or near the cutting edge of technology for agriculture.

This year there were more than 550 exhibitors from all over Australia, so patrons had plenty of variety to choose from, and with confidence high because of good commodity prices for dairying, beef, lamb and the like, sales were exceptionally good. The ladies were not forgotten. There were excellent displays concerning gardening, cooking and fashion. The special feature this year was salinity.

The Elmore field days are a great example of what a small community can achieve to help itself. Since their inception 38 years ago, they have pumped into the community $1.3 million in local donations.

I congratulate president Ron Trewick, executive officer Gerard McCormick and the hardworking members of

the Elmore field days committee on a commendable effort and a great community achievement.

Darebin Ethnic Communities Council

Ms DELAHUNTY (Minister for Education) — I would like to record my appreciation of the public stance taken by the Darebin Ethnic Communities Council, and particularly its chair, Gaetano Greco, in its advocacy of peace and harmony in our community and indeed in the world.

As honourable members would know, the Darebin Ethnic Communities Council is an organisation that is well respected throughout the City of Darebin, and particularly in my electorate of Northcote. The council is a strong advocate for and representative of the diverse communities in the Northcote electorate. Along with me, it has become alarmed at recent reported incidents of hatred and prejudice against some members of our community.

The council agrees that racism has no place in Darebin or Northcote, and I share its concern over these acts of hatred and violence. The council, supported by local members, proposes to hold a peace vigil at the Darebin town hall located at the intersection of High and Gower streets in Preston on Friday, 12 October. It will highlight Darebin as a diverse and democratic society where citizens work together to advance community life.

Local government: federal candidates

Mr PLOWMAN (Benambra) — I wish to draw the attention of the Minister for Local Government to a very unsatisfactory situation where a small council is being faced with a cost of about $45 000 to hold a by-election because one of its members wishes to stand for the federal election. There is a stipulation that any person who holds any office of profit under the Crown shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

The council has received advice from T. J. Mulvaney and Co. which states in part:

> … whilst we consider that the High Court, if asked to decide, may not disqualify a councillor … we cannot provide an unequivocal clearance at this time.

The chief executive officer of the council has stated:

> I have no choice but to instigate the process for holding a by-election. As we are an unsubdivided municipality, this necessitates a full election across the shire.

He continues:

> The simplest solution is to amend the Victorian Local Government Act to give a council (or the minister) the power to reinstate a councillor who has resigned under these circumstances and who has not been successful in the federal election.

This exercise will cost this small council $45 000, an amount it cannot afford.

Country Fire Authority: Buffalo River brigade

Ms ALLEN (Benalla) — This is an absolutely fantastic story about country spirit, initiative and hard work. The Buffalo River fire brigade struggled for many years to get decent facilities. All the members had was a tin shed where they held their meetings, so when it rained heavily they could not hear each other speak. They had only a jug to heat water, and their toilet facilities were a spade and a roll of toilet paper.

With the initiatives of the Buffalo River fire captain, Tony Menz, and the Country Fire Authority's area manager for region 24, Ken Stephens, $15 000 in funding was found. The fire brigade members also went to local businesses in Myrtleford and found they could get a lot of equipment and supplies either free or at half price. Now they have built a beautiful meeting room and a wonderful toilet — I hope to God it does not leak. All this was done with the help of the community and the hard work of the Buffalo River fire brigade. It is a wonderful example of how country spirit can, with $15 000, provide a facility that is now worth $45 000 to $50 000. It is a fantastic example of — —

The SPEAKER — Order! The honourable member's time has expired.

Darebin: drug and alcohol workers

Mr LEIGHTON (Preston) — I congratulate the Bracks Labor government, and I thank the Minister for Health, on the appointment of two drug and alcohol workers in my local municipality, the City of Darebin, from December this year. Earlier this year a number of agencies, including the local council and the Darebin Community Health Centre expressed concern over the lack of drug and alcohol workers in the city. They pointed out that the city had no full-time alcohol and drug counsellors, and these concerns were well founded.

I have been concerned to ensure that in Preston we have resources for the prevention of substance abuse and that where it occurs we also have services for rehabilitation. These are most effective when the community participates in their delivery, when there is consultation and when local agencies provide the services. During the Kennett years, health services were savaged in the

City of Darebin. To restore these services, work is under way to establish the Preston Integrated Care Centre, which will open from December 2002. That will provide 2.4 full-time alcohol and drug workers.

The proposal I put to the Minister for Health was that he bring forward by 12 months the appointment of these workers, and I thank him for agreeing to appoint these workers from December 2001.

Pakenham bypass

Mr MACLELLAN (Pakenham) — The welcome decision of the government to match the commonwealth funding for the Scoresby freeway has heightened concern in the Pakenham area that the state government has not made a similar decision to match commonwealth offers of funding for the Pakenham bypass. Naturally enough, when the government announces so much money for one metropolitan program communities get concerned that other projects may get delayed or neglected or not taken up. The commonwealth has for a long time offered $30 million towards the commencement of the —

An honourable member interjected.

Mr MACLELLAN — I matched the commonwealth funds, and I argued for more funds for Victoria. That's what I did — and I got them too.

The Pakenham community asks the state government to make a commitment to match the commonwealth funding for the Pakenham bypass. It is the big political issue in the area. It is also a bipartisan political issue. The Labor candidates for the federal election will be anxious for the state government to match the commonwealth and say it will put up funds for this bypass project. It is a safety issue which is recognised by the whole Gippsland community. All the municipalities right through to East Gippsland support the Cardinia Shire Council, and what we are looking for is road safety programs — —

The SPEAKER — Order! The honourable member's time has expired.

Macedon Ranges Health Service

Ms DUNCAN (Gisborne) — I rise today to pay tribute to the Macedon Ranges Health Service and the members of its board, in particular the president, Rhonda Bradley, who has been president for six of the seven years of the Macedon Ranges Health Service and at last night's annual general meeting was made a life member. I would like to name and pay tribute to her along with other life members for all the work they do: Barbara Annison; Mr and Mrs Bull; Mrs Jude Cameron; Mrs E. Crawford, OAM; Mr P. Hanbury and Mrs R. Hanbury; Graham Heath; Mr Alan Hobbs; Mrs Heidi Catala; Mr Terry Larkins; Dr D. Storey; and Fr Geoff Terry. These are incredible workers for our community. Many of them have been long-term serving members of the Macedon Ranges Health Service which in 1994 was formed as an amalgamation of the Gisborne bush nursing hospital, the Oaks nursing home, the Elms hostel and Gisborne and District Community Health.

Rhonda Bradley, the current president, is a mother of two who did a law degree part time and won the Supreme Court Exhibition Prize in 1997 and in 1998. She has also been a long-term serving member of the Gisborne Secondary School council.

Australian Boys Choral Institute

Mr McINTOSH (Kew) — Last month I had the privilege of attending a concert by the Australian Boys Choral Institute and the Australian Boys Choir as a guest of Robert Graham, the chairman of the institute. I pay credit to all those who participated. It was an enjoyable and entertaining evening. I pay particular credit to the artistic director, Noel Ancell.

One of the outstanding features of the evening was the world premier of *Thank Evans* a thought-provoking yet entertaining view of Australia's foreign policy in East Timor since 1975. It was interesting to compare some of the views of our previous political leaders with the benefit of hindsight — for example, in 1991 Gareth Evans said the Santa Cruz massacre in Dili was just an aberration; in 1992 Paul Keating described President Suharto's new order government as one of the most significant and beneficial events in Indonesia's history; and in 1997 Gough Whitlam said that President Suharto was an honest and reasonable man. All I can say is, thank God we have current political leaders of the calibre, strength, determination and commitment of John Howard.

The SPEAKER — Order! The honourable member for Burwood has 14 seconds.

Banks: community

Mr STENSHOLT (Burwood) — I would like to commend the work of the community banking committees of Canterbury, Surrey Hills and Ashwood which are doing an excellent job in ensuring that community banking is coming back to our community.

The SPEAKER — Order! The time set down for members statements has expired.

LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL

Second reading

Mr HAMILTON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The objectives of the Livestock Disease Control Act 1994 are to control and minimise livestock disease, and to monitor and eradicate exotic livestock disease. A key objective is also to protect the public from diseases which can be transmitted from livestock to humans. Recent incidents of mad cow disease and foot-and-mouth disease in the UK and Europe show how an outbreak of livestock disease can quickly escalate into a widespread and damaging event, with effects on consumer confidence and industry profitability.

Measures to rapidly identify and contain a disease outbreak are essential to deal with these challenges effectively. The proposed amendments enable new strategies and technologies to be applied in a preventive, flexible and cooperative approach with industry. The bill establishes a framework to enable the permanent identification of cattle, and for related matters concerning monitoring and control of livestock diseases. It can be applied to other livestock where appropriate by regulation and following industry consultation. In addition, the bill enhances controls on the grazing of cattle on sewerage farms and allows penalty infringement notices to be issued for some offences.

As part of its commitment to effective partnership with industry, on 8 August 2001 the government announced that Victoria would be the first state to fully implement a mandatory version of the National Livestock Identification System, which I will refer to as NLIS. This initiative will require permanent electronic breeder or post-breeder devices to be attached to cattle for identification, and will ultimately enable recording of livestock movement on a central database. NLIS was originally developed by and for the beef and dairy industries for use on a voluntary basis. There has been close and ongoing consultation with industry, and as a consequence the legislative framework includes the option of including compulsory measures. The framework allows flexibility, limited application where appropriate, and a collaborative and phased approach to implementation. The features of the new technology and the permanency of the tagging methods will enable the old transaction tagging requirements to be wound back, lessening the burden on producers.

Given the magnitude of the threat which a disease outbreak presents, there is broad consensus that timely implementation of the NLIS using this framework is justified. This applies particularly in relation to public health, and the production of disease-free livestock and livestock produce and the need to protect the reputation of our livestock industries. The ability to demonstrate contamination-free and disease-free livestock and livestock products will protect and expand our access to valuable markets and provide Victoria with a competitive advantage in the marketplace. Red meat accounts for 20 per cent of Victoria's food exports and is the state's second-largest food export. The implementation of the NLIS in this legislation also supports the government's objective of sustained food and agriculture export growth.

An effective strategy for disease prevention and control has at its core efficient, accurate permanent identification and accessible records of stock identification and movement. The technologies and systems which form the basis of NLIS apply significant advances in many aspects of livestock identification and tracking. They enhance and support quality assurance, genetic improvement and residue and disease-control programs. Direct benefits to producers include improved arrangements for preventing stock theft and identifying stolen cattle, and improving on-farm productivity by facilitating better herd monitoring and management. It also allows better control of endemic diseases such as Johne's disease, and will support Victoria's status of its cattle being free of mad cow disease and tuberculosis. The scheme will improve the efficiency of information exchange between producers, saleyards, feedlots, processors and government agencies, including carcase feedback data, and market eligibility and residue and disease status information.

It is expected to take approximately five years to fully implement the NLIS in Victoria for cattle. This reflects the life cycle of the livestock, the need to provide a phased approach to implementation and to provide transparency and comprehensive application to industry. Most of the legislative framework is expected to commence on 1 January 2002. Under the first implementation stage, cattle born after the commencement date in Victoria will need to be permanently identified with an NLIS-compliant device before they leave their property of birth. This will enable their movements to be recorded on the central NLIS database at a later stage. NLIS can later be extended to other species and categories by means of

regulation. A committee of key industry stakeholders has advised and will continue to advise the government on key issues, which include milestones and implementation timing. There will continue to be close consultation on this phased approach to implementation.

Financial assistance has been provided to industry to make the necessary structural changes. The NLIS business plan, which was finalised by Meat and Livestock Australia in June 2001, provides funding to saleyards and abattoirs throughout Australia. This will make a significant contribution to the costs of installing NLIS infrastructure. To facilitate the introduction of the NLIS, this government has provided grants to saleyards, domestic and export abattoirs and feedlots for the installation of tag-reading equipment. The government is also assisting the Australian Dairy Herd Improvement Scheme and herd improvement centres to promote the NLIS to dairy farmers involved in herd recording.

Saleyards and domestic and export abattoirs throughout Victoria have installed or are currently installing NLIS-reading equipment and links to the NLIS database. By early 2002, 80 per cent of abattoirs in Victoria will have the capacity to scan for NLIS devices on cattle being processed for slaughter.

Under proposed section 6(3A), exemptions may be made by means of a Governor in Council order to the operation of the act or regulations. These exemptions may apply to any livestock or class or species of livestock, or any person or class of person and will allow appropriate limits to the operation of the scheme. Under new section 6(3B), an exemption can be made unconditionally, or on specified conditions, or in specified circumstances. Exemptions will be immediately made on commencement and then progressively removed, until full implementation of NLIS in relation to cattle is achieved with a smooth transition. Some circumstances may justify exemptions which are ongoing. The power to make these exemptions is similar to that operating in section 5(2) of the Meat Industry Act 1993. When considering the merits of an individual exemption, the objectives of the act and the need to ensure the integrity of the identification and tracking system will be taken into account. Relevant matters might also include situations such as changed market conditions, or drought.

The exemption-making power, combined with the powers to prescribe and regulate, will enable a smooth implementation of the scheme in phases, and in accordance with a timetable initiated by industry. Where appropriate, it can limit the compulsory aspects of NLIS. This flexibility reflects the cooperative nature of the scheme and enables ready responses to be made to industry concerns and changing conditions.

The more traditional methods by which livestock have already been tagged (for example tail-tags), will still operate in some circumstances. There will be a unit cost of around $2.50 for each cattle to be identified. Accredited suppliers only will be allowed to supply identification devices to producers. These devices are designed to remain attached to cattle for their lifetime. The devices will not be permitted to be removed other than by authorised persons such as abattoir and knackery staff, and cannot be recycled, reused or sold without government permission.

Amendments to section 94B represent the final element of the implementation of the NLIS framework applied to cattle. This involves the requirement for abattoirs and knackeries to record and notify the identification details of cattle slaughtered, and has a commencement date in the legislation of 1 January 2005, if not proclaimed earlier.

When appropriate, regulations will be progressed in consultation with industry to require information to be recorded by them onto the database or to other persons for recording on the database. For example, at a later implementation stage purchasers of cattle from a saleyard may be required to notify the selling agent of the property identification number of the property to which the cattle are destined before they leave the saleyard. Producers receiving cattle for further grazing may be required to notify the database of the property identification number of the property on which the cattle are grazing. Knackeries may be required to notify the database of the processing of each animal.

Section 10 has been amended to more clearly empower prosecution of the owner or consignor when diseased livestock is introduced without a licence, and for conditions to be imposed on the licence issued under this subsection, such as permanent identification. This also allows for a freeing up of trade where the risks associated with diseased livestock can be managed under specified conditions.

In the interests of public health, it has been necessary to tighten the controls in sections 43 and 44 of the act. Approvals must be sought from the secretary to allow grazing of cattle or pigs exposed to sewage, and the proposed amendment will enable this approval to be subject to conditions. An application for approval will need to address specified matters. Further, the provisions allowing immediate removal of cattle exposed to sewage by a sewerage authority for

slaughter were originally intended to be applied only in emergency circumstances. Conditions will be able to be imposed on the approvals.

Compliance is also facilitated by the ability to issue penalty infringement notices for new provisions. This means fines can be issued without the costs, delays and uncertainty associated with prosecutions.

I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 25 October.

STATE TAXATION LEGISLATION (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill contains a number of minor but important amendments to the Duties Act 2000, the Land Tax Act 1958 and the Taxation Administration Act 1997. The bill will implement technical amendments to these acts that are ultimately driven by the government's determination that Victoria manage a taxation environment in which compliance costs are minimised and the relevant law is clear and transparent.

The amendments to the Duties Act are minor and are required to clarify the operation of existing policy. Taxpayers and their representatives will welcome the amendments. Indeed, the gestation of most of these proposals is in the close consultation with industry, which I am pleased to say is a hallmark of the approach of this government across the full range of its activities, including taxation administration.

I will comment briefly on each measure included in the bill.

Clarification has been made to the definition of 'collateral mortgage' in the Duties Act, to ensure that it accords with the multijurisdictional model and to ensure consistency with other relevant provisions in the act.

Following representations from industry representatives, the longstanding position that a mortgagee's interest in marketable securities is not dutiable has been confirmed. Section 10 of the Duties Act charges duty on certain transfers of dutiable property. A mortgage over land creates an interest in land but not one that is dutiable property under section 10. Paradoxically, a mortgage over shares creates an interest in shares and an interest in shares is dutiable property under section 10(1)(g). This means that a transfer of a mortgage over shares is dutiable on the amount of the value of the interest. The bill includes an amendment to section 10(1)(g) to exclude a mortgagee's interest from the definition of dutiable property.

Again, to ensure that the Duties Act retains the policy position set by the former Stamps Act 1958, section 14 of the Duties Act will be amended to ensure that an instrument of transfer of land is taken to effect the transfer of goods sold with the land.

Unlike New South Wales, where duty is chargeable on the execution of a contract of sale, a dutiable transaction in Victoria occurs at the time of transfer of the property or when beneficial ownership in the property changes.

Under the Duties Act, goods sold with the land constitute dutiable property. The difficulty with this from an administrative perspective is that the present transfer of land form only evidences the land and fixture components and does not evidence the transfer of goods at the completion of a transaction (settlement of the sale).

Therefore, the Duties Act requires amendment so that it deems a transfer of land form to evidence any goods passing with the land. This will restore the position which applied under the Stamps Act, which also deemed references to real property to include chattels.

The bill also makes a minor adjustment to the conveyancing duty provisions relating to the off-the-plan duty concession as outlined in section 21(4). Section 21(4), which mirrors section 63B of the Stamps Act, provides a duty concession on transfers of land under the Subdivision Act 1988, in respect of the refurbishment of lots within the meaning of that act. The amendment will ensure that the exemption operates as understood by both industry and the State Revenue Office and that the Stamps Act position is preserved.

Similarly, the bill contains provisions which will clarify the operation of the relevant sections setting out the time for calculating the unencumbered value of dutiable property. The current Duties Act provisions provide that the transaction (usually evidenced by the transfer being delivered at settlement) not only triggers the liability but also determines the date on which the

dutiable value is to be determined. This is template legislation designed for regimes where the contract is the dutiable transaction. In Victoria the transfer (settlement of the contract) is the dutiable transaction.

The bill amends the relevant provision to ensure that the value upon which sales are assessed is determined by reference to the date of the sale (contract), whilst in all other cases the date of the transaction remains the relevant date.

A change is made to section 36 of the Duties Act, substituting for the provision currently in the act, which is modelled on the New South Wales draft, with one taken from the Stamps Act. These are the provisions providing a duty exemption for transfers of dutiable property passing to the beneficiaries of a trust.

The current exemption contained in section 36 of the act and its predecessor, exemption (10) of heading VI of the Stamps Act, provides relief for transfers of dutiable property to certain eligible beneficiaries.

The reason for providing the relief is that the beneficiaries have already borne the burden of duty, and therefore, do not have to do so when they receive their beneficial entitlement. The new provision will achieve this outcome and reduce taxpayer uncertainty about the operation of the existing Duties Act position.

The bill also excludes certain arrangements from the definition of hire of goods. The current provision in the act was introduced to provide an exemption in relation to the goods hired as part of a lease of real property arrangement where duty in respect of the whole of the agreement was payable under the lease provisions.

With the abolition of lease duty, the government is keen to maintain the exemption applying to goods included in a leasing arrangement involving real property where there is no apportionment of the consideration between the right to use the goods and the right to occupy or use the land.

These amendments all clarify the operation of the law and will ensure that there is no confusion in the marketplace as to the operation of the relatively new Duties Act in areas where there is long-established and widely acknowledged policy.

One area representing a minor change in policy concerns the duty-free threshold that currently applies to commercial hire arrangements for equipment financing arrangements.

Currently, the monthly duty-free threshold for the first $6000 of hiring charges received is available to all commercial hire businesses registered under the Duties Act. It equates to $45 duty per month and applies to both hiring charges under equipment financing arrangements and ordinary (that is, any other) hire of goods.

This duty relief was originally introduced to simplify administration and protect revenue by replacing with a fixed deduction the previous system that allowed hire businesses to artificially reduce dutiable income by increasing the costs of maintaining the goods in a rentable condition.

The $6000 duty-free threshold does not apply to duty payable in regard to special hiring agreements under the Duties Act, given that these arrangements are already eligible for substantial duty relief.

The Australian Finance Conference has requested removal of the duty-free threshold on behalf of its members involved in equipment financing arrangements. The current provisions provide difficulty for hirers, as they cannot accurately calculate and pass on the appropriate share of the monthly ‘discount’ of $45 to their individual customers without excessive administrative difficulty and cost.

With this amendment, the Duties Act provisions will be consistent with those in New South Wales, the Australian Capital Territory and Tasmania. As is the case in those jurisdictions, the monthly duty-free threshold would continue to apply to hire charges received by commercial hire businesses in the course of the ordinary hire of goods.

The proposed change should generate a small revenue increase, with the maximum increase expected to be around $80 000 per annum.

The bill also makes a minor change to section 31 of the Duties Act to reflect changes in language effected by the passage of the Corporations Act 2001. Minor corrections are also made to the transitional provisions relating to mortgage duty.

The amendments to the Land Tax Act 1958 are of a machinery kind but will assist taxpayers in ensuring that there are common administrative requirements across all tax lines. The Land Tax Act is the only taxation act where the administration and enforcement provisions are not governed by the Taxation Administration Act. The provisions in the Land Tax Act relating to the service of documents and other processes will be amended to bring them into line with those applying across the other taxation lines. The administration act provisions setting out when service is deemed to be effective will also be inserted into the

Land Tax Act. The provisions currently in the Land Tax Act are antiquated and the cause of some confusion, both to taxpayers and the commissioner. This bill will effect some much needed modernisation in this area.

Finally, the bill makes two amendments to the Taxation Administration Act 1997 (TAA). A provision modelled on section 40 of the now repealed Stamps Act 1958 will be inserted into the administration act, which will enable the commissioner to apply to the Supreme Court for an order requiring an agent of the commissioner to account for tax received by the agent and to pay that tax forthwith.

Section 40 of the Stamps Act empowered the commissioner to seek orders requiring the payment to him of moneys received on his behalf as duty by third parties. This provision applied to persons utilised as agents to collect duty for endorsing documents, such as banks. Such persons were made accountable for such amounts, which were deemed to be debts payable to the state. Application could also have been made to the Supreme Court for an order requiring such persons to show cause why they should not provide an account upon oath of all moneys payable and why the moneys should not be paid.

Although the TAA empowers the commissioner to recover unpaid tax, it does not enable recovery where a person, acting as an agent of the commissioner, fails to remit moneys collected. There is also no provision enabling the commissioner to apply to the court seeking an order for the remedies that were available under the Stamps Act.

Such a provision would assist recovery of outstanding tax in cases of insolvency or fraud on the part of an agent, whether in the duties or payroll tax fields.

The second amendment inserts new provisions into the Taxation Administration Act which deal with the failure by a person to comply with a notice sent by the commissioner requiring the production of documents or that a person attends upon the commissioner to give evidence under oath.

Section 73 of the TAA empowers the commissioner to require persons to produce information and answer questions on oath. This requirement is triggered by compulsory notice. The TAA provides as its only mechanism for enforcing compliance with such compulsory notices, the prosecution of the person for failure to comply with the notice. A fine may be imposed by way of penalty.

Before the court is empowered to make remedial orders directing the recipient to comply with the terms of such notices, a conviction based on the criminal standard of proof must be obtained from a court. This can be a protracted and costly process, with outcomes uncertain due to the high standard of proof required. The penalties, which a court may impose in these circumstances, are potentially low and, given the sums at stake, may provide insufficient inducement to comply.

It is proposed to amend the TAA by aligning it with provisions that are similar in effect to those contained in section 27 of the Casino Control Act 1991. This would enable the commissioner, where he is satisfied that a person has without reasonable excuse failed to comply with a request for information, to approach a court which may inquire into the case and, if appropriate, order the person to comply with the requirement.

It is proposed that civil standards of proof would apply. Noncompliance could then be dealt with in a timely and effective manner. The amended provisions would therefore place greater emphasis on ensuring compliance with the requirement to produce information, rather than imposing a penalty as such. It also subjects the use of the notice provisions to a proper scrutiny by the courts and therefore strikes a proper balance between the requirements for effective administration and the principle that the exercise of administrative powers be the subject of judicial overview.

I commend to bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 25 October.

INFERTILITY TREATMENT (AMENDMENT) BILL

Second reading

Debate resumed from 27 September; motion of Mr THWAITES (Minister for Health).

Independent amendments circulated by Ms DAVIES (Gippsland West) pursuant to sessional orders.

Mr DOYLE (Malvern) — Once again we are here to debate amendments to the Infertility Treatment Act. It is true to say that whenever this act is amended it is a contentious matter. I do not necessarily mean contentious in that it is adversarial or a matter for headbutting, but debate on this act is always subject to the expression of very strong and very deeply held

convictions. This house and the other place have always treated those strongly held convictions with a great deal of respect and gravity during debate — and so we should, given that we are dealing with legal, ethical, social and medical issues of the greatest moment.

