

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 25 May 2005

(extract from Book 6)

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

By authority of the Victorian Government Printer

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(*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
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Hirsh, Hon. Carolyn Dorothy	Silvan	Ind	Vogels, Hon. John Adrian	Western	LP

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Wednesday, 25 May 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.32 a.m. and read the prayer.

**CITY OF MELBOURNE (AMENDMENT)
BILL**

Introduction and first reading

Received from Assembly.

Read first time for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

PETITION

Schools: religious instruction

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the Legislative Council take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, requires the government to provide additional funding for chaplaincy services in Victorian state schools (46 signatures).

Laid on table.

PAPER

Laid on table by Clerk:

Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June balance dates, and other audits, May 2005.

MEMBERS STATEMENTS

Alpine National Park: cattle grazing

Hon. PHILIP DAVIS (Gippsland) — I rise to condemn the Bracks government's sell-out of country Victoria through the most shameful decision announced yesterday by the government to ban alpine cattle grazing licences.

Hon. R. G. Mitchell interjected.

Hon. PHILIP DAVIS — That interjection from that person on the other side of the chamber would indicate just how inconsequential Mr Mitchell actually is. He was part of a task force which led to the conclusion of

170 years of tradition of licensed activity which a former Labor government had legislated and put in place by agreement between the parties in the Parliament of Victoria on the basis of a promise to continue that activity into the future.

What have you done? You have sold out country Victoria. Mr Mitchell, you will not be re-elected to this Parliament unless you spend the rest of your parliamentary career working your way up the greasy pole to ensure that you get no. 1 on a ticket somewhere. You would not win a seat anywhere in country Victoria without Labor endorsement. May I say, Mr Mitchell —

The PRESIDENT — Order! The member will address his remarks through the Chair.

Hon. PHILIP DAVIS — The graziers who have been affected by this decision have preserved that alpine park for 170 years. It is a disgrace!

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

Mitcham Primary School: achievements

Hon. H. E. BUCKINGHAM (Koonung) — Last Thursday evening, after leaving Parliament, I attended Mitcham Primary School's open evening as part of its celebration of Education Week. Mitcham primary is a fantastic school, and it has undergone extensive rebuilding and refurbishment in the past few years. The school has many innovative programs and I was interested to see the robotics program. Kevin Taylor from the World of Robotics in Belmont has been consulting with the school. I sat with him as he explained to two young students that they were to build a robot that could pick up a container of orange juice and move forward, all in 15 minutes. It was not a challenge. These two young girls, at about grade 4 standard, later won with their robot. Mitcham primary, under the leadership of the principal, Ian Sloane, and his dedicated staff is a great school that offers innovative educational opportunities to its large multicultural community.

Alpine National Park: cattle grazing

Hon. E. G. STONEY (Central Highlands) — The removal of the mountain cattlemen from the Alpine National Park will destroy an important part of Victoria's culture and history. I have been involved in the cattlemen's fight for survival since I was 20, and that fight led me to be elected to this place.

The announcement of the total removal of the cattle from the park breaks a legislated promise to have seven-year renewable licences. The promise was made by the Cain government in order that agreement could be reached to create the massive Alpine National Park, and that happened in 1989. Part of the agreement was that cattle were to be taken off the higher exposed peaks on the north Bogongs and the Bluff. The cattlemen sacrificed vast tracts of grazing land, with 10 families losing everything, which meant 90 per cent of the new park was closed to grazing back then. The Bracks government has broken the agreement; it has now taken the remaining 10 per cent of the land for cheap political gain.

I believe the Bracks government has been shiftily in the way it went about destroying the cattlemen. The government says the cattlemen can move to adjoining forest areas — this is complete rubbish! The government has miscalculated the deep support for the cattlemen in the general community, and it has miscalculated the latent anger about poor public land management. People are going to hate the advertising campaign which is taking money away from proper land management measures, for example, to control blackberries and feral animals. Destroying the cattlemen may be the catalyst to eventually bringing down the Bracks government. There are thousands of people in this state who say this cannot come soon enough.

Victorian MPs for Tibet

Ms CARBINES (Geelong) — Last Thursday night, as chair of the organisation Victorian MPs for Tibet, I was delighted to host a dinner for over 70 supporters of the Tibetan cause at the Tibetan Wild Yak Restaurant in Collingwood. Victorian MPs for Tibet were joined by Mr Thubten Dhondup, president of the Victorian Tibet Community, the Venerable Lobsang Tendar, and board and branch members of the Australia Tibet Council.

As chair of Victorian MPs for Tibet I would like to thank my colleagues Ms Romanes, Ms Mikakos and the member for Mitcham in the other place, Tony Robinson, for their support of that excellent function, and in particular Jon Breukel from the parliamentary library for his assistance, commitment and support. All present had a fantastic, enjoyable evening at the restaurant, and we look forward to future activities that Victorian MPs for Tibet will undertake to support the Tibetan cause and the people in Tibet.

Monash Primary School: future

Hon. ANDREW BRIDESON (Waverley) — It appears that the government is about to close Monash Primary School because of mismanagement and incompetence over a long period of time at the local level, at regional level and with ultimate responsibility lying with the minister. The government will hide behind the decision, which it will force upon the school council.

Last week, on 16 May, at a public meeting held on the school grounds about 70 Notting Hill residents voted overwhelmingly in favour of keeping the school open. Further, they voted to provide all the support they could to the school in terms of time and fundraising. However, as I said, the ultimate delegated decision to close the school is with its council. Although the community is willing to provide support, without a clear action plan, injection of funds and trajectory for the future of the school it is likely that the council will vote in favour of closing the school.

The school community was grateful that a public meeting was held. However, many residents were concerned that the public meeting was simply a placatory gesture and that the future of the school has been decided. This is borne out by the failure of the school to advertise for Education Week or even hold an open evening for prospective students. Because of this the parents want a moratorium to be placed on the school closing. This moratorium should hold until an investigation is complete on why the school got to this point and what can be done to save it. They request that the education department facilitate such investigation with full consultation with the community.

Albert Park: park upgrade

Mr SCHEFFER (Monash) — I join with residents of Monash Province in congratulating the government, the City of Port Phillip and the community on the recent decision to provide \$3.7 million for a two-year program of upgrade work in Albert Park. This funding will dramatically improve the irrigation, drainage and surfaces of the playing fields, and will redevelop a good deal of the lake trail.

Albert Park must be one of the most used parks in Victoria, and for some years now there has been widespread community concern over the pressure this has placed on the grass surface and its capacity to recover. The local community, the many sporting clubs and the Save Albert Park group deeply value this parkland and are delighted that the government and the City of Port Phillip will undertake this upgrade. The

funding comes on top of \$1.3 million works to repair the lake wall, upgrade the jetties and landings, plant new trees, rejuvenate vegetation and remove litter from the lake.

Albert Park is hugely important to the local community in one of the most densely populated areas of our city. For local people this is mostly a place for passive recreation. But the park is also shared with the whole of Melbourne and it is this use that places pressure on the park. These works will improve the quality of the park's facilities so that they can recover quickly following periods of intense use.

Alpine National Park: cattle grazing

Hon. W. R. BAXTER (North Eastern) — I want to express my outrage with the decision this government announced yesterday to end 170 years of heritage and tradition in our high country by banning cattle grazing. I particularly want to express my outrage with the sham process which this government has engaged in. I saw members of this committee who were appointed by the minister abuse the goodwill of people in the alpine areas. I saw the way they lapped up the gracious hospitality of cattlemen — and I attended some of the functions myself — yet all the time those committee members must have known that they were on a specious campaign and that there was a preordained outcome to all this. They caused mountain cattlemen and their families to spend hundreds of hours in preparing submissions, driving thousands of kilometres, expending a lot of money, all in vain because it was known all along secretly what they wanted to achieve. I want to express my gratitude to the fourth and fifth generation families who have cared so well for our high country for so long, and I grieve for our high country now that Parks Victoria becomes its sole custodian.

Libraries: Beaumaris

Mr PULLEN (Higinbotham) — Last Sunday I had the pleasure to represent the Minister for Local Government, Ms Broad, to officially open the Beaumaris library redevelopment, together with the mayor of Bayside City Council, Craig Tucker. My parliamentary colleague Mr Strong and the member for Sandringham in the other place were also in attendance. The original library opened in December 1970 and, of course, in those days there were no children's programs, no computers, no videos and no tapes. As the Beaumaris population increased so did the use of the library and it became a hub for many activities. The refurbished and extended library provides over 1000 square metres which is five times larger than the old library.

The new library incorporates several environmental sustainability design features, including solar-heated hot water, rainwater collected from the roof for the toilets, decontamination of water run-off from the car park before it enters the stormwater system, energy-efficient fluorescent lighting that can be dimmed in response to natural light, and airconditioning that operates in zones to optimise energy efficiency. The Bracks government contributed \$400 000 to the council under round 3 of the Living Libraries program. The Bracks government provided \$12 million over three years initially to the program and in 2004–05 set aside a further \$4.5 million over three years. I congratulate everyone involved, particularly ward councillor Ken Beadle and the Bayside manager of library services, Karyn Seigmann.

Manufacturing: performance

Mr SMITH (Chelsea) — I draw the attention of the house to an article in today's *Age* business section which states that 70 per cent of Victorian manufacturing exporters are optimistic about getting higher overseas orders, their optimism is tempered by a higher dollar and soft landings in other economies, and 60 per cent of Victorian manufacturers expect to increase orders over the next year. Impediments to further sales were the lack of capacity, infrastructure and supply chain blockages. I point out that there is nothing about wages or conditions. So much for the puerile arguments put up by the opposition yesterday in the long service leave debate. I say, 'Get off the workers' back. Cooperation and fairness is what will deliver in the workplace, and Labor delivers just that'.

Local government: Beaufort forum

Ms HADDEN (Ballarat) — Last Friday I attended a meeting with the North-West Municipalities Association at Beaufort with the mayors and chief executive officers of Buloke, Hindmarsh, Horsham, Mildura, Northern Grampians, Pyrenees, Swan Hill, West Wimmera and Yarriambiack. The member for Lowan in the other place, Hugh Delahunty, also attended, but sadly there was no state Labor government member present.

Issues discussed were those impacting on rural and regional Victoria, such as climate change; youth options; the Wimmera-Mallee pipeline; the Red Cross blood bank; the grain harvest management scheme; road maintenance; the national competition policy; the reintroduction of the Mildura passenger rail service; rail standardisation; water rights; Crown land boundary fencing destroyed in the recent Balmoral and Telangatuk fires; the excessive cost of Victoria Police

services at not-for-profit community events; and the dramatic impact on regional sporting and volunteer community groups having to comply with the working with children legislation.

High on the agenda was the impact of drought on the north-west region and the paltry assistance given to farming families by the Bracks government, with no new drought funding provided in the recent May budget despite revenue having doubled over the past five years to more than \$30 billion. Farming families in the north-west rightly expect the Bracks government to immediately reintroduce the farm business support package to help them get through this year.

While real rural issues were being discussed at Beaufort, a Bracks Labor government minister, the Minister for Local Government, Ms Broad, together with the member for Ballarat West, were cutting a cake adorned with icing, streamers and balloons at Ballarat to celebrate the renaming of the Grampians Housing Network to PACT Community Support, with the media spin of 'providing better support services to needy people'. Yes Minister, there are Victorians currently doing it tough and experiencing disadvantage and they are the farming —

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

DISABILITY SERVICES: YOUNG PERSONS ACCOMMODATION

The PRESIDENT — Order! I call on the Honourable Andrea Coote to move the notice of motion standing in her name.

Hon. Andrea Coote — I would like to say at the outset of this debate that the Liberal Party will give Ms Hadden 10 minutes of our speaking time on this motion.

Hon. W. R. Baxter — I similarly indicate that The Nationals will provide 5 minutes of its allocated time to Ms Hadden.

Hon. ANDREA COOTE (Monash) — I move:

That this house condemns the state government for its failure to address the issue of young people with disabilities, degenerative diseases and acquired brain damage who are inappropriately housed in residential aged care facilities in Victoria.

The motion is about young people living in nursing homes. At the outset of this debate I would like to say there is a great deal of consensus on the issue of young

people in nursing homes and how unacceptable it is for us as a community. My concern is that this is cost shifting by the state government at its very worst level.

This state is trying to shift this very important issue to hide it under the carpet, to push it away and make certain there are no significant decisions made. It is trying in fact to blame and push it onto the federal government and to ignore the issue for Victorians. This is simply not good enough, and I make no bones about the fact that it is absolutely vital that the state government take note of and does something about it. It is important for a whole range of vulnerable Victorians. We need to be their advocates; we need to be there making their lives better.

I would like to talk right across the scale about the people who all acknowledge that this is a very vexatious and complex issue. I will start with the media release of 22 April 2005 from the Honourable Julie Bishop, the federal Minister for Ageing:

While aged care homes can provide the clinical care that younger people with severe disabilities need, it is not an ideal social or emotional environment.

Indeed we see in the foreword of the *Community Visitors Annual Report 2003–04* from the Office of the Public Advocate that the Victorian Public Advocate, Julian Gardner, said:

Allied to this is the vexed question of the inappropriate placement of young people in nursing homes because of the lack of suitable accommodation which provides high levels of support particularly for people with an acquired brain injury.

The National Alliance of Young People in Nursing Homes submission to the Senate's Community Affairs References Committee in August 2004 says these are the issues:

There are a number of reasons why the national alliance believes residential aged care is unsuited to the growing need for accommodation and support for young people with high and complex care needs. These include that:

staff do not have the requisite skills and knowledge to care for younger people with acquired brain injuries. Nor are they trained to deal with the specific care needs of other disabilities, such as multiple sclerosis, muscular dystrophy or Parkinson's disease;

aged care nursing homes have a clear lack of rehabilitation orientation;

the resources needed to purchase appropriate equipment to support the complex care needs of young people do not exist;

therapeutic input is required to meet an individual's physical, cognitive and social functioning. The resources to manage this input are largely unavailable. So too are

the resources needed to foster that individual's rehabilitative potential;

aged care staffing levels are insufficient to maintain and promote independence.

We also hear from the alliance policy manager, Alan Blackwood, who said:

Young people in nursing homes were also taking a place intended for elderly Australians. Both levels of government agreed that nursing homes were inappropriate for young people.

In those examples members can see there is a lot of responsibility that the state government should be taking, and the Minister for Community Services and Minister for Children in the other place has been singularly unimpressive about the attitude she has taken to this. All she can do is blame the federal government. She can only talk about the fact that it should be doing more when in fact much of this should be placed at her doorstep. She should be looking into what the issues are. She should be looking into what can be done with staffing; what can be done with better models; what can be done with a whole range of issues. But no, she is taking no notice at all, and all she can do is to cost-shift this important issue.

The Victorian government, though, does agree with the problems and recognises the challenges, and I would like to say that the Minister for Aged Care in this place has been very astute and aware of what these issues are. But this is cost shifting at its most basic level and it is using the most vulnerable people in our community as political footballs. The government tends to forget we are dealing with people's lives here, with their families' lives, and there is a complete disregard for that issue and for those people, and indeed a complete disregard for the staff of people who have to deal with this. They continue to blame the federal government. In fact in 2002 the Premier, Mr Bracks, says in the document 'Steve Bracks listens acts' under the heading 'Younger people in nursing homes/ageing people with a disability':

The Bracks government will seek support from the commonwealth government for projects which provide alternative, more appropriate accommodation for young people in nursing homes.

That was 2002. The government has not done that. On the Jon Faine program last week the minister said she was going to do a whole range of things. It is now 2005 and still nothing has been done. The situation is in fact getting worse, and I will come back to those statistics in a moment. I will show what the government has done and what it has neglected to do.

When Jon Faine interviewed the state Minister for Community Services, Sherryl Garbutt, on 19 May, she acknowledged that it is an issue where responsibility is shared between the federal and state governments, but she wants the federal government to pay for it completely and she wants it to provide the nursing care. She does not want to take any responsibility. She wants the federal government to commit to ongoing care for people with disabilities. She says that she has given proposals to the federal government that would generally see new programs offered for young people in nursing homes. She does not acknowledge — and this is as recently as last week — what her responsibilities are to these people. She wants the federal government to become more flexible. She said she met the Minister for Family and Community Services, Kay Patterson, in April last year. She has done nothing since April last year, and she is yet to meet with the Minister for Ageing, Julie Bishop. She said she is going to meet with her in the coming months. Once again she says, 'We are waiting for the federal government'. That is all very well, but that is absolutely avoiding the issue. The minister is not looking into what we should be doing, and I think it is appalling. She should be absolutely castigated by the people of Victoria for such ignorance and neglect.

As I said before, I believe the Minister for Aged Care, Mr Jennings, has done a very good job on this issue. Although he acknowledges that it is not his area, he says he will look into it, and he has done some things. I say to the government, 'Why not give this responsibility to a minister who might do something about it — the Minister for Aged Care?'. He has done quite a good job on this, but the Minister for Community Services in the other place, Ms Garbutt, is absolutely hopeless. She should listen to her colleagues, stop blaming the federal government and do something about this.

The Minister for Aged Care acknowledges the issues and understands what should be happening. He attended a National Alliance of Young People in Nursing Homes event in Sydney recently. He indicated that with approximately 150 people under the age of 49 in aged care nursing homes in Victoria, achieving a sustainable outcome for that group was at least doable. Victorian members of the organisation will be meeting with Mr Jennings to investigate options for moving these young people into more age-appropriate accommodation and care settings in the next few weeks. I am sure Mr Viney will speak on behalf of the government. I hope he will acknowledge that one of his colleagues, the Minister for Aged Care, accepts that this is an issue; and also acknowledge that the Minister for Community Services in the other place does nothing.

I will now talk about the commonwealth position. It is important to look at the background of how we got to this position. I would like to speak about the commonwealth state territory disability agreement (CSTDA). This government would have us believe that the issue of young people in nursing homes is a matter for the commonwealth, but it is wrong. The commonwealth provides significant funding to the state to provide specialist support and accommodation to people with disabilities, but the state does not provide necessary support and accommodation and young people with disabilities end up in aged care facilities. I remind the chamber of the main and salient points of the CSTDA. The planning, policy setting and management of accommodation support for people with a disability is a state responsibility under the CSTDA.

Despite considerable resources being made available to state and territory governments under this agreement, including additional unmet needs funding, too many young people with a disability face accommodation in residential aged care facilities as their only option. It goes back to the state's decision and the state's responsibility. Accommodation of younger people with disabilities in residential aged care facilities is seldom appropriate. They are often isolated from people of their own age who would share their interests, and they are denied access to the services provided by state and territory governments. Over the five years of the current CSTDA, states and territories will receive \$2.8 billion from the commonwealth government to assist them in providing services to people with disabilities, for which they are responsible.

The commonwealth Department of Health and Ageing has for the last two years made pilot funding available to the state and territory governments to explore other accommodation options for people with disabilities who have high-care needs, and I will come back to this later. Unfortunately most states and territories have failed to take up these opportunities. Victoria has failed to take up these opportunities, and I blame the Minister for Community Services in the other place for being totally recalcitrant on this issue. It is vulnerable Victorians who are suffering. The number of people in Australia under the age of 65 who are living in residential aged care facilities has increased from 5994 in July 2002 to 6367 in January of this year. The federal government has therefore been forced to fill the gap left by the state and territory governments.

The Aged Care Act 1997 specifies that young people with disabilities will be accepted into residential aged care where there is no other alternative. That is the line that the Minister for Community Services in the other

place, Sherryl Garbutt, has missed, decided to ignore or become political about and is using as a cost-shifting measure where there is no other alternative. In Victoria, very sadly, there are no other alternatives. The federal Minister for Family and Community Services, Senator Kay Patterson, says it is time that state and federal governments stop the rhetoric and take action to provide proper accommodation alternatives for younger people with disabilities. That is the federal framework in which this should be looked at and assessed. It is interesting to see that Victoria, instead of being out there as the leader in the field, is recalcitrant and has done nothing to address this issue. Victoria has been piecemeal in its approach at best and it is salutary to look at some of the statistics that relate to Victoria.

Recent studies by the federal Department of Health and Ageing indicate that the population breakdown of young people in aged care with acquired disabilities in Victoria is: acquired brain injury, 30 per cent; physical disability, 27 per cent; neurological, 23 per cent; intellectual and psychiatric, 20 per cent. I also have a table from the Department of Health and Ageing showing the number of disadvantaged people under 65 years of age living in residential aged care in Victoria. These are worrying statistics and the trend within them is worrying. The Victorian government should address this and do something vigorous about it. The situation has been neglected, and the trend is appalling and very worrying. For example, the number of young people who are inappropriately housed in aged care facilities in Victoria as at January 2005 is: 20 to 29 years old, 14; between 30 and 39 years, 32; between 40 and 49 years, 160; between 50 and 59 years, 648; and between 60 and 64 years, 672. There are 1526 vulnerable, disabled Victorians who are inappropriately housed within our aged care facilities. This is putting pressure not just on these young people but pressure on staff, families and the system.

The Minister for Community Services, in an answer to me, acknowledges this is the issue. In an answer she gave me to a question on notice on 30 November last year she said the number of permanent residents aged less than 65 years in all residential aged care facilities is as follows: on 30 June 1999, 1482 residents; and as at March 2004, 1536 residents. She says that while the figures indicate an increase in the overall number of residents aged less than 65 years over the five-year period, this group has remained a fairly stable proportion of the total number of residents in all residential aged care facilities.

I do not think that is good enough, nor do Victorians think it is good enough. We must address this issue. We have seen a significant amount of press on this issue

and people are very concerned. Although the minister acknowledges there is a problem and that the number has increased she still refuses to do anything about it. In fact, it is worse than that. The government talks about young people inappropriately housed in nursing homes as bed blockers. They talk about them taking up the number of places that should be taken up by aged care residents.

I shall explain what actually happens. High-care residential aged care facilities funding is provided by the federal government, so when a young person who cannot find appropriate accommodation is assessed as having to go into a nursing home, he or she is indeed taking the place of a senior Victorian who should be in that place. The senior Victorian is already funded by the federal government but the young person is the responsibility of the state government. When the state government talks about a bed blocker — that is, a young person who is blocking beds that should go to a senior Victorian in a frail state — that amounts to cost shifting. It is taking away their responsibility, which is to look after the person with the degenerative disease, the acquired brain damage or the disability. That is the responsibility of the state government not the federal government, and the state should be ensuring that these people have somewhere to go so that they do not take up the places of persons who are probably awaiting acute beds in an aged care position. Because the state has neglected its responsibility by not providing somewhere for these young people to go, there are no places for many senior Victorians who are in acute facilities and cannot find a place.

I turn now to the Victorian government's attitude to acquired brain injury (ABI). As part of the ABI strategy of the Bracks government, in 2001 there were 40 ABI places to prevent young people with ABI entering residential care. This was aimed at developing shared supported accommodation houses and units, but the state abandoned this two years later when it launched its state disability plan, which was supposed to pick these people up. However, the whole thing has been dropped and people with acquired brain damage have nowhere to go and are not even being acknowledged within the system any longer. Once again the state government is reneging on its responsibility and making certain that the federal government will have to look after these people and provide the infrastructure to support people with acquired brain damage. What the state government has forgotten in all of this is that we are dealing with people. We are dealing with people whose lives and whose families' lives are affected by the fact that they have a degenerative disease, a disability or acquired brain damage. I would like to share some personal stories on this issue to put this

debate in context, and so that Mr Viney can see that we are talking about real Victorians in real situations who do need Minister Garbutt to take note of their problems and do something about them.

Mr Viney — I do not need you to tell me who real Victorians are.

Hon. ANDREA COOTE — I would like to start with Daryll Giles. Daryll Giles is under 50. He is in the Kilmore Aged Care Nursing Home, and he is passionate about doing something to try to establish accommodation and care options for younger people with complex needs, particularly in rural areas. I have to pay great tribute to the people in the Kilmore Aged Care Nursing Home and indeed to the Kilmore community. This community has got right behind Daryll by supporting him and coming up with significant funding to put on a unit at the hospital. The hospital staff are keen to have a particular unit and would be very pleased to staff it adequately for these people who have complex, high-care needs. They have some funding from the Transport Accident Commission, which is prepared to put in funding. The problem lies with the state government, which is not prepared to put its neck on the line in support of this issue and make certain this can happen. The reason is not clear cut — no-one has put it into writing — but the reality is that it does not want it to be a benchmark and to open a Pandora's box. It does not want to feel that it has to come up with the funding for the many people like Daryll Giles so that they can have safe, flexible, adequate and cost-effective accommodation.

Daryll has a daughter and a grandson, both of whom I have met. The problem is that when they come to visit him in Kilmore they find him in the dementia ward. As I said, he is under 50 and is totally dependent on the staff for assistance. When his daughter and little grandchild visit, they are in with very sweet people in the dementia ward and the particularly caring staff, for whom I have the highest regard, but it is an aged care facility. His young friends, his mates, do not come to see him any more. They do not want to be affiliated with some people who have dementia and who can be difficult to deal with when you are a young person. They do not want to have to be confronted with this. Daryll himself is quite a large man, and it is difficult for the staff to lift him and to address his needs.

Daryll is really keen about music, but he cannot have his type of loud music in this facility because it disturbs the other residents. They do not want to hear loud music and have young people streaming through the facility either. It is a totally inadequate situation, but Daryll has been a terrific advocate for young people in

nursing homes, together with Bronwyn Morkham of the National Alliance of Young People in Nursing Homes. Daryll has approached his local federal member, Fran Bailey, the member for McEwen, and she and I have visited him. She was going to speak to the federal Minister for Health and Ageing to see whether there was some funding from the integrated pool system which could help to meet the needs of these young people. We have a community, we have a person who is going to be lobbying who understands the issue and we have staff who are keen to do it; yet we have a state government which is literally putting its head in the sand and will not acknowledge or even work with the federal government to try to resolve this issue.

Daryll is talking particularly about rural people because people from these areas have the added problem of visiting young people in nursing homes with the distances and physical challenges that it implies for family and friends. I am hoping out of this debate today the Minister for Community Services will meet with Daryll Giles and will look for a solution that does exactly what he is calling for — in fact I charge her to do that. I will be very interested and will be monitoring this to see what she does and whether she takes up the challenge. We shall be bringing this up in this chamber on a regular basis.

It is important for us to understand why some of the other people have been put into aged care facilities. Kerry is a 34-year-old former teacher who has multiple sclerosis. She has lived in an aged care nursing home in Templestowe for the past year, but she would like to return to the community. She has complex needs and was attending a day program which provided access to her community and social opportunities which the nursing home could not supply, but because of the way the aged system operates — and this is another opportunity for the minister to work out how these barriers can be broken down — she has lost her day program as the system said she was double dipping. I encourage the minister to look into this issue at the interface.

This issue of double dipping cannot be so bad that the department is unable to find a way around it to help people in her situation. Kerry is devastated by the loss of community access and the contacts that she needs to maintain her health. Her grandmother recently moved into the same nursing home and Kerry was looking forward to having her near, but two days after her grandmother moved in she died. Kerry applied for a package of assistance to provide some of the support she needs and wrote to the minister. Eight months later she has not had a reply. This is simply not good enough and it is just incumbent upon the minister and her

department to do something about this. Eight months is a very long time when you are in this situation.

Peter was born with a mild, intellectual disability, but then in addition had acquired brain damage after a swimming incident. His elderly mother looked after him until she was brutally murdered four years ago by two teenagers. There was nowhere for Peter to go and he was sent to an aged care facility. There has been a lot of publicity about this and Premier Bracks promised to do something in February, but still nothing has been done. Here is another case of this government's rhetoric and spin which says, 'Yes, we promise to do something' and 'Yes, we will look into it', but where nothing is done.

These people are waiting for answers. They are waiting in inappropriate aged care facilities to have some answers from this government which is absolutely complacent about it and doing nothing. Peter's story concerns a system that has convincingly and consistently failed him in the provision of the support he needs. He cannot access the supported accommodation in the community that he and his family want — and this next comment is a really interesting one — yet \$250 000 per year is being spent on keeping in a juvenile detention centre the teenage offenders who murdered his mother. This government can find \$250 000 to look after teenage murderers, but it cannot find money to help Peter. It is an absolute disgrace.

Another person in this situation is Leanne, a 29-year-old with muscular dystrophy who has a 4-year-old daughter. She cannot be a mother if she is in an aged care facility because she cannot have her daughter with her. This is another very poignant example of what is happening with young people in nursing homes.

I am sure many people in this chamber have understood and looked at the very poignant issue of a young lawyer who was struck down by a disease and has acquired brain damage. Chris Nolan has an extraordinary network who are very supportive of him, very vocal and very good lobbyists, and I commend all of them. Chris himself is obviously a very lucky young man to have such a support network, but from reading what they have had to say Chris is also a pretty exceptional young man. I think we all feel enormous sympathy for him. His particular problem is that he has been put into a house — Harold McCracken House Nursing Home — a 50-place, high-care facility in Fitzroy which is about to close down. He is going to be moved. He is going to move to an aged care facility that is looking forward to having him, but that is not the issue. The

issue is that he should not be going into an aged care facility. There should be an area which he could go to where his friends, family and other loved ones can come to visit him somewhere other than in an aged care facility. I commend Chris Nolan, his family and his friends for the excellent work that they have done, particularly in the raising of this issue of young people in nursing homes.

It was very interesting to see that a federal Labor member of Parliament, Lindsay Tanner, in an article in the *Herald Sun* of Tuesday, 24 May, talked about Chris Nolan and said:

Chris Nolan ... has a severe brain injury and has lived in a nursing home in my electorate for more than eight years.

He is surrounded by residents 40 years older than he is, who tend to die soon after he has established a bond with them.

He went on further to comment:

Clearly the environment of a nursing home is hardly the right context for a severely disabled young person struggling to re-engage with life.

I agree with those aspects that I have just read of Mr Tanner's article. However, he went on to talk about and to blame, yet again, the federal government. It is not a federal government issue; it is a state government issue and he did not even acknowledge the role that this state could be playing in this — and that is the problem. The issue has now come into Labor Party myth. It is entrenched. The government is now cost shifting, blaming and pointing the finger at everybody else saying that it is not at fault and does not want anything to do with the problem, making certain that it blames the federal government.

I will just mention some of the other issues, concerns and problems for our young people in nursing homes. They are usually admitted to a residential aged care facility as a last resort. They are individuals with acquired disabilities, and the facilities are ill-equipped to deal with the complexity of care needs that these young people have. I mentioned Daryll Giles earlier. He is actually a large person, and even handling and administering to him is quite an effort for the staff. Various devices, aids and machinery that are needed to help with young people are frequently not in these facilities.

I am not disputing that aged care facilities do not give young people excellent care. They give excellent care and it is totally commendable that to all the aged care facilities that have taken young people in have done it on compassionate grounds. Many have said to me that as much as they care about the person who is there at

the moment, they could not take on the extra and added burden of another young person because it is just too complicated and too concerning for them.

These young people are unable to sue for compensation to support their care needs. This issue is very important and needs to be looked at in greater depth. I hope the Minister for Community Services can have a closer look at this. When their disabilities have developed as a result of a range of catastrophic injuries — including injuries sustained in car and other accidents — or as unpredictable health events such as asthma or diabetic attacks that have resulted in acquired brain damage, and degenerative and neurological diseases such as multiple sclerosis, muscular dystrophy and Parkinson's disease, this has to be looked at to see how these young people can be given the right advice to make certain they can get the assistance that is rightly theirs.

As I have said before, the commonwealth state territory disability agreement is an agreement between the state, territory and federal governments. It is important that the state government addresses the issue and makes certain there is a clear flow of information sharing and at least a willingness to accept responsibility in this state and make certain that some of these bridges can be broken down and the state will meet the very generous offer the federal government has made to Victoria so that the state can try to work out a solution.

On the staffing issue, staff do not have the requisite skills and knowledge to care for younger people with disabilities. It is not that they do not want to, but they do not have the time and are not able to do it. As I said before, aged care nursing homes do not have the rehabilitation orientation that is needed for young people with very complex needs. Therapeutic input is required to maintain an individual's physical, cognitive and social functioning, and the resources to manage that are quite substantial. It needs to be looked at and cared for. This area is particularly relevant to young people. It is important not just for their emotional and social integration but for their physical and therapeutic needs as well.

This is relevant to the state government — the issue of staffing levels. We would all acknowledge that aged care staffing is a problem facing the entire sector. As all of us in this chamber get older we are going to have to have the staff to manage our needs. Looking around this room we are all going to have very high needs and expect the very best. But until we address the issue of aged care nursing and have additional staff who are properly trained we are not going to have our needs met. It is vitally important that the state government starts to address this now because we know this is

going to happen. In the future we are going to need significant help.

That brings me to the Royal District Nursing Service and what it has to say about this issue. The RDNS is an excellent service and provides amazing support in homes. I have been out with its staff on many occasions and have seen the diversity of work they do and the issues they deal with. I have very high praise indeed for the Royal District Nursing Service and the work that it does.

I think all of us would agree that the people in our community who are in aged care and the younger people with disabilities who I have spoken about today all do better if they are able to stay in their own homes. They are much happier. The research shows that older people stay fitter and happier longer if they can stay in their own homes. That is not always easy. You have to have the staff and the funding to do that. The federal government gives a significant amount of money from the home and community care program. It has come up with a number of very good packages — there is Extended Aged Care at Home, Learning Education and Professionalism and a number of other excellent packages the federal government has funded that enable senior Victorians to stay in their own homes.

Eventually many of these people will not be able to stay in their own homes. Their partner might die or the family network might not be there to support them so they have to go into an aged care facility, often a high-care facility. Often this is pre-empted by an acute incident — they have a fall or a stroke or some other problem and they have to leave their homes. We can understand the issues for aged care people. They have lived in their homes, know their way around and understand their homes. They have a network of neighbours who understand that they are getting older and more frail and they can deal with this.

But with young people who have suddenly acquired brain injury or whose degenerative disease has got to such a state that they cannot manage any longer, it is a very difficult decision. Indeed for family, friends and neighbours it is particularly hard. But what the RDNS says about young people is interesting. It says that in its experience the loss of independence and the level of dependency appears to be proportional to the increase in the level of institutionalisation of young people. We probably all know this, but it is interesting to hear the RDNS acknowledge that, because it is dealing with people all the time. It says the aged care facilities frequently demonstrate a lack of consideration of the younger person, as do house rules, such as the visiting rights of friends and relatives. Older people tend to like

to go to bed early, young people tend not to, so when their friends and relatives want to visit them out of hours this puts additional pressure on the entire facility. The RDNS also acknowledges that there is a lack of trained staff, which is something I had said before, who understand the needs of young people as opposed to treatment and care of older residents with specific needs. That leads to a tendency to treat all of the residents the same — for example, menus, meal times, recreational activities and the lack of privacy are not taken into consideration for a younger resident.

We can sit here and think about what those issues might mean, and members can listen to me talking about this, but I would ask the house to think about the people whose personal experiences I have shared with the house today. It is not just those young people, it is their families and friends, and it is imperative that the state recognises it has a responsibility. These are people who need this process; they need a government, they need us as politicians to be aware of this. They need us to push this issue and make the community aware of it. Better than that, they need us to do something about it. It is incumbent on Minister Garbutt to do something about this.

One cannot just criticise what has happened and the lack of anything done on this issue. We have to look at alternative models and what could be done. I pose some of these today. I hope Mr Viney — and indeed the Minister for Energy Industries and Resources, Mr Theophanous, who is also in the chamber — will take these viable models back to the minister because I think they are what we should be looking at.

The alternative model that we should be looking at and recognising needs to be as close as possible to what all people have — that is, ordinary and the least restrictive. These young people do not want to have rules and regulations. The system has to be created around the person, and it has to be done with the person's informed choice. Development and capacity have to be built into the model and into the opportunities. For young people this means that a person-centred response is the best model, and there is no one-size-fits-all answer. I know this would be expensive and difficult, and there will always have to be some give and take, but I believe, as I hope I have outlined today, that it is inappropriate for young people just to be lumped in with a whole range of older people whose needs, and therefore issues, are quite different.

We need to have built into an alternative model a range of options on the spectrum that carry an inherent flexibility. Flexibility is an important issue and the potential changes in life circumstances and/or needs.

We need not to reinvent the wheel. We need to make certain that the options will work and that they can be developed. Funding needs to be attached to the person and not the service so that the flexibility of response demanded by changes in life circumstances and/or needs can be used. It is essential that the funding follow the person.

Again, there is no one solution but a range of accommodation and support options on the spectrum for this complex issue. I would like to talk about the commonwealth innovative pool. I commend the federal government for what it has done with this initiative. A number of examples have come out of this. Previous systemic efforts to try to develop models have focused on data gathering and assessment. It is important to have data gathering and assessment, because if we are to make the proper rules and have facilities that reflect what young people's needs are, it is vital that we have some empirical evidence on which to base our argument for those things. Several options need to be looked at. At this stage they are only pilots, and we need to expand them. I hope Minister Garbutt can turn her mind to this issue in a vigorous way and do something about it.

Cyril Jewell House in Melbourne is a dedicated 15-bed younger person's annexe attached to an aged care nursing home. It is designed for young people with multiple sclerosis and receives funding from both the commonwealth and the state to provide support for young people. It is an excellent model — it is small, specific to a disease and in Melbourne — and it is to be commended. I would like to see more of this model.

Three young women have been brought out of nursing homes through the innovative pool program and into a shared supported accommodation house in Blackwood Street, Carnegie, in suburban Melbourne. The federal and Victorian governments jointly fund this facility. I commend the state government for doing this, and so does the federal Minister for Health and Ageing, the Honourable Julie Bishop. Her media release of 22 April states:

I welcome the Victorian government's commitment to this project and congratulate the state for its involvement in the aged care innovative pool program. I have been meeting with the relevant state and territory ministers to encourage them to take up the Australian government's offer.

This program not only provides better quality of life for these young Australians, but also frees up aged care places for older Australians seeking residential care.

I encourage the state government to have a much closer look at this pilot and see what can be done.

The third model is St Martin's Court in Beaumaris. This former aged care hostel site contains 10 individual units. The residents pool their hours to maintain on-site attendant care. Because of their complex needs it is important that they have someone there 24 hours a day. This is working very well.

Let us have a look at these models and at this state government's attitude. Let us see whether it has acknowledged that there is a problem — that is, that it understands it is inappropriate to have these young people housed in aged care facilities. It is not good enough for the aged care facilities, for the staff or indeed for the young people involved and their families. There is federal recognition of how the programs must be looked into and made better. The three examples that I have just given are small programs, and earlier I drew attention to the statistics which show that some 1500 Victorians are inappropriately housed. This is a very small start. I acknowledge it as a start, but I would like to see people like Daryll Giles in Kilmore having a proper dialogue with Minister Garbutt to try to work out something for the rural Victorians who also have these problems.

I will be watching these three areas — Cyril Jewell House; Blackwood Street, Carnegie; and St Martin's Court, Beaumaris — to make certain that the pilots are expanded. It is incumbent upon Minister Garbutt to not only see Julie Bishop but I encourage her as a matter of urgency — and not just on a one-off basis — to see Senator Kaye Patterson, the federal community services minister, and have regular dialogue with her to work out how more can be done.

I have some questions for the Bracks government which I would like to have addressed. I hope Mr Viney can look at these, and I will be interested in his answer today to see whether he can give me some assurances. Will the Bracks government take responsibility for removing younger people from nursing homes? I would like acknowledgment of this issue and a commitment that it will be put into the program, that it will come into the Labor Party psyche and that we will not have federal member Lindsay Tanner misunderstanding or misconstruing it. I would like acknowledgment from federal and state Labor that young people are being housed in nursing homes. Young people in Victoria need that commitment.

Will the Bracks government commit to providing the necessary support and accommodation to ensure young people with disabilities are removed from aged care facilities? How much does the Bracks government spend each year to keep frail elderly Victorians in acute beds? I have asked this question on many occasions,

and it still has not been answered. It is very difficult to get to the bottom of this, but I think Mr Viney should have a close look at what it is costing and whose responsibility this is. How does the Bracks government plan to reconcile having these young people in nursing homes with the Victorian state disability plan? The state disability plan and the acquired brain injury sufferers will be particularly interested in the answer.

Has the Bracks government examined options outside aged care facilities, outside the existing state disability systems and outside the ones I have mentioned today, for dealing with the complexity of the care needs of these young people in particular? Will the Bracks government be applying for further project funding under the commonwealth innovative pool? I will be very interested to hear what the government intends to do. I would particularly like to know why the Bracks government abandoned its acquired brain injury strategy when the state disability plan was launched. What plans does the government have to reinstate this initiative?

I conclude by saying that this is a government awash with money, as we have seen in the recent budget. The GST funding is pouring into Victoria. The Treasurer has been talking about a whole range of infrastructure projects. He has acknowledged that there are an additional 15 000 public servants, with all the associated on-costs; they are particularly costly. It will be interesting to see how we can afford to keep those people into the future. The priority for this government does not seem to be young people in nursing homes, young people with degenerative diseases or young people with acquired brain damage.

This government also produced its *A Fairer Victoria* document in the week before the budget. A fairer Victoria? We could be justified in asking: is it a fairer Victoria for these young people? I do not think so. It is appalling that the government can put out a document such as this, which is full of rhetoric and spin, and ignore this group of people. This is a government that can obfuscate over the lives of vulnerable young Victorians who have disabilities, degenerative diseases and acquired brain damage. This is not a debate that is out of anger; this is not a debate today on political posturing; and it is not a debate on point scoring: this is a debate that seeks a genuine solution to a complex and very serious problem.

I beseech this government and the Minister for Community Services to work with the federal government to develop workable, flexible and cost-effective solutions to the critical issue of young

people who are inappropriately housed in aged care facilities in Victoria.

Mr VINEY (Chelsea) — This motion is about a very serious matter. There is no attempt on this side to attempt to run a political posturing response or campaign in relation to this issue. I take up the issue with Mrs Coote in the sense that if it were a genuine attempt to find a solution, we could have been debating a motion that quite genuinely talked about presenting options and solutions, but what we have is a motion that condemns the state government. If the member wanted to start a debate that was not about political posturing, I suggest that she should frame a motion that is not designed to try to create a political opportunity for the opposition and for Mrs Coote to campaign on.

Hon. Andrea Coote — Should I amend the motion?

Mr VINEY — I pick up the interjection about amending the motion. We have agreed that we will not amend such motions because they are opposition motions, but the government will not support this motion because it is a very complex issue that needs some considerable explanation. I would like to start by saying that in 1986 I was living and working in Alice Springs and got to know a young man called Chris.

Hon. G. K. Rich-Phillips — Acting President, I draw your attention to the state of the house.

Quorum formed.

Mr VINEY — A number of us sat politely in this chamber, with hardly any interjections, listening to the Deputy Leader of the Opposition's contribution because this is a serious debate — yet only two opposition members listened to Mrs Coote's contribution. Then, the moment I start my contribution — and I started off genuinely and seriously about the serious matter of young people in nursing homes — opposition members pull their continuous stunt of calling quorums. It would be appropriate for members of the opposition to take this debate a little more seriously, as Mrs Coote challenged us to do when she concluded her remarks, rather than trying to politically point score. If that is her challenge, the opposition should behave as though it also wants to treat this issue seriously.

As I started to say, in 1986 I was living and working in Alice Springs where I got to know a young man called Chris.

Hon. T. C. Theophanous interjected.

Mr VINEY — Yes, I believe at that time Mr Forwood was in Alice Springs, or certainly in Darwin, mucking up the Yulara project. Chris had just joined the navy when he had a motorcycle accident on the Mornington Peninsula when driving to the HMAS Cerberus base. He suffered a very severe acquired brain injury. Chris became a friend and could communicate only through a little machine, but he had a great sense of humour. There was no appropriate accommodation for Chris in Alice Springs, and he lived in a nursing home called Old Timers. It was not an appropriate place for Chris. The sad end to this story is that about six months after I left Alice Springs I got a message to say that Chris, who was in a wheelchair, had wheeled himself in front of a truck. No-one quite knows whether this was an accident or not. He had moments of depression. Despite his acquired brain injury, he was fully aware of what he used to be like. It was a tragic circumstance.