It is ironic that at a time when politicians are perhaps regarded in a dim light more is expected of us in this sort of decision making than ever before. It is not as if we are expected to have all the answers, because we do not. However, when an amendment to an act like this is brought before us we owe it due deliberation, because although there are issues that come before this house from time to time — and this week is perhaps a good example — where the legislation we debate although important is not of particularly great moment to those outside this chamber, when we come to a decision with this act we will be affecting people's lives in ways that go to the very centre of their lives. This should be a debate of considerable maturity and gravity, as it was in the other place. I have read the debate — as I hope other honourable members have done — that took place in the upper chamber, and I found it constructive, heartfelt, compassionate and knowledgable. I congratulate our colleagues in the other place on the way in which the debate was conducted.

This legislation has three elements to it. The first is a rather esoteric amendment, but I would argue that it is necessary after speaking with the Infertility Treatment Authority itself. I refer to the removal of the requirement of a spouse's consent in fairly limited circumstances where the couple is no longer living together on a genuine domestic basis. This may occur in a case where the donation of a gamete would be desirable but not feasible because although a divorce has not been obtained the couple are no longer living together on a genuine basis. The act presently precludes that sort of donation. It seems to be a very limited amendment. It will not cover very many people, but we are pleased to support it if it is helpful in increasing donation through the program.

The second amendment is an interesting one. Although it is not contentious, many on this side of the house do want to discuss it. I refer to the voluntary inclusion on the donor treatment procedure register of information related to donation and treatment procedures that have been undertaken prior to 1 July 1988.

Honourable members will know that the legislation had its genesis in the Infertility (Medical Procedures) Act 1984, and the register came into effect on 1 July 1988, when it was proclaimed. When its successor act, the Infertility Treatment Act 1995, was brought into being the second change to the register was proclaimed in 1998. The effect of those two acts and the proclamation of their register was that between 1988 and 1998 we maintained the register and donor consent was needed for the disclosure of information contained on that register. Since 1998 offspring have been able to get access to information because at the time of donation of gametes consent for that information to be passed is given. But that leaves the period before 1988 in a kind of limbo which in some ways is artificial. People who may well have been donors for some of those procedures between 1987 and 1989 would not be on such a register if the procedures were before 1 July 1988, but their donations would be on the register after 1988 because those people continued to be donors.

The clinics themselves do have information prior to 1988, although because of the way the public debate evolved that information in some cases is fairly sketchy and not consistently kept. Clinics did not keep it with the same clarity we have had from 1988 onwards, and some people born before 1988 have a burning desire to know who their biological parents are. The honourable members for Geelong Province in another place and the honourable member for Bellarine in this place have a constituent who is affected by the hole in the legislation, and they have a personal interest in this register.

I will not talk at great length because I know they will cover it, but I make the point that it would seem to me that a person born as a result of an infertility procedure that occurred before 1988 may well now have open to them a course where they could go back to the clinic where the procedure took place and request that clinic, if it has the records, to approach the donor and ask if the donor would be prepared to be on the voluntary pre-1988 register. In that way we could get quite an active register going, and I know that in some cases that is exactly what people who are the result of this technology will do.

There are people who have already volunteered to place themselves on such a register. My understanding is there are about 50 pre-1988 donors who would be prepared to place themselves on such a register. I believe this is a sensible amendment, and I hope it has the desired effect. I will not go on further about this issue because I know other honourable members wish to talk about it.

The third element of the bill is perhaps the smallest, and yet it is the one that public debate and certainly debate in this place has focused on. It is a line and a half which repeals section 43(c) of the headline act. That act is an act I feel some ownership of. It was the very first piece of legislation I worked on when I came into this place

in 1992, and then I worked on the amendments for 1995 and subsequent amendments to the act — and the Leader of the Opposition was also instrumental in that 1995 act — so we feel we have some ownership, some pride and a great deal of interest when amendments to the act are brought forward.

One question that is often asked about Victoria is why we have such an act. This amendment is a very good reason for arguing we should have such an act. The reason for that I believe is tied up with the notion of counselling. Some other states do not have an act to govern these procedures at all. When we debated gene technology in this place not that long ago, we did not need in that bill a template from the commonwealth to include a provision to ban cloning because it is already in our act. Other states did not have that and had to either abide by the Harradine amendments to the commonwealth act or enact their own legislation which banned cloning.

The relevance to this act is that in my view counselling has always been intrinsic to treatment in Victoria because it has been at the centre of the act. That is one of the issues we will be discussing in terms of why we support this repeal of section 43(c). If I could cast ahead without wanting to anticipate debate on the honourable member for Gippsland West's proposed amendment, the heart of the amendment goes to the necessity for counselling in what will be radically changed circumstances for people who wish access to in-vitro fertilisation (IVF) technology. But in Victoria that counselling has always been intrinsic to treatment, as counselling in prescribed matters, and those matters are prescribed both in legislation and in the regulations to which I will come later.

I make a very important point about counselling and what will happen as a result of the passage of this legislation. You can look at counselling in two ways. You can see it, as it were, as a hoop to jump through, something you have to get out of the way before you can enter the program and hopefully have a family; or you can see it as a useful resource, an intrinsic part of the whole infertility procedure treatment. I certainly hope in everything we indicate from this place to the authority and from the authority to the clinics and from the clinicians to the people who enter the program that counselling is an important and useful resource. It is something which is central and intrinsic to the act. It is not simply a hoop to jump through so you can gain entry to the program. That will become particularly important as I discuss not just our reaction to the bill itself, but later the provisions of the amendment proposed by the honourable member for Gippsland West.

I will not go through the individual cases that will be caught by the repeal of section 43(c) and, I sincerely hope, helped by the repeal of section 43(c). Those cases and those individuals, in some cases, are well known to many honourable members. I would say, however — although I do not want to particularise those people — our hearts and minds are with those who will be affected by these amendments and we hope they are affected positively by them.

I began this contribution by saying that whenever we discuss this, it is a controversial matter. This is something to which I have given a great deal of thought. I suspect this is not one of those debates when people have differing opinions which are subject to change. It is not one of those debates where, by either force of logic or weight of information, you can change people's minds. It is not that sort of debate. I suspect that where people are in this debate depends almost on where they begin — with what preconceptions and arguments they begin. You will not change people's minds by simply trying to argue a case or providing more information. That is not necessarily a bad thing. In fact when this legislation is debated in this house, as it was in the upper house, there has been respect for the different opinions that are held by different members of Parliament.

Although I would rush to say there are no right or wrong answers in this area, I believe we should give some consideration to why it is that on this side of the house we will support this legislation. There are very good reasons to support, in particular, the repeal of section 43(c). One is that it will allow completion of treatment for women who were married, or indeed who are married in some cases, and have embryos created and stored. That would seem to me to be a very compelling reason. There are people who might argue in some cases, however you consider the changed circumstances, it allows by legislative fiat access to the technology for a single woman, and there are people who will hold that as the thing upon which they will base their opinion.

I am aware of the Federal Court decision in the McBain case and the High Court judgment which I understand is still reserved at this moment. I do not seek to circumvent the findings of the Federal Court case of McBain, but I suggest this is a situation where the legislature itself is saying, 'We understand by repeal of this legislation that in this case a woman who is a single woman will have access to the technology'. For some people that is a very difficult hurdle, and I recognise that.

A second reason to support this repeal may well be that we should try to help people who are caught by unintended consequences of legislation — that it was never intended, in what has been called in the other place and in public debate the sibling case, that people should have been caught by the act's requirement for the termination of procedures because the donor of one of the gametes is now dead. That is a good reason to support the legislation.

If I wish to be even-handed, I should say that there is some unease from honourable members in this house, as indeed there should be, when we frame and pass legislation to cater for either individual cases or exceptions. That is generally bad law. If what you are trying to do is frame legislation to cater for the exception, then you should think very seriously about doing it. This Parliament has in one unconnected case done that for a single person and it was disastrous. Again I am not suggesting that that should be used to overweigh the earlier consideration of helping people caught by unintended consequences. All I am trying to say is that in these instances there are arguments on both sides.

If I may say personally, the reason that I believe compels me to support this is compassion for the wishes of people to have a family. For me that has been the overwhelming and overriding reason to support this legislation. But I recognise among some honourable members on both sides of the house and in both houses that there are questions about the social and ethical situation of a dead donor, particularly if that dead donor was the spouse. I recognise those questions. I do not think there is a force of logic which can help to answer those questions correctly. It will depend where one puts the weight of personal judgment.

One argument that has been made in correspondence with me is that these embryos that have already been created will be allowed to be destroyed if they are not used and that therefore they should be used. On the other hand, people would argue that the psychological, social and ethical issues have changed because of the changed circumstances of the people on the program.

One argument for supporting the legislation is because the authority itself has the very great power to prescribe safeguards and there is already a comprehensive regulatory regime for the proposed procedures as they stand, and that should offer some degree of comfort. On the other hand, and as picked up in the amendment by the honourable member for Gippsland West, there is no legislative requirement for counselling in this legislation, and questions of consent are not specifically addressed by the mere repeal of a line and a half of the headline legislation.

One reason you might use to support the legislation is that it is extremely limited in scope and application and will not affect a great number of people. On the other hand, people have argued with me what could be characterised as thin-end-of-the-wedge arguments.

I have given what seems to be a farrago of reasons for supporting the bill or not supporting it. However, I am simply trying to demonstrate that in debates of this kind there are deeply held convictions which are in many cases irreconcilable. In the end we have to make up our minds, or a party's mind or a Parliament's mind about what weight we will give to those individual reasons, valid and sensible though they all may be. On this side of the house, and for a range of reasons depending on individual members, the judgment has been that we are very pleased to support this legislation.

This gives me a chance which I am delighted to take up. When you think about infertility treatment in this state there is one name that springs to mind — for me, anyway — before any other, and it is that of Professor Louis Waller. In one of those ironies often found in Parliament, two weeks ago we farewelled Professor Waller in Queen's Hall on the evening before this legislation was to be debated in the upper chamber. I could not help but be struck by that particular irony.

There is no doubt that Louis Waller, all the way back to the early 1980s, has had a very sure hand on the tiller of this legislation and IVF procedures in this state. In my following comments I wish to quote passim from two speeches, both of which I found very moving. The first was the valedictory address by Justice Michael Kirby, who gave the farewell speech to Professor Waller at the valedictory dinner in late November last year. The second speech from which I wish to quote, in particular the paragraph on which I will conclude my comments, comes from Professor Waller himself, delivered at his farewell in Queen's Hall. It would be a great pity if we did not take this opportunity to put on the record of the state of Victoria the role Louis Waller has played in guiding this legislation and people's lives.

The faculty board of Monash adopted a brief minute of appreciation for Professor Waller, which I will read. The minute, which I understand was composed by Professor Richard Fox, states:

> He is the most senior of the professors of Monash University, having been appointed on 1 June 1965. This represents over 35 years of service to the faculty and the university … For over three decades Professor Waller has served this faculty with distinction and enhanced its reputation … This minute

> records the faculty's gratitude to him, our personal affection for him, and the high regard in which he will always be held by generations of his students.

After recording that minute of appreciation Justice Kirby went on to broaden the minute in a way I wish to echo. He said:

> Although all of these tributes are deserved, the gratitude clearly travels beyond Monash University, its law faculty and students, for Louis Waller's service was to an even larger cause — that of law and justice and of humanity.

I would like to reflect on Professor Waller's career and how he has affected this legislation. In 1982 a previous state government appointed him as Law Reform Commissioner, a post he filled with considerable distinction. I again echo Justice Kirby's sentiments:

> When in 1984 the Parliament of Victoria established a Law Reform Commission for the state, it was natural that Professor Waller should be invited, as he was, to chair the commission. It contained lawyers of considerable distinction, including Justice Gobbo and future judges Frank Vincent, QC, and Anthony Smith …

It had many distinguished members. Justice Kirby continued:

> The Attorney-General of the day, Jim Kennan, said that he was considering giving the new commission a standing reference on the impact of science on the law. This indication was a tribute to the special reputation which Professor Waller had already earned, as Law Reform Commissioner, by his participation in a committee established by the Victorian government in April 1982, known formally as the In-vitro Fertilisation Committee, and informally as the Waller Committee.

Louis Waller's name has been associated with this technology right from the beginning.

The leading IVF research in Australia at that time was taking place right here in Victoria. It was occurring at Monash under the leadership of two academics of high distinction, Carl Wood and Alan Trounson. At that time honourable members may recall that there were calls for a moratorium on the use of donor sperm and eggs in Victoria's IVF programs.

How would this Parliament design legislation that would govern this new technique? That sensitive task was entrusted to Professor Waller and his colleagues. With remarkable speed — within six months — Louis Waller drafted a summary of the committee's view on the use of donor gametes. The government lifted the moratorium on the use of donor sperm and eggs. Such was the confidence that the then Attorney-General, Jim Kennan, had in Louis Waller's recommendations that he told hospitals and others involved in IVF techniques just to follow the Waller proposals, pending the adoption of legislation which it was expected would become the model for the entire nation.

Even back then those recommendations attracted both praise and criticism. To quote Justice Kirby again:

> Professor Waller had entered a field of strong emotions, deeply held beliefs and sharp differences. The field of bioethics demanded leadership of rare delicacy that would seek out and take into account, so far as possible, the points of view of all sections of the community. Professor Waller was to discover, as many have done since, that reconciling the irreconcilable opinions on such topics is difficult and often impossible.

It is interesting that two decades later those words about what Louis Waller was doing in the early 1980s still apply to amendments such as the one before us today.

To add another string to the bow, Professor Waller was always very precise — but compelling — in his language. Justice Kirby quotes the opening of an essay Louis Waller wrote in which he described the law and in-vitro fertilisation. The opening of that article is worth quoting — and may I say, only Louis Waller could put these two ideas together.

> What has [what] Lewis Carroll called 'the love-gift of a fairytale' [have] in common with article 16 of the Universal Declaration on Human Rights? Both, I suggest, refer to an ideal and a value we still cherish in our society. Fairytales, properly so-called, end in the golden haze where hero and heroine 'live happily ever after'. Those who read or hear them conjure up from that irreplaceable expression an idyllic prospect of wedded bliss and family life. The universal declaration employs language apparently more precise … [but] I suggest that what is really embodied therein is an ideal and a prohibition.

At his own farewell in Queen's Hall — as I said, ironically the night before this legislation was debated in the other place — Professor Waller quoted Oliver Wendell Holmes:

> I think that, as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.

And Louis Waller certainly embodies that quotation of Wendell Holmes. Professor Waller went on to state:

> … he shared the passionate concerns of all those for whom the birth of Louise Brown in 1978, and Candice Reed in this city in 1980, meant and continued to mean that the world has changed forever.
>
> You have been kind enough to recognise the action in which I have taken part, the work that I have been able to do, in addressing the social, ethical and legal issues arising from in-vitro fertilisation and all its developments. That work began before May 1982, but that month, which marks the inauguration of the Victorian IVF committee, is the commencement of the course I followed, with but a brief interruption, until two weeks ago.

> The apogee of that work was the enactment, by the Parliament of Victoria … of the pioneering Infertility (Medical Procedures) Act 1984, and its successor, the Infertility Treatment Act 1995. Both were passed with bipartisan support. It is, as I've often said, the case that the most emphatic enunciation of the true values of a modern democratic society takes place when a statute is made, proclaimed, and brought into full force and effect.

It is a remarkable quotation in which Professor Waller talks about himself and his work and takes us back to those early days of the 1980s, but it equally applies to the amendment before us today. I am not wont to quote at great length from other speeches, but I do not apologise for quoting either Justice Kirby or Professor Waller at some length. They said what I want to say much better than I ever could.

I know a number of people wish to make a contribution to debate on this bill so I will save some of my other comments for the discussion of the amendment to be moved by the honourable member for Gippsland West when we go into committee. However, in looking at the bill I refer again to what I said about the importance of counselling.

In relation to the range of protections contained in the bill I point honourable members to section 8 of the headline act — the Infertility Treatment Act — and in particular to subsections (2) and (3) which refer to the kinds of procedures being carried out and clinicians making decisions about admissions to programs based on counselling. I also point to regulation 6 of the 1997 Infertility Treatment Regulations headed 'Counselling prior to treatment procedure', which describes the prescribed matters which have to be counselled upon. Regulation 6(c) talks about the 'psychosocial and ethical issues related to infertility and infertility treatment procedures'. That regulation is to be read in conjunction with section 11 of the headline act which covers counselling.

I will also mention section 21 briefly, because it relates to a concern I have. I believe the protections contained in this bill and in the regulations go a long way to forming a support system that will be necessary if section 43(c) of the act is repealed. Section 21 relates to information and advice and provides that before a woman undergoes a donor treatment she and her husband must be advised in writing of a number of different issues. It may well be that in the future, as a result of this bill and the repeal of section 43(c), the government will suggest what should happen to a couple in the program and that could well be contained in the information and advice given to a couple before a donor treatment procedure is undertaken. I do not suggest it should be in there now, but I do say that we cannot treat the repeal of section 43(c) as being exactly the same as a couple entering the procedure.

When this legislation ultimately has an effect on someone in the program, in some cases it will be because of a cataclysmic event — perhaps the death of a spouse — and one would therefore expect that because of changed circumstances a whole raft of counselling and advice would be offered to those concerned. I take great comfort in the fact that the Infertility Treatment Authority can issue guidelines, and I support the use of that power wholeheartedly.

This is a very complex piece of legislation, and taken with its equally complex regulations it is a legal minefield for practitioners and people wishing to enter treatment. What we tried do in the previous government when we amended acts like the Medical Practitioners Act was to keep the black-letter law as simple and generic as possible, to allow for a regime of regulations which are more responsive to what is actually happening out in the field, and also to allow a body like the Medical Practitioners Board to issue guidelines of optimal practice which practitioners must follow.

My personal belief in that system of regulation was founded on the belief that as far as possible politicians should be kept out of this sort of clinical decision making. The decision making should be done by those in the field. Legislation itself is a cumbersome decision-making tool. One of the things that I hope for as a result of this legislation — and I believe it will be the case — is that the authority will issue guidelines to clinics, to practitioners and to people who wish access to the technology that describe the situations and dilemmas put before us as a result of this legislation. I have every confidence that it will do so. The Parliament should insist on that as it would be a more appropriate regime for those safeguards rather than trying to enshrine them in some exhaustive form in legislation. I am confident that that counselling regime, which is intrinsic to the legislation, and all the protections and safeguards we would wish for will be prescribed by the authority in its directions to the clinics, and that gives me a great deal of comfort.

We are very pleased on this side of the house to support this legislation. It is interesting, as I also said earlier, that some of the things we have discussed this week are fairly dusty and dry. We must never forget when we are discussing legislation like this that lives and important life issues are at the end of the process. I will conclude by again quoting Professor Waller's farewell speech. In reading through it again, I was struck by how profound this paragraph is. As we discuss this legislation there are, as we all know, events in the outside world that still

dominate the front pages of our newspapers. Those sombre and awful events that occurred in New York and Washington have been playing themselves out on the front pages of our newspapers since 11 September this year.

When Professor Waller was making his farewell speech those matters were even more to the forefront of our minds. He made what I consider a very beautiful statement about the wider events of the world, his role in infertility treatment procedures and, I would argue by extension, the amendment before us today. It was for me a very touching paragraph and I will quote it as my conclusion, as I doubt very much that it could be said better. Professor Waller said:

> This is a sombre time for us, and for all the people of our world. In this month in which death has so disfigured our days and our nights, our sleeping and our waking, it is more important than ever it was to rejoice in life — to remember that because of assisted reproductive medicine thousands upon thousands of people have been able to circumvent infertility and welcome with exultation new lives and begin to build new families.

I wish the legislation a speedy passage.

Mr DELAHUNTY (Wimmera) — I am pleased to rise on behalf of the National Party to speak on the Infertility Treatment (Amendment) Bill. I followed with a great deal of interest the excellent presentation of the honourable member for Malvern. I have also read the speeches on the bill in the Legislative Council, which I found enlightening and compassionate in the way they responded to this very sensitive bill, which deals with the infertility treatment process.

As honourable members are well aware, the main purpose of the bill is to make various amendments to the Infertility Treatment Act of 1995 and to provide for predominantly three things: firstly, the use of the embryos formed from gametes — eggs and sperms — of people who have died; secondly, the removal of the requirement of a spouse's consent in limited circumstances where a couple are no longer living together on a genuine domestic basis — all the relevant definitions are contained in the principal act; and thirdly, the voluntary inclusion on the donor treatment procedure information register of information relating to donations and treatment procedures undertaken prior to 1 July 1988 and for the release of that information.

As part of the consultation process I undertook in the Wimmera I sent this information out to various religious denominations, including the Anglican Church, the Assembly of God, the Catholic Church, the Church of Christ and the Lutheran Church. I also sent it to the law association, Wimmera Uniting Care, Westvic Division of Health Practitioners, Women's Health Grampians and Welcoming Women's Health Service. We received some responses to that information.

I have been in this chamber for two years and have read with interest and listened to the debates. I have noticed that the debates on in-vitro fertilisation (IVF) are always very contentious. They attract enormous correspondence, which importantly highlights the very different and divergent views in the community. I say from the outset that my view is that the rights of the child must be paramount.

I am pleased to contribute to this debate. There have been some wonderful, well-thought-out speeches, particularly in the Legislative Council, and I am sure honourable members have read many of them. I am following the honourable member for Malvern in the debate, and I also appreciated his contribution.

From my understanding of the IVF program, and through talking to some of the people involved in it, I have learnt that as with any marriage or partnership in life the parties have to show real commitment. I am fortunate that I have a great partnership with my wife, Judy, but that has been tested as no doubt have most others. We have learnt to say sorry on many occasions and to get on with life. But the IVF program tests partnerships, and as I said, the parties must show real commitment. It puts enormous pressure on those people and tests their relationships.

The program has great benefits. I have been led to believe that since it started in 1988, 500 donors have been involved and 1500 children have been born. That is a wonderful achievement for those people, who would not have had the opportunities that my wife and I have had in our lives with our three sons, although one of them caused a bit of angst for me for a while. My wife said he was too much like me, and that was why there was conflict! But I am very proud of those three boys — or men, as I should say now.

The program is a great opportunity for people to have children, and having children is one of the enjoyments in life. We worry about many things in life — about having a job and an income and about our health, which are very important — but I am glad to have had the opportunity of experiencing the pleasure of raising children. The IVF program has given that opportunity to many people who would not have had it otherwise.

In the IVF program embryos are formed only because the male and female want to have a family. The legislation sets out an extensive process which must be undertaken before embryos can be formed. We

consulted widely on this very sensitive bill and received many letters in relation to it. We all received a letter from the Right to Life campaign supporting the bill, which is a major step forward for that organisation. Another letter I wish to highlight is from a constituent of mine, Allan Anderson, the senior minister of the Horsham Church of Christ. The letter states in part:

> … we often neglect the long-term needs of a child to grow up in a secure, loving environment in which there is clear modelling from both female and male parents …
>
> I am glad to see that there still remains the prohibition on the use of sperm or eggs from a deceased donor.

In summary he says that he is pleased to see that people can still have children if they go through the original process of the IVF program.

The bill has been introduced as a result of a campaign by Joanne Bandel-Caccamo to access the embryos created in part by her husband Pino. They would have gone through a lengthy process in starting the IVF program, including extensive counselling, which I will return to later. Some of the embryos that were formed have been used, but unfortunately Joanne miscarried and lost the opportunity to have a child. However, she still wants a child, and her husband said when the process started that they wanted to start a family.

I have spoken with the honourable member for Gippsland West about her amendments. Although at this stage we will not be supporting them, I think she has a valid argument in that while there is counselling prior to the start of the process, if there is a hiccup, as happened with the loss of Joanne's husband, there is no requirement for counselling to continue. Counselling throughout the process should be standard practice. It would assist Joanne as she goes through the process, and I can understand why the honourable member for Gippsland West has put forward that amendment.

Joanne's campaign has attracted support from a lot of people, particularly media outlets across Victoria. I will highlight some of the editorial comments. Firstly, I will quote briefly from an editorial in the *Herald Sun* of 1 July. I would have thought the comments by Professor Carl Wood in the editorial were more inflammatory than productive in relation to this very sensitive issue. Under the heading 'Cruel law must go' the editorial states:

> Professor Carl Wood speaks for Victoria when he says of Joanne Bandel-Caccomo's plight: 'The cruelty to this woman makes me feel angry and ashamed'.

My understanding of the process is that when Joanne and her husband, Pino, started the process they signed a consent form stating that if one of the partners died the embryo would be disposed of, so they were well aware of the process. However, given that the embryo was formed in a loving relationship with a commitment on the part of both parties to have a child together, I can understand why she wants to proceed on that basis. Her husband, Pino, consented to that at the time. The editorial goes on to say:

> A child was her husband's dying wish.

As a politician and a legislator I thought that I would want to see that dying wish of her husband proceed, but the editorial was very emotive and it called on us to examine our compassion, our consciences, and importantly, our commitment to our constituents. At the end of the day we in this chamber have a big responsibility to look after not only Joanne but the whole of the community including particularly, as I said at the start, the rights of the child. That was not really helpful.