I told that story for two reasons. Firstly, I believe all members of this chamber would share the same concern about this problem and feel the same compassion for the people concerned. I do not believe it is a problem that either side of politics is in a position to take great kudos from. Secondly, this is a longstanding problem. It was in 1986 when Chris, as a young person with an acquired brain injury, was in a nursing home, and I am quite sure that it had been happening for a long time before I met Chris. This is a continuing problem, and I agree it is time that it was fixed. We need a considerable effort from all levels of government and from community agencies to try to get progress on this problem. It is not going to be fixed overnight. There are a range of complex funding issues involved and a range of different agencies providing support to people with disabilities who are in need of quite significant levels of care. It is not just a matter of finding accommodation. These young people need a high level of care, which is why they are placed in nursing homes.

We would all be better served by taking the view that this is a joint responsibility. It is no good presenting a motion to this chamber in an attempt to push the responsibility for this entire issue on to the state government. Mrs Coote highlighted that the commonwealth state territory disability agreement provides for joint responsibility between the commonwealth and the states on specialist clinical services. Young people requiring nursing home levels of care are not excluded from obtaining that care under the commonwealth Aged Care Act 1997. The Aged Care Assessment Service operating guidelines state that 'younger people with disabilities are eligible to enter aged care homes' where like services are not otherwise

available. The commonwealth has in fact accepted responsibility in terms of the infrastructure, legislation and guidelines for the delivery of these kinds of services. It is true that the states have significant responsibility for the provision of disability services, but there is joint responsibility for the funding of accommodation.

We come to this debate in the general context of the provision of disability services in Victoria. Under the Bracks government — and I am not saying this in any sense of crowing, because there was a great need for what we have done in these areas — we have increased funding generally in disability services by 73 per cent. In our first term in government I was parliamentary secretary for human services and had responsibility for the consultation stages of the statewide disability plan. I well remember the representations that were made to me and others by people with disabilities, by agencies and by parents and carers, particularly regarding respite care and accommodation.

In talking about disability services and the joint responsibilities of the commonwealth and states, the lesson I have learned, not just from my previous life working in community services but from the consultation process, is that the persons receiving services, the families, the parents and the carers do not want to hear arguments about whose responsibility it is. They are absolutely right to say it is something that should not be their concern. The message we got from them was that we should get on with it and provide the service. That is perfectly reasonable, but in the context of this debate in this chamber it is important that we place on the record the whole context and the complexity of the delivery of these services. This government has put significant additional funding into the disability area — 73 per cent since we came to government in 1999. I remember that in the first budget we allocated an additional \$50 million just to prop up a number of service areas, because the previous government had taken out 10 per cent from the base of community services funding. Not only was there a need to try to meet the increasing demand for disability services and the increasing complexity of service delivery but in a number of cases we were facing the fact that we needed to put additional funding in just to catch up on what had not been done in the previous seven years. We have put some significant funding into a range of areas such as accommodation.

This year is another quite significant budget for disability services, with \$12.3 million for 565 episodes of respite care. That means we have now lifted that to 2600 additional respite breaks since we came to office in 1999 — a growth of nearly 35 per cent. We have put

in an additional \$12.8 million over four years to provide for behaviour intervention services to assist approximately 1500 families caring for children with a disability — a 117 per cent increase. There is \$7.5 million to assist the 5000 people with disabilities to access equipment such as wheelchairs, shower rails and aids, and \$39.5 million over three years to replace and refurbish accommodation for people with disabilities. This builds on the \$10 million provided in the 2004–05 budget. Since 1999 we have also provided 434 additional places in staffed houses, over 4000 additional flexible support packages, over 500 additional places in day programs and a more skilled disability work force. We have also increased the pay for employees working in the disability work force, with a rise of 26 per cent. We are delivering more services to people with a disability in Victoria than ever before. That is a good thing and was an essential part of what we were elected to do, which stands, as I said before, in contrast to what we inherited when we found that disability services had been underfunded.

Coming to the issue of young people in nursing homes, we have started a number of projects to try to deal with this complex issue. But it is a complex issue, and a range of agencies are involved: the commonwealth government through its aged care programs, and the state government through both aged care and disability sectors. We have about 69 young people under the age of 50 in government-run aged care facilities, so we have a direct responsibility in that area, and we acknowledge that there is a state government responsibility more broadly for the non-state-run facilities. There is also a commonwealth responsibility for all of the other 1525 people under the age of 65 who are in nursing homes, because the commonwealth is already funding these people in many ways through its budgets.

The state government has been trying to have negotiations with the commonwealth about finding ways to more appropriately house those people. That would not cost the commonwealth extra funds in ongoing funding, because it is funding those packages in nursing homes already. It is not as though the federal government needs to find new or additional money. This is about how the people involved might be accommodated into the future. There is commonwealth responsibility. There is state responsibility. Other agencies are also responsible, such as the Transport Accident Commission. The TAC clearly has a responsibility in many cases for people with acquired brain injury caused by motor vehicle accidents, and I gave the example of Chris at the beginning of my comments today.

I turn to an article by Lindsay Tanner that appeared in the *Herald Sun*. My copy does not have the date. I apologise to the house for that.

Hon. Andrea Coote — Two days ago.

Mr VINEY — I thank Mrs Coote. This article talks about the need for the commonwealth to start picking up on some of its responsibilities in this area, and it talks about that in the context of a commonwealth government being more than happy to start to attack state's rights and forget about some of the old debates of the 1970s. In some areas the commonwealth wants to shift the responsibilities back to the states, but as I understand it the state government has not been privy to these sorts of discussions and the ministers involved have been trying to engage the commonwealth government in relation to those matters. There was some initial interest in discussions between the commonwealth and the state, but apparently that has dissipated. I, for one, am very disappointed in that. We should come to this debate with the view that there is a collective responsibility, a shared responsibility. I think we can all agree that it is not appropriate for people under the age of 50, and certainly not appropriate for young people in their 20s and 30s, to be housed in nursing homes, where unfortunately many of the people they get to know are not there for long. They make relationships and acquaintanceships and very often within a few months those people die. They are not appropriate places because of the social context.

We need to accept that for some people with disabilities a high level of nursing care is required. These facilities were originally known as nursing homes — they have increasingly become known as aged care facilities — and their fundamental role is providing nursing care support for people. The fact that they have become increasingly focused on aged care over the last 20 years or so has sometimes changed this debate, but I think in a social context it is far more appropriate for young people with disabilities to be located in facilities that house people of a similar age, where they can develop the social relationships we all need and require as human beings.

I think we can all agree that dealing with the problem of young people who are inappropriately placed in nursing homes is a joint responsibility. We should all acknowledge that. We should enter this debate by quite seriously considering the issues and the options. An example of the sort of solution that needs to be looked at is what is happening with a project in Beaumaris. As part of the state government's \$95 million social housing innovation project, or SHIP as it is known, which is delivering about 800 affordable housing

properties across Victoria, a project in Pellatt Street, Beaumaris, comprises nine fully self-contained, one-bedroom units that have been designed to meet the needs of people with disabilities, including those with acquired brain injury, multiple sclerosis and cerebral palsy. As I understand it, this project will be able to take a small number of young people out of nursing homes — I think it is three or four — and locate them in this facility, which will have 24-hour on-site support. This is a \$1 million project, so it is not an inexpensive program.

Significant investment will be required if we are to provide additional new facilities, and we need to look at the kind of solution I have just referred to. We need to look at whether young people can be grouped together in some of the nursing home facilities that are around. Recently I learned of an aged care facility which has a few young people in it in the Hastings area and which would like to build a wing for young people. As I understand it, it has been talking to the local federal member, Greg Hunt, about getting the appropriate funding packages to enable it to do that. Unfortunately it has been talking to him for three years but has not been able to progress the matter. We need to start looking at these matters seriously. I think that Lindsay Tanner's article was good. It is good to have the story of Chris Nolan as a sort of catalyst for the debate, and in that context it is important for us to have the debate we are having in the chamber today.

This government has been serious about disability services with the additional funding it has put in. It has been serious in extending the commitment to disadvantaged people in this state. It has been serious with the *A Fairer Victoria* policy, which Mr Drum tells me he does not like. It has introduced \$788 million of additional funding for people who are disadvantaged in our community. Disability services are a part of that package, as is an extra \$180 million for mental health services, another much-needed funding requirement. In my contribution to the debate on the budget papers last night I talked about this government having invested in the social fabric of this community through things like the *A Fairer Victoria* statement and additional funding into health, community services and disability services. In the context of this debate it is important that we all agree we have to do more for those young people who are inappropriately placed in nursing homes. I know that young people and their families are not interested in the matter of who is responsible, but we in this place all have to acknowledge that doing more has to be a joint and shared responsibility between all of us — between us and the commonwealth and engaging as many other agencies and service providers as we can.

This is a serious matter and we believe more needs to be done. However, in contrast to Mrs Coote's contribution we say, 'Let us engage the commonwealth and ask it to engage with us in delivering on this'. Let us not try, as this motion does, to pass the buck back to the state and say that it is all the state's responsibility. It simply is not. It is not in any legislation and it is not in the commonwealth state territory disability agreement. It is not a sole state responsibility in any sense. We have a significant responsibility in disability services, but the commonwealth has a significant responsibility in nursing care and in accommodation for people with disabilities as well. We will vote against this motion, because it is merely a politicisation of the process and an attempt to pass the buck to the state government when it is in fact a shared responsibility.

Hon. D. K. DRUM (North Western) — I thank both of the previous speakers for their contributions to what is undoubtedly a very serious and difficult issue to deal with. There is no doubt that this is an enormous problem which governments have tried to work through. Mr Viney is exactly right: the state government has increased spending in the disability sector by over 70 per cent. Interestingly the previous Kennett government also increased government spending by over 70 per cent in the last few years of its reign, because it found itself in a position to do so. As people in this chamber well know, during the initial years of the Kennett government the state was riddled with Labor debt — —

Mr Viney interjected.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Mr Viney has had his turn.

Hon. D. K. DRUM — And we are not going to have that sort of debate, but if you are going to talk about funding — —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Mr Drum should address his remarks through the Chair.

Hon. D. K. DRUM — It needs to be said that when the previous government had the opportunity and the funds were available it also increased funding to the disability sector by over 70 per cent, and it did it in two years not over five.

This is a very real issue, and we do not want to get stuck on the politics of it. However, we need to be truthful when we are talking about history. What we are faced with will create issues in our community and in society in general for a number of years to come

because of the magnitude of the problem that the Honourable Andrea Coote has put forward here today. It is an issue of gigantic proportions. Whilst the motion centres predominantly on young people, or people under the age of 65, who are in nursing homes, that problem is exacerbated by other issues to do with disability accommodation. These issues need to be dealt with in their entirety for us to get a balanced and accurate view of the situation. Approximately two-thirds of younger people who reside in nursing homes have degenerative neurological diseases such as multiple sclerosis, Parkinson's disease, motor neurone disease and/or other physical disabilities, and one-third have acquired brain injury. One-third of younger nursing home residents with multiple sclerosis also suffer from depression. In addition, only 11 per cent of these younger people ever get treatment. We are talking about a group that has some serious issues.

I have some responses to questions on notice from the Minister for Community Services in the other place, Ms Garbutt, in which she says it is not always inappropriate to house young people in nursing homes. We need to be very careful with our language. It is not always inappropriate, but certainly it is most often inappropriate. It is only on rare occasions that you could ever say that a young person living in a nursing home is receiving appropriate care.

As we know, young people in nursing homes often block beds for potential aged care residents. We understand it is difficult to get into aged care facilities and the flow-on effect goes right down through the whole system. We have young people prohibiting access to nursing homes for aged people with genuine needs, some of whom are in acute beds in hospitals and are therefore taking up opportunities in the hospital system. This also impacts on the emergency departments of hospitals, so that people end up waiting on trolleys for extended periods. The inability to reach agreement and have a practical course of action is having a snowballing effect down through the entire system. We need to look at this holistically. It is estimated that currently in Victoria 500 beds are blocked by older people who are seeking a nursing home place. That figure is not a lot more than the number of young people in nursing homes. We know that 4.5 per cent of all nursing home residents are under the age of 65. We know that this situation is one and a half times more likely to happen in Victoria than in America. This is not a worldwide problem but is something that has developed in Australia. We are talking about over 300 people in Victoria and 1500 people nationally.

It is worth saying something about funding. The commonwealth government care subsidy is just over \$42 000 a year as compared to the actual cost of caring for a young person in a nursing home, which ranges from \$60 000 to \$70 000. The subsidy for keeping a young person in a nursing home does not cover the cost of the care that is necessary. If an aged care facility accommodates too many young people that will directly affect its bottom line. Nursing homes could not afford to accommodate more than one or two young people. We need to make sure resources are not pushed away from aged care towards people who require additional servicing because of their age. It is true, as Mrs Coote and Mr Viney mentioned, that this is a joint responsibility. We understand aged care is a commonwealth issue and that disability accommodation is a state issue. The commonwealth government blames the state government, the state government blames the commonwealth government, and we end up with the status quo, which is something I want to talk about.

Some of the centres based in Melbourne, such as Cyril Jewell House nursing home, which has a wing for younger people with multiple sclerosis, are the types of nursing homes we want to build, if the critical mass enables that to happen. It is hard to get hold of figures that give exact ages, types of disability people may suffer from and types of acquired brain injury, but obviously we need to look at like patients with like problems to enable them to be best treated as a group. If we were able to have a number of people in a residential care unit it would help us achieve some of the outcomes we are looking for.

Late last year in a question on notice to the Minister for Community Services in the other place, I asked whether the minister was aware that we had two nine-year-olds in nursing homes and whether she had any immediate plans for the 1526 young people in nursing homes. The response I got back from the minister was that the department was aware there was a nine-year-old in a nursing home. The minister said that not all young people who are in nursing homes are inappropriately housed. She said that many young people have complex care needs that require the nursing care that may be appropriately given in a nursing home.

A letter I received mentions that the Minister for Community Services has engaged with the Australian government, which has responsibility for nursing homes, on the broader policies and funding issues affecting younger people. It mentions that the government is committed to developing options for younger people with disabilities and high-care needs. I have a letter from the Australian government

suggesting that is not the case. The letter states that while Minister Garbutt may claim that she has sent through proposals to Senator Patterson addressing the issue of young people in nursing homes, that is definitely not the case. It goes on to say, 'We have received nothing from Minister Garbutt in relation to this issue.' It is true that this is a joint responsibility, and we understand that the commonwealth government has significant funds on the table for the state to pick up and run with programs that may have the potential to create some outcomes and get people with disabilities under the age of 65 into appropriate accommodation or facilities suitable for their respective needs.

While the Victorian government is claiming it is acting on this issue and working with the federal government in this joint responsibility area, my research and correspondence I have suggests exactly the opposite. This government is not liaising with the federal government on funding opportunities that are available — and money is on the table. The government is not working in that area. I hope that someone from the government side in responding in this debate will talk about the exact programs where the Victorian government is liaising and working with the federal government to take advantage of the generous funding opportunities that are on the table.

It is worth noting that the commonwealth government has instigated a Senate inquiry into aged care. The terms of reference for the inquiry have been given to the Community Affairs References Committee. Item (c) of the terms of reference for the aged care inquiry states:

the appropriateness of young people with disabilities being accommodated in residential aged care facilities and the extent to which residents with special needs, such as dementia, mental illness, or specific conditions are met under current funding arrangements.

I would also like to mention briefly two of the people who appeared before that inquiry and to quote some of the comments they made. I will read from an article entitled 'Nursing home no place for the young', which also refers to the Young Persons in Nursing Homes group. It states:

The Senate's Community Affairs References Committee has touched on this issue during its inquiry into aged care. One witness was Dr Adeline Hodgkinson, the director of Liverpool Hospital's brain injury rehabilitation unit and a leader of the directorate for Brain Injury Rehabilitation Network. She spoke of the distress of families faced with the choice of looking after a disabled child or sibling at home — where the assistance provided by government is inadequate — or, to preserve their own mental health, of placing him or her in a nursing home to end up 'sitting next to a sea of 80-year-old faces'.

Dr Hodgkinson said the federal government is prepared to fund state initiatives to deal with the situation, but as I have just mentioned, those opportunities have not been picked up. The article goes on:

The gap between governments that young people in nursing homes have fallen into is deep and dark. Professor Michael Barton, chairman of the Neuro-Oncology Group of New South Wales, also gave evidence to the inquiry. He summarised their plight like this: 'We are basically locking them up and throwing away the key'.

Some of the evidence the inquiry is receiving is quite hard to have to listen to. I have had three people who fit these criteria in my office in the last 12 months, and they have been pretty tough visits to bear. Some of these children had ageing parents who were trying to find accommodation for them. One such was a chap by the name of Bernard Ryan, who has a brain injury as a result of a tumour. He has had some relationship difficulties with his wife and children due to his behaviour. His mother, who is in her 60s, is having real trouble looking after him. He has moved back in with her and she simply cannot cope with his behaviour. His whole behaviour pattern has become very inconsistent, but she still believes that Bernard, who is in his mid-40s, could possibly cope on his own if he had some serious and strong support. If the mother gives up the job of looking after her son the only accommodation available for him will be in an aged care facility. She does not believe he could handle that, nor does she believe that he would accept living in that environment. We are looking at the sheer lack of opportunities or options available for a person who, in this instance, is living at home in a situation which is already untenable. There are simply no options. This mother is faced with the very serious decision of walking away, because she can no longer cope with her son's irrational behaviour. They need support, and in my region of Bendigo that type of home-care support is simply unavailable at the moment. That saga continues, and no-one is quite sure where it is going. It is certainly causing great concern.

We have another case of a young man whose parents would rather I did not use his name. He is 24 and has been in the Golden Oaks Nursing Home in Bendigo since 2001. He had a fit that caused vomiting and his airway to be blocked, resulting from which he acquired major brain damage. He can hear and understand but he cannot talk. His parents are of the opinion that he is very well looked after and give glowing recommendations of the staff at the nursing home, but the fact is that his friends, apart from one who continues to visit, have dropped off going to see him. His other friends are put off by the environment at the aged care facility. Whilst he is receiving some funding from the

Slow to Recover program — which is a state program — that enables him to receive some physiotherapy and occupational therapy, there is concern that the nursing home is not an appropriate place for someone of his age. He certainly needs people around him, and his family believes that musical stimulation and more activity could possibly give this young man of 24 a better quality of life than exists in that nursing home.

This plight was best put to me by a lady by the name of Jan Gellatly. Jan came to see me last year to talk about her son, Andrew Mills. Andrew got himself into trouble when his attempted hanging blocked off the oxygen supply to his brain. He now suffers from an acquired brain injury. After recovering from the initial trauma he went into a nursing home. When he first went in he was effectively independent. He could dress himself, feed himself and look after himself, but he needed a bit of assistance in a few areas here and there. It is a great example of where, even with the best love, care and consideration possible from the staff of an aged care facility, such a facility is not the appropriate place for a person like Andrew. The other people who are there effectively do not have very long to live. It is a very quiet and solemn place, with the people biding out their last years in these aged care facilities.

There is a lack of motivation and a lack of hard love, which Andrew's mother believes he needs. Those things are missing from the aged care facilities. She is quite convinced that what Andrew really needs is someone who will be quite stern with him to make sure that he maintains the skills he had when he first entered that facility: to make sure he is forced to dress himself every day rather than being allowed to wander around all day in his pyjamas, and to make sure he eats his meals rather than just leaving them until they go cold and then complaining about the fact that he has not had anything to eat. This particular chap has very specific needs; he needs some genuine, harsh direction and he needs to be dealt with in an appropriate manner. Both the staff and Andrew's mother are very aware that he is losing that independence by the day because of the environment that he is living in. So it really is a situation where we do have to understand that having young people in nursing homes is certainly not the ideal way in which to deal with this issue.

One of the other issues that we need to look at is the fact that the placement of young people in nursing homes is just one aspect of a very broad problem that we have in the disability sector. As I mentioned earlier, it is true that the government is in fact spending close to \$900 million every year on the disability sector. This government has practical policies — that is, the policies

that it actually works through on a day-to-day basis. They fly in the face of the government's written policies. The government has a written policy in the state disability plan 2002–12 that actually states the government will work with families to provide a choice of accommodation needs and options for individuals with disabilities and their families. It says the government will work with families to work out what is best for individuals with disabilities. That is what is actually in the disability plan. That is what the government went to the election on and what it said it would offer people.

In fact what the government is offering, and which it has been offering since it came to government, are these two options: you look after your own at home, and when that waiting list for accommodation gets to the stage where it goes through the low needs, high needs, urgent needs and reaches the critical stage, then the government is forced to act, and it will in fact act. But the vast majority of these people are waiting on the list. We have over 3000 now waiting for some form of shared supported accommodation, over 1150 of those 3000 are classified as urgent, and that number is effectively remaining stagnant.

At the current rate, if the government were not going to increase that list in any way at all, it would take some 37 years for the government to wipe those 1150 people off that list. As we know, that will just not happen because there will always be new additions to that list. In fact we are facing an absolute spike in these numbers because of the ageing carers situation. We now have so many ageing carers who are looking after their children at home, and it just goes back to highlight the problem that there are no other options available for these people. We are moving away from the Kew cottages institutionalisation model, and we are now calling an 'institution' anything that accommodates more than seven or eight people. We are not looking at any other options such as cluster housing where you might have 5, 6, 7, 8 or 10 residences linked by walkways and common ways so that staffing levels could be lessened to enable a cheaper and more cost-effective way of dealing with people with disabilities who have a real need for shared supported accommodation.

If we want to be truly honest about this issue, the reason we are not able to help the 1150 people that are on the urgent waiting list is simply a matter of finance. We simply cannot afford to put 1150 people into community residential units in metropolitan Melbourne or the country; we just cannot afford to do it. If we could afford to do it, we would not have the waiting list. One of the reasons we cannot give these people an accommodation option is that with this government's

practical policies — not with its written policy, but with its practical policies — the only option we have is an extremely expensive policy, the most expensive policy available.

It also begs the question of how we actually work out how we will fund the disability sector. How do we work that out? When we are talking about the aged care sector, we have ratios, and when the ratio gets to a certain level that generates X amount of funding to go into that area. So our aged sector is funded on a pro rata basis. We know that for every 100 000 people that we have in any one community we will have X amount over the age of 65, that they will be calling on the pension, and that a certain percentage of those over the age of 65 will need high-support care in an aged care facility. We know that another proportion of that aged care group will need some form of assisted living. We know that the bulk of that group of over 65s in any community will be living totally independently, on their own, in their own dwelling. We have it all worked out. We have ratios, formulas and mixtures that enable us to fund the aged care section of our community appropriately. We realise that in the future with the baby boomers all getting over the age of 65 in a very short space of time, or in an era when huge numbers will enter into that retirement age together, we realise we will have some serious financial issues. But at least we have a formula. At least we have a mixture of funding models available to work with the range of people that go into that elderly age bracket.