The editorial in the *Age* of 13 July headed 'Embryos under the microscope' states in part:

> In Victoria, frozen embryos are disposed of after being in storage for five years, at which time couples are given the option of using the embryos themselves, donating them to another infertile couple or discarding them. Such decisions can be difficult for the couple concerned —

and it goes on. That highlights the very difficult circumstances people go through in the IVF program.

An article which I think encapsulates the whole thing is the excellent article in the *Herald Sun* by Jill Singer headed 'Let's talk straight on IVF'. Jill Singer starts with the statement:

> In the debate over the latest IVF ethical dilemma, the language see-saws from the clinical to the emotional. Sometimes it's a baby, sometimes just an embryo. In the days before IVF technology, the meaning of words like pregnancy and abortion was clear.
>
> Now, they are being twisted and used in highly emotional ways.

She says further:

> To me, all this talk of pregnancy and abortion about events taking place outside the mother's body proves how far the IVF industry is prepared to manipulate our language and emotions. When it comes to research, an embryo is never called a baby or referred to as causing pregnancy, and if it is killed for research, it is not called abortion.

She highlights the very emotive response this has brought out in the community.

However, we in the National Party have discussed this and looked at it from a lot of angles, and I am pleased

to say that we will support this legislation. As I have said, we have been called on to examine our emotions and all those types of things. It is all right to appeal to people's emotions, but at the end of the day we have a big responsibility in this chamber not only to make sure that the emotional stuff is considered and taken into account but also to look at the consequences of any legislation that is passed. We believe the existing provisions in the Infertility Treatment Act of 1995 have not changed; that is why we — and I in particular — are prepared to support this legislation.

We must be prepared to face the consequences, and we must get the balance right. The changes in this legislation in some ways represent a significant shift in the use of the embryos which, as we must remember, have been created by married couples or partners who have been prepared to use their eggs and sperm to form them, obviously with the intention of forming children. None of these things should ever be taken lightly. We must consider scientific, medical and emotional information, and most importantly the ethical processes. All these issues must be addressed. At the end of it we must walk out of this chamber trusting that we have got the legislation right.

As we have seen with legislation that has been dealt with this week, as time goes on an enormous number of amendments to various pieces of legislation are made in this chamber — for example, the legislation to amend the Roman Catholic Trustees Act of 1907. Every day we see legislation that needs to be amended, and that is why this legislation is before us today. I am sure and comfortable that the legislation I have examined is right and that regulations will be in place to protect people. Importantly, it should be remembered — we were given a good briefing, particularly by Helen Szoke from the Infertility Treatment Authority — that there are guidelines that the authority works under and gives out to the various clinics, and those guidelines look after how the clinics will act. That is where my concern is. That is where I believe the counselling the honourable member for Gippsland West talks about in her amendments, which I think refer to counselling as not being mandatory — I do not like the word 'mandatory' — or compulsory is there and can apply.

I hope, and I trust, that the government will look at those guidelines to ensure that if this sort of situation comes up again the woman, as it is in these types of cases, gets appropriate counselling, because it is a very emotional time when you lose your partner. I have never been through the experience, but I have seen examples of it happening. It is important that counselling be available to assist such people through that very difficult time in their lives.

The reasons the National Party supports this legislation are probably twofold. One is that the formation of an embryo will have had the approval of both the male and the female at the early stages. The enacting of the legislation will enable an embryo to be used even though the male donor has passed away, which is important and which has been highlighted by Joanne's case. The other is that the bill proposes to amend section 13 of the principal act to provide that, where one partner of a married or de facto couple wishes to donate either sperm or eggs, the other partner must consent to the donation. We feel comfortable with that.

The Honourables Jeanette Powell and Ron Best from another place and I were very enlightened by the briefing we were given by the government and the Infertility Treatment Authority, and we are satisfied there are enough checks and balances in the 1995 principal act to address the concerns we raised during the briefing. We believe there is protection in the legislation to ensure appropriate compliance, and we are satisfied with that.

One part of the act will change, in that the bill provides for voluntary inclusion on the donor treatment procedure information register of information relating to donations and treatment procedures undertaken prior to 1 July 1988 and the release of that information. That is a big change. In 1988 there were not the records that we keep today. Victoria now has a very formal register on which donors leave their names and addresses, only after the time of the donations. Only people over the age of 18 years can access the register. It is important to note that the voluntary register is not part of the central register, and must be seen as something quite separate.

As I said, children under the age of 18 years who have permission from families can access information from the voluntary register. The sort of information that will be able to be placed on the voluntary register includes family history, medical history and photos of donors or their parents and families, so that anybody accessing that information can see what their family members look like. It might be a bit of a worry if a photo of mine is there; I am no oil painting or anything like that. I am sure photos are a bit like books: you cannot judge a book by its cover. Importantly, anything else the donor wishes to put on the register can be included.

The process is voluntary. If a person wishes to record only their name and address, that is of their choosing. But they could place more information on the register in the hope of later meeting up with the child they are part of producing. It is important to understand that before a person places information on or receives

information from that register the person must be counselled.

Counselling, as I said earlier, is very important. The person receiving the information, and the person who puts the information on the register, need to understand the ramifications of how that information could be used, either by the person receiving the information or the person who places it on the register. They also need support and counselling about information they may receive from the register.

We wish this legislation a speedy passage through the Parliament. It is controversial in some ways but it is commonsense legislation that has gained the support of the National Party. The counselling issues are very important. As I said, being in a partnership has its difficulties at times but raising a family is an important process in life which certainly has its challenges and problems. Counselling from members of your family and trained people is important. So the National Party will not oppose this bill. In finishing, I, together with other honourable members, pray for and wish Joanna all the best, so that with the passage of the legislation she can become pregnant and fulfil her wish and that of her late husband, Pino, to bring into this world and raise a child, like most of us who have had the opportunity. I wish the bill a speedy passage.

Mr VINEY (Frankston East) — I am pleased to support the legislation that will amend the Infertility Treatment Act 1995. The bill will enable a more effective operation and application of legislation so that it reflects a number of current issues and practices that we need to recognise with changing technology and medical abilities in this area, whilst broadly maintaining the existing policy framework and being cognisant of the legal and ethical issues around this important legislation. I join with other honourable members before me in acknowledging the fact that from time to time we have legislation that goes to the heart of complex legal and ethical issues. The debate that has taken place and is continuing today is one of sincere recognition of that complexity.

The bill provides for the removal of the requirement for spousal consent to donation when a couple is no longer living together as husband and wife on a genuine domestic basis. It also provides for the voluntary inclusion of information on the donor treatment procedure information register related to donations and treatment procedures undertaken before 1 July 1988. The bill also provides for the use of embryos formed from gametes of a person who has died. In dealing first with consent for the donation of sperm and eggs, the bill will remove the requirement for the consent of the donor's spouse for a donation of eggs or sperm when the donor and spouse have ceased to live together on a genuine domestic basis.

The act currently states that when a married person who has separated from his or her spouse wishes to donate eggs or sperm, consent must still be obtained from the spouse unless divorce has taken place. So married persons under the current act are disadvantaged compared with a single person and a person who has left a de facto relationship, who are allowed to donate gametes without the consent of another person. There are cases of willing married donors from cultures where divorce is not acceptable for social or religious reasons, where contact with the estranged partner to seek consent would be acrimonious. This amendment, therefore, removes discrimination from individuals who are not living together as husband and wife on a genuine domestic basis, and will enable them to altruistically donate sperm or eggs without the approval of their spouse.

The second element of the bill I wish to discuss is the extension of the voluntary donor treatment procedure information register to pre-1988 donors. The bill will enable the register to apply to donor procedures undertaken prior to 1 July 1988 so that people involved in donor procedures prior to that date can provide information to the register as a mechanism for future contact with those biologically related to them. It will also enable these people to access information on the register.

Prior to 1988 gamete donations could be given anonymously. This amendment will enable donors voluntarily to register information about themselves and give permission for this to be made available to others. It must be emphasised that this is entirely voluntary, will only be open to persons aged 18 years or over and is subject to stringent counselling and consent requirements. It is proposed that this be done through the amendment to the act. This will ensure that the authority has the power to release information from the register provided all consent and counselling conditions have been complied with. All donors and offspring, and relatives in some cases, will then have equal access to the register.

Thirdly, the bill removes the prohibition on the use of embryos formed with eggs or sperm of a person who has died. This is due to the justifiable expectation by the other person who provided the gamete that they would have access to embryos formed for a treatment procedure — the mother usually, of course — and would have the opportunity to have an embryo implanted rather than having it destroyed. This

amendment will enable women to access embryos formed with their now deceased husband's sperm. As the honourable member for Wimmera said, this is exampled by the case of Joanne Bandel-Caccamo, who has highlighted her situation through the media in recent times.

The amendment will also enable women and couples to have access to embryos already formed with donor sperm and therefore to have another child with the same genetic heritage as the child's siblings. A child created through access to already-formed embryos where one donor has died would be able to access information about his or her genetic origins upon reaching the age of 18. The prohibition on the use of eggs or sperm from a dead person would remain in place, therefore an embryo would not be able to be created from the gamete of a person known to be dead.

A number of honourable members wish to speak on this legislation, so I will keep my remarks brief, but I would like to acknowledge the work of Professor Louis Waller in his many years in this field. Having recently come to this issue as a parliamentary secretary, I particularly thank Professor Waller for his ability to provide me and other members of the government earlier this year with a succinct and clear briefing on a number of issues. I remember thinking at the conclusion of the briefing how remarkable it was that he was able simply and clearly to explain to someone like me, who was relatively new to these issues, a number of complex medical, legal and ethical issues, how they interrelated in the operation of the act and how the issues in 2001 had moved on from the original act and the previous amendments. His ability to do that so succinctly and clearly was certainly appreciated by me and other parliamentarians who had the opportunity of meeting with him.

In conclusion, I thank honourable members in anticipation of what I know will be thoughtful and considered contributions to this debate, because I am sure it will continue in the vein in which it has commenced. I commend the bill to the house.

Ms DAVIES (Gippsland West) — I rise to speak on the Infertility Treatment (Amendment) Bill and ask the house to note that on issues relating to children I put myself firmly in the category of being a conservative.

The guiding principle I would follow is that children are conceived and born with two biological parents. We are not just nurture, we are also nature. I believe it is in their best interests to grow up with, and grow up knowing their biological heritage. As I believe cultures are stronger when they know and accept their history, I also very firmly believe children are stronger when they know and accept their history. I am very much of the belief that the interests of children must always come first in the lives of their parents.

That is not to say I believe all children need to grow up in the same kind of family. There are many types of families and many children growing up very strong in many types of different families. Children are adaptable, and circumstances can be different from the standard 2.2 children and a white picket fence. I do not have any difficulty accepting that reality.

I do believe, however, that wherever it is humanly possible children should grow up having access to both their biological mother and their biological father. They may also have people you may perhaps call 'social parents'. That is fine — I accept that — but children are stronger if they know and understand their biological parentage. That is not always possible, and I am very uneasy when science intervenes to alter the odds of that being possible.

I note the guiding principle of the current Infertility Treatment Act, which states very clearly in section 5(1) that:

> (a) the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount …

The act makes that very clear, and that is consistent with how I feel.

This government bill aims to do three things: to remove the requirement for spousal consent to donation when a couple is no longer living together as husband and wife on a genuine domestic basis; to remove the ban on the use of embryos formed with the gametes of a person who has died; and to enable those who were involved in treatment procedures before 1 July 1988 to exchange information on a voluntary donor register if they so choose.

That third measure is a very real positive. Before 1988 consent to donation was given on the basis of anonymity, but where people are happy to volunteer to both give and receive information there is only a benefit to be gained.

As regards the first measure, I accept that there are some people who cannot or will not formally divorce for particular social or cultural reasons, and where those people are permanently separated and one member of the ex-couple may wish to donate gametes or sperm I do not think they should be constrained by now

non-existent relationships. I am also happy to support that part of the bill.

I have reservations about the second part of the amending bill — that is, the proposal to remove the ban on the use of embryos formed with the gametes of a person who has died. There is some lack of clarity in the consent forms that people currently sign. It appears that the forms that are signed when it is a couple that is undergoing the treatment give consent to the treatment of a particular woman. Therefore, the consent form would lapse if that woman died. However, according to the consent forms that people sign, if there is a divorce or separation it is possible that the partners can have a choice about what they want to happen to preformed embryos — embryos which have been formed before the divorce or separation. Currently if one partner dies the embryo must be discarded.

There are issues around whether it is only a woman who may access a preformed embryo if one partner dies. I do not believe the changes that are being made clarify what happens if a woman dies and her bereaved husband wishes to have access to that embryo.

I note that there is specific reference in the consent forms of both the Royal Women's Hospital and the Monash Medical Centre to what happens to preformed embryos if one partner dies. To quote from the Royal Women's Hospital consent form, those people consenting to undergo treatment sign a document saying very clearly:

> (3) We understand that:
>
> an embryo cannot be transferred once it is known that the woman, or if married her partner, is deceased. We understand it will be removed from storage at that time.

The consent form that people undergoing in-vitro fertilisation (IVF) treatment at Monash must sign says very clearly:

> (b) In the event of the death of one partner, the remaining partner may choose to dispose of the embryo(s) or continue with storage of the embryo(s) until the five-year maximum time limit has lapsed and then the embryo(s) must be destroyed. The surviving partner is unable to use the embryo(s) after the death of a partner.

Those are very clear statements in the current consent forms.

I believe it is somewhat debatable whether signing forms which make those statements is merely acknowledging that that is the current state of the law or whether it could be interpreted as expressing conditional assent — that is, actually asserting that they wish to have an embryo they have helped create removed from storage in the event of their death. Certainly the form leaves no doubt about what would happen if one partner dies.

The bill is effectively making a retrospective change to that consent. That is an issue of concern. Regardless of the progress of the bill, I believe the in-vitro fertilisation authority should be directed to amend its consent forms. I believe people should be given very precise options in stating what they wish to happen in the event of their death before any embryos they have helped create are implanted.

As I said, the Monash form is more detailed than the one used at the Royal Women's Hospital. The Monash form gives people a very precise set of options for what they want to happen should they divorce or separate during the treatment. I can see no reason for that information not being included in relation to what happens if one partner dies during the treatment period and before any pre-existing embryos are implanted.

People going through this sort of treatment do not like to think about the possibility of separation, divorce or death, but it is very important that people consider all the possible circumstances they and any children they might create could have to face. It is a bit like being a parent in that you have a responsibility to think about what you want to happen to your children in the event of your death. I ask the Minister for Health to attend to that issue. I do not believe it is appropriate for such issues to not be clearly addressed on those initial consent forms. I know this will affect very few people in practice, but it is an issue which is best thought about and dealt with in a concrete way in the very early stages. I hope the consent forms will be amended.

I agree to support the deletion of section 43(c) of the Infertility Treatment Act. That section prohibits the 'transfer to a woman of a zygote or an embryo formed from a gamete from a person known to be dead'. However, my support for the removal of that provision may be conditional on the passing of the new clause I have circulated.

The first amendment on the sheet circulated in the house is aimed at amending the purpose of the bill. I have received advice that changing that purpose is not essential, and I will not be proceeding with that proposed amendment. However, I will be proceeding with the new clause I have proposed. In part it requires that, if a spouse dies while a couple is undergoing a fertility treatment program and after the formation of an embryo but before it is implanted, two conditions need to be met before treatment can recommence. Those conditions are, first, that at least 12 months should

elapse before treatment recommences, and second, that counselling should occur before treatment recommences.

I included the first condition because there is an overt and long-held belief that people should not make major decisions about their lives for at least 12 months after the death of a spouse or some other major bereavement. I have heard that many times with many griefs. That folk wisdom is very much backed up by science and psychology. I would like to quote an article which appeared in the *British Medical Journal* on 14 March 1998. A Mr Parkes stated:

> After a major loss, such as the death of a spouse or child, up to a third of people most directly affected will suffer detrimental effects on their physical or mental health … About a quarter of widows and widowers will experience clinical depression and anxiety during the first year of bereavement; the risk drops to about 17 per cent by the end of the first year and continues to decline thereafter.

An article headed 'Coping with the loss of a spouse' appeared in *USA Today* in August. It states:

> … most older adults are resilient and bounce back to earlier levels of physical and psychological health within 18 months of their loss …

In *Loss and the Grieving Process* written in May 1997 Cappel and Mathieu said of grieving:

> Typically, the process takes about a year, but it is not uncommon to extend beyond this time.

We can make few more major decisions about life than the decision to bear a child. It is hard to see that where there is a choice it is in the best interests of a mother and the wellbeing of a child for that child to be conceived during that time.

I turn now to the reason for the second part of the amendment regarding counselling. The Infertility Treatment Act requires counselling to occur before initial treatment can take place. Section 11(2) states:

> Before a woman undergoes a treatment procedure, the doctor in charge of that woman's case must take all reasonable steps to ensure that a counsellor … is available …

I do not believe that is prescriptive enough. I noted what the opposition spokesman on this bill said about undertakings given by the Infertility Treatment Authority that such prescriptions would be tightened up, but I think it is best to put it into the legislation and then no-one is in any doubt. It is very much in the best interests of all that any decision to receive treatment for infertility be reaffirmed and reconsidered in depth after such a complete change of circumstances as the loss of a spouse. I would like to believe such counselling would entail possible advice not to proceed at a particular time.

I have been told by the government that it will not support the new clause. The opposition has also noted that while it supports the new clause in principle it will not support it in practice. That is a shame. I believe the amendment is very reasonable. I believe we face creeping changes to our lives, changes which are being driven by technology and have not necessarily been considered by the community in the broader sense. I am very wary of our disappearing too much into an individualised world. I restate my belief that it takes a male and a female to create a child and that a child's knowing as much as possible about their biological inheritance, regardless of their current living circumstances, strengthens them. I am very wary of any moves away from that understanding.

As I said, I agreed to support the bill if my proposed new clause was accepted. In view of the fairly strong reservations I have I expressed, during the rest of the debate I will be considering in some depth whether I choose to support the bill given that I have been informed that my new clause will not be passed.

Mr THOMPSON (Sandringham) — Professor Louis Waller has guided the development of legislation in this area for a number of years, and a few weeks ago he was honoured with a function in Queen's Hall. His erudition was illustrated in the address he gave on that occasion.

In the address he quoted Oliver Wendell Holmes:

> As I listen, the great chorus of life and joy begins again, and amid the awful orchestra of seen and unseen powers and destinies of good and evil our trumpets sound once more a note of daring, hope and will.

In this address Professor Waller went on to note that:

> It happens that this evening ushers in the eve of Yom Kippur, the Day of Atonement, on which day the faith which has always held me fast believes the Almighty weighs the destinies of each of us, of our nations and of our communities.

Victoria is very fortunate to have had the fine work of Dr Frank Harman and Professor Louis Waller in developing new law in this area.

The literature of Charles Dickens, Joseph Conrad and William Golding illustrates in part the life circumstances of those people who in later life have established a clearer understanding of their origins. In political terms, it is my contention that a fundamental guiding principle in this area is that it must be in the best interests of the child.

We can see in English and European literature many characters whose lives were influenced by the obscurity surrounding their origins.

In his book *Freefall*, Sammy Mountjoy often inquired who his father was, sometimes with a detached indifference and at other times with a strong yearning. He wrote:

> These tobacco-stained fingers poised over the typewriter, this weight in the chair assures me that two people met; and one of them was Ma. What would the other think of me, I wonder? What celebration do I commemorate? In 1917 there were victories and defeats, there was a revolution. In the face of all that, what is one little bastard more or less. Was he a solider, that other, blown to pieces later, or does he survive and walk, evolve, forget? He might be proud of me and my flowering reputation if he knew. I may even have met him, face to inscrutable face. But there would be no recognition. I should know as little of him as the wind knows, turning the leaves of a book or an orchard wall. The ignorant wind that cannot decipher the rows of black rivets any more than we strangers can decipher the faces of strangers …

He then goes on to ponder whether his father was a soldier, an airman or a clergyman, although it was a clergyman his mother had alluded to.

In his prelude to *Under Western Eyes*, Joseph Conrad notes that Razumov looked upon Russia as his heritage:

> Being nobody's child he feels rather more keenly than another would that he is Russian — or he is nothing.
>
> He was as lonely in the world as a man swimming in the deep sea.

In this area of the law there are a number of important issues that need to be pondered, because in many ways we are moving through uncharted waters. The predictions of social researchers 20 and 30 years ago are now being reflected on and brought to life before this chamber as legislation seeks to catch up with scientific developments and advances and the considered wisdom of our philosophers and legal thinkers is translated into statute.

In relation to the use of reproductive technology, in the 1970s it was estimated that there were some 50 to 75 cases of artificial insemination by donor in Australia each week. In the United States of America it was estimated that some 10 000 people had been conceived through these practices as a result of improved scientific technologies and greater community acceptance. Another factor for the increase may have been the reduced number of children who might have been available for adoption.

A paramount principle in the literature on adoption is that the child has a right not to be deceived — that is, the right to know his or her genetic inheritance and the right for information to fulfil psychological needs.

As reproductive technology was applied at Prince Henry's Institute for Medical Research in the 1970s and early 1980s there were no procedures or regulations that governed the selection of the donor and the number of times an individual could contribute. One of the leading researchers and doctors of the day held the view that once there had been a successful birth the records relating to the donor should be destroyed. Such a practice was in complete contrast to the emerging understanding in relation to the adoption experience that the provision of information on genetic inheritance was critical and fundamental. At a minimum that meant the development of a database that provided non-identifying background information to adoptive parents.

It is notable that the secrecy surrounding adoption is of relatively recent tenure. It commenced in England in the 1920s and at that stage was regarded as serving social and wider needs. Of all people who have been adopted, most held the view that they wanted to know who they were, in what circumstances they were conceived and born, and how their parents coped in giving them up. There was a suggestion that people who were adopted were always out of context. The life circumstances in which these issues were important were early adolescence, late adolescence, when attaining adult legal status, prior to a pending marriage and at the time of marriage, as well as dealing with adult matters of a practical nature such as taking out insurance, requesting a birth certificate, experiencing illness and involvement in property disputes. The death of the individual's social parents can also give rise to a higher need to understand the basis of his or her origins. Jigsaw is an organisation that deals with adoptive parents. Of 135 reunions organised by them, 126 were regarded as being successful.

My own view is echoed in the United Nations Declaration of the Rights of the Child, which states that:

> … the best interests of the child shall be the paramount consideration.

I turn specifically to one provision in the bill which relates to the register that is to be established and access to that register being available upon a child attaining the age of 18. This reflects some aspects pertaining to adoption legislation, but it is noteworthy that a British Columbian royal commission on family and children's law considered that an applicant for information could be of any age. It was argued that being under the age of majority should not preclude access to that information

if in the opinion of a Supreme Court judge it was considered necessary for the emotional growth and development of an adopted person. In that case the consent of the adoptive person had one restriction.

I believe that is an issue the house could give further thought to in the days ahead where an element of discretion could be applied.

Ms ALLAN (Bendigo East) — I am pleased to join the debate with the many other members of the house who have a great interest in the amendments to the Infertility Treatment Act.

As we have heard from previous speakers and the honourable member for Frankston East, the bill will amend the Infertility Treatment Act in three parts. Firstly, it will amend section 13 to remove the requirement for spousal consent to donation where the couple is no longer living together as husband and wife. We have heard this will have fairly limited application, but it is an important amendment to provide for those couples who, whether for religious or social reasons, might be separated and no longer living as husband and wife but are unable to divorce. It will remove the requirement for spousal consent for the already created embryos.

Secondly, the bill will insert a new part into the act to allow a person involved in a procedure prior to 1988 to request the infertility treatment authorities to enter information on their voluntary donor treatment procedure information register.

The third amendment this bill is making, and it is the one I want to confine my remarks to, is the repealing of section 43(c) of the act to remove the ban on the use of already created embryos, where one of the people involved in that creation has passed away. I believe this is a really important provision as it provides a greater opportunity for a man or a woman — but in most cases it will be the woman — to have children. There are many women, as honourable members know, who want to have children but who, because of infertility, are unable to do so. The development of the in-vitro fertilisation (IVF) program over the past 20 years has provided enormous and exciting opportunities for those women to become pregnant. That is a very exciting part of the medical advances we have seen in the past 20 years.

As one of the members of Parliament who make and debate the legislation that provides the framework for people to seek infertility treatment, I am pleased that we are increasing the opportunity for women to conceive and have children. There has been recent media publicity about a young woman whose husband died after they had created embryos in the hope of having children. The repealing of section 43(c) will give this woman and other women in similar situations the chance to have a family. That is an opportunity that as members of Parliament we cannot deny these people.

Community views on the use of IVF technology in the creation of children have evolved greatly since the 1980s when IVF treatment first started. Parallel to this changing of society's views towards IVF treatment is the changing view of society on what makes up a family. Many laws that have been passed since the 1980s, including laws recently passed in this chamber, reflect our view of a family as it is today in society. This legislation also reflects those changing circumstances of families, but also of medical technology. Giving people the choice — particularly women — to conceive and have children is one that I welcome. I am very pleased to commend the bill to the house.