So how do we fund the disability sector? What formulas and models do we have planned in order to deal with this issue we call disabilities? The fact is that we have none. How do we fund disabilities? We fund disabilities on what we paid historically. Whatever we have paid in the past we will pay again, plus we will pay whatever gets agitated out of us. We have groups all around Victoria and Australia that are agitating governments for more funding, and whatever we can afford we give them. But there is no science, there is no firm action taken, where we say, 'If we are going to have 10 000 people with disabilities we understand that a certain percentage of them will have extremely high needs and people will have profound disabilities, so they will require X amount of dollars for that'.

There is another percentage of people who are going to have mild to medium disabilities and who are going to require day programs. Others who are mildly affected will be looked after by mum and dad for a long period of their lives. Some may enter mainstream school and some may need an intervention aide, but at least we could have a model. At the moment there is no model. We simply fund the disability sector on what was

previously funded plus whatever we can agitate out of the system. This is something that all levels of government really need to look at. We just cannot keep going along saying, 'We are putting more money in than we did last year'. We have to really look at what outcomes we are achieving in this sector and also at where the science is behind the program. Is it anywhere near an adequate amount of money to be putting into this sector? I think if we were honest we would say that it is clearly not. Simply saying that we are doing better than last year, or last decade or last century, still does not mean that we are doing anywhere near what we should be doing in this area. We need to develop an overall level of funding that is commensurate with the need not based on what we did previously.

As we know, disability funding is not just about accommodation. Over half of the \$800 million to \$900 million that we are spending on the disability sector goes to about 5 per cent of people with disabilities and it is those who are using residential care because the model we currently have is so expensive. Perhaps something that we could possibly do with disability funding is to have separate budgets: one for residential and one for day programs and other services. If we are able to look at that, it might even be a way forward. We could have separate budgets so that we do not get it mixed up: we do not want accommodation for people with disabilities mixed up with providing services for people with disabilities because they have vastly different needs.

We should be careful that we do not wrap them all up in one basket and send it off. We need to be true to our words when we are talking about offering real choice for people with disabilities. We offer choice for people in the aged care sector. In some sense we have here a very strong case of discrimination. Why do we offer 65-year-olds the opportunity to live in a way that they want to live — independently or at home, in an assisted program or a very strongly supported area or in a hostel which has 24-hour care — while for those under the age of 65 with a disability we have one option? That is clearly not what this government had in its disability plan when it went to previous elections. We need to look at either changing the policy written down in the plan, changing the plan, taking it away and then coming back with another plan which reflects what this government is doing, or looking carefully at what the government is doing to create better accommodation needs for younger people with disabilities that would help to keep them out of aged care facilities.

We have studied — and I have raised it in this house before — other models that are working with common group care in Europe, especially in Great Britain, which

has fantastic examples of village-style life for people with a whole range of disabilities who are able to live in a collective village with tremendous community support to make it work. Some of these villages are not even funded by the government to a large degree, but they are examples in developed nations where it is shown that these models do work and work extremely well. That is what we have to do as a society. If we have to move to that situation to address the problem perhaps that is what we have to do. It is certainly not good enough for members of any party to simply say, 'There are 3000 people on the waiting list — too bad'. To say that there are 1000 people inappropriately housed in nursing homes around Australia is not good enough and we have a joint responsibility to make sure that we are serious about this. If there are funding opportunities on the table, they need to be picked up by all governments, especially this one.

Hon. W. A. LOVELL (North Eastern) — I would like to congratulate my colleague Mrs Andrea Coote on bringing this motion before the house today and highlighting the failure of the Bracks government to provide for these vulnerable members of our community. These are some of the most vulnerable members of our society and many of these young people had previously enjoyed full and active lives. They have ended up in nursing homes through acquired disabilities that have developed as a result of catastrophic injuries or events that have resulted in acquired brain injuries and degenerative neurological diseases such as multiple sclerosis, muscular dystrophy and Parkinson's disease.

These young people are being forced to live in aged care homes that are totally inappropriate to cater for their needs, which are high and complex. The aged care sector has a legitimate and necessary role to provide high levels of care for elderly people in the later stages of their lives and, rightly, they are set up to care for older residents. However, the staff do not have the skills and the knowledge to care for younger people with disabilities such as multiple sclerosis, muscular dystrophy or Parkinson's disease. Aged care nursing homes do not have the resources to cater for the rehabilitation needs of these young people. The therapeutic input that is required to maintain the individual physical, cognitive and social functioning of these young people is not being met in aged care facilities.

Also the aged care staffing levels are insufficient to maintain and promote the independence of the young people, and whilst the staff in the aged care facilities try their best to provide an excellent level of care for these young people, their full needs are not necessarily being

addressed. In addition the young people are often not confident living and socialising with older residents whose needs and interests are quite different to those of young people. One example that I would like to give is that of Angela Barker. Angela is someone with whose case I am fairly familiar. She lived in Benalla and as a 16-year-old was severely bashed by her boyfriend. It was a case that had significant impact on the whole community in north-eastern Victoria and I do not think it is one that anyone will ever forget.

Angela and her boyfriend were sitting on a park bench when an argument broke out between them. Her boyfriend grabbed her by the throat and bashed her head against the metal bench. He then threw her to the ground, kicked her in the ribs and stomped on her face so hard that the imprint of his foot could be seen on her face. It was a terrible case. Angela lived for two years in an aged care home in Melbourne. I will read from an article printed about her under the headline 'Marooned among the old'. It starts out:

Brightly coloured butterflies dangle from the roof of 18-year-old Angela Barker's room. A make-up kit sits on the desk. Photographs of smiling young girls in school uniforms decorate the walls. But leave the room, walk out into the hallway, and all semblance of a teenager's life is gone.

There's an elderly man and woman sitting in wheelchairs at a table, watching television. A patient in a room further up the hall lets out a groan as you walk by.

Left with a severe brain injury after her ex-boyfriend viciously bashed her, Angela is unable to speak and needs 24-hour care. For the past two years she has lived in a Parkville nursing home. While the home's age limit of 60 means that the residents are younger than those in most other aged care facilities, that distinction matters little to Angela.

She still wants everything most 18-year-olds want — to go clubbing, have a boyfriend, go to university and one day write a book. She has already started a writing course. 'I just have physical problems. I think the same and want the same company and the same things as I always did'.

Angela is actually one of the lucky ones; her mother had taken an aged care course prior to Angela's injuries and is able to give Angela care in their own home. Thanks to the generosity of the community and service clubs in that community, their home has been modified and Angela has been able to return home and is living a far more suitable lifestyle for a young person.

The government has introduced trial programs in the city for providing adequate care for young people but none of those is in country Victoria. I urge it to consider the needs of country Victorians who also find themselves in aged care homes rather than in appropriate accommodation.

Mr SMITH (Chelsea) — I rise to oppose the motion moved by the Honourable Andrea Coote. Mrs Coote claims that the minister with carriage of this portfolio, the Minister for Community Services in the other place, Sherryl Garbutt, is a failure. That has not been my experience. As chair of the parliamentary Family and Community Development Committee I have dealt with Minister Garbutt on a number of occasions and found her to be an extremely caring and capable woman and minister. I would like to put on the public record that I disagree very strongly with Mrs Coote's statements about the minister.

This is a serious issue, one that I would like to think is above politics. It is unfortunate that politics have been brought into the issue by a previous speaker, Mr Damian Drum. I suppose he could not help himself. I would go so far as to say that the vast majority of members not only in this house but in the other place, and throughout society, care very much about the way people who are disadvantaged are cared or provided for.

I was going to say we are no different, but in fact the record shows that we are very different from those opposite. The history of the Liberals or the conservatives when in power and in control of the purse strings shows that Labor is very different. The Liberal Party talks the talk now that it is in opposition but when you examine its record, it is quite poor. If anyone wants to dispute that, let us see what the federal party does in terms of welfare reform and social policy issues after 1 July. We will see exactly what it is about then!

If you want further evidence of its hypocrisy, look no further than at the stunt brought before this house by the Honourable Ron Bowden last year with regard to the Department of Human Services' attempts to set up a house in Langwarrin to cater for these people. It was quite disgraceful. It is laughable that the Liberals should pretend to care as much as they do.

Another example is the flexible support package funded by the state government to the extent of \$240 000 a year. That also includes finding accommodation in different housing or different houses for people in these circumstances. What do we get from those with the purse strings in the conservatives? Some \$124 000 over two years with no guarantee of further funding. So it is hard for me to accept that these people have been down the road to Damascus when all the evidence clearly shows that they have not.

The Bracks government has stated quite clearly that it will develop a strategic plan to develop pathways for age-appropriate accommodation. To reinforce that it

has announced in the latest budget a massive increase in spending in this area. I will just outline some of those areas and how much it will mean. A 73 per cent increase since 1999 is a whack by any standards and I think a genuine demonstration of our commitment to this area. We contrast that with the previous government's slash and burn. I heard the comments about how they had to do that, but is it not convenient and consistent that we get from the opposition that when times are tough, the very people who are the most vulnerable are the ones hit the hardest every time?

It is hypocrisy to claim that it increases its spending. I am sorry to say it comes off a very low base. Because of very good fiscal management by this government it is in a position to provide more funding — and it is doing that. I would argue with any of those opposite who say they would do the same in the same circumstances, because they would not.

The budget provides \$12.3 million over four years for 565 episodes of respite for individuals and their carers. This is more than 2600 additional respite breaks since 1999 and represents an increase of 34.5 per cent. I am very fortunate to never have been in a situation where I have had to provide care to the extent that a lot of these people have to, but I am aware of and have met people who have to provide that care. I understand the difficulties involved and how important respite is for these people. This sort of increase is not only warranted but is desperately needed. It is great.

Some \$12.8 million over four years will provide behaviour intervention services to assist approximately 1500 families caring for children with a disability who display complex behaviours. It represents a 117 per cent increase in people receiving services.

We see on occasions, even on TV shows like *Super Nanny*, badly behaved kids. We might wonder what is going on and think, 'Why can't these parents take control and do something about their kids and bring them up as most people do?'. We have to accept that there are children who have mental problems and are extraordinarily difficult. Not only my heart but my thoughts go out to people who find themselves in circumstances of having to deal with these issues. This sort of funding can only help.

The budget's \$7.5 million over four years will assist 5000 people with disabilities access to equipment, such as wheelchairs and shower rails through the aids and equipment program, and this builds on a previous \$5 million in the 2004–05 budget. Some \$39.5 million over three years will replace and refurbish accommodation for people with disabilities, thus

building on the \$10 million provided in the 2004–05 budget.

I have another page in front of me of all the increases in the budget and what the government is doing, but I will concentrate on what the commonwealth government is doing. The commonwealth government has joint responsibility in these issues, but it argues and tries to complicate things and avoids its responsibilities when it suits. The very same people come in here and try to tell us how much they care and how concerned they are about our performance in not providing the appropriate funding. It is quite galling.

The commonwealth state territory disability agreement clearly states that both the state and federal governments share responsibility for accommodation for people with disabilities. So what is the problem? It is about dollars. It is about meanness and tight control of social welfare budgets.

The Victorian government has put policy proposals to the commonwealth for support to build dedicated facilities on the proviso that it provide ongoing nursing support, which is its responsibility. We argue it is not going to be an extraordinary cost to add wings to the current facilities to provide not so much isolated but rather separate accommodation for younger people. It does not seem too difficult to me, but you wonder why it is proving to be the case with regard to the attitude of the federal government.

It is almost insulting to get a motion of this sort moved in the house today. Clearly the government is strongly opposed to it. The house ought to not only reject but condemn the Honourable Andrea Coote for bringing such a matter before the house. I oppose the motion.

Hon. J. A. VOGELS (Western) — I am sorry to have to join this debate today where we have to condemn the state government for its failure to address the issues of young people with disabilities, degenerative diseases and acquired brain damage, who are inappropriately housed in residential aged care facilities in Victoria.

There are over 1000 cases of young people — that is, under 49 years of age — suffering from the above complaints, who are either unable to find a placement with a health care service provider or are being forced into placement with the intellectually disabled, which is quite inappropriate and unfair to both.

Young people suffering from these complaints are in desperate need of full-time specialist services suitable to their specific needs. This motion requests that the Bracks government look at providing specialist

facilities, which will alleviate the burden of care currently being imposed on the families of these sufferers.

I refer to an article in the *Sunday Age* of 26 September 2004 with the headline, ‘The seven-year-old looked after in a home for the elderly’. It states:

With nowhere else available, one family says aged care turned out for the best —

and sometimes it does, actually, turn out for the best, but it is not what could be the best. The article further states:

Bronwyn Morkham from the National Alliance of Young People in Nursing Homes, agrees. ‘A nursing home can be a valid choice if the young person wants to be there and it is close to the family’ she says. But for most of the more than 1000 people aged under 49 living in aged care, it is the wrong choice, she says. ‘In most cases young people don’t want to be in nursing homes. They can’t get out and don’t want to be with old people, many of whom suffer from dementia’.

Four years ago the then Minister for Community Services in the other place, the Honourable Christine Campbell, released a document entitled *Acquired Brain Injury Strategic Plan*. It was also signed off by the then Minister for Health, the Honourable John Thwaites, and the then Minister for Housing and Minister for Aged Care, the Honourable Bronwyn Pike, both of the other place. The foreword states:

The response to acquired brain injury (ABI) over the last decade through early identification and advances in medical technology has resulted in improved outcomes for people with acquired brain injury. It is now time to build on those achievements. The challenge is to ensure that people with ABI are supported to reach their full potential and live as valued members of our community. This is a complex and challenging task that requires a commitment to partnership and continuous improvement. Partnerships must be with the people with ABI, their carers, service providers and all parts of government both state and federal.

The *Acquired Brain Injury Strategic Plan* sets both the future direction of policy and service development for people with ABI and identifies the leadership role within the Department of Human Services (DHS).

The foundations of the current service system are built upon, in particular, the last decade of work by many dedicated people including the programs established in 1992 by the Ministerial Implementation Committee on Head Injuries (MICHI). During this time a comprehensive range of services have been developed to respond to the diverse needs of people with ABI. The *ABI Strategic Plan* seeks to strengthen the current service system to improve support for people with ABI and their carers.

We are committed to the principles and strategies that form the basis of the *ABI Strategic Plan*. The strategies will be underwritten by a number of initiatives, some commencing immediately and others requiring development over time.

These initiatives represent the first steps towards the implementation of the plan and provide a platform to develop a coordinated response for people with ABI.

We look forward to the challenge of working together to meet the needs of this group of Victorians and to celebrate their achievements.

This excellent strategic plan by the Bracks government is four years old and we still see very little happening! We all know of people who have an acquired brain injury because they fell off a horse, fell of a motorbike, were in a car accident, were assaulted or whatever. There are more than 1000 under 49 years living in inappropriate accommodation. We need to work hard to make sure that these people are put in to the right settings.

Ms ROMANES (Melbourne) — I welcome the opposition's interest in the fate of younger people who are currently in nursing homes, and its raising of this question about whether that is appropriate. However, I do not welcome its attack on the Minister for Community Services and its approach of apportioning blame to this government in the motion, because the Bracks Labor government has been working steadily to address this complex issue and to find alternative solutions for appropriate care for younger people with a disability who need full-time care.

All speakers in this debate this morning, and I am sure all members of this house, want to see a situation where younger people with a disability do not languish for the rest of their lives in an aged care residential facility or nursing home alongside people in their twilight years and in a situation which is often inappropriate. We can all empathise with and understand why such younger people may feel that there is no or very little hope left in their lives. We can understand why there are advocates on their behalf who have been campaigning to provoke governments across the country to look at community-based alternatives to nursing homes for this group of people. The Victorian government is committed to finding solutions for the group of younger people who need this kind of long-term care 24 hours a day. The government has again through its social policy statement *A Fairer Victoria* just a few weeks ago and in the budget committed itself again to looking at a range of needs that people with disabilities have in the state and is doing more and more to try to address the range of problems and needs that the disability sector has.

I draw attention to the output summary in the budget papers, which shows that in disability services the estimated expenditure in 2004–05 will be around \$926 million, and that in the 2005–06 budget \$987.6 million has been allocated to address this area of

need — that is, an 8.5 per cent increase and a substantial amount of extra money in the coming financial year alone. On top of that, if we look at the longer range view and at the commitments made in *A Fairer Victoria*, the renewed commitment to work even harder to address in a very strategic way the needs of people in the disability sector, an extra \$120 million has been committed over the coming four years to continue the transformation of the disability service system towards a more sustainable mix of home-based, individual and carer support, and specialist residential services targeted to those for whom home-based support is inappropriate. That commitment covers the group of people we are talking about today — that is, younger people who may find at this point that the only option for getting the kind of care that will enable them to continue to live in our society is to go into a nursing home.

The Victorian government funds a range of services for younger people with disabilities and nursing care needs, and those eligible are able to access a small number of specialist units within nursing homes, supported accommodation services in the community and individually tailored funding to meet care needs. As I mentioned, through the commitment of *A Fairer Victoria* attention is being given to tackling this large and complex problem on many fronts and looking for other options for this group of people. The disability services division and the commonwealth Department of Health and Ageing have committed to two pilot projects through the commonwealth innovative pool initiative.

One project is a pilot program to try to find other more creative ways to tackle the needs of younger people with a disability who need full-time care. The Carnegie project is enabling three young women with disabilities to leave aged care homes and move into a community home. The state government has committed \$240 000 annually for flexible support packages for these women and is providing access to an appropriately modified community housing property. As part of this pilot in conjunction with the state government the commonwealth government has provided \$120 000 over two years but at this stage there has unfortunately been no commitment to ongoing funding from the commonwealth. The second project is another example of initiatives being taken to appropriately address the needs of younger people with a disability and involves the provision of additional support funding for 16 people with multiple sclerosis who are currently residing in disability services division-funded group housing. These individuals are at risk of being admitted to residential aged care services, and project funding is

being given to meet the increasing clinical care needs of these residents.

Another example is a key government initiative for younger people requiring nursing home level of care is the Victorian acquired brain injury (ABI) Slow to Recover program, which is assisting people with catastrophic brain injury with long-term support. In 2003–04, 130 Victorians were being assisted through this program. The Slow to Recover program is being transferred to the disability services division from the rural and regional health and aged care branch in 2005–06 to better integrate services. Furthermore, the Department of Human Services is identifying options for younger people with disabilities eligible for residential aged care services. This will identify initiatives to improve pathways to care and support the development of a range of age-appropriate care options.

As previous speakers have mentioned, this is a contentious issue in regard to who has responsibility for the care of younger people who do not come into the category of aged care but who need this kind of support and accommodation. We therefore should welcome the commonwealth's Senate committee of inquiry into aged care which held hearings in Melbourne in April. The issue of young people in nursing homes was included as one of its key terms of reference, with the inquiry aiming to review the appropriateness of young people being accommodated in residential aged care facilities and the extent to which these facilities meet the additional needs of younger residents with disabilities.

We can only hope here in Victoria that the members of that Senate committee of inquiry will come to understand the special needs of younger people with disabilities who need some form of full-time residential care and support. Alongside that we hope they encourage and pressure the commonwealth government to play a much more active role than it has up to this point of time in working cooperatively with the government of Victoria to find and fund other options for this needy group. It is like a bag of wind for the opposition to get up in this house and decry what has happened so far if there is no commitment on their part to urge their Canberra colleagues to put money where their mouths are and support extensive extra investment in this area.

I mentioned a range of options that disability services in the Victorian Department for Community Services is putting in place to try to address this problem. As the Minister for Housing is in the house this morning, I want to draw attention to another initiative that the Victorian government is undertaking to try to support

people with disabilities — that is, in the area of housing.

I note that the Minister for Housing, the Minister for Aged Care and the Minister for Community Services in the other place, along with local residents and Supported Housing Ltd and other partners and agencies, were together recently at the official opening of new housing units in Beaumaris. That project is a \$1 million redevelopment of a former aged care facility which will give people with disabilities the opportunity to participate more fully in community life. That is exactly the sort of project we want to see more of and that the Bracks Labor government is committed to.

The project includes nine fully self-contained one-bedroom units that have been designed to meet the needs of people with a disability including those with acquired brain injury, multiple sclerosis and cerebral palsy. The project targets people with ongoing disability support needs and has allowed several young people with disabilities to move out of aged care facilities into more appropriate accommodation. It is part of the government's Social Housing Innovations Project. The Disability Housing Association is the sort of project that was created through legislation which passed through the Parliament at the end of last year and which will be put in place over coming months and years.

The commonwealth government waxes and wanes in terms of its relationships and attitudes about states' rights and whether it will or will not cooperate at different levels with the states on various programs. It was happy to use states' rights as a convenient shield against Labor reforms when Labor was in government in Canberra. The Prime Minister is happy to deny responsibility and blame the states whenever it now suits him because he is in Canberra and all the states are governed by Labor.

The federal government has unprecedented dominance in the political arena in this country and it is imperative that it uses that for good rather than for centralisation and the evil interference at different levels that is currently being undertaken by the coalition government in a range of sectors. The federal government is a major player in aged care but is refusing to take full responsibility for making inroads and adequate investment in the area of support for younger people — —

Hon. D. K. Drum — On a point of order, President, I think the honourable member is quoting from a newspaper and I would like her to give us the source of that information.

Ms ROMANES — On the point of order, President, I am making reference to Lindsay Tanner's comments in the *Herald Sun* a few days ago. I am not quoting — I am paraphrasing. The federal member for Melbourne, Lindsay Tanner, has put forward a lot of very persuasive arguments about the hypocrisy of the Howard government in relation to when it chooses to get involved in some of the important responsibilities of states — —

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

Hon. B. W. BISHOP (North Western) — I would like to congratulate my colleague the Honourable Damian Drum who has done a great job on this somewhat difficult subject for some people. I think his contribution to this debate showed a great knowledge of the issue and also great compassion.

I would like to focus on the links in the chain that we see with our young people in this situation, and, of course, their families. The motion talks about accommodating our young people. I want to briefly talk about one of the really strong links in the chain — that is, the schools that these young people can go to. One of the schools that Mr Drum and I deal with is the Mildura Specialist School. The principal there is Diane Doherty. They do a fantastic job with these young people. As I said, I believe they play a very strong part as a link in the chain of the accommodation and lives of these young people. This school was established in 1990 and the principal then was Chris Wilson, a lady who did a fantastic job in those early days of bringing that school together and ensuring that the services were available to a wide area around Mildura.

In 2002 the school shifted to new facilities and I was pleased over those years to be able to play a part in getting funding for that new school, which is a really good school, and, of course, the enrolments are growing and there are now over 100 students at the school and they are very well looked after. There is a huge catchment area there that goes south to below Ouyen, which is over 100 kilometres away, east to Robinvale, west into South Australia and north into New South Wales. I would like to put on the record my congratulations to this school that does a great job for the kids — —

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

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise and make a contribution to this important debate. It is always a pleasure to speak on

opposition business motions because it gives the house an opportunity to look at the way that the Bracks Labor government is addressing issues, and in this particular instance the issue of how young people, particularly those with disabilities and those with acquired brain injuries, are being treated and cared for in nursing homes.

For the opposition to bring the motion that it has today to this chamber is simply outrageous. It clearly points the blame wholly and solely at the Victorian state government, at the Bracks Labor government. Everybody in this chamber who knows anything about disability services or anything about the provision of human services, particularly to those who are most in need, our most vulnerable people — whether they have a sensory, physical, intellectual or a psychiatric disability or illness — knows that it is a joint responsibility between the federal government and the state government to ensure that there are adequate funds provided to accommodate these people in the most appropriate way. So for the opposition to bring the motion that it has today — and can I say, President, that I am here to speak most strongly against that motion and to oppose it outright — is simply outrageous. The opposition is failing to recognise and acknowledge the work that the Bracks Labor government is doing and that our two ministers who have responsibility for this area — the Minister for Aged Care, Mr Gavin Jennings, and the Minister for Community Services in the other place — are doing an excellent job, and they are doing an excellent job where the commonwealth is refusing to come to the party. We know that — —

Hon. D. K. Drum — Not true!

Hon. KAYE DARVENIZA — Mr Drum says it is not true. We know that it is true. We know that the federal government has some responsibility here. It will not acknowledge and recognise that responsibility except to fund a couple of projects — pilot projects. We are more than happy with that. We are grateful that the federal government is at least prepared to be involved in and to fund a couple of projects — important projects, I should say, too, President — projects that really will assist a number of young people who are currently being cared for and living in nursing homes so that they have more flexible support. The federal Department of Health and Ageing has been prepared to jointly fund those projects. We thank the federal government for being prepared to be involved in these pilot projects, but we simply do not accept that it is living up to its responsibilities. You have only to look at what its responsibilities are in terms of aged care and what aged care facilities are set up to do in terms of looking after people with special needs.

Recently both the Minister for Aged Care and the Minister for Community Services went to Canberra and met with the federal Minister for Family and Community Services, Kay Patterson. This was only last year. They proposed that the state provide funding for disability related support and that these be topped up with funds for nursing care from the commonwealth. The minister said that the state could also provide capital funding. This proposal that we took to the federal minister would not have required any extra funds from the commonwealth, but was simply asking that it free up funds that are already being provided in aged care facilities so that those funds could be used to support the person wherever they choose to live, so that the funds that the commonwealth is using now in nursing homes to provide 24-hour care be freed up to provide more flexible accommodation for these folk. Before I became involved in politics I worked for many years as a nurse and for some time — —

Hon. Bill Forwood — You told us that yesterday.

Hon. KAYE DARVENIZA — You should listen to this, Mr Forwood, because I want to tell you about some personal experience. I worked as a nurse for many years prior to becoming involved in politics. When my children were very small — when they were only little tackers — I went back to nursing. I wanted to keep my foot in the door and wanted to keep my skills from getting too rusty, so I worked in a local nursing home. It was a very nice nursing home and I am pleased to say it was a pleasure to work there. I worked one shift a week on Monday evenings and when it suited me and I could organise child care I would relieve when people went on holidays or they were sick. But let me tell you that in that nursing home we had young people in their late teens and early 20s who were being cared for. It was the saddest thing.

When I listened to the radio yesterday and heard the young woman, Millie Parker, talking to Jon Faine, I felt so much empathy for her because I knew exactly what she was talking about. It is the saddest thing to see a teenager or someone in their early 20s — a young adult — spending all day, every day with a whole lot of aged clients in a nursing home. There is no doubt that it is an inappropriate situation; it must be so inhibiting and stifling. These young people must feel so sad that they are missing out on so much.

I dealt with some very sad and tragic cases in my years as a nurse, not only in the physical sense — I am talking about dealing with people who are dying and their families. I also worked for a long time in psychiatric nursing, dealing with a lot of young people suffering the onset of schizophrenia, which has a

devastating impact upon them and their families. However, I have to say that one of the saddest nursing experiences I had was in a nursing home not while nursing aged clients or dealing with them dying but while dealing with young people who were trapped. They were trapped, first of all, in bodies that would not work for them — bodies that would not do the things they wanted and needed them to do, things that their young bodies should have been doing — and were missing out on many potential experiences. And they were also trapped in that nursing home.

I believe very strongly that we need to be doing all we can. I support both the Minister for Aged Care, Mr Jennings, and the Minister for Community Services in the other place, Sherryl Garbutt. I support our ministers putting as much pressure as they possibly can on the federal government to live up to its commitment to do the right thing by these clients, to use its funds so that there can be some flexible living and care arrangements for these people — —

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

Ms HADDEN (Ballarat) — I rise to speak in support of this motion. It is a sad day when we cannot have everyone in the chamber united in such a very worthy cause. I have heard previous speakers Mr Viney, Ms Romanes and Mr Smith saying this is a complex issue which requires a considered approach and action. It is not really a complex issue; it just needs some money to build appropriate houses for young disabled adults.

I have a couple of young, I would call 'famous', constituents in Vicky Smith and Chris Nolan, who I will talk about later, who have been lobbying on this issue for at least the last three years. Mr Smith talked about the alleged increase in funding from the Bracks Labor government. Where has it all gone? It has not gone into building accommodation places for young disabled adults in Ballarat or in the Grampians region. That is what is needed. It needs to be acted upon. We do not need rhetoric, more talk or fancy media releases or a fancy coloured document such as *A Fairer Victoria*, which I will speak about later. This is a serious debate that needs to be treated seriously by the government and acted upon rather than uttering rhetoric and laying blame on the federal government or the Callithumpians for not putting money in and building appropriate accommodation places.

I place on the record again that I am able to speak on this very important general business motion by the good grace and democratic principles of the Liberal

Party and The Nationals in this place, because for the first time since 1855 this house does not recognise non-party political members. So I want that on record.

I will now continue with my valuable contribution. I received a letter by way of a media release from Sue Jackson, the executive officer of the Council of Intellectual Disability Agencies (CIDA), on 3 May. She said that people with disabilities and their families are running out of patience following the failure of the Bracks Labor government to tackle the long waiting list for disability services. Ms Jackson said:

... there are more than 3000 people with disabilities on the waiting list for supported accommodation. This includes more than 1800 whose needs are classified as urgent or high priority.

She said the average waiting time is nearly three years and the number of people urgently awaiting supported accommodation has doubled over the last five years. Sue Jackson said that the budget contained nothing for people with disabilities that was not announced in last week's social policy statement. That policy statement should have been the first step, not a final word on the needs and rights of people with disabilities.

The Minister for Community Services, Sherryl Garbutt, in the other place announced in a press release of December 2004 that the new services hit the mark for people with disabilities. She provided some figures from the community residential unit of the Department of Human Services about those lucky enough to be on the services needs register. I might say that not every young disabled adult is on the Department of Human Services needs register and it is very difficult to get on it if you are living in a nursing home in the Grampians region because you are considered to be the federal government's responsibility and not the state.

According to the press release of 23 December 2004 the service needs register has 3018 people waiting on the priority list for shared supported accommodation. Ms Garbutt said that the Bracks government then had funded an extra 360 support packages in the budget 2004–05. That amounts to 10 per cent of the shared supported accommodation list of people wanting help from this government.

I have been advocating and will continue to advocate on behalf of Vicky Smith, a young disabled adult living in my electorate. I first met Vicky in late 2002 or early 2003. Vicky collected about 3000 signatures on a hand-written petition that she had prepared asking the state government to act and build specific accommodation for young disabled people in Ballarat.

Unfortunately that petition was not able to be tabled in Parliament because it was not in the proper form.

In any event I raised the issue first in this place in February 2003 in a member's statement when I outlined Vicky's situation. She was then a 32-year-old woman who had lived half her life in an aged care facility in Ballarat. She had suffered an acquired brain injury after having been involved in a motor car accident at Burrumbeet as a front seat passenger. She was confined to a wheelchair and she hates living with aged people who are in their twilight years and who are waiting to die. She says she only goes to befriend them and afford some of them her company when they die, which upsets her. She is the youngest resident at the Queen Elizabeth centre in Wendouree and she says she hates being around people who are dying.

Vicky wrote to the Premier and just about every minister she could lay her hands on. She wrote to the Prime Minister and the community services minister in Canberra. She did not get a response from the Premier to the letter she wrote on 11 March, nor did she get a response from the Minister for Health in the other place to her letter of 11 March. She did get a response from the Minister for Community Services in the other place, Sherryl Garbutt, in response to the representations I made over two years to Ms Garbutt.

Ms Romanes — Did she get a response from the Prime Minister?

Ms HADDEN — If Ms Romanes will be quiet instead of interjecting, I will tell her. The Minister for Community Services responded on 14 May. She thanked Vicky Smith for her letter and said:

... the Bracks government appreciates the importance of the issues you raise, and I agree with you that aged care facilities are often not appropriate housing options for younger people such as yourself.

She goes on to say that the issue is a complex one for government and there are roles for both the state and the federal governments in finding solutions. She then says she has a strong commitment to working with the commonwealth to find a way forward.

The Prime Minister responded by letter of 31 March 2003, signed by the ministerial officer in the ministerial correspondence unit, thanking Vicky for her correspondence regarding accommodation facilities for young disabled people in Ballarat. It states:

Mr Howard appreciates the time you have taken to convey your views and concerns to him.

It states that the correspondence had been forwarded to the appropriate minister, Senator Amanda Vanstone. Minister Vanstone responded by way of the Office of Disabilities on 26 March, saying that under the commonwealth state territory disability agreement, responsibility for employment services for people with disabilities belongs to the commonwealth while responsibility for other services such as accommodation and respite care belongs to the state and territory governments. At that stage the signing of the agreement had not taken place but the Office of Disabilities continues to say that accommodation for people with disabilities in Victoria is the responsibility of the Victorian government and that Vicky may write to Minister Garbutt, which she had already done.

The funding agreement with the commonwealth was signed around the middle of June 2003. It actually delivered an increase to the state government for disability funding of \$4 million. Again we do not have specific purpose accommodation built in Ballarat to cater for the over 30 young disabled adults residing in Ballarat.

I tabled five petitions in this place in 2003 and 2004 on behalf of Vicky Smith, asking the state government to build an appropriate suitable accommodation for young disabled adults in the Grampians region. It still has not been done. It requires the political will but unfortunately the Bracks Labor government has no political will where disabled young adults in nursing homes are concerned. Everyone else supports the building of appropriate accommodation in Ballarat as the provincial city of the Grampians region, but we are still waiting. Vicky still fights for her rights and the rights of other young disabled adults in Ballarat; she fights for appropriate accommodation to be built.

The *Ballarat Courier* has been running a campaign supporting young disabled people in their plight since 2003 on behalf of Vicky Smith and Chris Nolan. There is a big feature in today's *Ballarat Courier* with the heading 'Chris Nolan — a life in limbo'.

Even Mrs Nolan, his mother, says she is tired of listening to the federal and state governments deflecting blame onto each other. She said any help we can get to pressure the Prime Minister and Premier Steve Bracks to come to an acceptable agreement at the Council of Australian Governments meeting on 3 June would be very welcome. Mrs Nolan says, 'We do not want another study or working party. I wonder if they care enough?'. I do not think they care. The budget delivered by the Bracks Labor government under A Fairer Victoria has delivered \$119.5 million over five years for disability services, but there is nothing in there

to build a specific accommodation place in Ballarat for young disabled adults. The situation is absolutely desperate and, as I said, it requires a political will which this government does not have. It is quite happy to publish these fancy, glossy brochures like *A Fairer Victoria: Creating Opportunity and Addressing Disadvantage*, but it is not addressing disadvantage for Vicky Smith or Chris Nolan.

I refer to Lindsay Tanner's article in the *Herald Sun* of 24 May 2005 headed 'So wrong on states' rights'. I think he actually agrees with me. He acknowledges that the state government cannot take responsibility and cannot take the lead on this very important issue of severely disabled young adults forced to live in aged care facilities such as Chris Nolan, whom he mentions in his article. I take up his lead: the Bracks state Labor government in its A Fairer Victoria package ought to deliver what it promises and put its money where its mouth is. It ought to take responsibility and take the lead, stop the spin, stop the rhetoric and spend the billions of dollars it pulls in from fines and parking fees and all the further fines and fees and charges it is going to receive after 1 July to the tune of \$114 million. It should also stop its disgraceful public spending of taxpayers money on these glossy, full-page advertisements in the *Herald Sun* and the *Age* and all the other advertising around country Victoria saying it is going to end cattle grazing in the Alpine National Park. Do you know what it is going to turn it into? It is going to turn it into a park of feral animals, a park for weeds.

Hon. R. G. Mitchell — On a point of order, President, the motion is very specific about the opposition business we are debating. Through the loud rantings I am listening to the member is on a subject that has nothing to do with the motion at all, and I ask you to call her back onto the motion.

Hon. Bill Forwood — On the point of order, President, Ms Hadden is within her rights in the very short time available to her to make the points that she is making, and she should be allowed to do so.

The PRESIDENT — Order! Mr Mitchell is right. The member was straying from the motion. I draw her back to the motion before the house.

Ms HADDEN — This government ought to spend the billions it has in its coffers and address the serious plight of young disabled adults in nursing homes. This government sends out its message. It says the message to the people is simple:

This is a government that believes in fairness and decency — and you will not be left behind.

It has left behind Vicky Smith and Chris Nolan, and it has left behind all those other young disabled adults who try to exist and stay alive and have some quality of life in aged care nursing facilities. Shame on the Bracks government!

Hon. ANDREA COOTE (Monash) — I would like to commend and congratulate everyone who has spoken on this motion today. This has been a really enlightened debate. It has been professional, and there has also been an enormous amount of understanding and compassion running through all the speeches today. I honestly commend everyone who has spoken. I believe Victoria will thank us for being a professional chamber and for conducting this debate with the dignity it deserves.

I would like to say, though, that I have some concerns about the questions that Ms Darveniza and Ms Romanes brought up. They still seem to believe the rhetoric that it is all the problem and concern of the federal government. The other speakers were notable for the fact that they recognised that it is a joint responsibility which the state and federal governments must address together. Mr Viney spoke very eloquently about a joint responsibility — and it is time for it to be fixed. He went on to say that it needs all levels of government to work together. He elaborated on the disability sector, and I have to suggest that Margaret Ryan, who has some enormous problems with the disability sector, would vehemently disagree with him, but I think it was very interesting. Even Mr Smith spoke about its being an issue that was above politics, and I think he understood the major issues and what was at the heart of this motion. Nobody who was in this chamber at the time could have failed to be overwhelmed with the very poignant and compassionate description that the Honourable Wendy Lovell gave of her friend and constituent. She put into words what many of the people who have these disabilities and are inappropriately housed feel on a daily basis. I urge those of you who were not in the chamber to read her contribution. It was both compassionate and poignant.

The Honourable John Vogels gave some very good examples of the lack of action by the Bracks government. The Honourable Barry Bishop spoke about country issues, and Ms Hadden spoke about some specific issues she had in Ballarat. As I said in my major contribution, complex as this issue is it is important to try to understand the needs of country Victorians, because they have specific problems and realities. Mr Drum also spoke on behalf of The Nationals and gave some very good examples of what had to be done and how specific issues could be looked

at and solved. That was particularly pleasing, because in the debate today we were able to show the government that between The Nationals and the Liberal Party we had some solutions, we were not just out there talking about the problems and the complexities.

Mr Drum and I, between us, actually did offer some very real solutions, and I hope the minister has a close look at the solutions we have put forward, and in fact puts them up for her department to have a closer look and investigation. As I said, we had some very poignant examples of people in this situation. It is important to understand yet again that as members of this chamber it is our responsibility to be making suggestions and passing legislation that make Victorians' lives better. This is actually a real problem for us all. I think it is important for everybody in this chamber now to understand what this debate has been about.

Once again I congratulate every speaker in this chamber who has spoken on this motion today. However, I do not retract from the words in the motion and I do not retract from the fact that the Liberal Party does in fact condemn the state government for its failure to address the issue of young people with disabilities, degenerative diseases and acquired brain damage who are inappropriately housed in residential aged care facilities in Victoria. I ask the minister to do something about it.

House divided on motion:

Ayes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr (<i>Teller</i>)	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr (<i>Teller</i>)	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr

Noes, 21

Argondizzo, Ms	Mikakos, Ms (<i>Teller</i>)
Broad, Ms	Mitchell, Mr (<i>Teller</i>)
Buckingham, Ms	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Pair

Hall, Mr	Theophanous, Mr
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Motion negatived.

Sitting suspended 12.57 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Alpine National Park: media campaign

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Consumer Affairs. I refer the minister to the Bracks government’s media campaign to blacken the name of country Victorians and label the mountain cattlemen as environmental vandals, a campaign correctly described by Neil Mitchell this morning on 3AW as blatant propaganda. In particular I draw the minister’s attention to the picture of a watering hole used in advertising today in the *Age* and in the *Herald Sun*. Will the minister investigate this media campaign for grossly misleading advertising?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I want to reiterate how seriously the Bracks government takes the issue of consumer affairs and say that we do not like it to be utilised as a political toy to promote what for the opposition is a political campaign. We are very serious about ensuring that Victorian consumers have access to accurate information when they make a decision about what they are going to purchase or services they are going to be provided with, unlike the opposition, whose members could not even say the word ‘consumer’ when it was in government and which could not even have a department of consumer affairs but had to have a department of fair trading and business affairs. We have a legislative regime in place that does protect consumers and does make them aware of the things they ought to look for before they purchase a service or goods. We take it very seriously.

On the issue of country Victorians, we are ensuring that they have access to consumer advice that is good-quality advice and the equal of that available in metropolitan Melbourne. We take our responsibility seriously to govern for all Victorians. We certainly do not believe that country Victoria is the toenails of the state, unlike the opposition when it was in government.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for her response. Clearly she is implying that there are two standards: one for the government and one for everybody else. I ask the minister: if it can be proved that the watering hole pictured in the misleading advertisement today was actually an authorised, man-made cattle watering point and not a natural

feature, will she investigate the media campaign for its grossly misleading advertising?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I have indicated, it is not my job as the Minister for Consumer Affairs to just stand here and deal with hypothetical situations. I deal with real issues that come before me in my role as Minister for Consumer Affairs. We take very seriously the role of protecting consumers and providing them with accurate information for them to make a decision, and we will continue to do that.

Consumer affairs: product safety

Hon. KAYE DARVENIZA (Melbourne West) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. What action can the Bracks government take to ensure that products which may cause harm to people, particularly young people, are not sold and that Victoria remains a great state to raise a family? Can the minister advise the house of any recent examples of this?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question, which raises a very important issue. The Fair Trading Act regulations ban or prohibit certain goods from reaching the shelves of our stores in order to protect Victorians and ensure that what is on the shelf does not cause unnecessary injury or put Victorians, particularly young Victorians, at risk. On previous occasions I have indicated items that have been banned by consumer affairs. Some members might remember the lead wick candles that were banned. I may have brought some into the house to show members what they looked like. Toys that expand when water is added to them may jeopardise young children who swallow them; they can cause choking and death. There were love meters that exploded and gas masks containing asbestos filters.

Consumer Affairs Victoria (CAV) produces a product hazard alert booklet and on its web site indicates all the prohibited practices, prohibited items and banned items. The information helps retailers and those who supply goods identify the items. Hopefully it avoids people importing them into the country or retailers putting them on the shelves. Members may remember that it was due to this product hazard alert booklet that a storeman was able to recognise the love meters that had arrived in his warehouse and indicated to CAV that it should come and pick them up because they were banned. We did so and they have been destroyed. It is obviously useful and important that that information is being utilised by retailers and suppliers.

On Monday I announced the banning of unsafe miniature motorcycles that do not meet a four-point safety standard with which they have to comply: the brakes must work and stay on the bike, the steering must be secure and not loose, the throttle must go back to its proper position when the bike is started and the footrest must stay in place when the foot is put on it. This is important — these bikes are not toys. They can travel up to 70 kilometres an hour. They are very dangerous and they are sold at a price which could be attractive to young people and for parents to purchase for children. It is important that parents know they need to check the mechanical safety of these bikes. We understand they can be a lot of fun to ride on private property — of course they are illegal on roads unless they are properly registered. We do not take action lightly. We take action because we believe these products may put young Victorians at risk. We want the state to be a great place to raise a family and we will continue to protect young Victorians.

Aged care: elder abuse

Hon. ANDREA COOTE (Monash) — My question without notice is to the Minister for Aged Care, Mr Jennings. At last Friday's Council on the Ageing seminar on elder abuse both Dr David Sykes from the Victorian public advocate's office and Chris Procopis from the Queensland elder abuse prevention unit emphasised that there is an urgent need for a helpline for the reporting of elder abuse. The Liberal Party policy on elder abuse launched in January this year said it would implement a 24-hour, 7-day-a-week hotline for the reporting of elder abuse. Will the minister implement as a matter of urgency a 24-hour, 7-day-a-week elder abuse hotline this year?

Mr GAVIN JENNINGS (Minister for Aged Care) — My leader is holding up a very brief document which outlines what the Liberal Party believes. As I reported to the house yesterday, there was some initiative taken by the opposition over the summer period to announce policies in relation to elder abuse. Hats off to it for recognising the significant issue that needs to be addressed.

Hon. Bill Forwood interjected.

Mr GAVIN JENNINGS — Yes, hats off the microphone, thanks, Mr Forwood. I see that the member is very concerned to draw attention to himself during question time today in an unusual fashion. Usually it is a voluble rather than a decorative style that he uses to seek attention.