Ms McCALL (Frankston) — I well remember the debate on the Infertility Treatment Act in 1995 and some of the community concerns that were expressed about the introduction of that act. We now have before us an amendment that relates to a very specific case. What I will do is say yes, I support the bill, but as devil's advocate I still retain some of the concerns about in-vitro fertilisation (IVF) and the implications to the community that I have held for quite some time. That probably makes me an arch conservative — something that I am not ashamed to be in certain instances. It is also because I am not a mother. I have never felt the need throughout my life, and throughout the romances and loves of my life, to have children, and I have exercised that choice.

I therefore come to this sort of legislation from a very different perspective because I do not understand as clearly as do many women and men in this house the pursuit and need to produce a child. However, having said that, I acknowledge that there is a percentage outside in the community who do, and who recognise through no fault of their own that they are infertile, and that the recognition of infertility treatment enables them to pursue the goal of producing a child if that is what they wish.

I offer a word of caution: any legislation that is introduced here has to be in the best interests of the child, and it should not be as a result of a whim or community pressure that a child is born. However, that is the word of caution. Beyond that I recognise that we have come a long way since the original act of 1995 and that the community has moved forward. I recognise

that this particular amendment to the act is dealing with a very tragic, emotional and serious case of a married couple who were part of the IVF program and then in tragic circumstances one half of the partnership has died. Nobody in this chamber would argue that we are not without emotion of one sort or another. I therefore acknowledge that the need to change the act to enable a case such as the one that has been much discussed in the public arena is not unfair, but I also say it is dangerous to introduce legislation that has provisions for exceptions rather than rules. We must be careful of that too, because if next week someone comes along with an equally pleading, emotional and difficult situation, what do we do — amend the legislation again?

I have no difficulty in supporting the legislation because I recognise the community support for it. I was dismayed that the Minister for Health was so public about it before we had had the opportunity to debate this legislation in the house, but I appreciate his position and that of the woman involved. May I also say that this is the beginning of another stretch of those social things where we recognise that the community and society have changed and that some of us will have to move with that.

I do not support the amendments proposed by the honourable member for Gippsland West, because I recognise that within the bill there are adequate restrictions and adequate time lines put on them which I think would probably satisfy most of us. I am happy to support the bill, but I make clear those reservations, as I always do, out of honesty and out of my intrinsic conservatism.

Ms ALLEN (Benalla) — It is with pleasure that I rise to speak on the Infertility Treatment (Amendment) Bill. I strongly believe this is one of the most socially progressive bills that the Bracks government has introduced. It is not only a socially progressive bill, but when you look particularly at the case of Joanne Bandel-Caccamo you see that it is actually a story about love. Although there are many people in the community who oppose such legislation and some methods of a child being born, the women and the men who go through these procedures do so because of the very deep commitment of love that they have to produce a child. They think about this with great consideration. They have, not a desperate need, a deep-seated want to have and love and raise a child.

To go through these particular procedures to do so, these people obviously have the commitment and, again, the love to raise a child.

I have watched Joanne's case through the media and have seen her commitment and her passion to have the child that she and Pino created through an embryo. Without this legislation Joanne would be unable use that embryo, but she has pursued the matter and brought the whole concept to the media, and I commend her for doing that because it has brought the community's attention to what was originally a problem.

As I said, this is a story of love. The fact that Joanne has such an incredible, passionate desire to have Pino's child is a wonderful story; and the fact that after this legislation is passed she will be able to do that is to me a wonderful thing.

The legislation also deals with the extension of the voluntary donor treatment procedure information register to enable people to obtain information about donors. However, registration is voluntary, and that is a very important part of the bill. The donors decide whether they will enable that information to be accessed. I strongly believe it is important for children who are created by a donor sperm or egg to be able throughout their lifetime to access information about health issues such as disabilities that may arise during their later years. I have not been able to trace my disability through my family tree to find out exactly where it started as I would have liked, but of course back in those days none of this even existed anyway. Registers of information about donors or anything like that would not have been considered because of the conservatism of those times. But it is important for somebody like me who has a disability to be able to go back and trace health problems, and that is also the case with any other problems such as mental illness that may arise so that doctors can research the problem and help their patients. Even though participation in the register is voluntary, I encourage all donators to participate so that their information can be accessed.

The bill is socially progressive. It has many aspects other than those that affect Joanne, but it has been Joanne's passionate desire to make the situation public and bring it to the attention of the government that has led to the legislation being introduced. It has been her push that has got the bill to the stage it has reached today, and I congratulate her. It is a wonderfully socially progressive bill, and I commend it to the house.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Infertility Treatment (Amendment) Bill, which essentially deals with two specific issues. Both are extremely emotive and have been spoken about at great length, both in the Council and in this house. One is the case of a widow who with her husband created an

embryo before his untimely death, and the other is the case of a couple whose first child was created by the sperm of a donor who subsequently died. The couple wanted to provide the child with a sibling from the same donor, and this bill will enable that to be achieved.

Legislation dealing with infertility and reproduction is complex. As legislators we have a serious responsibility when dealing with such issues. It is important that we respect all sections of the community. The bill removes the legal requirement for a spouse to give consent when a couple no longer live together on a genuine domestic basis. The bill also removes the ban on the use of embryos when a donor has died.

When we talk about in-vitro fertilisation (IVF) we often hear the use of scientific and seemingly dispassionate terminology such as frozen embryos, zygotes, et cetera, and it is easy to steer debate in a direction that removes it from the reality that we are dealing with human lives, with hopes, dreams and aspirations. IVF raises a number of issues, issues of social significance and issues within families such as psychological anxieties — and not just anxiety for the married couple who are the recipients of the donor embryos but also for the extended family, especially the prospective grandparents, who experience considerable angst and anxiety. They are facing a new world and are not quite sure how they will handle it. The effect on them should not be underestimated.

In a perfect world every child would be wanted and every parent would have the number of children they desired. I have been fortunate that I have been able to have my own children, and I feel for whose who have not been able to. Mother nature creates a tremendous desire in people to have their own children, and IVF has been a tremendous development in our society. We cannot bury our heads in the sand and ignore new technology and scientific breakthroughs.

Human nature is such that we are always striving for knowledge and ways to improve and enhance our lives. However, when we make decisions to implement technology, particularly in the creation of life, we must move slowly and cautiously and take into consideration every aspect of the implications. It is so easy to have unintended consequences. Even though science changes rapidly, society, its perceptions and its standards, moves more slowly.

Moral and ethical implications are weighty matters for consideration by parliaments and society at large. It is very important that we as members of Parliament separate our own personal beliefs from facts when debating issues arising from the bills we consider. I think the changes to the accessibility of information in the voluntary donor register are important. The donor's family would appreciate being able to supply information if they wished, and it is important that children who have been born as a result of donations can find out about their family and their medical history. I imagine the aspect of seeing photographs of the donor and of the donor's family would be very important. I know from having friends who have adopted children how important it has been for the children to be able to find out more about their ancestors and some of the small details. It is very important that we know who we are in this world and where we come from, and our parents are the link.

Obviously in many cases people will not be able to access that information, but we as parliamentarians should encourage donors to look seriously at providing some of the basic information so that children who are born from the generosity of a donation can identify who they are. It is with great pleasure that I commend the bill to the house.

Mr HOWARD (Ballarat East) — It is my pleasure to speak on the Infertility Treatment (Amendment) Bill, which, as previous speakers have said, is very significant. It relates to an area that has changed a great deal over recent years.

Like many others in this house, I have friends who have benefited from infertility treatment programs. Couples who planned and expected to become parents but found that for one reason or other they have not been able to achieve parenthood have been able to become parents because of the great work being done by many people in this area and because of the support they have received from infertility programs.

At the outset I congratulate all who have been working in the area, whether in research and development to better preserve embryos outside the human body or in developing skills to implant embryos culminating in a child being born to a person who previously believed they might never be a parent.

I commend them for their work and I also commend those involved in the social and other aspects of the program. The feedback I get from those who have been involved in the program is that they have been tremendously impressed by the support and the professionalism of the program they have undertaken. As the house has heard, the government has again consulted widely on this bill to gain the views of people involved in the infertility treatment area and to establish what changes need to be enacted to ensure that the bill

moves with the changing times and does not prevent people from undertaking infertility treatment for the wrong reasons.

Three changes are advocated by this bill. The first removes the requirement for the consent of a spouse of a donor in order for the donor to be able to provide a gamete, whether that be an egg or a sperm. That sensible change recognises that women or men who have separated from their partners but who have not pursued the path of divorce do not need to contact their partners to get their consent before they involve themselves in donating a gamete if they so choose.

The second change provides for the extension of the voluntary register so that people who donated sperm or eggs before 1 July 1988 can be registered. While that is done on a voluntary basis, there is great benefit in ensuring that that register is available so that children who were conceived as a result of donor sperm or eggs can, after the age of 18 years, access some of that information if they so choose. They may desire that information just to gain an understanding of who their natural parent was and thereby gain a sense of who they are. Having access to that information may help to satisfy their doubts or their lack of knowledge about their situation.

As we heard from the honourable member for Benalla, there may be even stronger reasons why children would want to know who their natural parents were because of various diseases or conditions that may have been passed on to them and to gain a greater understanding of how that has occurred and of what the future for their own children may be. I commend the government for that change, too.

The third change, which has gained a great deal of publicity, relates to the ability to inseminate a woman with an embryo that was conceived using donor sperm when the donor of that sperm has subsequently died. The bill will enable a woman to receive an embryo when the father — or donor of the sperm — has died. While this is a sensitive issue, I am pleased the government has been able to deal with it in a compassionate way by putting in place requirements for counselling and appropriate levels of support to ensure the procedure is not being done inappropriately, while recognising the overwhelming desire that can be experienced in such circumstances and the need for government to act compassionately.

I commend this bill to the house. It recognises a very important area of scientific and social development in our community and helps to further put into place the right sort of guidelines to help Victoria move forward in this area.

Mr WILSON (Bennettswood) — I welcome the opportunity to make a brief contribution to debate on the Infertility Treatment (Amendment) Bill. Honourable members will be aware that the first legislation in in-vitro fertilisation (IVF) occurred in this state in 1984. In many ways Victoria has led Australia — and, indeed, the world — in IVF technology and legislation. Throughout this period of IVF technology and administration in Victoria there has been one constant, and that constant has been Professor Louis Waller, who is an outstanding Victorian and an outstanding Australian. He has made a great contribution to this nation and to this state in the area of the law, in the area of academia and certainly in the area of infertility law and treatment in Victoria.

I was pleased to attend a function a couple of weeks ago at which both the Minister for Health and the shadow Minister for Health paid tribute to Professor Waller's contribution to IVF in Victoria. It was interesting to see how many former ministers for health attended that evening to pay tribute to Professor Waller for an outstanding contribution. In my time as chief of staff to the former health minister, Rob Knowles, I had many opportunities to deal with the Infertility Treatment Authority and with Helen Szoke, its chief executive officer. She, like other staff members of that authority and all members of the board, has made an outstanding contribution.

In reflecting upon infertility treatment in this state I noted that table 1 on page 23 of the annual report of the Infertility Treatment Authority shows that from 1 January to 31 December 1999, 4471 people commenced 10 118 infertility treatment cycles, which involved 1225 clinical pregnancies resulting in 557 babies and 561 ongoing pregnancies. The reality is that the success rate for IVF is around only 18 per cent.

My friend and colleague the honourable member for Evelyn made the point that she and her husband had no trouble having a family; my wife and I are also in that lucky state, having had no trouble in having a family. For some of our friends and family members that has not been the case. When you know people who are desperate to have a family you gain an appreciation of how important the IVF legislation and the IVF treatment are for them, their marriages and their overall happiness.

The previous speaker made the point that legislation needs to move with the times. It is interesting that I am actually supporting this bill because it is fair to say that

I have somewhat conservative views in such areas. However, I believe this legislation is of value. It will serve a very important purpose which will help one particular Victorian at the moment and I hope it will assist other Victorians to achieve the families they desire. I support the bill.

Mr NARDELLA (Melton) — I always appreciate following the honourable member for Bennettswood because his contributions are, unlike some contributions on the other side of the house, very measured and thoughtful. That is what distinguishes the honourable member for Bennettswood from a number of his colleagues; I really did appreciate his contribution today.

The bill is extremely important because it deals with adults, with children and with potential children and how we as a society deal with the new and changing circumstances we find ourselves in. The bill deals with technological changes which, only a few years ago, would have seemed Jules Verne-ish in that, in essence, we are able to create life outside the human body and then transplant that life into women so that children and families can be formed.

Despite those technological breakthroughs it is a difficult process, as the honourable member for Bennettswood said, and the success rate in in-vitro fertilisation (IVF) is around only 18 per cent. In the vast majority of instances people who are extremely frustrated because they cannot have a family and who go into the IVF program are still not able to conceive. It is very sad for people to be in that situation and it is impossible for somebody like me, who has a family, to fully appreciate how that inability to conceive must feel after wanting and longing for children in a relationship.

We have to consider as a Parliament and as political parties the changes that are occurring within our society. That is where I disagree with the honourable member for Frankston. The view she put forward was that there will be other individual cases that come to the attention of the government, the parties or individual members of Parliament so it makes it difficult, but that is our challenge. We have to consider those new issues, because our society and community are changing markedly. In a medical and technological sense things are moving extremely fast. The bill the house will be passing is legislation that is trying keep up with the technological and medical changes and deal with the morality of those changes. In that way it is trying to deal with the individuals, the families, the relationships and the husbands and wives who are grappling in a personal sense with what is going on in their lives and the options that they have before them. So Parliament has a central role.

The bill is also about protecting people, especially children. In this house we quite often talk about the importance of children and how we as a society need to protect them. The bill does that in a number of ways — for example, although the legislation prohibits the use of sperm or eggs of a deceased person, this bill allows for the use of an embryo of a deceased person, and the honourable member for Benalla talked about that in her contribution. So the bill shows how we can deal with changing circumstances and individual situations that come to our attention. In the final analysis the bill takes into account where these children will go — whether they will go into a loving family. Families are changing and evolving as we speak, as they have done forever. The paramount issue for us, as a society and as a Parliament, is whether a child is looked after, loved and cared for, which this bill takes into account.

It is a simple bill. It addresses the many anachronisms of past legislation in detail — for example, the inability of people to donate their gametes without the consent of their partner even though they may be divorced or separated is an anachronism in our society today. The bill also provides the details on the procedures. I congratulate honourable members on both sides of the house on their thoughtful contributions to the debate. It is important that we grapple with these issues, and this bill is part of that process.

Mrs SHARDEY (Caulfield) — It gives me great pleasure to contribute to the debate on the Infertility Treatment (Amendment) Bill. The bill does three important things. Firstly, it allows the transplantation of an embryo when a person whose eggs or sperm were used to form that embryo has since died. Secondly, it removes barriers to egg and sperm donation for a small group of people who are no longer living together with their spouses. Thirdly, it allows all Victorian donors or children born as a result of treatment procedures to voluntarily provide information to or obtain information from the donor treatment procedure information register, even if the treatment procedure took place before 1988. That enhances the ability of this group to gain access to information about their biological parents or children.

I will say a small amount about the first two aspects of the bill. In relation to the register, it is important that all people who have participated in donor procedures and assisted reproduction have the capacity to gain access to information on an equal basis, because for some of them that is most important. Many of us went through the traumas associated with children who were adopted

many years ago not being able to gain access to information about their biological parents. We have learnt from that, and we know it is important for people to be able to gain access to information, because it may involve a matter of identity or something else that is important to them.

I will refer briefly to the other amendment which removes barriers to egg and sperm donation for a small group of people who are no longer living together with their spouses. Under the current legislation a woman who is separated but not divorced from her husband cannot donate an egg to a program or to a friend or member of the family. With this amendment she will be able to do that. It recognises the fact that there are people who for whatever reasons, such as religious or philosophical reasons, do not wish to proceed with a divorce. Under the current legislation those people could not make a donation, but with this amendment they will be able to do that, which is sensible.

The opposition has fast-tracked this bill through the house, which is a recognition of the importance of this issue. The original legislation goes back to 1984 when it was known as the Infertility (Medical Procedures) Bill. This bill provides the legal framework for infertility treatment. The original legislation was enacted following an investigation by Professor Louis Waller and his committee into the social, ethical and legal issues surrounding in-vitro fertilisation (IVF).

Professor Waller is a person I know well. He makes a great contribution in many areas, particularly in my electorate of Caulfield. The person who has taken on his role as head of the Infertility Treatment Authority, Professor Jock Findlay, is someone with whom I worked on the board of the Prince Henry's Research Institute. I know him well. Dame Margaret Guilfoyle is also involved with the authority. She made a fine contribution as a senator and is involved in many areas concerning women's health issues and other areas of great importance. We recognise her contribution.

The ability to bear children is something about which I am sure all of us in this place have very strong feelings and emotions. Those of us who have been fortunate enough to have their own children appreciate the very special nature of this capacity. But not everybody is as fortunate. Many, for whatever reason, are unable to conceive children. We need to recognise that nowadays women have a great deal more choice than they had in the past about controlling their reproduction, particularly through contraception. That means, of course, that far fewer children are available for adoption and that, therefore, many couples face the possibility of never being able to have children.

In my own case I was particularly anxious about being able to bear children. When I was not pregnant at the time of my choosing I went to see my doctor. He gave me some lovely pills, and I was pregnant in no time. Later he told me they were placebos. I had three children in three and a half years. I think that proves once and for all that I did not have a problem. However, not all are that fortunate.

Since those days enormous achievements have been made by people such as Professor Carl Wood and Professor Gab Kovacs in the area of developing technologies to assist reproduction. But it was the development of these technologies which led to the need for legislative framework, which has already been discussed.

As I see it the most important amendment in this bill is the first amendment — or I call it the first amendment — which relates to the abolition of section 43(c) of the act. The amendment was brought in particularly to help Joanne Bandel-Caccamo, who under the existing law had been denied access to the frozen embryos which were the result of her and her husband's IVF treatment before his death last year due to cancer.

Our heartstrings have been pulled very much by this case. I am sure that in donating for the formulation of their embryo Joanne and Pino felt the same love and commitment that we who have had children with our partners or husbands also felt at the time. I believe her emotional commitment to being able to have that embryo implanted is the same as the emotional commitment we had in bearing our children. Therefore, while we recognise that there is a need for counselling and that people should wait an appropriate period of time before embarking on this course, we strongly support this amendment.

Some people have some very real concerns, and I recognise that. But I think most of us support the bill strongly. We congratulate the government on bringing it forward, and we wish it a speedy passage.

Mr LEIGHTON (Preston) — I welcome the opportunity to join other honourable members in supporting this bill and contributing to what has been an enjoyable debate. My experience has been that it is often those pieces of legislation which are the result of a juncture between science and ethics that lead to some of the more interesting debates in this house, because I have found that members speak not from a partisan point of view but from a perspective based on their individual experiences, knowledge and values. This has been one such debate.

For me this is a chance to speak following unfinished business. Between 1988 and 1992 I was a member of the parliamentary Social Development Committee. In 1992 it had before it a reference on in-vitro fertilisation on which it never had the opportunity to report because of the 1992 state election. Along with other members of that committee, I found it a very complex area to deal with. We spent a lot of time simply being briefed on the technical side of it. When you overlay that with the ethical considerations, you can appreciate what a complex area it is.

In my view we will repeatedly be coming back to this house to deal with amendments to this legislation, because the law can never keep up with developments in science, particularly during a period of rapid technological change. But I would hope that as legislators we can at least keep up with and respond to the ethical debate in the community. However, as I have said, we will always be behind the science.

The bill amends the principal act in three main areas, which I will briefly refer to. Firstly, the bill will remove the requirement for the consent of a donor's spouse for the donation of eggs or sperm. A single person will be able to donate gametes as well as a person who has left a de facto relationship. The act currently requires that where a married person who has separated from his or her spouse wishes to donate eggs or sperm, consent must be obtained from the spouse unless a divorce has taken place. There are marriages in which, particularly because of people's ethical or cultural backgrounds, divorce cannot be considered. However, without a divorce people wishing to donate are unable to do so. This amendment will place such people on an equal footing with those who have divorced by providing that those whose marriages have irretrievably broken down be treated equally with single people.

Secondly, and this is a commonsense amendment, the bill will enable the voluntary donor treatment procedure information register to apply to donor procedures undertaken prior to 1988 so that people who have been involved in procedures prior to that date can access information on the register. It is proposed that this be done through an amendment to the act rather than by the passage of regulations, as originally proposed. This will ensure that the authority has the power to release information from the register, provided all conditions as to counselling and consent have been complied with. Obviously it will still be voluntary — individual donors or children will still have to voluntarily place their information on the register — but unless the legislation is amended those whose procedures took place prior to 1988 cannot do so. As I said, it is a commonsense amendment.

The third amendment, which has had the most public and media interest, is that the bill removes the prohibition on the use of embryos formed with the eggs or sperm of a person who has died. The prohibition on the use of eggs or sperm from a dead person will remain in place, but access to embryos already formed can be provided as consent to the formation of the embryos had occurred prior to the death of the person. That would mean that the desired outcome of the situation that has been widely reported in the media would be allowed to take place.

I can think of other examples of where it could apply — for instance, if a family had been commenced and one child had been born, but the donor died and the family wished to proceed using the same donor so that each sibling had the same parents. It would enable that to take place, and I think that is sensible.

I acknowledge the view coming from the other side that we have to make rules rather than deal with individual circumstances. I have thought about this bill and am comfortable that that is what we are doing. I think we have always accepted that the overriding principle has to be that the welfare of the child is paramount. I think we are doing that, but at the same time in proceeding with these amendments we are showing some decency, humanity and commonsense.

The final comment I would like to make in the limited time I have is that I have had a think about the amendment circulated by the honourable member for Gippsland West. I certainly agree with her that counselling is extremely important, but I think the provision for that is already in the legislation. In addition I make the comment that of all the areas of medicine and health in which professionals want to ensure there is counselling and informed consent, I would have thought this would be one. There is already provision for counselling in the legislation, but I imagine that any health professional involved in such procedures will ensure that counselling takes place and that the patient or recipient understands the issues and has given informed consent. With those comments I am also pleased to support this bill.

Mr SPRY (Bellarine) — I am pleased to speak on this bill for one reason in particular, and that is to support a very brave family in my electorate of Bellarine. They have been campaigning now for several years for the rights of children born to gamete-donor insemination procedures. I wish to concentrate my remarks therefore on clause 6 of the bill, which will insert proposed part 7A in the principal act, extending the application of the donor treatment procedure information register to the years before 1 July 1988.

In June 1995 I was moved to speak in the debate on the principal legislation by the very poignant story of a young constituent, Lauren Taylor, and her family. She had been searching for information about her biological origins for some time. Lauren is now 24, having been born in 1977 as the result of a pioneering sperm donor procedure. Eloquent mention has already been made by the honourable member for Malvern and others of the great work done by pioneers such as Professor Louis Waller, Dr John Leeton and Justice Marks, when he was head of the former Standing Review and Advisory Committee on Infertility.

Lauren Taylor is extremely lucky. Her nurturing mother and father, Evelyn and Laurie, were desperate to have another child, and she was born into a family with immense love, deliberately planned and joyously conceived. However, it should be recognised that at that time all the focus of attention was on helping childless couples. I suspect little thought was given to the ensuing children who would eventually, out of deep curiosity and yearning, begin their own personal search for their biological origins. I can identify with Lauren. Her attitude and her yearning for information was exemplified in a somewhat bitter but impassioned submission she made to a national inquiry into the long-term effects on families of assisted conception.

Lauren was 18 when she wrote that submission. It must be put on the record that in the intervening years she and her family have done a great deal to assist donor children and families in similar positions to her own. She has been interviewed on radio and has been very public in her passion for the rights and needs of these children. Given the intervening five or six years since she wrote that submission I have no doubt Lauren now understands that the motives of all involved in her conception would have been noble, based on the deepest understanding of the needs of a childless couple.

This legislation is another step along the way for Lauren and her family. By extending the application of the donor treatment procedure information register to before 1 July 1988, she and others will be able to record their details. By doing so they will be able to send messages of their own yearning, perhaps even to the donors involved if they are still taking an interest — and I hope they will be. I stress again that the release of any identifying information on donor treatment procedures undertaken before 1 January 1988 is subject to the consent of all parties involved, so in that respect it changes little. It is also subject to counselling in most cases.

If this process leads eventually to the mutual revelation of a link between Lauren and her unknown biological father that would be an unexpected but absolutely deeply rewarding outcome. For those reasons I fully support the provisions of this bill.

Mr HOLDING (Springvale) — It is with a great deal of pleasure that I make a contribution on the Infertility Treatment (Amendment) Bill. Listening very carefully to the contributions of other honourable members it is clear that many honourable members have been involved in debates on earlier versions of the Infertility Treatment Act or have followed these issues with great interest through either the concerns of their constituents or perhaps their own personal experiences through family members.

It shows the value of the Parliament in bringing together the collective experiences of honourable members when they consider legislation, particularly of this nature, which seeks to strike a balance between our scientific capacities, which are improving and being extended in leaps and bounds all the time, and the ethical and legal considerations, which those scientific advances throw up and confront us with as parliamentarians and members of the community. This legislation is no exception.