An honourable member — Is this relevant to the question?

Mr GAVIN JENNINGS — It may well be relevant to the interjection to have inappropriate behaviour from a member of the opposition team.

But to answer the question, the difference I have with the opposition concerns the prescriptive nature of issues outlined in the opposition policy over the summer. It was overly draconian and patronising in how it developed policies. Mandatory reporting of issues dealing with this matter is not an approach well received by senior citizens of Victoria. As a consequence of my concern, as I indicated to the house yesterday and at the Council of the Ageing seminar, I have embarked upon a process where relevant experts in the field come together with members of the community to contribute to a process by which any shortcomings in the service system will be identified and any recommendations that will lead to the greater empowerment of older members of the community will come to this process.

There is the potential that one of the recommendations to come forward may include a hotline. I am happy to receive that advice, to act in accordance with that advice and introduce any measures that will assist the confidence of older members of our community to go about their daily lives in a confident, secure fashion. Hopefully that is the one area that will unite both sides of this chamber. If the recommendation comes forward from this process I have embarked upon — I have asked Barney Cooney and an expert team to engage with the community, to engage with the aged care sector and provide recommendations — I will be happy to implement it.

Supplementary question

Hon. ANDREA COOTE (Monash) — I thank the minister for his answer, but what state entity will actually handle the projected 20 000 cases per year of elder abuse, neglect and exploitation that are subject to be reported over this 24-hour, 7-day-a-week hotline?

Mr GAVIN JENNINGS (Minister for Aged Care) — As the member would be aware, there is already an extensive services network ranging from support services and enforcement officers — from the police, Office of the Public Advocate — right through to community-based support and referral services. A whole suite of measures and services are already in existence that have to be seen as part of an integrated network of enforcement and provision of support to older members of the community.

It is an issue that we need to drill down. Are there any elements of our community at the moment — the 20 000 figure is some people's best guess about the number of people concerned — who may be affected by the cumulative effect of elder abuse during the course of their lives? Already the service system is responsible for providing them with a degree of support ranging from the police right through to those community-based services. If there are any gaps, I am seeking recommendations — —

The PRESIDENT — Order! The minister's time has expired.

Energy: market reform

Mr SOMYUREK (Eumemmerring) — My question is to the Minister for Energy Industries and Resources. The feedback I get from my electorate — people are always telling me as they stop me in the streets — is that Victoria is a great place to raise a family. Given that, can the minister advise the house how the Bracks government's approach to national energy market reform will enhance this?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — The member asks me about national energy market reform and how that might help to make Victoria a great place to raise a family. At first glance people might ask what has national energy market reform got to do with raising a family? I will take the house through a few of the issues in relation to energy and what the Bracks government has done in terms of reform in the energy area.

Members would be aware that the Bracks government has a proud record on energy, including the four-year price agreement which is a way of protecting Victorian families in terms of price increases and keeping those below the consumer price index for four years. The gas extension program will deliver gas to people in regional Victoria. The network tariff rebate, as members are aware, delivers to people in regional Victoria electricity prices comparable to those in the city. All of those put together make a pretty impressive record.

Last Friday I attended a meeting of the Ministerial Council on Energy in Brisbane. I have to say, in what is becoming a disturbing trend, the federal government is beginning to change its mind in relation to earlier agreements that helped us to bring about some of this national reform. As members would be aware, and I know Mr Forwood certainly is, there was a breakthrough agreement in December 2003 which saw the establishment of the Australian Energy Regulator and the Australian Energy Market Commission. These

two bodies will bring about more investment in the energy sector and mean that we can do away with some of the state regulation. They are very important bodies.

As part of that agreement it was also agreed that those bodies would be funded by a federal government-imposed industry levy. That commitment was reaffirmed by the Prime Minister at the 2004 Council of Australian Governments meeting. On Friday the commonwealth broke that agreement, arguing instead for a state-based levy or for the bodies to be funded directly from state budgets. Either way, this is bad for Victorian families. With a state-based levy all energy consumers would have to pay the same amount, it could not be done on the basis of usage. It would be a flat rate on everyone. We see that as unfair on Victorian families.

The commonwealth's other option is for the states to pay out of state revenue, and that means taking money away from health, education, roads and police. Either way the commonwealth's proposals are alternatives that are unacceptable to the states and are a breach of the agreement that was reached by the Prime Minister.

We want to see energy market reform continue for the benefit of the whole of the country, including Victoria. I know that the federal Minister for Industry, Tourism and Resources, Ian McFarlane, is a reasonable man, but he needs to take some leadership in this regard and tell the federal Treasurer that he should not be breaking this agreement and that this very important reform ought to be funded by the commonwealth government.

Liquor: Licensees First Step program

Hon. B. W. BISHOP (North Western) — I direct my question without notice to the Minister for Consumer Affairs with responsibility for liquor licensing. Will the minister advise if the Director of Liquor Licensing has selected and approved the William Angliss Institute of TAFE as the sole provider of the Licensees First Step program as a required course for applicants to become a nominee of, for example, golf clubs or bowls clubs?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Off the top of my head I cannot answer that that is exclusively the situation, but I will endeavour to get the answer to the member as soon as possible.

Supplementary question

Hon. B. W. BISHOP (North Western) — It is my understanding that that is the case. As a supplementary question, and if the minister's research does find that situation to be true, would the minister agree to select

other providers in regional areas to save our country people having to travel to Melbourne to complete the Licensees First Step program?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Let me assure the member I will fully investigate the situation. The government will look at ways in which it can provide a means by which those in country Victoria are easily able to access the requirements that the director has laid down.

Housing: neighbourhood renewal program

Hon. H. E. BUCKINGHAM (Koonung) — My question is to the Minister for Housing, Ms Broad. Can the minister inform the house how the state budget will allow the Bracks government to continue to address disadvantage through its highly successful and great neighbourhood renewal program, ensuring Victoria is a great place to live and raise a family?

Ms BROAD (Minister for Housing) — I thank the member for her question and her interest in the Bracks government's very successful efforts to strengthen Victorian communities through the neighbourhood renewal program. The Bracks government believes everyone deserves decent opportunities in life and that your future prospects and opportunities should not be determined by your postcode — where you live or where you were born.

Hon. J. A. Vogels — Or which faction you are in.

Ms BROAD — Neighbourhood renewal is the Bracks government's response to addressing disadvantage in 15 areas right across Victoria, including regional Victoria as well as inner Melbourne high-rise estates. This is done by linking the physical improvements to public housing at those sites — there is one in Mr Vogels's electorate — to education, training and employment opportunities as well as to actions to strengthen local communities. Neighbourhood renewal is making Victoria a safer place to live and raise a family by reducing crimes against people at 90 per cent of neighbourhood renewal sites and reducing crimes against property at 60 per cent of neighbourhood renewal sites.

The state budget brought down on 3 May delivers on a range of actions announced in *A Fairer Victoria* to make Victoria a fairer place to live and raise a family. The government is allocating almost \$30 million in the budget to extend neighbourhood renewal sites for another four years at existing locations, because the government recognises that, despite the positive changes we have already seen at those 15 sites, it does

take time to turn those areas of disadvantage around. Sustained investment and effort is required, and the budget delivers on this for neighbourhood renewal because our budget is a fair budget for all Victorians. I am also pleased to advise the house that the state budget delivers further opportunities for families through the expansion of neighbourhood renewal to four new sites across Victoria. That means that from the 2005–06 financial year, through neighbourhood renewal, the Bracks government will be helping 19 disadvantaged parts of Victoria to transform their own communities for the better as well as delivering opportunities for thousands of families across Victoria.

This government is committed to financial responsibility and to maintaining our very strong budgetary position, because it is strong budgets that allow us to commit almost \$800 million of great initiatives, including those announced in *A Fairer Victoria*, to address disadvantage across Victoria. And because strong budgets allow us to continue to deliver better opportunities and prosperity for all Victorian families, they make Victoria the best place to raise a family.

Australian Labor Party: energy discussion paper

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for Energy Industries and Resources. I refer to the ALP energy policy development discussion paper of February 2005 prepared by the economics, innovation and industrial development policy committee (EIIPDC).

Hon. M. R. Thomson — You cannot get that right! That was prepared by one person.

Hon. BILL FORWOOD — I have a copy of it.

Hon. M. R. Thomson — It was not done by the policy committee.

Hon. BILL FORWOOD — It was not done by the policy committee? We can have an argument about whether it was or was not. Can the minister advise the house what role he and/or his office played in the development of the policy paper?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — In relation to the document which Mr Forwood has talked about, the answer is none.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I refer the minister to the work plan shown in appendix A of the document, which shows the EIIPDC executive and subcommittee meeting with the Minister for Energy Industries, as he then was, and his advisers on 12 August 2003, and the EIIPDC executive and subcommittee meeting with the Minister for Energy Industries, his chief of staff and senior advisers on 5 July 2004. Did the minister attend either of those meetings?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — Of course as part of my role as Minister for Energy Industries and Resources I attend meetings, including meetings of policy committees of the Labor Party, in order to give them a briefing about energy and about how well we are doing in this state in relation to the energy sector. Of course I do that. The policy committees then deliberate and make up their own minds in relation to what policy they will present to the state conference of the Labor Party. I understand the document that the member is talking about is a document that was written by some member of a committee and was presented to the committee. It was not a committee document and was not even endorsed by the committee. It is a document amongst a number of documents that the committee looked at. The document that the committee looks at is at the state conference.

The PRESIDENT — Order! The minister's time has expired.

Aboriginals: government assistance

Mr SCHEFFER (Monash) — My question is to the Minister for Aboriginal Affairs. Can the minister inform the house how indigenous Victorians will benefit from A Fairer Victoria, the Bracks government's action plan to address social disadvantage?

Honourable members interjecting.

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — Mr Atkinson said that the question did not use the phrase 'making Victoria a better place to raise a family'. Indeed that is a challenge in answering this question in that we need to make sure in our efforts we provide the appropriate level of support and encouragement to ensure that now and in the future Victoria is a great place to raise a family, despite the challenges that confront many Aboriginal families at this point in time. We recognise a great deal of support

is required to ensure Aboriginal children can have a vibrant and healthy life, and that there is additional support and resilience provided to those family structures.

I am very pleased to outline to the house that within the A Fairer Victoria package, which was announced in the context of the budget, there are a range of initiatives designed to play that role in the daily lives of Aboriginal families throughout Victoria. As part of the \$101 million package to try to provide a better start for Victorian children significant investments were made in a number of areas specifically devoted to the wellbeing of Aboriginal families. Indeed \$5.8 million was allocated to a program that will provide for intensive support to Aboriginal mothers in particular to enhance their skills in early childhood development and to ensure they are assisted in their parenting skills and capacities to provide that care for their children. Beyond that we have to recognise that there is a high degree to this day of separations of Aboriginal children from their families. These children end up in out-of-home care.

To support the wherewithal of Aboriginal families who receive those children in terms of providing that out-of-home care, \$6.2 million has been allocated to programs that are designed to assist those families who, to all intents and purposes, are the foster parents — those charged with the responsibility of raising those children, perhaps their relatives or perhaps other community members — of those children. We have to make sure there is adequate support provided for those foster families to play that important role, and \$6.2 million has been allocated in this budget to achieve that.

There have been a number of major innovation support programs, and \$21 million across the state has been provided for 12 new programs that bring together an extensive network of interrelated community services designed to support the wherewithal of families on a regional basis. Within that program of \$21 million four Aboriginal-specific projects will be located throughout the breadth of Victoria. Similarly the Best Start program has been highly successful in enhancing the health and wellbeing of all children by providing a combination of community-based health and intervention services and streaming children through kindergarten processes into school. There are going to be 14 new Best Start programs across Victoria, of which 4 will be Aboriginal-specific programs. It is a significant undertaking.

Beyond that there have been other important initiatives to support the wherewithal of all families across

Victoria, particularly the opportunities for four-year-old kinder that will be provided to all Victorian children. We anticipate that Aboriginal children will be the beneficiaries of that scheme as their families will be the beneficiaries of the increase to the fee subsidy for 17 000 Victorian families on low incomes, to enable them to send their children to kindergarten. We believe these measures together will support Aboriginal families and make Victoria a better place to live.

Consumer affairs: motor car traders

Hon. W. A. LOVELL (North Eastern) — I direct my question without notice to the Minister for Consumer Affairs, the Honourable Marsha Thomson,. What is the minister's estimate of the number of unlicensed motor vehicle dealers in Victoria, and what action does the government propose to take to protect the interests of consumers by stopping unlicensed trading of motor vehicles?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question in relation to a consumer affairs issue. I have mentioned in this house before that in the life of the Kennett government they did not like the word 'consumer' very much at all and tried to avoid using it as much as possible. It is also interesting to note that the current opposition's policy on consumer affairs looks something like this — a blank page. There is no policy in relation to consumer affairs.

However, the issue of motor car traders and unlicensed motor car traders is an important one. The member may be aware that as part of the regular campaigns that are undertaken by Consumer Affairs Victoria (CAV) in regional Victoria, one of the things we are constantly looking at is for people to meet the requirements under the Motor Car Traders Act. From time to time work is done with municipalities and councils to look to where there may be illegal practices in relation to backyard operations and motor car traders under the legislation. Previously I have written to councils encouraging them to work with CAV in order to blitz and monitor non-licensed motor car traders. We will continue that practice. We have had discussions with the Victorian Automobile Chamber of Commerce (VACC) in relation to the ongoing concerns it has.

We have undertaken a comprehensive review of the motor car traders legislation, and we will be announcing its outcomes shortly. In that respect I thank the Honourable Noel Pullen, who was very diligent. Many people have complimented Noel's performance and undertakings during that review. The VACC is one of those. We will continue to work with the VACC,

local government and other agencies to ensure the legislative requirements are adhered to.

Supplementary question

Hon. W. A. LOVELL (North Eastern) — I acknowledge that the government has visited unlicensed motor vehicle traders in areas where there have been consumer affairs blitzes. However, the Victorian Automobile Chamber of Commerce estimates there are around 2000 unlicensed motor car traders in this state. So I ask the minister to advise the house of how many of these have been closed down or required to obtain licences and when will the government get serious about this problem and ensure better protection for consumers buying used cars?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — This is a case of asking a pre-written supplementary question without listening to the response to the first question. I indicated in fact that we take these issues very seriously, and we are working with the Victorian Automobile Chamber of Commerce, local government and other agencies in relation to this matter. We take it very seriously, and we will continue to act.

Go for Your Life campaign

Mr VINEY (Chelsea) — Like Mr Somyurek, I am also stopped in the street by constituents who say Victoria is not only a great place to live and raise a family but they also comment on what a healthy and active state Victoria is. My question is directed to the Minister for Sport and Recreation. I ask the minister to inform the house of any recent initiatives the Bracks government has undertaken to ensure that Victoria remains as I just described.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question and I welcome not only his interest in the subject of healthy and active communities but also no doubt the interests of his local constituency. It is great to hear they are enthusiastic about maintaining their health and activity levels. Members of the chamber would be well aware that we have a healthy and active strategy here in Victoria under the banner of the Go for Your Life campaign. I have talked on this subject on a number of occasions in this chamber. It is basically a promotional program to get people up and active, to get them involved. This is not only about promoting the ideals of being healthy and active but it is important that we appreciate it is necessary for a number of reasons.

It is about reducing the levels of obesity and diabetes in the community. It is about getting people more involved in physical activity and also about getting them more socially active in their own communities. That will be a great inspiration for them to maintain and to continue a healthy and active lifestyle. As well as a promotional campaign, this is also about funding a number of programs. The number of programs that we have already funded under this strategy include \$400 000 to support Fun 'N Healthy in Moreland, which is a groundbreaking project of a comparative study — —

Hon. Bill Forwood — You have got them cracking rocks, have you?

Hon. J. M. MADDEN — It is a comparative study — it would not hurt Mr Forwood to do a comparative study on wellbeing — but particularly wellbeing for primary school students.

Honourable members interjecting.

Hon. J. M. MADDEN — As well as that we are investing \$135 000, Mr Drum, on RecLink to increase involvement in physical activity for those people who may experience disadvantage in the community. It is also about the \$200 000 invested in VicFit to continue and expand the physical activity information line, and it is also about the \$1 million grants that will encourage Victorians to get off the couch and get actively involved in physical activity.

I had the great fortune recently to be out in Strathfieldsaye. I know that a member of the chamber lives in Strathfieldsaye. It is a great place to raise a family, as it is right across Victoria. It was great to be with the Minister for Education Services in the other place, Jacinta Allan, the local member, at Strathfieldsaye to announce these programs. We have chosen to work closely with community groups, and Go for Your Life community walking grants were announced.

That will be done jointly through the primary care partnership. Each primary care partnership has been able to nominate a lead agency to coordinate the project, including regional sports assemblies and local government community health centres. It is about getting people up and going, getting people walking.

One of the great things about these announcements is that it is about linking those communities, so no doubt there will be some great outcomes in Strathfieldsaye. Regardless of who lives there, they will be able to raise their families in one of the great places in Victoria because they have been assisted to encourage walking

in the community. So we can hope that if Mr Bishop or Mr Drum are in Strathfieldsaye, because I know it is in their province, maybe rather than driving they might walk down the street. That would be a great outcome for not only those members, but a great opportunity for the locals to meet their local members out walking, linked to their community, more healthy and more physically active in their communities.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 3308, 4356, 4357, 4363, 4398, 4404, 4438, 4439, 4476, 4728–31.

ROAD SAFETY (FURTHER AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill makes a number of amendments to legislation within the transport portfolio. The most important of these amendments are:

Allowing roadside drug screening of oral fluid samples to continue beyond the original sunset date of 1 July 2005 until 1 July 2006.

Increasing the penalties for drivers who fail to stop and render assistance or who fail to give their name and address after an accident in which a person is killed or seriously injured.

A variety of measures to improve the safety of freeways.

Improving the safety of vehicles involved in pursuits by allowing for the deployment of road spikes.

Ensuring that drivers found guilty or convicted of dangerous driving are disqualified from driving for not less than the period that would apply if they had been found guilty of an excessive speeding offence.

Allowing the disclosure and use of information about the registered operator of a vehicle where that is necessary to allow the vehicle to be towed.

Roadside drug screening

Roadside drug screening commenced on 13 December 2004. The legislative provisions enabling the trial of roadside screening will be repealed on 1 July 2005 by operation of the sunset provisions of the Road Safety (Drug Driving) Act 2003. This bill will extend that sunset date by 12 months to 1 July 2006.

The roadside drug screening operations to date have been extremely successful and have revealed a much higher level of illicit drug use by drivers than had been expected.

Up until 9 April 2005, 4619 drivers had been screened at the roadside. Of these, 63 cases with an initial roadside screen were confirmed by the second screening device in the drug bus as showing the presence of the same drug found at the roadside, and then subsequently found to contain that same drug when analysed by the Victorian Institute of Forensic Medicine. This is approximately one driver in every 73 tested, over three times greater than the prevalence of illegal BAC in drivers randomly screened for alcohol.

Over 30 per cent of driver fatalities in 2003 and 2004 had drugs other than alcohol in their system at the time of their death. Extending the roadside drug screening trial will continue to deter users of methamphetamine and cannabis from driving when affected by these drugs, reducing the number of road deaths and serious injuries brought about by drug-affected drivers.

From an operational point of view, delays to drivers who are not drug positive have been, as expected, about 5 minutes.

It is pleasing to note the high level of accuracy of the results so far obtained from the screening program and the level of support for the program expressed by drivers stopped for screening.

The proposed 12 months extension to the sunset clause will enable at least 12 months of screening to be undertaken and for the evaluation of operations to occur before consideration is given by this Parliament to making the provisions permanent.

Penalties for hit-and-run incidents

The Victorian community has been rightfully concerned about recent cases where drivers have left the scene of an accident in which a person has been killed or seriously injured without rendering assistance. Failing to stop in these circumstances is a despicable and cowardly act. The Bracks government has listened to community concerns about this very serious issue, and as a result the penalties for drivers involved in an accident in which a person is killed or seriously injured who fail to stop and render assistance will be substantially increased. The maximum penalty for this offence will be increased to 10 years imprisonment. In addition, the minimum period for which the court will be required to cancel the driver licence of a person convicted of this offence will be increased to 4 years for a first offence and 8 years for a subsequent offence.

The maximum penalty of 10 years jail is between the maximum penalties that apply to the offences of dangerous driving causing death or serious injury (5 years) and culpable driving causing death (20 years). This will help to ensure that a person who suspects that he or she may be charged with one of those other offences (for example because he or she is

affected by alcohol or illegal drugs when the accident occurs) will no longer have an incentive to escape from the scene.

Improved safety on freeways

It is currently an offence under the road rules for a cyclist to ride on a freeway where prohibited by signs posted at its entrance. However, unauthorised use of a freeway by pedestrians, horse riders and vehicles other than bicycles (such as farm machinery) is dealt with in the Road Safety Act 1986, not in the road rules. Placing the offence in the act will increase the maximum penalty for this offence from \$307 to \$511. Including cyclists in the provisions relating to other unauthorised use of freeways will more effectively address the serious safety risk posed by cyclists on freeways, both to themselves and other road users, and will facilitate the lawful use of freeways by motorists.

Other measures in this bill which will improve the safety of freeways are a power for the police to remove unauthorised people and any bicycle being ridden by them, as well as unauthorised animals and machinery, from a freeway, and a power for VicRoads to tow away broken down or damaged vehicles on a freeway or other road declared to be hazardous.

Safety of vehicles involved in pursuits

The high speed pursuit of offenders has long been a vexed issue for Victoria Police, as indeed it has been for police services across Australia and overseas. Police are required to balance the imperative of apprehending, prosecuting and deterring offenders with the safety risk posed to the public, police members and offenders. As such, the Victoria Police pursuit policy has been subject to continual review to achieve an optimal balance between competing public policy objectives.

The use of road spikes by appropriately trained police will provide a valuable tool for reducing the number of pursuits which result in injuries to those persons pursued or to innocent bystanders. Road spikes have been used to safely terminate pursuits in all Australian jurisdictions, except Victoria and the Northern Territory. They have been used by police in circumstances where police can effectively and safely bring a vehicle pursuit to a conclusion.

Road spikes penetrate the tyre or tyres of a vehicle and cause controlled deflation without loss of control. Deflation in these circumstances will cause the vehicle to stop, or at least its speed to be greatly reduced. Testing of road spikes by Victoria Police at speeds of up to 140 kilometres per hour found no evidence of tyre blow-out, no sudden loss of steering control and no debris from tyre deflation.