The bill seeks to strike the right balance between a range of different and conflicting principles and priorities such as ensuring that we protect minors, that consenting adults are provided with maximum possible freedom but at the same time information is exchanged and freely available, and that the privacy of individuals is protected. These goals, whilst not necessarily irreconcilable, often conflict and prompt us, when they occur, to make sure that we balance those conflicts and challenges in the most appropriate way.

The bill makes three principle amendments to the Infertility Treatment Act 1995. First, it removes the requirement for spousal consent to donation when a couple is no longer living together as husband and wife on a genuine domestic basis. This is an important amendment because it ensures that couples who are no longer, for practical purposes, in a married relationship but are still recognised as married in accordance with the law are nevertheless able to participate in a donation program or in an assisted reproduction program without requiring the consent of their spouse.

In my electorate of Springvale there are many occasions when people for various cultural or religious reasons are not able or willing to obtain a divorce, yet they are, for all practical purposes, divorced, living separate lives, and no longer living together in a

genuine domestic relationship. This amendment will ensure that people in those situations are able to participate in assisted reproduction and donation programs without requiring the consent of their spouse, which would often be extremely difficult to obtain or would create a provocative situation.

Second, the bill amends the provisions relating to the voluntary donor treatment procedure information register, which the honourable member for Bellarine dealt with at length in his contribution. I certainly support that amendment. Anything that makes the voluntary register a more complete record, provides more information for people who had participated in the program or have been donors or the beneficiaries of reproductive donations, or extends that register and makes it a more complete record consistent with the principle of consent is an important step forward. Taking that register and making it effective prior to 1 July 1988 is a positive step.

Third, the bill removes the ban on the use of embryos formed with the gametes of a person who has died. This has arisen as a consequence of a particular case which has received some media recently, but the principle that it asserts is an important one — that is, where there was unquestionably an intention to access assisted reproduction procedures and where a procedure had progressed far enough along the line as to result in the production of an embryo and tragically one of the partners dies, then as much as possible that embryo should be able to be used for assisting in reproduction. I certainly support that aspect of the bill.

This bill strikes the right balance between the scientific advances that have been made and the ethical and legal considerations that arise as a consequence of those advances. I support the bill and commend it to the house.

Mr ASHLEY (Bayswater) — It is a pleasure to join the debate on the Infertility Treatment (Amendment) Bill. I do so with a certain degree of perhaps more than pleasure because in dealing at the forefront of the biosciences and what might be called the synaptic gap between clinical judgment and raw emotion we are put into a situation in life where we are forced to come to terms with the extraordinary mystery of life, of identity and of death. It is all here in the bill and in the amendments it proposes.

The bill deals in the mystery and limits of individuality. It is when we come to bills like this that the sad and rather pathetic condition of anyone of whom it might be said, 'He was a self-made man' — or, in non-sexist language, a self-made person — 'and worshipped his creator' that we see the limitations of pretending we are without predecessors and without ancestors. Because the truth of it is that we all define our lives to a great extent by that which has come before us. We take it all for granted. We factor it in as something that we give little more than an eye blink to, but in reality we are made what we are by those who preceded us and the circumstances in which their lives in their time came together.

In addressing that kind of broad reality in relation to the particular amendments, I think they start to take some focus. The first amendment concerns putting material onto the voluntary register so that people can access information about who their forebears were, who one or both parents might have been or who their relatives may be. I have to say that I agree with the honourable member for Sandringham that in the black-letter law stipulation about not being able to access the information before the age of 18 there is somewhat of a problem. I can understand the defences and the restrictions, but I think there is a problem. It goes to the issue of evolving identity and how young people emerge out of childhood and find themselves and thus the esteem to enable them to be themselves. If they do not know who they are because they have no capacity to look backwards and establish who they are from those who went before them, they often find themselves in an empty vortex.

I put it to honourable members that when we are talking about issues like drugs and other destroyers of young people, we also have to take rather seriously the risk that the age-18 requirement might cut in and prevent some young person or a number of young people from having access to something that at an earlier point in their lives might have been absolutely critical to their evolution as young men or young women. For that reason I agree with the honourable member for Sandringham that young adoptees deprived of getting information before they turn 18 should have that right accorded to them in the context of counselling, guidance, care and compassion. That is something I believe we should revisit not too far down the track with this legislation.

I am mindful of the fact that earlier access must be done with care and concern. It has to do with reaching the age of adulthood and a final identity. But therein lies the problem: if you cannot find and establish your identity by that stage then having the opportunity beyond that stage may be, for some, too late.

There is a problem also to be found in the second-reading speech. I now draw to the attention of

the minister and the government that I think there is a flaw in the speech where it states:

> The voluntary register allows for information to be placed by relatives of a donor or child. This means that where a donor has died or does not wish to be found, those relatives may still indicate that they may be happy to provide some information. However, information about relatives can only be obtained with their consent.

The issue is about people who do not want to reveal themselves — that is, people who do not wish to be found. The problem is that it is unlikely that any relative will be able to provide information about that person because that person has not given consent. The ruling is basically now in law — and I cannot see that this bill can change that — that the donor record code is the basis of all provision of information. If the donor record code does not show that consent has been given, then any other considerations around that cannot be added to the medical record at the particular clinic. Therefore, with the best will in the world, the overriding lack of consent from the donor himself or herself will stand. I think that is probably what is being aimed at anyway, but there is confusion about what is meant to take priority or precedence: the relatives or the donor. In this instance the donor's lack of consent will quite clearly continue to take precedence, and that to some degree may undo certain intentions.

The second area of amendment is the removal of barriers faced by the small group of people who are no longer living with their spouses. I think that is simple. Where people's relationships have broken down in all but in name it seems almost medieval to place upon them a kind of restriction that would mean that one partner could prevent the consent of another.

The third area of amendment concerns the transplantation of embryos where a person whose ova or sperm were used to form embryos and the embryos are pre-existing at the time of an event such as death. Great concern is expressed in this area about what may or may not be in the best interests of a child. I understand that and empathise with it greatly, but there are many situations in life when the best interests of a child are simply overridden by events. There will be many young women in New York who, since the events of 11 September, have found themselves to be pregnant. In that case, it would be in the best interests of the child if the situation could somehow be undone and untangled, but it is simply not possible to revisit the past.

I know that is not quite the same as the situation of the death of a spouse involved in the in-vitro fertilisation (IVF) program, but when we come to the issue of death we come to the issue of grief. I do not believe grief is so much a process as a profound event. It is a profound event which may last for a short time in the lives of some and a lengthy time in the lives of others. In my own experience I have found among my friends that those who have lost a loved one, a partner, may seem to be indulging in self-pitying fits of crying, but a lot of healing comes through crying. A lot of healing emanates from grief.

The thing we must compassionately consider in visiting this issue is how much the will of the partner who has died is being carried forward in the aftermath of their death. It could well be defined as much like a living will; the expression, the commitment, the declaration of determination to go through the IVF process is in many ways akin to a living will. That expression should continue and be seen to continue like any other form of will — of course, taking into account counselling and developments over time. The honourable member for Gippsland West's suggestion of a 12-month restriction is simply an arbitrary rule which does not really come to grips with the reality of individual human beings and the way they react to events and live through their grief.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

GST: rollback policy

Dr NAPTHINE (Leader of the Opposition) — My question without notice is to the Premier. Given that the GST is a tax that already goes 100 per cent back to the states and any rolling back of it would lead to a reduction in federal funding to Victoria, is it a fact that if Labor's GST rollback were ever to be implemented Victoria would have less money to spend on schools, hospitals and police?

Mr BRACKS (Premier) — The Leader of the Opposition has raised two matters. First, he said that 100 per cent of the GST revenue already goes to the states. I can inform the Leader of the Opposition that he is wrong. The figures confirmed by the federal Treasurer, Mr Costello, show that New South Wales and Victoria will not get any money directly from the GST until 2007–08. In the meantime we are getting the equivalent of the old financial assistance grants (FAGS) and other grants, capped at a specific level. Any increase in the GST does not come to Victoria. If the federal government gets more than expected that money actually goes back into the federal coffers.

As I said, Victoria receives an equivalent of the FAGS and other grants. We will not get the GST in Victoria until 2007–08, and that is under the signature of the federal Treasurer. Therefore, I can inform the Leader of the Opposition that he is wrong in his assertion.

The second matter the Leader of the Opposition raised concerns the federal Labor Party's rollback policy. The Labor leaders struck an agreement in Burnie in Tasmania which says that there will be no net reduction in revenue. This is a great revelation — it is on the public record and has been for 12 months! The opposition is very quick: the Leader of the Opposition is asking a 12-month-old question. An agreement was signed in Burnie by all the Labor leaders, state and federal, that there will be no reduction in state receipts with any rollback undertaken by federal Labor. Raising those matters was a lame attempt by the Leader of the Opposition to try to run a federal question. The trouble with that tactic is that his federal questions are 12 months old.

Premier: Singapore visit

Mr NARDELLA (Melton) — Will the Premier inform the house of the outcome of his visit to Singapore to promote Victorian tourism and to seek investment in Ansett Australia by Singapore Airlines?

Mr BRACKS (Premier) — I thank the honourable member for Melton for his question. The Victorian government has been consistent in its policy on Ansett Australia from the very start. The government said from the start that it would welcome Singapore Airlines' investment in Ansett either as a vehicle through Air New Zealand or in its current form, which is more likely after the visit I made to Singapore yesterday.

That clearness and consistency has been welcomed by Dr Cheong Choong Kong, the head of Singapore Airlines, and the other principals of the company. It is in contrast to the mixed messages they have been receiving from the federal government and the federal Minister for Transport and Regional Services, who telephoned the head of Singapore Airlines when I was on the plane. The federal minister said Singapore Airlines' investment in Ansett was welcome. However, the day after that he changed his mind and said he wanted to take the $150 million the administrator had secured away from the new business. Regrettably that inconsistency, that lack of clarity, that policy flip-flop, has not gone unnoticed in Singapore. I hope the federal government is more consistent and sticks to a policy which welcomes that investment.

I can inform the house that Singapore Airlines is a step closer to investing in Ansett in the future. Singapore Airlines has agreed to immediately work with the Ansett administrator on a blueprint for the management of the current Ansett business. That is a very welcome offer and a welcome level of assistance from Singapore Airlines. I congratulate the company on doing that.

More importantly, Singapore Airlines has also agreed to send a team to Victoria to work with the administrator and to look at whether or not the company can put equity and/or management into a long-term domestic carrier replacing Ansett that would have some international routes that Singapore Airlines could afford. That would be a welcome, desirable and good outcome for Victoria. We would have a domestic carrier — Qantas — that is second to none and another domestic carrier — Singapore Airlines — using its expertise in Australia. What a great airline industry we would have if we had that arrangement.

I also announce that as part of the visit we undertook to fund some cooperative marketing between Singapore Airlines and Victoria to promote Victoria as a tourist destination. As the Minister for Major Projects and Tourism would know, we are also having discussions with Emirates and with Qantas for the same arrangements to encourage international tourism into Victoria with assistance on seats, getting people onto planes and assisting with packages.

At a tourism lunch in Singapore I announced an $800 000 bring-forward campaign to attract Singaporean tourists to Victoria. For the first time ever we will have advertisements going onto Singapore television for a three-month period that will attract more than 65 000 tourists to Victoria from Singapore — our fifth-largest in-bound tourism market, and a very important one. The message we left in Singapore is that Victoria is a safe destination for tourism and that it is a vibrant, multicultural and cosmopolitan place to visit. Melbourne provides accessibility to other regions within the state. We want their business and they would welcome that input.

What we are achieving consistently for our efforts on behalf of Ansett is the saving of jobs. We are about saving jobs. On that basis I was pleased — coming off the good news yesterday from Access Economics about the Victorian economy — to be able to confirm to the house today that Victoria now has the lowest unemployment level of any state in Australia. At 6.1 per cent Victoria's unemployment rate is the lowest it has been for 11 years — since 1990. In the last two months 44 000 jobs have been generated in Victoria. If you look at the September-to-September figures you

see that there has been job growth of 1.2 per cent. Nationally over the same period there has been 0.5 per cent job growth. Victoria has been performing better and has the lowest unemployment level in the country. If you compare state to state you see that we have led the job recovery in Australia.

Agriculture: productivity enhancement program

Mr RYAN (Leader of the National Party) — My question is to the Minister for Agriculture. As the Treasurer has decided not to continue funding the productivity enhancement program from Treasury and has transferred it to the Department of Natural Resources and Environment, will the minister inform the house whether this important program for the development of agriculture in this state will continue under his administration, or is it his intention to close the program down?

Mr HAMILTON (Minister for Agriculture) — I thank the Leader of the National Party for his question, but his terminology is a little bit out of date. The name has changed. As he or his shadow minister would know, the whole program has been rebadged by the federal government.

As government members will know, this program has been extremely successful and one that has proved to be of great value and is still of great value to the farming community. The extension programs and the skilling of farmers to apply the outstanding research that has been done in our department is something of which this state can be extremely proud.

As the Leader of the National Party should know — and I hope he does — as a government we are in the business of building up the food and agricultural sector. Everybody is well aware of our target and recognises the fact that the government is on target for an historic record number of exports of food and agricultural products from this state.

I gather that the Leader of the National Party was referring to the farm business improvement scheme, known as Farmbis. Even though the Leader of the National Party did not mention it by name, I am sure he would have noted in the budget papers that the program is not only fully funded this year, but additional funding has been achieved following the transfer from the Department of State and Regional Development to the Department of Natural Resources and Environment. In our important, useful and efficient manner we are looking at the way of getting best value for the public dollar. This government is not in the process — —

Mr Ryan interjected.

The SPEAKER — Order! The Leader of the National Party!

Mr HAMILTON — Everything is under control.

Honourable members interjecting.

Mr HAMILTON — The interjections are making this a more lengthy reply than it needs to be.

The SPEAKER — Order! The minister shall ignore interjections.

Mr HAMILTON — I assure the Leader of the National Party and the whole of the farming and agricultural community in Victoria that this government is committed to the ongoing funding of not only that particular program but a whole range of other programs. Indeed, this state spends over $200 million each year on supporting food and agriculture in this state.

Building industry: performance

Mr LANGUILLER (Sunshine) — I ask the Minister for Planning to inform the house of the latest information concerning construction activity and what further action the Bracks government is taking to facilitate major industry projects in Victoria?

Mr THWAITES (Minister for Planning) — I am very pleased in answering the question to follow the Premier, who clearly indicated that Victoria is the best performing employment state in Australia.

I am pleased to indicate to the house that Victoria is also the best performing building and construction state. The latest building approval figures for August show that there was some $1.5 billion of building activity, up 75 per cent on the same time last year. It compares, for example, to some $576 million in Queensland. We continue to outperform other states.

In the domestic area, building permits were issued for some 5691 new homes. It is interesting that the building figures are strong right throughout the sector. To take an example, in the industrial area Victorian building approvals for the past financial year have been $626 million, compared with just $575 million in New South Wales.

In the non-residential sector, stimulated I might say by the activities of the Bracks government, there has been $720 million of building activity in education compared with $345 million in New South Wales or $403 million in Queensland. In health I am pleased to say that in the

past financial year there has been $356 million of actual building activity in Victoria compared with $150 million in New South Wales. This demonstrates a very strong building industry.

As a government we have assisted the process with clear and consistent planning guidelines and through the facilitation of major projects like the Australand development at Freshwater Place.

Honourable members interjecting.

Mr THWAITES — The opposition talks about my briefing notes. Let me quote from Brendan Crotty, the managing director of the New South Wales company Australand, who says:

> The Victorian economy is performing extremely well and appears to have a progressive state government that understands and is committed to facilitating good outcomes.

That is not a briefing note, Mr Speaker! This is Australand, a New South Wales company that is one of the leading companies in Australia. It backs the Victorian government — a progressive government that is delivering.

Let us look at the performance of this government in regional areas and compare it with that of the previous government. Building Control Commission statistics show a 25 per cent increase in regional Victorian building activity in the first two years of the Bracks government compared with the previous years of the Kennett government.

Honourable members interjecting.

Mr THWAITES — The honourable member for Warrandyte keeps interjecting because he cannot get a question up. That is because his leader does not trust him. He knows the honourable member has been sizing up the ministerial cars, talking to the drivers about which car he will get. The honourable member for Warrandyte interjected that this is all because of John Howard! The point I just made was that this government is doing 25 per cent better than the Kennett government. The same John Howard has been there under both! The Bracks government is doing 25 per cent better — and we believe we can do even more.

One issue that the property council has said it has been concerned about is projects in the range of $5 million to $20 million that have sometimes been stymied by delays in councils or by red tape or whatever else. It has recommended that within the Department of Infrastructure we have a development facilitation unit. I am pleased to announce to the house that we are establishing such a development unit and that this week, David Hodge, a former assistant director of the Housing Industry Association, has commenced as the director of development facilitation. He has an outstanding background with the Housing Industry Association, and he has wide-ranging skills and professional experience. We believe he will do a great job in working with developers and councils to ensure that we keep at the front of the field and keep being the sort of government that Australand talked about — that is progressive, pro-growth and pro-Victoria, unlike the opposition. All it has done for the last six or eight months is whinge and carp. It has not produced a single policy. We are getting on with the job.

GST: rollback policy

Mr CLARK (Box Hill) — Will the Premier inform the house what studies have been undertaken or are being undertaken by the government on the impact of federal Labor's GST rollback proposals on total federal funding for Victoria in current and future financial years, what the results of any such studies have been and whether those studies will be made public prior to the federal election?

Mr BRACKS (Premier) — I guess that is the danger in not listening to the first question and not revising your next question, because I clearly said that there will be no impact at all from federal Labor's policy on rollback. That is because it has guaranteed the equivalent of what was there previously. Therefore the question is totally irrelevant and shows a great lack of flexibility, in that the honourable member for Box Hill could not redraft it.

Regional Infrastructure Development Fund

Mr HOWARD (Ballarat East) — I ask the Minister for State and Regional Development to inform the house of the latest information concerning the Bracks government's Regional Infrastructure Development Fund and how it is being used to benefit regional and rural Victoria.

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Ballarat East for his question, and I would like to put on the record the fact that he has been a great supporter of the Regional Infrastructure Development Fund (RIDF).

I advise the house that last Friday I was able to announce that the Bracks government would provide up to $1 million from the Regional Infrastructure Development Fund to assist regional airports which

have been affected by the difficulties being experienced by Ansett Australia. We have already as a government recognised the importance of building up our regional aviation facilities. Earlier we made grants of something like $200 000 to Shepparton aerodrome and $270 000 to the Latrobe regional airport. What I was able to announce last Friday is a $1 million boost to Mildura and Portland airports.

I am pleased to say that at Mildura, RIDF funding will enable a reconditioning of the apron and improvements to the terminal area and will provide a major boost to tourism activity in the area. I am delighted to say that the city council and the local member have warmly and strongly endorsed this funding from the Bracks government.

I am delighted to say that we will be investing strongly in the Portland airport. It is true to say that in the first two years the Bracks government will invest more in improvements to the Portland airport than the Leader of the Opposition and the Kennett government did in seven years, so it is right round the state.

There is no doubt that the $10 million support for the tourism industry that we announced in the wake of the Ansett collapse and the $1 million we have now announced for regional airports have been key factors in the restoration of services to regional Victoria. That is what the Regional Infrastructure Development Fund is all about — investing in regional Victoria, putting in place the infrastructure and helping to create jobs and prosperity for the future.

There is a vast difference between the government and members opposite on this issue. We all remember the opposition opposing the establishment of the Regional Infrastructure Development Fund, and we know that is its first policy — to oppose the RIDF. I have been informed that the opposition now has a second policy to develop regional Victoria. I have a copy of a letter to the editor of the *Border Mail* of Saturday, 6 October 2001, which is signed by one of the 66 per cent of opposition members who are shadow parliamentary secretaries or shadow ministers — the Honourable David Davis, who describes himself as 'Parliamentary Secretary, Scrutiny of Government'. He writes about how the Bracks government should be allocating funds.

Dr Napthine — My point of order, Mr Speaker, is in respect to debating.

The SPEAKER — Order! I do not uphold the point of order. However, I ask the Minister for State and Regional Development to come back to answering the question.

Mr BRUMBY — As I say, we have our policy of the Regional Infrastructure Development Fund, but here we have the opposition's. I shall just quote this one paragraph about its policy. The Honourable David Davis finishes his letter by saying:

> The money should have been spent on community programs in Albury.

Mr Maclellan — On a point of order, Mr Speaker, in accordance with your earlier ruling — and I thought you might be calling me to do this — I draw your attention to the fact that the minister is debating the question, not answering it.

The SPEAKER — Order! The honourable member for Pakenham has taken a point of order on the ground that the minister is debating the question. I ask the minister to desist from doing that and to come back to answering the question.

Mr BRUMBY — Thank you, Mr Speaker. I certainly will not be debating the question. I am explaining to the house that the government will not adopt that policy. We think we should be investing in Victoria. The opposition is going so badly it has given up in Victoria. Opposition members think they should put all their resources into New South Wales.

I am pleased to advise the house today that, consistent with our regional infrastructure development program, tomorrow I will be visiting Ballarat and Sovereign Hill with the honourable member for Ballarat East — —

Mr Perton interjected.

Mr BRUMBY — I will be visiting Ballarat, not Albury, and I will be announcing a $1.2 million regional infrastructure development grant for the highly successful *Blood on the Southern Cross* sound and light show. This is a project which has been strongly supported by the Minister for Major Projects and Tourism and has been strongly supported by members in Ballarat.

The redevelopment will include a new introductory film and orientation site, the installation of state-of-the-art audiovisual technology, including a language conversion feature that caters for the non-English-speaking group-touring market, and it will also include funding for the development of a fresh script that exploits the full potential of the new technology. The sound and light show alone — —

Mr McArthur — On a point order, Mr Speaker, I draw your attention to the requirement in sessional orders for answers to be succinct. This one has been

going for something like 8 minutes now, and the minister is just getting to the stage of starting to answer the question. That is hardly succinct.

The SPEAKER — Order! I do not uphold the point of order. However, I ask the minister to conclude his answer.

Mr BRUMBY — It has taken some time, because I have had to provide some cross-border analysis.

In total to date from the Regional Infrastructure Development Fund we have announced $69 million for 35 projects across Victoria with a total value on the ground of more than $150 million, generating thousands of new jobs across the state. The fact is, the Bracks government is getting on with the job. It is turning around the economy in regional Victoria, and all of the evidence shows that its policies are being highly successful.

Southern Cross Hotel site

Mr BAILLIEU (Hawthorn) — I refer the Minister for Planning to his announcement in January of a $300 million redevelopment of the Southern Cross Hotel site and to recent reports of the apparent collapse of that deal. Can the minister advise the house of any promises he has made to prop up this development, and in particular can the minister assure the house that there will be no repeat of the outrageous Cain and Kirner style of government property leasing commitments of the 1980s and the early 1990s?

Mr THWAITES (Minister for Planning) — I congratulate the honourable member on his first question as shadow Minister for Planning. I might note that his predecessor as shadow Minister for Planning did not ask a single question, not one, and as a result of that he was promoted to shadow Treasurer! I am not sure whether that is an indication of how you get on in the Liberal Party or how bad his predecessor was.

I have indicated to the house the tremendous success of the building industry in this state — project after project, the best building economy in the country. The announcement I made in January about the Southern Cross was that I had solved the planning mess that was left to this government by the previous minister. When we came to government that project could not even get to first base because it was in the Supreme Court. The previous minister was stuck for years in the Supreme Court, and he could not get that fixed. I was able to solve that mess. We did that. We solved that mess, just as we solved the black hole they left on the Queen Victoria site and just as we are solving the black hole at Docklands. There was nothing — nothing until we came along — all over the city. The Russell Street police station, the Freshwater Place development, Spencer Street, the County Court — —

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr THWAITES — There were problems at sites all over the city and all over the suburbs, which the government has solved. It has stepped in to get the system running. As a government we — —

Dr Napthine — What's happening?

Mr THWAITES — 'What's happening?', the Leader of the Opposition asks. What is happening is that we have had $1.5 billion of building activity in one month alone — the best figure ever! The latter part of the question related to whether there are any special deals. No, there are no special deals; that is not the way this government operates.

Honourable members interjecting.

Mr THWAITES — They laugh because they do not know. We do not do any special deals, and we have not. What we do is encourage and facilitate investment. We cannot force people to invest, and we are not going to do that, but we can have the best possible planning system in the country — which we have. That is why we are so successful in this state.

Aged care: places

Mr LONEY (Geelong North) — I ask the Minister for Aged Care to inform the house of the latest information concerning aged care bed shortages in Victoria as a result of the federal government's unfair and inadequate funding formula.

Ms PIKE (Minister for Aged Care) — I thank the honourable member for Geelong North for his question. Yesterday the Australian Medical Association (AMA) released a report on behalf of Victorian doctors and their elderly patients which showed the local impacts of the massive shortage of commonwealth residential aged care places in Victoria. Victoria is indeed at least 5000 commonwealth aged care beds short — and that figure is growing!

An Honourable Member — Shame!

Ms PIKE — It is shameful, Mr Speaker. What is even more shameful is the federal government's own denial of Victoria's aged care bed shortage, which was reported in yesterday's *Age* as follows:

> A spokesman for aged care minister Bronwyn Bishop said there was no shortage of beds in Victoria.

This is indeed shameful, because I am able to reveal to the house that I have obtained a copy of a report from Canberra which carries a foreword by the Prime Minister's very own aged care minister, Mrs Bishop. The report gives figures current at 1 July this year which show that Victoria is indeed 4990 commonwealth beds short!

This shortfall in operational beds has saved the Howard government around $150 million a year — that is, $150 million that ought to be in the hands of older people in Victoria. Not only is the Howard government saving money, but imagine the enormous additional cost that is placing on the health system here in Victoria and the stress it is placing on elderly patients who are desperate because they cannot get aged care beds.

The article goes on to quote the AMA's chairman in Victoria as follows:

> I'm a geriatrician and I have to answer the question every day. 'Why can't Mum get a bed? Why does Mum get shunted somewhere else that's out of town? …

The report also shows how between 1996 and 1999 the Howard government froze the rate of growth of aged care places. Victoria alone now carries more than half the whole nation's aged care bed shortfall — half of that shortfall — so we are being enormously discriminated against. What did the opposition do during this period? Unfortunately it was silent — in fact, it was complicit. It stood by and watched as the Howard government withdrew resources from Victoria and failed to provide an adequate number of aged care places for needy Victorians. This dreadful partnership between the Howard government and the previous Victorian government has damaged Victoria's aged care system and damaged Victoria's health system.

In the wake of the Howard government's failure to release a national strategy for ageing Australia — which it promised at the last federal election and promised to the industry — the Bracks government has prepared a four-point action plan to alleviate the crisis here in Victoria. Not only has the Victorian government produced a plan, but on top of that the Minister for Health has produced the biggest and most comprehensive strategy to assist elderly hospital patients in this state.

While we in the Bracks government are doing what we can in the face of a totally inadequate response by the Howard government, we know that we must have action. We call upon those opposite to put pressure on their compatriots in the federal Liberal government to prepare an adequate and appropriate plan so that older Victorians will get the kinds of services and support they really need and deserve.

Attorney-General: conduct

Dr DEAN (Berwick) — I refer the Attorney-General to his many previous non-answers concerning the police investigation into his use of public money for travel and ask him to now clarify for the Victorian people what supposedly legitimate parliamentary committees he was attending on his very brief weekend trips to Melbourne on the weekends of the Phillip Island grand prix in 1990, the Lightning Stakes in 1991, the Geelong versus North Melbourne football game in 1991, the Geelong versus Fitzroy game in 1991, the Geelong versus Collingwood game in 1991, the Geelong versus St Kilda semifinal in 1991 — —

The SPEAKER — Order! The honourable member will come to his question.

Dr DEAN — I will. And the Geelong–Hawthorn final in 1991?

Mr Thwaites — On a point a point of order, Mr Speaker, previously you have raised the issue of questions about matters arising prior to this administration. The fact that the run-up to the question talks about a statement does not mean that the question relates to this administration. The question and the lead-up to the question made no reference to anything done by the Attorney-General; the honourable member simply asked about matters that arose prior to this administration.

The SPEAKER — Order! In raising this point of order the Deputy Premier correctly referred to previous rulings that prevent a question being asked about events that occurred at a time when a minister was not a minister. However, as the Chair interprets the question, the honourable member for Berwick is inquiring into previous answers and statements that have been made by the Attorney-General. That part of the question is in order; the latter part is not.

Mr HULLS (Attorney-General) — Unfortunately, the shadow Attorney-General just cannot seem to get his story right. He has previously told Victorians that the best year of his life was when he looked after the wig and gown of Sir Reginald Smithers, but that was shown to be untrue when he said in the *Law Institute Journal* that the best year of his life was when he was at Cambridge University drinking sherry in the parlour — —

Dr Napthine — On a point of order, Mr Speaker, the Attorney-General is debating the issue. I ask you to ask him to answer the question rather than avoiding it, which he has done for the last three weeks.

The SPEAKER — Order! I uphold the point of order. The Attorney-General should cease debating the question and come back to answering it.

Mr HULLS — It was not just sherry in the parlour, it was also port afterwards — —

Dr Dean — On a point of order, Mr Speaker, the serious basis of this question is that we have a situation where the Attorney-General is under a 17-month police investigation.

The SPEAKER — Order! It seems to the Chair that the honourable member for Berwick is wanting to make a point in debate. I will discontinue hearing him. I have called the Attorney-General to come back to answering the question.

Mr HULLS — I will not refer to this article which shows he is learning to fly. He is the Biggles of the Liberal Party. As I have continually said, all travel undertaken by me as a federal member of Parliament was within the relevant guidelines that existed at the time.

Schools: funding

Mr SEITZ (Keilor) — Can the Minister for Education inform the house of action the Bracks government has taken to ensure equity in funding across Victorian schools?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question. As soon as we came into government we abolished the divisive self-governing schools model; we invested $2 billion directed at student need; and we renovated the school global budget model so that all schools — country and city, big and small — get a fair go at getting the best teachers and the best programs.

With other state education ministers we set up a task force to look at funding in schools across the nation through the ministerial council. Unfortunately, we seem to be tackling this problem of equity for our schools and students alone. When you look at the commonwealth government's contributions to public schools and private schools you see a savagely distorted funding profile. The commonwealth government's forward estimates show that in the next four-year period the increase in funding from the commonwealth government to private schools will be 53.5 per cent. How much will the increase in funding be from the commonwealth to government schools in the same period? Not even half. So there will a 53.5 per cent increase for private schools and a 22 per cent increase for government schools. Of course, that is to cover double the number of students.

Where will this money go? It will go to places like Haileybury College, which will get an increase in funding of 273 per cent, yet already it has a state-of-the-art movie theatre. Carey Grammar will get an extra $4.4 million in taxpayer funds, yet it has a world-leading sports complex. Melbourne Grammar will get an increase in funding of 98 per cent that will go towards the espresso coffee and warm focaccia that is on offer at its canteen.

They are good schools, but surely they need those increases less than needy non-government schools like Catholic parish schools or, of course, government schools. What do these figures mean per student? What will the commonwealth government's massive increases in funding to private schools mean? Figures just released show that according to the commonwealth government if your child goes to a private school he or she is worth $4. How much is your child worth according to the commonwealth government if he or she goes to a public school? Just $1, yet $4 goes to each private school student.

We looked with great interest at the education policies announced yesterday. There is no new money from this federal government for the compulsory years of schooling for our public schools. There is a massive increase to the category 1 schools which quite clearly need it less, but there is no new money for those schools that need it more, particularly government schools. Unfortunately, we cannot see the equity that is available through the policies of the Bracks government being contributed to in partnership with the present federal government. We believe a federal Labor government will provide an equity partnership.

The SPEAKER — Order! The time set down for questions without notice has expired, and the minimum number of questions have been dealt with.

Mr Ryan — I raise with you, Mr Speaker, a point of order as a matter of fairness to the Minister for Agriculture. I refer specifically to the answer he provided to my question during question time. I wish to table a letter, if so desired, for the minister's consideration. The minister in his answer to me denied the ongoing existence of the productivity enhancement program — —

The SPEAKER — Order! I ask the honourable member to come to his point of order.

Mr Ryan — Mr Speaker, there is a letter here from the Treasurer directed to my colleague the honourable member for Shepparton, which says that as part of the 2001–02 expenditure review committee process — —

The SPEAKER — Order! It appears to the Chair that the Leader of the National Party is not raising a point of order but is in fact endeavouring to make points in debate. I will not continue to hear him unless he raises a point of order, and a point of order relates to the proceedings of this chamber.

INFERTILITY TREATMENT (AMENDMENT) BILL

Second reading

Debate resumed.

Mr ASHLEY (Bayswater) — Mr Speaker, I shall quickly bring my contribution on the Infertility Treatment (Amendment) Bill to a close by raising a matter of some concern which I trust the minister will remain to hear. It is not a matter of concern relating to the amendments we have discussed today, which I believe are responsible, limited in scope and infused with compassion. The issue I wish to raise is what I think may be a possible abuse or misuse of the current legislation.

There seems to be some suggestion out there that over the years a number of clinicians have put pressure on women whose husbands have been infertile to seek as donors the fathers of their husbands to provide the donor sperm. If that is true, it is a matter of some concern. It bristles with ethical questions. There is a lot of concern about the psychosocial consequences of pressure like that.

I shall not go into it any further, but will leave it in the air for consideration. If any pressure is being placed on counselling services to attract young women into seeking donors in the fathers of their husbands, it is a situation of great concern, because in reality the woman will have a child who is fathered by the grandfather and who is the half-brother of the husband.

I will leave my speech at that. I support the bill as it stands; the amendments are good amendments, and I wish the bill well.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I speak on the Infertility Treatment (Amendment) Bill, most of the debate on which I listened to this morning. It has struck me that 50 years ago a bill like this would never have been thought about, let alone debated in the house. Even 20 years ago it would never have come up.

The act that this bill amends is the Infertility Treatment Act 1995, and this is obviously ongoing legislation. As the world develops we realise the constraints we have previously put on ourselves. As things develop we have to amend the legislation, and this is a clear example of that.

Basically the bill has three main aims. One is to remove the requirement for consent to donation of a husband or wife who is no longer married. As many people in this house have said, in some cultures and under some arrangements people do not get divorced; they will live separately but not go through the formal process. This bill allows for that. It is obviously a step in the right direction in this new century to allow for those cultural differences and cater for people who will never formally cease to be married but who for every other purpose are no longer married.

Another aim is to extend the voluntary donor information register, and that is clearly a good thing. Such an extension is necessary because it will enable people needing such information to find it. The other aim is to remove the ban on the use of the gametes of a person who has subsequently died, which is another step in the right direction. In pursuing these measures we are going forward to make the Infertility Treatment Act more reflective of the requirements of today.

I said I would contribute briefly — —

Honourable members interjecting.

Mr LANGDON — But I would be more than pleased to continue speaking on this bill. One of my great pleasures in being the Government Whip is trying to organise these debates and accommodate as many people as possible. I know the Opposition Whip, who was previously the Government Whip, is also keen to make a brief contribution on this bill, and I am more than pleased to accommodate that.

An honourable member interjected.

Mr LANGDON — It is. I am more than pleased to allow that to occur, after which stage I am sure the minister will be ready to sum up. I commend the bill to the house.

Mr SMITH (Glen Waverley) — I wish to make a few comments on this progressive legislation, which

has been steadily developing since the 1980s. Both governments have added components to it as they were necessary. It is interesting that at the stage when Professor Louis Waller first took up the committee chairmanship Victoria had no legislation, and New South Wales still has not. The fact that the legislation has been running extremely well in Victoria ever since with small, progressive steps like the three taken in this bill shows that the progressions are needed, and no doubt there will be others.

The only one of these three I wish to comment on is the one that relates to a young person wishing to know the history of his or her ancestors. I think that is a very legitimate amendment. It is interesting to think that most of us know very little about the medical histories of our ancestors. My father, who died when much younger than I am now, had a heart condition. Knowing about such things helps doctors make sure that you look after all those aspects of your own health. We know very little of our ancestors. My lot came out in 1790; I think there are 10 000 of us from that particular family of Obadiah Ikin, but I would know hardly any. The bill will help the young person who wants to know the identity of his father — and I would think that in most cases it would be the father — and wanting to know as much as you can about your father is a natural thing. While most of us who have all that information are not terribly interested, one of the great benefits of the bill is that it provides for access to that information when such a person needs to have it.

I believe that a donor giving this information in written form, or whichever way they want to, and making family records available is very helpful in giving the child an identity. Otherwise, they feel different from those of us whose ordinary families have enabled us to have that feeling of identity anyway and who have never queried it. That provision of the bill certainly has my support.

Other matters will come along from time to time. Both sides of politics realise the sensitivity of the subject and are in my opinion handling it extremely well.

Mr THWAITES (Minister for Health) — It gives me pleasure to sum up the second-reading debate and to thank all honourable members who made a contribution. One issue requiring clarification relates to the voluntary register and the position of information being placed on that register by relatives. I am advised that that information could be placed there only with the consent of the donor. Apart from that I believe all honourable members have contributed to the debate in an extremely productive way. It is a matter of some pride for Victoria that we have legislation like this that has enjoyed bipartisan support over many years. It is an area of great social and personal sensitivity where it is important to proceed with some caution because we are sometimes pushing the boundaries of people's expectations with our new technology. There is no doubt there will be changes in the future as we find different social mores and make scientific and medical discoveries.

I look forward to continued change and improvement in the legislation. In that regard I thank honourable members on all sides and the parliamentary secretary, who has been of assistance in the many discussions we have had. I know there will be further discussions in committee with the honourable member for Gippsland West who has a particular issue that needs to be properly considered and discussed at that stage. I would like to thank the shadow Minister for Health who, in this case as always, has been very professional in the handling of this bill. That makes it much easier to debate and introduce this type of legislation when the parties can have that relationship. I thank him for that.

I, with other honourable members, would like to acknowledge Professor Louis Waller who has recently retired as chair of the Infertility Treatment Authority. Professor Waller has given outstanding service to the Victorian government over some 20 years, as Law Reform Commissioner and as chair of the Standing Review and Advisory Committee on Infertility and the Infertility Treatment Authority. I spoke at Professor Waller's farewell so I will not repeat all the comments I made there, save to say that he has always been extremely wise in his advice and prepared to assist government of whatever political complexion, and Victoria has always benefited from his expertise and advice. I would in passing like to congratulate the other members of the Infertility Treatment Authority who continue to provide expert advice in a changing and difficult area.

This bill in many ways demonstrates the great community interest in this area. There was a lot of publicity of the case of Joanne Bandel-Caccamo and that provoked a lot of community interest in this legislation. I met with Joanne and her mother twice and I have to say she is an outstanding person and a very convincing and persuasive advocate, and that was important. But it is worth knowing that others were affected by this legislation, that the Infertility Treatment Authority itself had recommended these changes and that the changes being implemented will in fact meet the needs of quite a range of people and will be of real benefit.

In conclusion I thank all honourable members for their support for the legislation and commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The CHAIRMAN — Order! I call the honourable member for Gippsland West to move amendment 1 in her name.

Ms DAVIES (Gippsland West) — I will not be proceeding with this particular amendment, the aim of which was to amend the purpose as laid out in the government's amending bill. I have been advised that it is not necessary to have this form of words and that it is already encompassed in the purpose of the bill as originally written.

Clause agreed to; clauses 2 to 6 agreed to.

New clause

Ms DAVIES (Gippsland West) — I move:

Insert the following new clause to follow clause 3:

'A. ***New section 11A inserted***

After section 11 of the Principal Act **insert** —

"**11A. Death of spouse during treatment procedure**

(1) If —

(a) a woman and her spouse have consented to the carrying out of a treatment procedure involving the medical procedure of transferring to the body of that woman an embryo formed outside the body of any woman; and

(b) the spouse of that woman dies before an embryo is transferred to the body of the woman —

the transfer of an embryo to the body of that woman must not take place unless the requirements of sub-section (2) are met.

(2) Before the transfer of an embryo to the body of a woman whose spouse has died may occur —

(a) a period of at least 12 months must have elapsed since the death of the spouse; and

(b) the woman must have received counselling in relation to the effect of the spouse's death and undergoing the treatment procedure from a counsellor who has been approved under Part 8 to give counselling to women undergoing treatment procedures.".'.

The purpose of this amendment is to insert proposed section 11A into the original act. Section 11 refers to counselling, and this amendment will add an extra part to that particular section.

The proposed section refers to a woman and her spouse who have consented to carrying out a treatment procedure involving the transfer of an embryo to that woman in a situation where after that original embryo has been created the spouse dies.

The amendment suggests that the transfer of any future embryos should not happen until a period of at least 12 months has elapsed since the death of the spouse and until the woman has received further counselling on the specific effect of the treatment and the effect of the spouse's death.

The purpose of asking for a delay before further treatment happens is to ensure that there is a substantive separation between the time of the bereavement and a new decision that a woman would then undertake in the attempt to become a parent.

I discussed the reasons for that during my contribution to the second-reading debate. I believe that consenting to a procedure which may result in a pregnancy when you are a couple is very different from what occurs when you know you will be undertaking the procedure as a single parent.

I have two different consent forms from two different in-vitro fertilisation (IVF) clinics, and each is very minimal in its mention of counselling. The Monash IVF clinic merely says that the person acknowledges that they have been given a list of approved counsellors and that they are satisfied with the counselling they have been given. There is no necessary requirement to be given counselling before any particular treatment is received. The only counselling which occurs is when you originally consent to beginning the procedures.

The consent form from the Royal Women's Hospital refers to the fact that the couple has attended a counselling session. Again, that is the only counselling which is given at the time the people give consent to beginning the original procedures.

I have discussed the reasons why I believe it is important that there be a substantive delay before proceeding further with treatment after a bereavement.

The purpose of putting into the legislation this specifically designed amendment is to ensure that there is further counselling and that another separate new decision is positively made by a person who wishes to continue with treatment in what are very different circumstances.

The wording of the amendment refers to a woman, because I have been assured that it is not possible, after the death of his spouse, for a male to access the embryo that he helped form. These circumstances will be appropriate only if it is the male partner who dies. Also, referring to the woman is consistent with the wording in the original act, where the focus is on a woman undergoing the treatment.

I understand that neither of the major parties is prepared to support this amendment. If there is a practical outcome of moving this amendment — that is, that the Infertility Treatment Authority looks more specifically at requirements for counselling and also considers amending the consent forms, which I do not see as being totally adequate to the situation which we are now permitting — I will be satisfied in supporting the overall bill.

I accept that the opposition has very strongly supported at least the intent of these amendments and the principle behind them. It is a shame opposition members do not feel it is appropriate to support the amendments in practical terms.

Mr DOYLE (Malvern) — Because of the last part of the contribution by the honourable member for Gippsland West I feel it necessary to explain our thinking on her amendment. She gave a very fair and accurate summation of our position. We find ourselves in the somewhat unusual position of agreeing completely with the underlying premises of the amendment but disagreeing with its methodology. I will explain why and then come back to what the honourable member suggested as a practical outcome — which I also agree with. In short, we agree with the underlying premises and intent of the amendments, but we will oppose them.

I will make some brief points about the new clause proposed by the honourable member for Gippsland West. First, regarding the title of the proposed new subsection, there is no doubt that in focusing on the sad occurrence of the death of a spouse the honourable member has done a great deal of work on how a support system could be put in place. However, she has focused on one particular element of change, and that concerns me. Although it is true that this particular amendment identifies a particular problem — namely, the death of a spouse during a treatment procedure — there are many such cataclysmic events that may happen during a treatment procedure which would also require the support of additional counselling. There are many life experiences, such as the death of a child, particularly one who had been born as a result of such procedures, that may generate the need for the greater support of a couple in a treatment cycle.

So while not objecting, I am pointing out that the proposed amendment picks up one particular cataclysmic event and attempts to make a ruling for it. If we want to go down that track we will need an exhaustive list of cataclysmic circumstances for which we want extra counselling and extra support.

The other way to do it is to ask ourselves whether we believe the legislation already provides sufficient generic support so that people in circumstances such as those picked up by the honourable member for Gippsland West — the death of a spouse — will be picked up. I believe the legislation does that.

Before I get onto that I will explain why I fundamentally disagree with the 12-month period. Again I understand, or I hope I understand, what the honourable member for Gippsland West is suggesting. It is akin to a cooling off period, allowing for a bit of time out in which decisions can be made in the light of a bit more consideration and with the assistance of those supports. My point out, though, is that if that counselling and support take place it may be that in some cases less than 12 months is appropriate while in others 12 months is perfectly all right — and for some people it may well be that 12 months is not enough.

I can foresee a time when a clinician — who after all will be taking the advice of the counsellor — may say that although more than 12 months has passed they are still uncomfortable about completing the course of treatment for that patient. The elapse of 12 months is not in itself a guarantee that a state of readiness of mind can be achieved. I would like more flexibility with how long that process can take to reflect whether or not the patient should be able to continue treatment in the way described by the amendment.

I also think that if we are going to say that counselling will be the determinant of when and whether we proceed, we have to leave the clinical decision of whether that will be a shorter or longer period to the clinician and not put in an artificial or arbitrary limit such as 12 months.

Finally, on a point I made earlier and will not labour in this contribution, counselling can be one of two

things — one of the hoops you have to jump through in order to qualify, as if it gives you automatic qualification to be part of the procedure, or a valuable resource. My concern is that if you specify a particular period of time like 12 months there would be an implicit understanding in some people that all they had to do was wait 12 months — that that was the only hurdle they had to jump — and that once that time had elapsed they would be free to go into the program. As we have discussed privately as well, that may not necessarily be the case.

My more important comment is on proposed section 11A(2)(b), which makes provision for counselling and on which I agree completely with the honourable member for Gippsland West. It is a good point and a very sensible one. My objection is not to the underlying principle but to its methodology. I understand why the honourable member is proposing to insert into section 11, the counselling section, reference to a particular case — that is, the death of a spouse. But I believe that if you want to understand proposed section 11A(1) in particular, which provides that the woman and her husband must have received counselling, including counselling in relation to prescribed matters, you need to go to the regulations to find out what those prescribed matters are.

The language of the act is not as strong or as mandatory as one would like, but the language of the regulations is. In fact, regulation 6 of the Infertility Treatment Regulations 1997 is about counselling, and it says:

> For the purposes of section 11(1) of the Act, counselling is required in relation to the following prescribed matters —
>
> (a) the options or choices available to the particular woman and her husband;
>
> (b) the law relating to infertility treatment in Victoria and the rights of the woman and her husband under that law;
>
> (c) the psychosocial and ethical issues related to infertility and infertility treatment procedures …

Although those words were not necessarily drafted with this case in mind, I believe the death of a spouse is covered by the intent of those prescribed matters, particularly by 6(c), which reads very well and covers the change in life that would be occasioned by such a cataclysmic event. In discussion with the honourable member for Gippsland West we looked at whether that would be just prior to commencement of treatment or whether the clinic and the clinician would need to add extra counselling during the course of the treatment.

I believe the act and the regulations provide for that ongoing counselling even after the patients have gone through counselling before the treatment has started prior to the death of the spouse.

I will conclude by coming to the point the honourable member for Gippsland West made at the conclusion of her contribution to the second reading. I think this is what we are on about: what practical outcome do we want? If my reading of that is not correct — I do not pretend that it is a holy writ or anything like that — I believe the problem could be overcome by asking the Infertility Treatment Authority to issue a guideline that mandates the premise the honourable member for Gippsland West has outlined in her new clause. I would prefer that as a way of dealing with this for the reasons I outlined in my original contribution. I conclude by saying that although there may appear to be a difference between us about the new clause itself, it is gratifying that there is underlying agreement about the premise upon which it was based.

Mr DELAHUNTY (Wimmera) — The National Party has also spoken to the honourable member for Gippsland West about this new clause; I appreciate the time she took to explain the reasons behind it. National Party members have discussed the new clause, albeit only briefly. We have come to the decision that we will not be supporting it although we very much understand the purpose and reason for it. We will oppose this new clause because we need to look at the technicalities of it. As honourable members have discussed in the debate today, in-vitro fertilisation is a very complex issue and we must tread carefully in this area.

The intent of the new clause is fine and the National Party supports that, but there are some technical difficulties with it. Proposed section 11(1) to be inserted by the new clause says if the spouse of a woman dies before an embryo is transferred to the body of the woman the transfer cannot take place unless the requirements in the next proposed subsection are met. There are times when people are on their deathbeds and they can be in that state for a long time. This would be a further traumatic experience for the woman even though consent had been given to the formation of the embryos.

The National Party believes some change should be made to the guidelines or the regulations. The honourable member for Malvern has researched this in much more detail than I and he explained that he believes regulation 6 covers this. I hope that is true. I understand that the consent forms are different in different clinics. One thing the Infertility Treatment Authority could look at is establishing a standard consent form.

A bereavement or cooling-off period is appropriate not only for death but also for traumatic injury to the partner or a family member. We have often seen that in car accidents and the like; it could be traumatic injury to a child within the family or the partner. There are many reasons apart from death where there could be a need for further counselling. The 12-month period creates some problems. It is a bit like drawing lines on maps — you always get a problem. There is a time limit of five years on the storage of embryos so this could create other problems.

Honourable members would have to agree that in certain circumstances there is a need for further counselling. I thoroughly endorse that. I also endorse the need for an amendment to the consent form. At the end of the day if we do not get the process right we will not get the outcome right. Honourable members would have to agree that we want a fair and practical outcome to this. Although the National Party supports the thrust of the new clause, it does not believe the way it is worded will lead to a practical outcome and therefore the National Party will not support it.

Mr THWAITES (Minister for Health) — I acknowledge the points made by the honourable member for Gippsland West, but the government will not be supporting the new clause. Like the opposition and the National Party, the government believes the new clause would be too inflexible and that the current legislative framework satisfactorily meets the concerns raised by the honourable member for Gippsland West. Section 11 of the Infertility Treatment Act requires counselling before a treatment procedure, which would include the case being discussed today. The individual clinicians involved will, as always, have responsibility for making a clinical judgment about informed consent by the patient. It is appropriate to maintain that.