A Victoria Police working party has developed draft guidelines for the use of tyre spikes that include limiting their deployment to dry weather conditions, restricting their use to trained personnel and not permitting their use for any purpose other than resolving high speed pursuits.

Penalties for excessive speeding and dangerous driving

Currently a driver convicted of the serious offence of driving a motor vehicle at a speed which is dangerous to the public may receive a lower penalty than if the matter had been dealt with by an infringement notice for the lesser offence of exceeding the speed limit.

A person convicted of a dangerous driving offence under section 64 of the Road Safety Act must be disqualified from driving for a period not less than six months. However, if motorists are found guilty but a conviction is not recorded, the court is not required to disqualify them from driving.

In contrast, any driver convicted or found guilty of an excessive speeding offence, that is, exceeding the speed limit by 25 kilometres per hour or more, is subject to a mandatory licence suspension. If the driver exceeds the speed limit by 45 kilometres per hour or more, the minimum licence loss is 12 months. For a driver exceeding the speed limit by 35 to 44 kilometres per hour, the minimum licence loss period is six months.

This bill will ensure that drivers found guilty of dangerous driving are disqualified from driving even if they are not convicted. Furthermore, if an offence of dangerous driving involves speeds of 45 kilometres per hour or more over the speed limit, the minimum period of disqualification will be increased from 6 months to 12 months to achieve parity with the suspension period for the lesser offence of excessive speeding.

Disclosure of information to permit towing

Victoria Police members are regularly required to authorise the towing of vehicles at crash scenes. In addition, as already stated, this bill will give VicRoads the power to tow away broken down or damaged vehicles from a freeway or other road declared to be hazardous.

However, before a vehicle is towed, tow truck licensees require the vehicle owner's name and address to comply with their obligations under the Transport Act 1983. This can be difficult or impossible to obtain where the driver or all occupants of a vehicle have been injured in the crash. In this context, Victoria Police and VicRoads may seek to obtain and disclose information from the VicRoads registration and licensing database to enable the 'authority to tow' form to be completed. If police and VicRoads cannot access this information under such circumstances, there may be long delays in moving motor vehicles, which may have undesirable consequences including exposure of the vehicle to the risk of damage and/or theft, raising liability issues, undue persistence of obstructions and hindrance of investigations. This bill will enable this access to occur.

The measures taken by this bill continue the Bracks Labor government's efforts to facilitate the safe and efficient use of Victoria's road network.

I commend the bill to the house.

Debate adjourned for Hon. R. H. BOWDEN (South Eastern) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to give legislative effect to the government's announcement in March 2005 on the licensing arrangements for public lotteries to apply after the current licence expires on 30 June 2007, and the proposed licence awarding process for the licence or licences to conduct public lotteries in Victoria after June 2007.

The lotteries licence announcement forms part of the government's overall approach and timetable for the review of the state's electronic gaming machine operator, wagering and lotteries licences.

In July 2004 the Minister for Gaming announced the details of the Bracks government's overall approach to the scope, timing and conduct of these gambling licence reviews. He indicated the review would be conducted in two stages, commencing with the public lotteries licence review in July 2004 and the review of the gaming and wagering licences commencing in late 2005.

These reviews have and will be conducted in a rigorous and consultative manner to provide the basis for future licensing arrangements that are in the best long-term interests of Victorians.

In relation to the public lotteries licence review, the Department of Justice released an issues paper in September 2004 as the basis for interested parties to submit their views. Twenty-three submissions were received and submissions were made publicly available in December 2004.

On 24 March 2005, the minister announced that the public lotteries licence or licences, which will operate after 30 June 2007, will be awarded through a bidding process. This will result in the government awarding either an exclusive lotteries licence or up to three non-exclusive licences. The minister also announced the overall licence awarding process and important new features of the licence conditions and regulatory arrangements.

These new licensing arrangements reflect the government's overall gambling policy principles. In particular they will:

- develop and reinforce the government's commitment to responsible gambling;

- develop and maintain the state's commitment to the highest standards of probity for gambling service providers;

- accept that gambling is a valid activity for many Victorians who are entitled to expect ongoing high

standards of service, transparency and accountability from the gambling sector; and

ensure, to the extent possible consistent with other principles, gaming service providers operate in a competitive environment.

An important context for these legislative proposals is the longstanding significance of public lotteries in Victoria as a gambling activity and contributor to the funding of the state's health system.

Victorians spend more than \$900 million a year on lotteries and in 2003–04 lottery taxes raised \$305.2 million, which went into the Hospital and Charities Fund. Lotteries are a major source of funding for the state's health system.

The Bracks government announcement on the future licensing arrangements post-June 2007 and the legislative proposals in this bill provide the basis for a continued robust lotteries sector in Victoria and one which operates within a strengthened responsible gambling framework.

Key features of the bill

The bill will amend the Gambling Regulation Act 2003 to change the definition of 'public lottery' so as to draw a clear distinction between public lotteries, footy tipping and soccer pools on the one hand, and approved betting competitions on the other. This amendment will provide certainty about the scope of what games may be offered under a public lottery licence. It is proposed that this amendment will take effect on 1 July 2007.

The forthcoming wagering and gaming licence reviews will give further consideration to the area of approved betting competitions.

The bill will also allow the Minister for Gaming to issue public lottery licences for up to 10 years, instead of seven years. This will increase the capacity of a public lottery licensee to recover investment costs within the licence term, particularly if the licensee is a new entrant with substantial start-up costs.

The bill will provide for a new public lotteries licence application process with two steps, the first being a registration of interest, and the second being an invitation to apply for a licence. These amendments will make the application process simpler and should reduce the costs of making a licence application for some applicants.

Another amendment that will be implemented by the bill will be to remove a restriction on competition by allowing the holder of a wagering licence to also hold a public lottery licence.

The Victorian Commission for Gambling Regulation already has powers to recover the costs that it incurs in assisting the minister in assessing licence applications, and these powers will be strengthened to apply to the registration of interest stage.

The bill also introduces broader regulation-making powers into the Gambling Regulation Act 2003 to provide for regulations to be made for responsible gambling objectives in relation to public lotteries, as has been done for other major types of gambling.

The bill will also allow the Minister for Gaming to require a public lottery licensee to provide specified information relevant to registrations of interest or applications for a licence for a public lottery, and to release that information for the purposes of the lottery licensing process.

As a good housekeeping measure, the bill will introduce into the legislation an existing public lottery licence condition regarding approval of the licensee's computing systems by the Victorian Commission for Gambling Regulation which will enable the commission to respond more quickly to requests for approval of the system and changes to an approved system.

I commend the bill to the house.

Debate adjourned on motion of Hon. DAVID KOCH (Western).

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Standing and sessional orders

Mr LENDERS (Minister for Finance) — I desire to move, by leave:

That the standing and sessional orders be suspended to the extent necessary to enable the motion for the second-reading speech of the Transport Legislation (Further Amendment) Bill and for the adjournment of debate on the bill to be again moved.

Leave refused.

CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Committee

Resumed from 19 May; further discussion of clause 41.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In relation to clause 41, not much has really changed following the committee's discussions last week. Given our ability to reflect on this clause, the opposition may appreciate, as I explained in my last comments in relation to this clause, that the \$1000 cap which was the matter of great concern to the opposition, which is basically about small scale compensation so there was no need to go to a civil court for small scale compensation, was not a part of the sentencing or the sentencing provisions per se, but gave the ability to add to the sentencing provisions, in a sense, to allow for some minor compensation on minor issues. However, should there be the need for greater levels of compensation, it would simply need to be

expedited to civil proceedings. That was made clear at the last stage of the committee, and that explanation still holds. Nothing much has changed in relation to that. I reinforce those provisions to the opposition.

Hon. C. A. STRONG (Higinbotham) — There are two issues. One is the substantive issue, which I will endeavour to put on the record again in a moment to clarify what the minister is telling us. However, there is also the issue that the minister undertook to get some further advice on this. He talked about a letter he would provide that would make it quite clear what was intended. I turn first to the issue of the letter giving further advice that would clarify the position. Is the minister telling us that his clarification is that the bill and the second-reading speech stand as they are and that he is simply leaving it to this committee and some later court to interpret what is meant by these provisions — that is, that he is not providing any further clarifications that might be of use to this chamber or to the courts?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I have some further advice, and I am happy to refer to that. It is relatively technical and is in relation to the clauses of the existing bill. I am happy to relay that to the member and to go through that now, but it is relatively technical because it refers to quite a number of clauses. I will speak to it and I am happy to provide this information to the member. It is not a letter from the Attorney-General; I was happy to undertake to provide that, but have not been able to get it at this point in time. I am happy to undertake to try to get it, although it is not guaranteed that I will be able to get it.

Let me go through the advice I have been provided with in relation to clause 41. Clause 41 imposes a maximum amount that a court may order a child to pay in addition to their sentence under part 4 of the Sentencing Act 1991. Section 84 of the Sentencing Act relates to orders for restitution. Section 84(1)(a) and section 84(1)(b) deal with restitution of goods. By contrast section 84(1)(c) provides that a court may make an order that a sum not exceeding the value of the stolen goods be paid. Because of the words ‘amount’ and ‘to pay’, clause 41 therefore only affects an amount of money that may be ordered under section 84(1)(c) of the Sentencing Act. Clause 41 only extends to the monetary amount and does not affect goods under section 84. I think this relates to the point Mr Strong raised in our last discussion about a car that needed to be returned. The car could be returned, but if it could not be and money needed to be refunded, it could only be an amount of money up to \$1000, hence the point in the existing legislation and under clause 41.

Section 24(2) of the Children and Young Persons Act 1989 precludes the Children’s Court from exercising civil jurisdiction under part 5 of the Magistrates’ Court Act 1989. We are referring to a number of acts, which reinforces my previous comments that if more money is sought in relation to compensation it has to be done through the civil jurisdiction under part 5 of the Magistrates’ Court Act 1989. As the Children’s Court is precluded from exercising civil jurisdiction generally, which has meant up to now that there is no way to enforce any order in addition to sentence, clause 41 therefore only limits the extent to which the court can operate contrary to the express intention of section 24(2): a victim of a tortious act generally by a child has no cause of action available in the Children’s Court.

It is not appropriate for the Children’s Court when sentencing a young person to conduct the truncated civil proceeding for an amount that exceeds the amount that the court can impose as a financial penalty by way of sentence. This is especially so given that the court has no general civil jurisdiction, and given the requirement for the court to conduct inquiries into a young person’s financial circumstances. The Children’s Court, when sentencing a child, is not in a position to conduct this type of inquiry to determine the children’s financial capacity with respect to a large civil debt. It is therefore appropriate for such inquiries to be done in proper civil proceedings as is envisaged in sections 85L, 86(10) and 87(M) of the Sentencing Act 1991 which preserves the right to sue.

Further, there is no point making orders that raise the victim’s expectation. As Mr McIntosh, the member for Kew in the other house, said, ‘You can’t get blood out of a stone’. Alternative restorative processes such as the Koori court or through group conferencing are more appropriate in ensuring the necessary balance between the rights of the victim, the needs of the young person and the concerns and expectations of the community. There is currently divergent practice across the state with respect to these orders in the Children’s Court. Clause 41 seeks to impose a level of consistency. Clause 41 does not extend to serious cases dealt with in the County Court or the Supreme Court.

The reasoned amendment moved by Mr Strong called for greater consultation. On 13 October 2004 the Department of Human Services sent a letter to the Chief Commissioner of Police inviting Victoria Police to be part of a joint Department of Human Services and Department of Justice steering group to implement the age change and develop further amendments. A representative of Victoria Police has been involved in this committee.

The 2004 paper which included this recommendation was circulated widely in November 2004, together with invitations to consultation meetings. The Sentence Advisory Council did not raise issues with this paper. I hope Mr Strong appreciates that. I reiterate that the Sentence Advisory Council did not raise any issues with this paper. The Chief Magistrate wrote to the Department of Justice on 16 November indicating that he did not wish to comment on the material. The Chief Justice likewise did not wish to comment on the paper in a letter to the Department of Justice dated 17 November.

I understand on 26 December the chair of the County Court law reform committee wrote to the Department of Justice indicating that the County Court did not wish to comment and would in any case defer to the views of the president of the Children's Court. The Children's Court has been extensively consulted throughout the development of this bill.

Mr Strong, I hope that assists in some manner. There is a fair bit of technical information in that advice. I am happy to provide the information to Mr Strong and Ms Hadden. I know there is a lot of technical information in the comments I have just made and in relation to clause 41 there is a lot of cross-referencing to other bills and with stakeholders through widespread consultation that reinforce why the clause is drafted the way it is presented in the bill. I am happy to provide the information to the committee to allow members to reflect on it and on the comments I made in *Hansard* because they are highly technical in relation to the clause. I can report progress and the committee can resume at a later day which may assist members to reflect on what has occurred and the way they may or may not wish to accommodate the government in relation to the bill.

Hon. C. A. STRONG (Higinbotham) — I thank the minister for that information and his kind offer to report progress to allow us to study the very detailed advice in a quieter forum. I do not think it will take us long to do that and perhaps we can get back to the committee later today, but I appreciate the opportunity to reflect on that advice.

Ms HADDEN (Ballarat) — There was some conversation in the chamber earlier and I had some difficulty following the minister's advice to the committee, but as I understand it when progress was reported on the bill on 19 May the minister was to seek clarification from the Attorney-General in relation to clause 41. Given what the minister has just suggested that he provide a copy of his advice to members, I ask: is the advice from the Attorney-General.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand the advice is from the Department of Justice in consultation with the Attorney-General's office, so it has the kudos of that office. I am happy for the member to take the information, to reflect on it and if she has any questions that require further clarification, I will accommodate those through the committee process given the generous personality that I am.

Ms HADDEN (Ballarat) — I thank the minister for his generosity because it is a very important bill. The Children and Young Persons Act is a measure that I have had a long involvement with over the last 20 years. It is an important issue and I know I need to be totally confident about the workings of clause 41 and the corollary of clause 42. I thank the minister for his comments.

Progress reported.

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 24 May; motion of Ms BROAD (Minister for Local Government).

Hon. R. H. BOWDEN (South Eastern) — I rise to make a contribution to debate on the Transport Legislation (Further Amendment) Bill, and I will begin by saying there are two major parts to the legislation. It is physically a large bill, but I would suggest to members of the government that we should be looking for quality, not quantity. The bill is highly technical and it is a case where there are many important technical changes to past legislation that require it to be very carefully handled in the technical use of the bill. It is not an easy bill to follow or to interpret, but essentially it does two things. The first is that it validates the appointment of authorised officers who undertake supervision and inspections of many different types in the public transport system and it makes sure there is no doubt about the validity of past actions, prosecutions, infringement notices and other proceedings that were taken by authorised officers, and it clears up that the appointment of those officers is valid at this time and that issue cannot be revisited by court proceedings that would not be helpful, in the best context of that word.

The second major item of the bill is a substantial change to the access regime as applied to rail. The rail network in Victoria has a long and important history, and it will have a long and important purpose in the

future. This legislation makes it very clear that the government has a particular program in mind in terms of ensuring access to the rail network and the physical lines that are required to be used. They are the two main purposes of the bill. I suggest that honourable members be aware that the validation of the public transport authorised officers is extremely important.

Hon. Andrea Coote — President, I draw your attention to the state of the chamber because there is not a quorum present.

Quorum formed.

Hon. R. H. BOWDEN — As I was saying, the importance of this bill is basically the two parts. One is to declare and make sure the validation of the appointment of the authorised officers is perfectly legal in the context of court cases and other infringement proceedings that may have taken place as far back as 1983. It is interesting that the need for this consideration arose from *Arachichi v. Clark*, which was decided in the Melbourne Magistrates Court on 14 February 2005. During those proceedings there was a suggestion that there was some doubt as to the validity of the appointment of certain authorised officers who were concerned with that case, and that has led to the government considering the need for a higher degree of certainty. The state government has been quite negligent up to this time in not ensuring that such doubt did not exist. Therefore it is interesting to note that the state government is now doing that. However, until the passing of this legislation there is a question mark over the validity of several millions of dollars worth of fines, but that will be taken care of when this legislation is passed. Given the two main areas of the legislation it is worth noting that the opposition is not opposing the —

Hon. Andrea Coote — President, I draw your attention to the state of the chamber. I do not believe a quorum is present.

Quorum formed.

Hon. R. H. BOWDEN — It is encouraging to see the government members flock back to the chamber to hear this contribution, and I certainly appreciate it. Before the lack of government interest caused members in the chamber to force the calling of a quorum, I was saying that this bill will go a long way towards assuring the validity of the records and history of the way many Victorian citizens have been treated in relation to the public transport and legal systems over a long period of time and as far back as 1983. The government is trying to correct the circumstances because as recently as

16 February, as is reported in an article in the *Age*, the secretary of the Rail, Tram and Bus Industry Union, Trevor Dobbin, asked the minister whether there was an assurance that the inspectors in the public transport system had been properly appointed and had the appropriate official powers. It is my understanding the answer was in the affirmative.

However, two days before that, in the Melbourne Magistrates Court — in fairness I should point out that it was probably unknown to the government at that time due to the short intervening period — serious doubt was cast on the validity of the appointments. So in this bill the state government is on the one hand correcting a very important process for assurance and the correct operation of our justice system in treating infringements and legal matters affecting public transport usage, and is on the other hand also correcting and preventing the unnecessary refund of millions of dollars worth of fines that were put in doubt. Those refunds will not happen.

I will comment in the context of this bill on the recent suggestion that public transport officers on the privatised network or authorised officers in the government area working in public transport may in future be required to supervise and be accountable for the implementation of the government's wishes on what I will call common courtesy — that is, requiring people to stand up in certain cases on public transport when in many cases they should stand up. It is a longstanding practice that a younger person should yield their seat to someone who may be ill, an older person who may be frail or a lady who is expecting a child. That is natural courtesy, and opposition members believe that is very correct, but we are not sure that the fining of people for not standing up and the giving to inspectors and authorised officers the power to determine who should stand up, when and where they should stand up and for exactly whom is the right way to go. This implies that we are indeed living in the nanny state — in the socialist nirvana that some of the naïve people on the other side of the chamber would like to live in, according to the ideas they throw our way from time to time.

The correct way to do that is to appeal to people's better nature, to educate children while they are in the school system and educate others socially to extend that sort of common courtesy and not to have the government attract frivolous media attention by suggesting people be required to do so. If the government proceeded with that it would mean in the long run that we would have a real difficulty. If those cases did go to court what would a judge do if the defendant produced a medical certificate and said, 'Your Honour, I could not stand up because I have a medical condition that makes it

impossible, and I have a medical certificate to that effect'? What if they said, 'It was not me, it was the fellow or the lady sitting next to me', and when asked who that was they said, 'I do not know'? So looking at the logical extension of that, it is not very practical. I think it is worth noting that I am sure all members of the chamber would want that simple courtesy to be extended on public transport to people who need that assistance, and rightly so. It should be provided by those who can provide it and who are able to give up their seat under particular circumstances.

In finalising my comments on the first part of the legislation, I indicate it is a good initiative and that the opposition will support it. We do not have a problem with the legislation providing certainty by backdating the arrangement where there is the possibility of a challenge to past decisions and past infringements. The legislation contains a provision which requires the making of a section 85 statement to make it quite clear that recourse through the courts will not be available — so that all those past decisions will be validated entirely and it will not be possible to revisit them on a technicality. The purpose of the section 85 provision is to ensure there is not interminable litigation in the courts through a revisiting of cases of many, many years standing. That would take up significant resources when I am sure all honourable members would agree such resources should not be diverted from productive use to revisiting matters that have been substantially well and truly decided in the past. I suggest that aspect of the bill is quite important to the way the community supervises, monitors and exercises care and concern regarding the infringement process and the legal effect on the consumers of public transport services.

The other part of the bill I want to address is a major part of the bill — that is, the requirement that there be substantial changes to the access regime for the broad-gauge rail track facilities and infrastructure within the state. As honourable members know, the rail system in Victoria is a very important piece of statewide infrastructure on the main traffic and transit routes and complements the road system. The road system is very much linked and able to be used in association with the rail system. I am not for a moment implying that road is more important than rail. I am just saying they are both vitally important, and that therefore the maintenance of it and the access the community has to it through its commercial activities, freight movements, passenger movements and other forms of usage are extremely important.

In 1999 V/Line was sold to a subsidiary of an American organisation and became known formally as Freight

Australia. It was very interesting to look at the results of the early operations of Freight Australia. I think, in fairness, most people would concede that the state-run operations at that time, in the late 1990s, were not that impressive.

When that purchase was made it was quite a good deal for the state of Victoria. Freight Australia, the subsidiary of Rail America, paid \$160 million for the business and assumed from the state of Victoria a further \$27 million worth of liabilities. If one casts one's mind back and was privy to the basic information, that would have been considered quite a good arrangement for the state. Within a year of two the performance of Freight Australia was quite good, and in an article in the *Australian* of 23 June 2002 it was reported that Freight Australia had turned the previously government-run operation with a revenue of \$100 million to a then reported revenue of \$206 million. That was a 100 per cent increase in turnover and a corresponding improvement in the results; it was quite encouraging.

It is interesting for members to also consider that it was expected by many in the business community, given the favourable inclination of the Kennett government at the time and its reputation for being a government serious about improving employment prospects, investment in the state, improving the economy and having in place a well-acknowledged reputation of being a pro-business and pro-employment government, that the enthusiasm and the confidence in Freight Australia at the time was well placed. That is a fair statement and very much in the context of the years 1999 and well into the years from 2000 onwards

However, it was not long before history suggests that that positive climate started to change. It was in 2001 I believe — I could be corrected there — that an incident at Corio occurred that was quite regrettable. A bridge fell onto a track and the Freight Australia organisation was on the receiving end of some pretty tough treatment by the state government at that time, because it was required to justify the reason and pay a penalty for having the rail closed as a result of the accident and construction difficulties with the track. The confidence of Freight Australia started to erode, which in turn caused problems. Eventually Freight Australia sold its business to a new and entirely different organisation, Pacific National. It purchased this business and is running it as optimistically, cautiously and aggressively as it can.