It is extremely difficult to try to set out a detailed and prescriptive framework in a particular instance. As the National Party spokesman said, a range of traumatic or other incidents could occur not limited to death and all of those incidents would need to be taken into account. The grieving process itself is a very important process, but it is not appropriate to put a specific time line on it; different individuals will cope in different ways.

However, all honourable members have acknowledged the importance of real consideration and counselling for the mother at this time. I am advised that if the bill is passed in its current form the Infertility Treatment Authority will develop new guidelines consistent with the requirements of the act in relation to consent. To a degree that may address some of the concerns raised by the honourable member for Gippsland West.

The CHAIRMAN — Order! The question is that new clause A be read a second time and be added to the bill. All those in favour say, 'Aye'; all those against say, 'No'. I think the Noes have it.

Ms DAVIES (Gippsland West) — I missed that. I want to know at which point we will be voting on this amendment.

The CHAIRMAN — I have already done it.

Ms DAVIES — I am sorry, I did not hear, and I ask that the Chairman repeat her putting of the amendment.

The CHAIRMAN — Order! I will resubmit the question. The question is that new clause A be read a second time and be added to the bill. If you want to support the new clause you must say 'Aye'; saying 'No' means you do not support it.

Ms Davies — Aye.

The CHAIRMAN — Order! A division is required. Ring the bells.

Committee divided on new clause:

Ayes, 3

Davies, Ms
Ingram, Mr (*Teller*)
Savage, Mr (*Teller*)

Noes, 79

Allan, Ms
Allen, Ms
Asher, Ms
Ashley, Mr
Baillieu, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Burke, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Delahunty, Ms
Dixon, Mr
Doyle, Mr
Duncan, Ms
Fyffe, Mrs
Garbutt, Ms
Gillett, Ms
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Honeywood, Mr
Howard, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maughan, Mr
Maxfield, Mr
Mildenhall, Mr
Mulder, Mr
Napthine, Dr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Pike, Ms
Plowman, Mr
Richardson, Mr
Robinson, Mr
Rowe, Mr
Ryan, Mr
Seitz, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Stensholt, Mr

Hulls, Mr
Jasper, Mr
Kosky, Ms
Kotsiras, Mr
Langdon, Mr (*Teller*)
Languiller, Mr
Leigh, Mr
Leighton, Mr
Lenders, Mr
Thompson, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr
Wynne, Mr

New clause negatived.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL

Second reading

Debate resumed from 10 October; motion of Mr HULLS (Attorney-General).

Mr WYNNE (Richmond) — I rise to support the Roman Catholic Trusts (Amendment) Bill following the contributions of the honourable member for Berwick and the Leader of the National Party.

The Leader of the National Party passed a challenge to me in his contribution last night, suggesting that the debate may be an opportunity for me to parade my Latin knowledge. Having been educated in the Catholic system, where I found some very positive elements and some negative ones as well, I point out that one of the negatives was my study of the Latin language. Although it went for a period of six years, the wise course of action adopted by the Christian Brothers at what was then form 4 level was to suggest that my studies could be further advanced by pursuing an academic area other than Latin.

Nonetheless this is quite an important bill. The Catholic Church is seeking amendments to the Roman Catholic Trusts Act 1907. These amendments, as has been indicated, are in the form of a private bill dealing with the particular interests of the Catholic Church in Victoria and do not have general application.

As we all know and as other honourable members have said, the charitable services supported by the Church nationally include welfare and education programs run by organisations such as Centrecare Catholic Family Services and the St Vincent de Paul Society. In Melbourne there are many agencies supported by the Catholic Church which complement health and welfare services for the most needy in our community. Two of those organisations I want to mention particularly. They are the Mercy Health and Aged Care Services and the Sacred Heart Mission in St Kilda, with which I have had the pleasure of having some association recently in pursuit of my responsibilities as parliamentary secretary to the Attorney-General in addressing the issue of street prostitution in St Kilda. The Sacred Heart Mission in St Kilda has done excellent work with street prostitutes and is one of the leading welfare organisations in that area.

The bill provides for two amendments pertaining to mixing of funds and variation of trusts to enable the Church to more efficiently manage Church trust property and maintain the value of bequeathed moneys. As we know, the Catholic Church is required to make what is known as a cy-pres application to the Supreme Court to vary the charitable intentions of any bequest it gets. Many of these requests are quite small, and to make an application to the Supreme Court would obviously in some instances wipe out the entire benefit. The amendments in this bill will enable corporate trustees to vary trusts for a use as close as possible to the purpose specified by the testator, and where this is not possible the trust can be used for the general or charitable purposes of the Church.

To vary a trust the corporation trustees of the Church must give the person responsible for the trust 30 days notice of their intentions. Every effort is of course made to respect and safeguard the wishes of the testator, and where the address or identity of the person responsible is not known a notice D is to be published widely in the daily press. The bill does not affect the Supreme Court's jurisdiction to supervise the distribution of trust funds, and cy-pres applications to the Supreme Court can continue to be made where appropriate.

In the short time I have left — I know my colleagues on both sides want to make brief contributions as well — I will simply say that this is an important bill. As has been indicated by previous speakers, the Church will incur no costs in this. I believe the Anglican Church has presented a similar bill to this house. I believe both sides of the house support the bill, and I commend it.

Mr SMITH (Glen Waverley) — It is interesting that the honourable member for Richmond has declared his interest as having been an altar boy. I think most of us could well visualise the honourable member for Richmond acting in that very holy capacity.

As this bill has received unanimous support from both sides of the house I will make just a few brief comments on it. It is very good that the churches are

able to come to Parliament with a great deal of confidence. This happens continually. Usually about every two years there is a bill from the Catholic Church or the Anglican Church or whatever to try to bring their finances up to date.

The big benefit to the Catholic Church in this case is that where before it had to spend an enormous amount of money in lawyers fees to be able to administer the trusts, these very sensible amendments will enable it to save that money and put it to better purposes — for example, the St Vincent de Paul Society and other organisations. It is to be hoped that the lawyers will be looking after the interests of the more needy in our community and will in fact be able to spend their time more profitably doing some good for the community rather than reaping the enormous benefits they were getting out of these trusts.

One other point I wish to make, particularly in relation to the Anglican Church, is that I hope the churches realise that they have a responsibility to their parishes. To see in the case of the Anglican Church the closing down of St Anselm's in Middle Park is absolutely outrageous, and I add to this debate that I sincerely hope they take this message on board. So with those brief words, I commend the bill to the house.

Mr LENDERS (Dandenong North) — I would also like to support the Roman Catholic Trusts (Amendment) Bill in the short time available. I also need to declare an interest in the sense that I am a member of the finance committee of the St Paul Apostle parish, so I am probably reasonably familiar with a lot of the bureaucratic impediments that can be encountered when a modern church tries to administer its finances.

The important things to note about this bill have, I guess, been covered by previous speakers, but it is important to know that both the Archdiocese of Melbourne and the dioceses of Sale, Sandhurst and Ballarat all support the bill. It is a good thing intellectually that the money that has been left for charitable purposes be used efficiently, and there are many good reasons for this to happen.

Churches are community organisations. People often think they are very large and remote, but there is an enormous amount of community involvement in them. Anything the government can do to streamline things to make them easier is important, particularly in the International Year of Volunteers. It is good legislation, and I commend it to the house.

Mr WILSON (Bennettswood) — I will make the briefest contribution to this debate, and of course I declare my interest as a member of the Roman Catholic Church.

I welcome this legislation. Honourable members have made the point that the Roman Catholic Church offers many wonderful services, as indeed all the churches have offered to our community since European settlement in this country. As someone who has been the beneficiary of a Roman Catholic education I would like to pay special tribute to the Sisters of Mercy, the Oblate Fathers of Mary Immaculate and the Christian Brothers, all of whom provided me and many Australians with an excellent education.

An honourable member interjected.

Mr WILSON — On Mazenod College, I make the point to the honourable member for Dandenong North that I will be going into his electorate this Saturday night for a school reunion, and I will be recalling the wonderful education I received at Mazenod College. I also make the point that the amendments before the house will allow the Church to continue its very good works.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time being 4 o'clock, I am required under sessional orders to interrupt the proceedings of the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Second reading

Debate resumed from 9 October; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr PANDAZOPOULOS (Minister for Gaming).

ADJOURNMENT

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That the house do now adjourn.

ALP: Greek business community

Mrs SHARDEY (Caulfield) — I wish to raise a matter for the attention of the Premier as Minister for Multicultural Affairs. I refer him to an issue raised by the honourable member for Bentleigh concerning an invitation to a Greek business dinner with the Premier, the Minister for Gaming, the Honourable Jenny Mikakos, a member for Jika Jika Province in the other place, and the federal shadow minister Nick Bolkus at the Hyatt at the grand cost of $1100 per head.

My colleague pointed out that the invitation has caused members of the Greek business community deep concern that they are being targeted by the ALP for fundraising. The letter of invitation claims that the function is being organised to honour the Greek business community. As my colleague said, it appears more like a smart way to fleece the Greek community for ALP fundraising, and indeed some members of the community are concerned that they might be targeted if they refuse the invitation.

Firstly, I ask the Premier to investigate whether government funds have been or will be expended in the organising or holding of this function; secondly, I ask him to investigate whether the names of those members of the Greek community who were invited were supplied to the ALP by either the Multicultural Affairs Commission, the Victorian Office of Multicultural Affairs, the Ethnic Communities Council of Victoria or, indeed, any other government-funded body; thirdly, I ask him to investigate whether any public sector, electorate or ministerial staff have participated in the organising of this function or whether they were attending at taxpayers' expense; and finally, I ask the Premier to investigate the role of the minister assisting him on multicultural affairs in the organising of this function.

Echuca Secondary College

Mr MAUGHAN (Rodney) — I raise a matter for the attention of the Minister for Education concerning computer facilities at Echuca Secondary College. The college totally revamped its computer network plan some six years ago. It put a great deal of time, effort and thought into coming up with a plan which was broken up into eight stages. It reviews that plan annually and modifies it according to its experience. At this stage the college has reached the end of stage 4 of the plan. Stage 5 was to be completed in September last year, but after initially being given approval by the department, funding was withdrawn at the last minute. The college was asked to wait for the next financial year — that is, 2001–02.

The previous government had a program called Netdays. However, the college was advised that that program no longer exists and that the program is now called bridging the digital divide. The college was told that under that new program they would get 17 new computers late in term 4 last year or early in term 1 this year; $5000 for network support some time over the next three years; an information technology grant of $4366 in December; and — wait for it — four access pods at a cost of $52 000.

Echuca Secondary College has real concerns about this. It is nice to have all these facilities, but it wants to know why there was absolutely no consultation prior to its being advised of what it had been given. The college had spent a lot of time and effort sorting out what it wanted, but with this government — which prides itself on consultation — there was no consultation at all. The college was just told it was going to get these facilities.

The college also wants to know why its choice of computer brands and specifications was removed. Again it had gone into those matters very carefully but was given no choice in at all. The college was just told what it was going to get. More specifically, the college wants to know why it was advised on 23 August that:

> Your 2001 IT grant has been reduced by up to 50 per cent to assist in providing the … 1:5 computer-to-student ratio. The IT grant will return to its normal level in 2002.

In other words, the government was saying, 'You've got this grant but — surprise, surprise! — we're going to take half of it away so we can honour our commitment to provide a 1 to 5 computer-to-student ratio in schools. More importantly, what the college really wanted was to be able to use that $52 000 as it wanted, because pods are totally inappropriate given its physical location.

I call on the government to honour its commitment to talk with and consult the Echuca Secondary College so it can get best value for money.

Moonee Ponds Creek

Mrs MADDIGAN (Essendon) — I raise for the attention of the Minister for Environment and Conservation the matter of the Moonee Ponds Creek. Over the past few years the creek has deteriorated to a fairly sad and degraded state. Previously it was a very pleasant waterway, but it has suffered from the many things that have happened to it, particularly in relation to the building of roads, from the commencement of the Tullamarine Freeway some 20 years ago to the building of City Link more recently. I ask the minister what action she and her department will take to assist with the regeneration and restoration of the Moonee Ponds Creek so it can be brought back to looking like the beautiful waterway it once was.

Over the years a number of works have been undertaken along the banks of the creek, such as putting in bike paths et cetera, but it is suffering from significant degradation as a result of the rubbish that has collected in it as well as the rather severe after-effects of Melbourne Water's attempts to stop it flooding in the 1960s. I am sure Melbourne Water's intentions were good, but unfortunately its work changed the creek from a gently flowing stream into a concrete drain. The creek runs through part of my electorate and through the Strathmore Heights area, which I hope will be part of my new electorate after the next election.

The creek is used extensively by the community. A number of attempts have been made over the years to regenerate it, but it requires work on a more major scale — that is, a master plan. The local residents see the great work that has been done on the Merri Creek, which has been very strongly led by the community and which has made a significant difference in improving not only the water quality of that creek but also the landscape and the surrounding areas. The residents who live alongside the Moonee Ponds Creek would be very pleased to see similar action occurring in their area.

A very active community group, the Moonee Ponds Creek Consultative Committee, is operating quite well. It is in fact the union of a number of local councils, the Moonee Ponds Creek Association and local residents. That group has been working with the government on various aspects of the creek and with the federal government on a litter program that was jointly funded by it and the state government. However, there is a great opportunity for the government to do something more significant than it has done in the past. I seek action from the minister and her department to see what work can be done to make the creek more beautiful.

Mr Perton interjected.

Mrs MADDIGAN — I can tell from the interjections by the shadow minister for conservation and environment that he would be very pleased to come to a working bee and help us with weed eradication and some of the other work on the creek. I will make sure he gets an invitation to the next one.

State Emergency Service: Ballarat headquarters

Dr NAPTHINE (Leader of the Opposition) — I seek action by the Premier to provide the necessary funds to complete the building and fit-out of the new State Emergency Service headquarters in Ballarat.

The SES volunteers do a tremendous job right across Victoria, and in Ballarat they keep up that standard with their volunteer service to the community. Indeed, only the other day they were involved in dealing with a gas leak that affected over 100 people. The SES, the police and the local fire services did an excellent job in responding to that emergency. However, the SES needs proper facilities to house its vehicles and to provide areas where the volunteers can train, hold meetings and conduct their normal activities in support of their voluntary service.

The SES volunteers in Ballarat not only have been doing an outstanding service for the community but have raised $75 000 of their own funds to help build a new headquarters. The local council has assisted by providing land at Gillies Street South, but there have been some problems with the project. There have been difficulties with the building and some unfortunate thefts from the project site, which means the SES does not have any money to do the proper fit-out.

No government funds have been provided to this project thus far, and now the SES is rightly looking for some government assistance to the tune of $20 000 or $30 000 to provide a fit-out of the new building sufficient to provide meeting rooms, change rooms, training rooms, storage rooms and office facilities as well as internal toilets.

I am seeking from the Premier a commitment from the state government to support the SES in Ballarat, a service which does a great job, which has raised $75 000 of its own funds and which has council support. It now needs the support of its local state members, who have been a bit lazy on the job, and it needs the support of the state government to finish this job properly.

Debate interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to our Parliament Dr Rui Araujo, who is the Minister for Health in East Timor. Welcome, Sir.

Honourable Members — Hear, hear!

Debate resumed.

Footscray: community building

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Housing, as the minister responsible for community building in the Bracks cabinet, in the context of the recent exciting announcement of the Bracks government's community-building initiatives. I request the minister to assist me and a number of agencies in the Footscray electorate with the community building initiative that has already begun as a result of meetings at my office.

The focus of the project is the Gordon Street precinct, which has the Western Oval at one end and Highpoint Shopping Centre at the other. It is a potential high-class development which includes the Edgewater estate. It is a street of contrasts. It has the famous Western Lodge, which provides 100-bed supported residential services and is a centre which deals with some of the most complex needs of disadvantaged people that one can imagine, and it also has the Gordon Street high-rise flats.

There is also the Empire and Eldridge streets area, which has blocks of a couple of hundred flats. It is associated so much with the early arrivals of both refugees and early settlers that many people in places like Ethiopia refer to the Empire and Eldridge streets precinct when they talk about Australia. It featured strongly in the consciousness of early settlers. The project will focus on trying to connect people who are often transient, disconnected and disadvantaged in many ways and who have complex needs. They are certainly some of the more serious indicators in the area of homelessness and addictions of various sorts.

We want to support people in the community getting together. There was an incident involving a young Ethiopian woman who went doorknocking in an attempt to invite people to a coffee ceremony and who was reported to the police for casing neighbours' properties. So some unfortunate situations occur. A number of agencies have already been involved in early discussions, including representatives from St Vincent de Paul, the Maribyrnong City Council — —

The SPEAKER — Order! The honourable member's time has expired.

Forests: road networks

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Transport concerning a report entitled 'Local roads — our link to market growth', which is a timber industry roads evaluation study (TIRES) as part of an initiative of Timber Towns Victoria. The report states that TIRES was commissioned in partnership with local government, state government and industry stakeholders in the regions to identify the road networks that are necessary for the ongoing viability of the timber industry to ensure that products can get to markets and the processing areas. With the growth in plantation timber around the state we do not have the road networks in place to adequately deliver the necessary large transport, such as trucks, B-doubles, and so on. Some investment is required.

I ask the minister to look at the study and implement its recommendations to ensure that the timber industry remains a vital part of the economy. The value of the industry is expected to grow to about $6 billion in 2035.

Who will benefit from the study? The timber industry will win through reduced costs, increased transport competitiveness, the potential to use more efficient vehicles and the better reliability of the supply chain to mill or market. Local government will also win through increased road safety — large trucks often travel down small roads, which is extremely dangerous — savings in travel time, reduced wear and tear on both industry vehicles and public vehicles that share the roads, and more jobs in the community. The state government will also win because improved roads will increase regional development, employment and production. Sealing roads is also more environmentally friendly, because it means there is less run-off and so on.

The area I am particularly interested in is Gippsland, which has a large part of Victoria's timber industry. A large number of roads have been identified in the Wellington and East Gippsland shires as needing priority because of their importance to the industry. I have before me a summary of the report, but the report itself is quite detailed. The action I seek is for the minister to look at the report, investigate the recommendations and work with the timber industry to develop good road networks for the timber industry in Victoria.

Bees: control

Mr SMITH (Glen Waverley) — I raise a matter for the attention of the Minister for Planning concerning bees. There has been a recent problem in my electorate with people being attacked in their own gardens by swarms of bees. Last week I visited a property near the corner of Lum Road and Cezanne Court near the Wheelers Hill Secondary College where five local residents told me about their plight. The story is that whenever the summer months arrive the people in the area are attacked by swarms of bees. They had photographs from last year, and they are very frightened people. One of the women has a daughter aged 21 years who is so susceptible to bee stings that she could die if she is bitten.

Over the years I have heard stories from apiarists about how bees that attack are probably wild bees. I remember 2, 3 or 4 years ago there were wild bees in the area near the Pinewood Primary School, and at that time I was convinced they were wild. But the thing that convinced me this time that they were domestic bees was that the women said that when the bees were in their gardens they called the man who they knew owned them, and he came around with the proper headgear and other gear that apiarists wear and took the whole swarm away. So the story that they are wild bees is not right.

I spoke to the Monash City Council, and it said that this is part of the code of practice of the Victorian government and that it is something that has not been there for many years. The point is that this is the second occasion that as a member of Parliament I have had to creep about with people, sneaking around and looking into beehives and over fences and things. I feel a bit like a criminal doing that; however, it is necessary to do it to ascertain that what the people are telling me is correct. What I am saying to the minister is that he does not have to change the law on this; he has to vary the code of practice as it stands so that people are not terrified to go out into their gardens.

One woman said, 'We have a pool out the back, but we cannot use it; it is impossible to go out'. It is not every day that the bees come; it is only on especially hot days and still days that they come. I ask the minister to take action to sort out this problem instantly.

Ethnic communities: refugee support

Mr LEIGHTON (Preston) — The matter I raise with the Minister assisting the Premier on Multicultural Affairs concerns refugees of the temporary protection visa (TPV) category. There are a large number of TPV refugees in Victoria, particularly of an Iraqi background. I seek action by calling on the state government to ensure that these refugees receive adequate assistance to settle into and to start being productive members of our community.

By way of background I indicate that the Iraqi refugees have settled in two particular areas of Victoria — in Shepparton and in Melbourne's northern suburbs such as Preston. At one stage my local council, the City of Darebin, debated what assistance it could provide. One of my staff members, Royce Keirl, who is also a local councillor, said that the refugees are welcome in the City of Darebin. As a result, they came to the City of Darebin.

However, despite being recognised as refugees they are denied any assistance by the federal government. I believe the federal government, very callously, instructs federally funded agencies not to provide assistance. That means that organisations such as migrant resource centres have not been able to provide assistance. It has fallen back onto the council itself and the local mosque, and the state Department of Human Services provided $100 000 assistance to the local council.

We have certainly made the refugees welcome in Preston. I believe they have also been welcomed in Shepparton. However, I was concerned to read comments by the honourable member for Shepparton in the adjournment debate of 26 September, when he complained about 300 families of a Middle Eastern background in his electorate of Shepparton. In particular, he said:

> The 300 families have taken up a lot of the housing that would have been available for people to rent at the lower end of the spectrum.

I do not know whether the honourable member for Shepparton sees himself as the Bob Katter of the Victorian Parliament or whether he would rather be the One Nation member of Parliament for Shepparton. Frankly, I was appalled at those comments. We welcomed the refugees in Preston, and I am sure they are welcome in the electorate of the honourable member for Shepparton. He seems to be the odd one out. His comments have really been no different to those of the federal immigration minister, Philip Ruddock.

After I said that we have not been getting enough business migrants he made the comment to me, 'You are getting all the migrants you can take now'. I tried to brush that off. Then he said, 'It is funny how they all know how to use a mobile phone and a *Melway*'. When I tried to brush that off, he then said, 'Maybe I am

saying some of them aren't what they seem to be'. I am concerned at the callous approach from the conservative side of politics when in our local communities we welcome them as our — —

The SPEAKER — Order! The honourable member's time has expired.

Crib Point Primary School

Mr COOPER (Mornington) — I seek action from the Minister for Education to have her department understand that it simply cannot leave a 10-year-old boy in a primary school when he has an intellectual disability that prevents him from keeping up with the rest of the class. This boy is extremely disruptive in class and is violent with other students. The 10-year-old boy is at the Crib Point Primary School. The outcome of a recent assessment of him by the Department of Education, Employment and Training was that he does not meet the criteria for a place in a special school setting, nor for the provision of a teacher's aide.

The mother of the boy, even though she is suffering from a long-term illness, has been attending the school for three days per week as an unpaid teacher's aide to try to assist the school to cope. That is not working, and the child has become increasingly violent with her. Both the school and the mother are firmly of the view that he should be placed in a special school setting, but the department refuses to agree. Its refusal places a lot of people at risk — the mother, the other students in his class, the class teacher, and the rest of the school students during recess times. The best the department has been able to come up with is an offer of some out-of-classroom support services and the promise that it will do another assessment in May next year.

This parent, and this school community, should not have to continue to be put at risk like this because of the total inflexibility of the department and its inability to understand that this is a very serious problem. I ask the minister to take immediate action to resolve this situation at Crib Point Primary School before things get worse and something happens that we might all live to regret.

Woodend bypass

Ms ALLAN (Bendigo East) — The matter I raise for the Minister for Transport concerns the Calder Highway bypass at Woodend. What action will the minister take to finalise construction of the Woodend bypass and to have it open to the motorists of Bendigo and central Victoria as soon as possible?

In the past two weeks some unfortunate comments have been made about the opening of the bypass. Some misleading comments have been made to the Bendigo media by an honourable member for North Western Province in the other place. He has alleged other reasons for the delay of the opening of the Woodend bypass and accused the state government of all sorts of wonderful things for the delay in the opening, when in fact there has also been much reporting in the media that this delay is due to the extended period of inclement weather that we have been experiencing in central Victoria — funnily enough, during the winter period.

Bendigo and central Victorian motorists have every reason to take out their anger on the federal government over the Calder Highway. It was the federal government which was dragged kicking and screaming to allocate its $25 million for the Carlsruhe bypass — $25 million had been allocated by the Bracks government in the 2000 budget — and which only recently came to the table. The Howard government continues to have no commitment to the completion of the Calder Highway to Bendigo by 2006 — a firm commitment the Bracks government has and continues to work towards. The Howard government was certainly strong in its support of its state colleagues who introduced tolls on the Tullamarine Freeway, a main road leading from Melbourne to Bendigo.

It is interesting to note that the former Minister for Transport is laughing over there. He would know that it is because of the failure of the Howard and Kennett governments that the duplication of the Calder Highway to Bendigo has not been completed.

The National Party's claim that the state government is in some way holding back the opening of the Woodend bypass is clearly wrong. The reason that Vicroads has given clearly throughout the Bendigo media and in its information to me is that it has been cold. We need extended periods of warm, dry weather for the highway to be sealed. Unless the National Party has some sort of higher powers that are yet to be revealed to this house, I do not think it can make the sun shine. It might be able to do many other things, but it cannot make the sun shine for extended periods.

The motorists of Bendigo would like to see the Calder Highway bypass at Woodend opened as soon as possible, and they support the Bracks government in its duplication of the highway by 2006.

The SPEAKER — Order! The honourable member's time has expired. The honourable member for Prahran has 2 minutes.

Melton: commissioners

Ms BURKE (Prahran) — I ask the Minister for Local Government to write to the Melton Shire Council commissioners, who finish tomorrow, to congratulate them on the magnificent work they have done at Melton. The three commissioners, Alistair Fraser, John Hyett and Brian Morison, started their work at Melton — —

Mr Nardella interjected.

The SPEAKER — Order! The honourable member for Melton!

Ms BURKE — They started their work at Melton on 16 December 1994 and have done a magnificent job. That community can be extremely proud. They were voted back by the community twice, and have spent many hours improving that community. I would like the minister to make representation and thank those three commissioners for the magnificent job they have done.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Melton to cease interjecting. Similarly, the honourable member for Mornington!

The honourable member for Prahran has finished raising her matter.

Ballarat: Next Step program

Ms OVERINGTON (Ballarat West) — I raise a matter for the attention of the Minister for Community Services regarding the Next Step literacy program in Ballarat. The action I seek from the minister is an assurance that this successful program will be maintained now and in the future. As the name suggests, the program provides literacy, numeracy and general tuition to young people who are from juvenile justice, young people with drug and alcohol issues, clients of protective service and young people at risk of entering the juvenile system.

It became apparent quite some time ago that a large number of these young people had poor levels of literacy and most had left school or were intermittently attending school and needed intensive training. The program, auspiced under the Ballarat Community Health Centre, is run at the Ballarat Secondary College. The Next Step literacy program provides one-on-one tutoring and is tailored to the individual needs of the young persons.

Responses

An honourable member interjected.

Mr BATCHELOR (Minister for Transport) — No way, no hope! Maurie Sharkey, MP? What a silly thing to say.

The SPEAKER — Order! The Minister for Transport has been called upon to respond to the matters raised that are in his jurisdiction.

Mr BATCHELOR — The honourable member for Gippsland East raised with me the matter of the TIRES report — that is, the timber industry roads evaluation study. This is an important piece of research that has been carried out for Timber Towns Victoria. The report identifies a very real problem faced by local government in rural Victoria. It makes reference to the difficulties faced in the Wellington and East Gippsland shires, but it is an issue that is common to a number of areas. It is a particular problem that is concentrated in areas where plantations planted some time ago are approaching the harvesting stage. As would be imagined, in the East Gippsland area it is a significant problem because of the large number of timber plantations at or approaching the stage of harvesting the timber.

It is also a problem elsewhere in the state, down in the south-west and the west of Victoria where plantation timber is widespread, particularly pines. There is an emerging issue, that of the eucalypt plantations. Much planting has been undertaken, probably generated by taxation schemes rather than market-driven outcomes. Nevertheless the communities in these areas and Victoria as a whole are facing a problem with the eucalypt plantations as to whether there will be a market at all, and if there is how the landowners and the owners of this resource will be able to get the timber to that market. Most of these plantations are serviced by local roads and many of them would be unmade or unsuitable to take trucks of the required length and width and weight needed to take the sawlogs to their markets or processing points.

The honourable member for Gippsland East has asked me to have a look at this study, and I will do that. The government is currently doing that, and I will advise the honourable member for Gippsland East. It is a seminal, important and strategic report that is impressive because it attempts first to identify the issues and then to set priorities within a time frame. It will fit into the government's policy of providing limited assistance to local government for roads that abut or service plantation timber.

In the years ahead this issue of the burden of providing suitable local roads will fall heavily upon local government. It is only through reports such as this, where the problem can be identified in advance, that priorities can be set and addressed over time, firstly by the local municipalities, and then examined to see how they fit into this government program.

I will take up the issue with the Department of Infrastructure and Vicroads to see how we can apply the principles that are set out in this in terms of identifying those priorities and a funding stream over time to see how that can fit into the government's program.

The honourable member for Bendigo East raised with me a matter concerning the Woodend section of the Calder Highway. This $90 million project is one of a series of projects that make up the objective of duplicating the Calder Highway to Bendigo. Our objective is to do that by 2006, as it is a road of national importance, and the funding for this comes from both the state government and the national government.

On 1 October I was on site with the Premier at a sod-turning ceremony for the Carlsruhe section. It is a pity that we were not there some 12 months ago, because the state government provided some $25 million 12 months ago but the matching funding from the federal government for the Carlsruhe section to facilitate the awarding of contracts and the commencement of construction has only just come through.

I can assure the honourable member for Bendigo East that the Bracks government wants to see each section of the Calder Highway started as soon as possible and opened as soon as it is available. This is an issue that is supported not only by the honourable member for Bendigo East but also by the federal member for Bendigo. The federal member for Bendigo has been driving this issue locally, and on that he is to be absolutely congratulated!

On the issue of the Woodend bypass, it just shows you how silly some members of state Parliament can become during federal election campaigns. An honourable member in the other place has been making cheap and idiotic statements about the delaying of the Calder Highway work. The Woodend bypass cannot be opened at the moment because the final critical stage of the construction process — that is, the final seal — cannot be carried out until the correct and continuous climatic conditions are met.

Mrs Peulich — So you can land on the moon but you can't lay bitumen?

Mr Nardella (to Mrs Peulich) — You're an idiot!

The SPEAKER — Order! The honourable member for Melton!

Mr BATCHELOR — The honourable member for Bentleigh wants to know about laying bitumen on the moon! What we are trying to do — she can worry about that problem, but that would make her a lunatic, I think — —

The SPEAKER — Order! The Minister for Transport!

Mr BATCHELOR — What we are trying to do is get the bitumen laid on the Woodend section of the Calder Highway. When the weather conditions are right we will be able to achieve that. Today it has been raining in Melbourne, but I do not know if it has been raining in Woodend. There has been a lot of rain there of recent times and the weather has been cold — it was winter, after all.

I cannot understand why an honourable member for North Western Province in the other place, Ron Best, would want to take such a reckless stand and ask for this highway to be opened whilst it is unsafe to do so. I do not think that is appropriate. He needs to understand the realities. We want this section of the highway to be opened as soon as possible, and we will be doing everything we can to achieve that.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Ballarat West raised an issue about a very good program called the Next Step literacy program, which operates within her electorate and beyond. In recent years juvenile justice workers have noted that many of our young people lack basic literacy and numeracy skills. As a result they are finding it extremely difficult to find employment when they are released from the juvenile justice system. Also, while they are in the system they are having difficulty with education and further training.

The Next Step literacy program was developed in collaboration with the Department of Education, Employment and Training (DEET), Ballarat Secondary College and the Ballarat Community Health Centre. I am informed that the program has delivered good outcomes for young people, and the government is proud of it.

The program targets young people in the 10 to 19-year-old age group, who are obviously quite keen to

consider their future beyond the juvenile justice system. As a result of the work that has been done in partnership by those agencies, the Next Step literacy program is now operating.

The honourable member for Ballarat West has spoken to me about the value of this program for a number of young people. I am pleased to inform her that the department is looking at assessing and evaluating its effectiveness. The current Department of Human Services contribution is $23 500, and that is being delivered in conjunction with DEET, which is also providing funding to the tune of $3000.

We will be assessing the outcomes to make sure that money is well spent. If it is, I can inform the honourable member for Ballarat West that I will look very favourably at its continued funding in the next financial year.

Ms PIKE (Minister for Housing) — The honourable member for Footscray brought to my attention the need for further assistance with community building and community development within his area. The Maribyrnong area is ranked one of the highest in Victoria for social and economic disadvantage, yet it is a very strong and resilient community that has a history of resourcefulness. Residents of Footscray in particular are very keen to do whatever they can to draw on the strengths of their community.

A number of groups in the Maribyrnong area are already working on ways to provide further opportunities for people to grow and develop, gain employment and improve and develop that quality of life. Mission Australia, the Footscray City College, Maribyrnong City Council, the St Vincent de Paul Society, the tenants union, Western Health and a range of other community service agencies have already been meeting and discussing what they can do. In fact, Mission Australia has already offered to fund a community development worker.

It is therefore terrific that the Bracks government's community building program has identified Maribyrnong along with nine other communities across Victoria as communities to which it will provide resources, impetus and help so that they may further develop their resourcefulness and capacity to draw on local strengths and to empower local people to find solutions to and work together on issues they identify.

The community building project was announced at the last budget. In the first instance the government is committing $7 million to pilot projects in communities right across the state, in the metropolitan area and in rural and regional Victoria. It is a very exciting whole-of-government initiative. The Premier has located a community building unit within the Department of Premier and Cabinet, and we are already beginning to engage with communities such as Maribyrnong to ensure that they have the best possible chance to turn their circumstances around and improve quality of life for their people.

I thank the honourable member for Footscray for his ongoing commitment to community development and community building and his insight in understanding that this whole-of-government initiative is something that will make a real difference in people's lives.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Preston raised for me in my capacity as Minister assisting the Premier on Multicultural Affairs the need for government to continue to support refugees holding temporary protection visas (TPVs) who have been abandoned by the federal government and are living in his electorate, in Shepparton, in Mildura and in my electorate. As the honourable member will be aware, the federal government has decided they are refugees and allowed those people to stay here, but it has denied them a whole range of services that communities have had to pick up on. The state government has also had to support them. The honourable member is also aware that the government has provided $100 000 to support some of those communities, including the City of Darebin.

He raised matters that need to be corrected in this house. The matter concerning the honourable member for Shepparton was reported in the *Herald Sun* on 3 October in an article that partly blamed the flood of Iraqi and Iranian refugees for housing issues in the Shepparton electorate. I think he was also referred to as the Bob Katter of the Parliament. Others have called him the Pauline Hanson of the National Party. Nonetheless there is a real issue in Shepparton and in all communities where TPV refugees are living because they do not get the full entitlements.

The implication in the article, however, was that they were taking someone else's housing, whether public housing or private rental housing. The federal government is not providing support for them, so where does the honourable member for Shepparton suggest those people live? The state government has had to provide more transitional public housing for refugees in those communities. The local council and the mayor of Shepparton have been very supportive. They have sought transitional housing in the area. In addition, the

communities themselves have done a lot of work with real estate agents trying to find suitable housing.

It is important to understand that the refugees are not taking public housing from other needy people. Of course we know that there was a big de-investment in public housing by the previous government right across the state, including the northern suburbs and Shepparton, so there is a lot of work to do. I have been involved in ensuring that the housing issues in those communities are taken into account, and I am advised that in the Shepparton area to date 11 Iraqi families are accommodated in public housing and another 8 households are on the waiting list. An additional 119 Iraqi applicants have signed up for short-term, transitional housing leases with the Office of Housing.

The reality is that the vast majority of those refugees are living in private rental housing because there is nowhere else to go. They are teaming up to rent houses together and are being supported by local real estate agents and the community. I do not know what the honourable member for Shepparton is doing. Maybe he should be talking to the federal member in the area about getting her federal colleagues to start giving TPV holders the same entitlements as other people and not abandoning them to local communities. I thank the honourable member for Preston for the way he has dealt with the problem in his own electorate and in the northern suburbs.

A number of other honourable members have raised matters to be referred to certain ministers. The honourable member for Caulfield raised a matter for the Premier in his capacity as Minister for Multicultural Affairs, and I will refer it to him. The issue, however, has certain implications. The opposition does not like the Labor Party to be fundraising in the business community.

Mrs Shardey — On a point of order, Mr Speaker, that issue has been raised with the Premier, not with the Minister assisting the Premier on Multicultural Affairs. I refer to the ruling made on 7 June, when it was made clear that even though the minister was sitting at the table the matter I raised had been raised with the Premier, and since the minister was part of the investigation I had asked for the matter should be dealt with by the Premier.

If the minister is now going to argue that he is the minister at the table, I point out that there are three ministers sitting at the table and none of them is listed as being the minister at the table at this time. I ask you, Mr Speaker, to stop the minister and have the matter I raised referred to the Premier, to whom it was referred in the beginning.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Caulfield. The tradition in this house has been to call the remaining minister to respond to all remaining matters. The minister is doing that.

Mr PANDAZOPOULOS — This just shows what the opposition is like — it is about suppressing debate. It did not want information made available to the public when it was in government and now it is trying to stop anyone commenting in the house. The matter will be referred to the Minister for Multicultural Affairs, but what members opposite are implying — —

Mrs Peulich — On a point of order, Mr Speaker, perhaps the Minister assisting the Premier on Multicultural Affairs can give the guarantee that none of the government's resources or those of the Victorian Office of Multicultural Affairs have been used in compiling the list. A guarantee, nothing less!

The SPEAKER — Order! There is no point of order.

Mr PANDAZOPOULOS — Members of the opposition do not like Labor fundraising in the business community, and they assume that people in business do not support Labor. How outrageous! When the Liberal Party was charging businesses to come to $1000-a-head fundraisers did it claim it was fleecing those businesses and that those businesses felt threatened if they did not turn up? How outrageous!

Mrs Shardey — On a point of order, Mr Speaker, I know it is late in the day, but the Minister assisting the Premier on Multicultural Affairs has said he will refer the matter on, and he now seems to be debating it rather than referring it on.

The SPEAKER — Order! I have just ruled on a point of order raised by the honourable member for Caulfield, and I will rule again that there is no point of order. The tradition has been to call the minister at the table to respond to all remaining matters.

Mr PANDAZOPOULOS — It is irresponsible and outrageous. Members opposite want to make an issue out of this because the press release has already gone out calling on the Premier to investigate this fundraiser as if there were something wrong with it. They are saying the government is guilty before there has been an investigation. The fact of the matter is the opposition is trying to say that government departments are being involved in this fundraising. What a lot of rubbish! The

opposition knows that to be false, as it was when it organised fundraisers when it was in government. No-one is twisting anyone's arm to come to these fundraisers. Nonetheless, the matter will be referred to the Minister for Multicultural Affairs, and the member will get the response she deserves.

The honourable member for Rodney raised a matter about information technology funding for Echuca Secondary College. The government has invested a lot more dollars in information technology upgrades at schools so they are not reliant on their own fundraising and communities are treated equitably. I will refer that matter to the Minister for Education, and I thank the honourable member for raising it.

The honourable member for Essendon raised a matter for the Minister for Environment and Conservation about the need to restore Moonee Ponds Creek. I will refer that matter to the minister.

The Leader of the Opposition raised a matter for the Premier in relation to funds for the State Emergency Service headquarters in Ballarat and the Gillies Street land. This government has contributed a lot to the emergency services area. I will refer that matter to the Premier.

The honourable member for Glen Waverley raised a matter for the Minister for Planning in relation to planning issues and bee attacks. I will refer that matter to the minister.

The honourable member for Mornington raised a matter for the Minister for Education about a 10-year-old child with a disability at Crib Point Primary School. These are serious issues. The honourable member said an assessment had been made that this child did not meet the criteria for a teacher aide. I will refer that matter to the minister.

The honourable member for Prahran raised a matter for the Minister for Local Government about the commissioners at Melton Shire Council whose term is coming to an end. This Parliament has passed legislation to restore democracy to Melton, a move that has been welcomed by the local community, and I will refer this matter to the minister.

Motion agreed to.

House adjourned 4.55 p.m.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 9 October 2001

Aged Care: home-based care

404. MRS SHARDEY — To ask the Honourable the Minister for Aged Care with reference to home based services — what is the target output and expenditure in 2001–02 for — (a) the Hospital in the Home program; and (b) post acute care.

ANSWER:

Target output for Hospital in the Home in 2001–02 is 101,000 bed days and target expenditure is $5M.

Target output for Post Acute Care in 2001–02 is 28,000 clients, and target expenditure is $17.6M.

Aged Care: home-based care

405. MRS SHARDEY — To ask the Honourable the Minister for Aged Care with reference to the Hospital to Home program for the years 1999–2000, 2000–01 and 2001–02 —

1. What are the output measures for each year including the — (a) actual; (b) target; and (c) expected outcome.

2. What are the revised funding allocations, if any, for each year contained in the 2000–01 Budget Paper No. 2.

ANSWER:

(a) Hospital to Home funding has been allocated to Home and Community Care (HACC) services and post acute care (PAC) services.

The allocation for Hospital to Home within HACC is $2.5 million in each financial year (1999–2000, 2000–01 and 2001–02). The internal unpublished target for each financial year is 50,000 community service units. For 2001–02 the target is included within the output HACC primary health, community care and support.

Measure and expenditure for the output HACC primary health, community care and support, which includes nursing, allied health and support services, are noted in the *2001–02 Budget Estimates Budget Paper No. 3* (page 65).

OUTPUT MEASURES FOR PAC ARE NUMBER OF CLIENTS RECEIVING PAC SERVICES.

	TARGET	**ACTUAL**
1999/2000	**7,600**	**15,820**
2000/2001	**20,000**	**22,680**
2001/2002	**28,000**	

The role of PAC is to meet the recuperative needs of patients discharged from acute public hospitals. In May 2001, the role of PAC was expanded to provide post acute care to patients discharged from sub acute facilities and to prevent admission where appropriate from emergency departments. Performance indicators for the program are being developed in 2001/02.

(b) The 2000–01 Budget Paper No. 2 indicates that $9.5 million will be allocated for Hospital to Home support services. This amount was not revised and was allocated.

Aged Care: Hospital in the Home program

413. MRS SHARDEY — To ask the Honourable the Minister for Aged Care with reference to the Hospital in the Home program —

1. (a) where does the program sit within the Department of Human Service's structure; (b) how does the program operate; and (c) from which area of the Department's budget is the program funded.

2. What are the criteria for patient entry into the program.

3. What evaluation process in place to assess program outcome.

4. What is the proposed number of patients to be treated in the program.

ANSWER:

1. The Hospital in the Home (HITH) program is managed by the Quality and Care Continuity Branch within the Acute Health Division.

   HITH patients are considered to be hospital inpatients that are receiving their care in their home rather than in the hospital. As such, hospitals receive case mix funding. In addition, incentive funding is provided. Health Services and hospitals are expected to utilise HITH as a way of managing demand. Grants have also been provided for selected quality initiatives. The program is funded from the Acute Health Division budget.

2. Criteria for patient entry into HITH are:

   – Be a public patient in an acute hospital;
   – Be assessed as clinically suitable for home based acute care;
   – Have appropriate support in the home, i.e. A carer;
   – Have a suitable home environment;
   – Be fully informed about HITH, their rights and obligations of those of the providing hospital;
   – Choose to be treated in HITH and provide written consent to be treated in HITH;
   – Be registered as admitted patients who are transferred to HITH care.

3. Hospitals are monitored according to the number of separations and bed days in HITH and their performance is compared with their previous years performance and the performance of other like hospitals. Clinical performance indicators have been developed and have been incorporated into the Australian Health Care Standards Hospital Accreditation Program. Since the inception of the program in 1994, one evaluation, two audits and a costing study have been undertaken.

4. The target for 2001–2002 is 101,000 bed days.

Local Government: Geelong Business and Trade Centre

423. MR PATERSON — To ask the Honourable the Minister for Local Government with reference to the Geelong Business and Trade Centre ('Geelong Embassy') investigation outlined in Parliament on 12 June 2001 —

1. Who will carry out the investigation.

2. Will the Minister provide any communication, written or electronic, relating to the inquiry's set-up.

3. How will the Minister ensure natural justice given that one individual has already been implicated under parliamentary privilege.

ANSWER:

The honourable member for South Barwon raised a question about the Geelong Business and Trade Centre. In September 1999 the City of Greater Geelong (COGG) participated in the formation of a company, Geelong Business and Trade Centre, known as Geelong Embassy. COGG played a lead role in facilitating the formation of the Embassy, contributing by way of a grant to the fit-out of premises located at Southbank and providing other financial support. In May 2000 the Embassy was placed in the hands of administrators with a reported debt of $500,000.

Although I responded to a question about the Geelong Embassy matter in Parliament on 12 June 2001, I did not announce an investigation. My Department has not established a formal investigation at this time although they have made inquiries and are currently awaiting further information from the Council. I have asked for this information to be referred to me when it becomes available. The Auditor General's Office is currently undertaking a review of COGG's involvement in the Geelong Embassy. It has not yet been determined whether the results of the review will need to be presented to Parliament.

Post Compulsory Education, Training and Employment: community jobs program funding

429. MR WILSON — To ask the Honourable the Minister for Post Compulsory Education, Training and Employment with reference to a 'Web Site Development Project' in project number 58 of the Community Jobs Program first funding of 2000–01 —

1. How much funding will the Victorian Trades Hall Council receive in total.

2. How much funding will Victoria University of Technology (TAFE Division) receive in total for the project for which it is the registered training organisation.

3. What financial contribution has the Victorian Trades Hall Council made to this project for — (a) additional wage costs; (b) insurance; (c) project administration; (d) travel; (e) accommodation; (f) material costs; and (g) equipment purchase or leasing.

4. How many participants took part and for how many hours has each worked.

5. How many participants were — (a) registered with a Job Network provider; and (b) receiving assistance from Centrelink in the week prior to being placed on this program.

6. Which officer at the Victorian Trades Hall Council supervised this program.

ANSWER:

I am informed as follows:

1. $201,960 was provided for the payment of the salaries at the appropriate award rate and training coordination for the 17 project participants over a period of 22 weeks.

2. $16,065 was paid for the delivery of accredited training in the 17 project participants

3. The Victorian Trades Hall Council contributed a total of $36,160 to the project.

4. 17 participants each worked a standard 38 hour week over the duration of the project.

5. 15 participants were registered as unemployed with Centrelink. Information is not available on whether participants were registered with a Job Network provider.

6. The Victorian Trades Hall Council engaged a project supervisor to manage the project over its duration.

Post Compulsory Education, Training and Employment: community jobs program applications

430. MR WILSON — To ask the Honourable the Minister for Post Compulsory Education, Training and Employment with reference to the Community Jobs Program for 2000–01 —

1. How many applications were received for the program.

2. How many applications were from prospective employers based in the inner east and outer east of Melbourne and — (a) what is the name of each such organisation; and (b) what was the intended name and purpose of each proposal.

3. What projects were funded in inner and outer eastern Melbourne and how much funding did each organisation receive.

4. What amount was spent in total on the program in — (a) direct funding to applicants; and (b) administration by the Department of Education, Employment and Training.

5. How many full time equivalent officers in the Department of Education, Employment and Training were administering the program at 30 June 2000.

6. What was the expenditure in the Department of Education, Employment and Training on salaries for the program in 2000–01.

ANSWER:

I am informed as follows:

1. 190.

2. Three (3) applications were received from organisations based in the Inner Eastern Melbourne region and five (5) from organisations in the Outer Eastern Melbourne region.

3. Information on successful Community Jobs Program applications including sponsor details, project descriptions and regions, is available on the Department's web site www.employment.vic.gov.au/community.

4. (a) As outlined in the Budget papers, the Community Jobs Program is funded at $54.8 million over three years.

   (b) 2.8% of the annual budget for Community Jobs Program is allocated to program administration.

5. Between two (2) and seven (7) full time officers in DEET were administering the program between 30 June 2000 and 30 June 2001. Staffing resources were deployed commensurate with program needs.

6. 2.8% of the annual budget for Community Jobs Program is allocated to program administration, including DEET staff salaries.

Premier: synchrotron project

460. MR PERTON — To ask the Honourable the Premier with reference the Premier's media release on 21 June 2001 announcing the Synchrotron Project and its project partners and supporting organisations — what financial commitments does the Government have from — (a) the CSIRO; (b) Western Mining; (c) Walter and Eliza Hall Institute; (d) Rio Tinto; (e) Ericsson Australia; (f) Telstra; (g) the Committee for Melbourne;

(h) the Victorian Employer's Chamber of Commerce and Industry; (i) the Australia-Israel Chamber of Commerce; (j) Victorian Chamber of Mines; and (k) Monash University.

ANSWER:

I am informed that:

The synchrotron project is Australia's most significant science infrastructure investment for decades and the project enjoys support across Australia from many companies, universities, agencies and representative organisations. Those organisations mentioned in the media release of 21 June represent a cross section of support for the project and there are many other organisations that have expressed their support for the project.

There is a variety of ways that companies, universities, agencies and representative organisations may be involved in the construction and operation of the synchrotron. Some might make a direct financial contribution, others might invest in specific projects linked to the synchrotron, while others might work solely or join collaborative efforts to develop technology and expertise to utilise the potential of the synchrotron. In each case there will be benefits to the synchrotron project, the contributors themselves and ultimately the broader Victorian economy through improved capabilities, new discoveries and the commercialisation of clever ideas.

The Government has already made public the thrust of two such contributions. First, Monash University is providing a prime location for the synchrotron in Clayton. Monash also will build a 150 to 180-bed hotel and conference centre on the site and a $300 million International Centre for Science, Technology and Emerging Industries.

Second, the Government is working with the University of South Australia, the University of Western Ontario and Canada's synchrotron project (the Canadian Light Source) that will facilitate technology transfer and the building of operational skills.

The Government is currently discussing potential relationships with a large number of organisations. These discussions are at various stages and remain commercial in confidence. The Victorian Government will disclose specific agreements as appropriate.