This government is addressing the reality that Pacific National, with the lease and control of the broad-gauge track, has the ability to control those assets for many

years. It will have to submit to an access arrangement by setting out standard terms and conditions for what we will call reference services. These reference services will be documented, considered and approved after consideration by the Essential Services Commission (ESC). The reason for this is to make sure that those organisations and companies that want to use the rail network and facilities will be able to have access to them. It could be said that the ownership through the leasing arrangement that is in place and is now the property of Pacific National could be restrictive. I am not suggesting that that is a deliberate thing; it just happens to be that way and Pacific National needs to be sensitive to the need to give access to companies which may want to approach it under appropriate circumstances for that access. So this bill does go a long way towards making sure that the access approach is totally considered.

There will be what is described as a ring-fencing arrangement where Pacific National will be required to have a separate organisation within itself, totally distinct, for its above-the-line services for the provision of outside services and access by other organisations, groups or persons. Those facilities will be in place and put into effect through the passage of the bill. It will mean that this new distinct section or division of Pacific National will have a distant or arms-length relationship with its parent organisation. Although it may physically be within the same building or within the same corporate structure, it is required to be quite distinct in the way that it develops, describes and prices those services and complies with the act in the provision of access and facilities to outside applicants. These standard services will be then submitted once they are delineated across to the ESC which will then refine them in cooperation and get agreement with that part of Pacific National.

So we have this entity to which access applicants can go. But there is nothing in the bill to limit the direct connection of applicants to the Pacific National organisation in that area, and that is good. Also it will be quite transparent because the ESC will have the need and responsibility to make sure that transparency occurs through the publication and availability of the methodology, the documentation and the prices that apply.

It raises a number of practical questions. What is the basis of the costing that will be arrived at? It depends on whether or not the parent organisation — now the Pacific National organisation — will be able to use its costs and its estimation of costs of the goods and services and access arrangements on a line-by-line basis or across an entire network. This has very big potential

ramifications for short-haul freight. It may very well be that if the costs are not apportioned properly, then the costs will be wrong, inefficient and too high, and those people who will want to use the rail network may not be able to afford that rail network. That will mean road transport may be the only other practical alternative. That puts on more strain, more stress and more congestion, and it raises safety issues on the roads. I suggest to honourable members, and I make a passionate plea for it, that the consideration of the economics of the lines be absolutely taken care of and go to the forefront of the thinking of the Pacific National organisation, its ring-fenced group and the ESC because if the Pacific National group or ESC gets that wrong, then there will be the inefficient use of our road system — and that is not what is intended by this bill. That is one concern that I have.

I also believe that the mandated services or reference services are not specific enough, and they do not guarantee freight services on the lines such as Portland and other services. There will be an expected pattern in Victoria of a seasonal or short-term usage. Honourable members would agree that the usage of our rail system during the grain season is one example where the access is important; it is absolutely essential that the grains are transported in a timely manner to the export ports and to the domestic locations in Victoria where there is volume usage of the grains.

It is most important that the bill operates through the ESC supervision and through this ring-fenced internal separate group within Pacific National to the advantage of the community, because if the timely granting of access permits and agreements is not done efficiently, it could be that the use of the rail network will not be to the standard or the level of promptness that we require. Therefore I think this is extremely important.

I do have a problem with one aspect of this. My advice leads me to understand that from 1998 through to this year, so far there has only been one application for access, and it has not been proceeded with. To set up this group within Pacific National — with all of the legislative costs so far, with the establishment costs, the maintenance costs, the operational costs, the staffing and the legal expenses for a need which, on the number of applications, does not seem to be there — is cause for some thought. I am not saying it is not needed. I am just saying, 'We have had one, inconclusive application'. It may be that Pacific National or its predecessor took a hard line on applications; I do not know, but I will be watching in the future to see what history unfolds in the number, type and performance of those applications.

In talking about the applications for approval I have noted that several people have mentioned it could cost several hundreds of thousands of dollars to make an application to the ESC and to Pacific National to use the system. I think that would be very unfortunate. The opposition would be very concerned if the actual processing cost, application costs and approval costs were to be anywhere at that level. It would mean that the efficiency, the usage and the justification for the ESC supervision and the ring-fence approach in the affairs of Pacific National would be very expensive. We just do not know. We do not have the history. We have not had that experience, but I suggest to honourable members — and, in a helpful way, to the ESC — that it may care to be awfully prudent, cautious and diligent in recording the costs so that Parliament can keep track of the actual cost of the true, practical impact of the type of legislation the house has before it today. If it is expensive to that degree, with several hundreds of thousands of dollars for an application plus the time involved, there would be great concern.

It also will be a significantly expense procedure for Pacific National to run this system of requirement as per the bill. I am pointing out to honourable members that this, to me with my modest commercial background, does not seem to be a low-cost option. Regardless of that, the opposition is not opposing the bill but is making some helpful comments about needing to watch the costs.

The Productivity Commission says a vertical separation model may not be sustainable where volumes are low. It may be that a vertical integrated supplier, such as Pacific National, may have its own cost problems in relation to the ring-fencing approach described in the bill. The arm's length requirement of the legislation that an application by the parent — that is, Pacific National — to use certain lines at certain times, to conform with the approved prices for the services as submitted to the ESC and the cost reflected back through the ESC and its ring-fenced subsidiary back to Pacific National, mean that Pacific National cannot afford to do business. They would get a double whammy of the cost of maintaining the system — of the cost of maintaining the ring-fenced group — and then the process through the ESC.

The legislation is complex and difficult. I looked for and did not see, and to date have not heard, any suggestion of the state government consulting or even taking advice from the provisions of the federal 1974 Trade Practices Act in relation to access of this kind. That is not in any way a criticism of Pacific National or the previous owners of the service, it is just a thought that the state government has come up with in its own

right and with its own authority with legislation in a very complicated way. I see no mention or thought in the legislation or the briefings or any other aspect of consideration of the benefits under circumstances like this where the federal Trade Practices Act may — I repeat, may — give some guidance.

Overall, we as the opposition are concerned also about the maintenance issue of lines. Maintenance is extremely important. A good rail service depends on modern and efficient locomotive and signalling equipment, excellent staff with a high degree of training, professionalism and several other things, but above all it depends on adequate and well-maintained lines. There is a question mark over the ability of Pacific National specifically to afford the high cost of maintenance to the required degree of technical assurance on railway lines that have a very low usage factor. Many lines in Victoria would be 100 years old or more and could be used in the Pacific National network. The question is: who, if not Pacific National, is going to maintain those lines where an occasional user may come along and want to use them? The issue of access by V/Line to the Pacific National network is interesting, because V/Line is required to pay for access to those lines it uses for passenger services.

So we come back almost full cycle to a number of questions. Are the costs calculated for access purposes on a line-by-line basis? Are they calculated on a freight or passenger-type or mixed-type service usage? What is the degree of competency, expenditure and technical quality of the maintenance factors on the statewide lines? What about the opening of other lines and the maintenance of them? If honourable members would care to do some research they would be quite interested to see the increased usage and revival of rail freight in Europe, in particular, with freight and high-speed passenger services. In North America there is a significant degree of new interest in moving people by rail with higher speeds and more modern equipment. This is a flow-on from several factors such as high-speed technology and the difficulties with airline congestion, safety and so forth through the terrorism profiles.

I would suggest that the key question of access in this bill is taken care of in a complex way, but several matters require further explanation by the government over a short period of time, and I hope those questions are covered. I have mentioned the cost of running the system and that one of the most important users is the Australian Wheat Board and other grain providers. We are particularly concerned that the rail system is put in place and maintained and that this access regime does work.

One of the benefits of a good, practical rail system for Victoria would be, amongst other things, the ability in the future to link it with the national standard gauge east-west route from Sydney across to the west. If that could be done it would be good for us to maintain, through Pacific National, the Essential Services Commission and other agencies, an ability in the future to consider the benefits for Victoria in linking to the east-west network.

The other aspect is that as we develop our Victorian mineral assets, which are mostly in the north-west and west of the state, access to ports and other factors will be extremely important. These are future major strategic infrastructure investments, but the maintenance of our rail network, its management, the cooperative relationship between Pacific National, the state government and the road network and the integration of those resources is extremely important. Also of importance is the desirability of linking Portland to the Geelong or Melbourne areas. That is a question for future governments to consider. It all hinges on the maintenance and the sustainability of a quality rail system over a great distance.

While Victoria is by its size a small state in the Australian context, it is a most important state not only because of the size of the domestic Victorian internal economy but also the important contribution that it makes to the national economy. Through this bill I would like to believe the efficiency of the transport infrastructure network of Victoria will be maintained. I would like to believe the supervision, services and the productive usage of our rail network will be enhanced by the legislation and the cooperation that is expected from Pacific National, through the system described, would be very helpful for the future of the state in the development of potential other providers of services. For instance, in the context of ports it has been said that in looking at the Western Port and Hastings area, one of the obvious difficulties is the lack of a rail system that could cope with high-volume containerised freight. That is one integrated but important aspect of a future rail system.

I suggest to members that this is an extremely important bill. It is helpful in the context that it allows access by others to be negotiated in an open and transparent way. It does not limit the ability of organisations and companies that want access to the rail lines from going direct to Pacific National's unit that is responsible under the bill. That is very helpful. As time goes by we will see increasing opportunities for enhanced use of our rail network. I am a strong supporter of that for many reasons. The complementary nature and usage of technology, such as improved rail usage and integrated

road services, offers good future potential benefits for our economy such as we operate it.

While we are not opposing the bill there are several issues that have been brought forward, such as the question of maintenance, the cost of the system, who is responsible specifically for what type of maintenance, the costs allocated to rail users and to the ESC discussions with Pacific National's group, and several other aspects, including line-by-line versus the broad cost allocations. We are disappointed that there has not been mention of some consideration of the legislative benefits of a complete study of the federal 1974 Trade Practices Act in the context of assisting the opening up of this issue. I am confident that Pacific National will be helpful and as a sophisticated organisation will use its best endeavours to bring about a good result with this plan to have a ring-fence arrangement where the relationship with the providers of the costs of the services is at arm's length.

I am sure that can work, and I am sure the intention of Pacific National will be to make it work. The legislation is quite clear. The bill also contains situations where the ESC is not hampered by unnecessary legislative burdens. There are section 85 provisions in the bill which clearly specify that the ESC is the only body with the responsibility and ability to bring appropriate penalty actions against those who may need that treatment. Overall, while it is a complex and difficult bill, with a lot of cooperation, goodwill and helpful intentions it will work, but I suggest that it will be a difficult one to operate if the costs of implementing this legislation are not handled well. We have no control over that leading up to the passage of the bill, but I suggest to honourable members that if, as I mentioned earlier, an application cost in the region of several hundred thousand dollars to get access to the rail lines, this bill would be a big disappointment.

In conclusion I shall briefly summarise by saying that we are supportive of the measures in the bill that validate the doubts and take away all of the cares concerning those doubts about the appointment of authorised officers to supervise the legalities, infringements and difficulties that can arise in the public transport system and its supervision. The opposition is not opposing the bill on the basis that it will, through its intention as directed, assist access to the rail infrastructure and make it clear to Pacific National that it is being invited to play its part in improving the competition of the transport network.

Hon. B. W. BISHOP (North Western) — I have much pleasure in rising on behalf of The Nationals to speak on the Transport Legislation (Further

Amendment) Bill. As the Honourable Ron Bowden said, the bill is basically in two parts. I shall run through the general purposes of the bill and then speak to those in more detail later.

The purposes of the bill are to reform the access regime contained in the Rail Corporation Act 1996. The reforms aim to implement a third-party access regime which is effective and efficient and which allows third-party operators access to the track. The bill directs access providers, in this case Pacific National, to provide the Essential Services Commission with an access arrangement which sets out standard terms and conditions of access, including price. The ESC will either accept this arrangement or provide its own access arrangement. Access providers will be required to ring fence the part of their business that deals with access requests which is below rail for their above-rail operations. The ESC will continue to arbitrate and decide on access disputes. The bill also addresses the validity of the authorisation of authorised officers who carry out investigation and enforcement activities for passenger rail, tram and bus companies. The Nationals do not oppose this bill, and in fact we identified these issues some time back. We took a bit of time to respond to the government's discussion paper on the proposed legislative framework for the reform of the Victorian rail access regime. I quote from our response to that paper:

The Nationals believe full and open access to the Victorian rail network is essential to drive down costs through competition and to maximise the use of the freight rail network.

I might say to the house, 'Here we go again'. We had an old scheme which we identified early on as being basically unworkable, and now we are having another go. What is frustrating to The Nationals is that it could have been fixed without this. That is an important point to make during this debate. The opportunity was there. We identified it, and we urged the government to act and buy back the remaining years of the lease that was put in place some years ago on a 15-year-by-three-times lease arrangement. We have been careful to say the government should buy back the lease. We believe there should have been a fair and reasonable commercial process put in place by the government when it had that window of opportunity. That would have solved the problem extremely quickly, and the problems of maintenance and signalling as well. Again I quote from our response to the government's paper on this issue:

The Victorian Nationals have argued that the only way to provide an open, transparent rail access regime in Victoria is

for the state government to buy back the remaining years of the current track lease.

This would provide full and open separation of responsibilities and allow the Victorian government to plan systematically for the future.

Any access seekers would not be dealing with a competitor but our Victorian government body charged with the responsibility of managing the track and most importantly maximising the use of rail.

Prior to the sale of Freight Australia to Pacific National there was a window of opportunity to the Victorian government to buy back the lease on the track.

However, the government ignored the buyback option and is now struggling to put in place an access regime modelled on the Queensland system.

And probably a bit of the Western Australian one as well. Our response continues:

The Victorian Nationals strongly believe that a full and open access regime is not achievable with a vertically integrated access provider, that is, if the track manager also operates a freight rail business.

We have been absolutely consistent in that view, and we maintain it to today.

Let us look at that this bill and at what is different from what we have done before. The last time around we had a bill that we assessed as a negotiate-arbitrate model. The person who wanted to gain access to the rail line would trot up to the access provider — it was then Freight Australia and now it is Pacific National — and say, 'Good morning', 'Good afternoon', or, 'G'day' to them. Then they would say, 'We want to run a train on your track'. Obviously the people who were leasing the track would most likely answer, 'Not likely at all. It is my track, and I will do the best to keep you off it'. That would be the commercial attitude they would approach.

The dispute resolution process was taken up by the ESC and the Supreme Court. We all know who wins when you go to court. I am not having a cheap shot but generally when you go to court not many people win except the legal profession. GrainCorp, which is the Victorian, New South Wales and now Queensland grain storer and handler — it also does a bit of marketing, and as a large organisation it runs trains in the New South Wales rail system, so it has some expertise in that area — would have liked to have had a go. If my memory serves me correctly it was thousands of dollars later under the old regime that it gave up, packed up and did not have another go. The old regime particularly gave the rail provider the opportunity to hang out and fight off the opposition.

We note that in the bill civil proceedings can be undertaken if the rail provider hangs back in relation to this issue. As we understand it, any proceeds of such action go to the minister and therefore into consolidated revenue. There is a bit of a stick in this bill to ensure the rail provider gets on with its part of the arrangement. We ask the question: what about the access seeker? Do they get any resources back for the time they have spent trying to get in there if the rail provider mucks the system around to such an extent that they get sick of it and leave? Is there any compensation for the access seeker?

There is a bit of history to this. All the time this was going on there was a brawl between the Minister for Transport in Victoria and the chief executive officer of Freight Australia, Marinus van Onselen. It went on for a fair while. Both are strong characters and neither would give in.

People said to me, 'What is the row about?', and it is often the case when you have rows in industry, or wherever you might have them, that it is hard to identify the source of the row. One of the suggestions made to us was that the Bracks government was having difficulty in dealing with private enterprise — that very hard edge that private enterprise presented to this particular industry. If that was the case, it was a perfect opportunity for the government to buy back the lease of the track when it had the opportunity. It could have solved the problem with the click of a finger and done that. So that whole situation led to an impossible position. It was made worse — and I suppose this was one of the triggers, as mentioned by Mr Bowden — when a bridge that was being constructed at Corio by VicRoads collapsed and fell on the track. The train line was closed and WorkSafe investigated the incident, and the minister's department, possibly under his direction, set upon Freight Australia and really gave it a tough time.

After that, from my observation, Freight Australia closed ranks and started to protect itself. There was a lot of criticism of Freight Australia at the time — criticism by the government, criticism by all and sundry, even the Independents — about maintenance not being carried out on the track because of the pedantic attitude of Freight Australia. In many ways you cannot blame Freight Australia because anything that happened on that track was its responsibility. So after that skirmish it protected itself and closed ranks and we got into a very difficult situation.

As that time rolled on, Freight Australia assessed the situation and bailed out. It sold up and left. Pacific National seized the opportunity because it is a good

business. There is no doubt about it, it is a good business. Also, if it gathered up the lease of the rail line as well that was previously in possession of Freight Australia, it gave the company a fair head start in maintaining what we would call a monopoly on the rail business on those lines. Of course when Pacific National came into the picture, it frightened the daylight of our freight forwarders around Victoria. People from Mildura, Swan Hill, Horsham, Warrnambool, Tocumwal and Gippsland areas believed Pacific National, being a huge organisation that had road, rail and port facilities, would put some pressure on them and squeeze them out. We have certainly had representations from those people all along the way in relation to this particular issue.

Let us have a look at what this bill attempts to do. The rail provider — in this case Pacific National — must provide the Essential Services Commission with an access arrangement, setting out terms and conditions and pricing of the access to the track. I guess the experts and bureaucrats will shudder when I say this — and it is an oversimplification — but if you wish to seek access, you should be able to go under this philosophy to the Essential Services Commission and check out the viability of running your train on that track. There should be a book of prices, a book of access per line. I would imagine that you can go in there and look at that without too much fuss and trouble and make your decision. We would hope that is the way it comes about. We have some doubts about that. If Pacific National do not do that, the Essential Services Commission will produce its own systems that people can have a look at and check out that viability.

There are a number of issues there that I wish to touch on. As I understand it, Pacific National is not allowed to use its sunk capital costs that are in there. I suspect most of those costs would have been attributed to the Victorian government anyway. I understand that it only applies to the line that is leased. Of course it can apply to train time scheduling, which might be a bit of a sleeper in this whole debate. If you are not in that whole bracket, you have to go back and negotiate and arbitrate in the model we had before, and that is at this point in time for the sidings and the track access into the freight forwarders areas and the accumulators, and it might be silos as well, so that has not been swept up in this process at this point. I understand that that is going to be addressed later on, but we have no information about that at all.

Due to our concern about this, and I might say our extreme interest in this, I would now like to move a reasoned amendment which we have been absolutely

consistent on portraying right through this whole debate. Therefore I move:

That all the words after ‘That’ be omitted with the view of inserting in their place thereof ‘this house refuses to read this bill a second time until the government consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed in the bill.

We do that in absolute good faith, and we do that because we have been consistent in this all the way through. As I have said before, if we go to a dispute in the industry in relation to this there will be a number of things to consider. One will be price, and that may well be the one that comes up first. There will be the capacity timetable which, as I have said, may be a bit of a sleeper in it. Then the bits that are not contained in this access arrangement as yet are the sidings, perhaps the silos and the freight accumulators area, and they have their own sidings as well. As we said, with the price, if it is not in the book, the ESC will have it. Again, in response to the paper that the government put out — and we were pleased the government put this paper out because it gave us an opportunity to respond to its views — The Nationals said:

Service planning is one area in which problems are likely to arise if a vertically integrated access provider is retained. Under the existing regime a vertically integrated access provider can discriminate against third-party rail operators by applying specific timetabling policies that prevent other operators from gaining access to the track.

This issue could be addressed by the creation of an independent panel that is responsible for resolving access disputes and granting access where the track manager has unreasonably frustrated the efforts of third-party operators to gain access to the track.

The government is proposing that the Essential Services Commission will be the key body responsible for arbitrating access disputes. The Nationals believe that these functions would be better served by an independent panel made up of individuals with prior experience of the industry and who possess an understanding of the issues that are likely to arise.

This issue is one of practical expediency. While the ESC has the power and expertise to provide pricing orders and monitor the access provider’s compliance with account-keeping rules, and is well positioned to make negotiation guidelines and capacity allocations principles, we believe it lacks the experience of the industry to be an effective arbiter of access disputes.

For this reason The Nationals support the establishment of an independent panel made up of industry representatives that could arbitrate access disputes and determine where applications for access have been unreasonably frustrated by the track manager. Under this model the ESC would remain responsible for the day-to-day monitoring of the access regime and the collation of information, but an independent panel of individuals with the relevant skills and prior

knowledge would oversee the resolution of the access disputes.

The ESC would be responsible for ensuring that Pacific National complies with the same standards, fee schedules and procedures to which third-party operators are subject.

Access disputes would be referred to the panel by the ESC and the panel would convene within a specified time frame to hear and decide the outcome of the dispute. The independent panel would report the outcome of any hearings of the ESC, which would remain responsible for the enforcement of any determinations made by the panel. This follows closely with the existing sections 24 and 26 of the Essential Services Commission Act 2001, which provide for the Essential Services Commission to delegate any function or power of the commission to a statutory authority or public body.

Under the act the commission retains exclusive access to the power to make enforcement orders, which is consistent with the approach taken here.

I urge the house to support our reasoned amendment. We believe it would make a big difference to fair and open access to Victorian railway lines.

Another big issue concerned us, but we understand that it will be sorted out in the access arrangements processes. That is the issue of confidential information that may need to be provided by the access seeker. If my memory is right, the last time around there were not any penalty provisions, but as I understand it penalties do apply in this bill. I quote from our response to the government discussion paper:

The Nationals have argued that the requirement that access seekers must provide consignee information to the access provider is an obstacle to competition and should be excluded from the reformed access regime. Paragraph 41 of the government’s proposed legislative framework notes that ‘DOI seeks detailed comments on what information should be regarded as the minimum necessary to be provided, particularly where that information relates to the consignee’.

The Nationals believe that under no circumstances should an access seeker be made to provide their client details to a track manager that also operates a freight transport business. Any such requirement would act as a deterrent to potential access seekers as a vertically integrated access provider is likely to use consignee information to its own advantage.

While the track operator may require details of cargo such as weight, type, et cetera, clients’ details are not essential for the safe and effective management of the track. The Nationals strongly believe that this should be reflected in legislation.

We certainly hope that is the case as the departments, the Essential Services Commission and Pacific National work through the finalisation of access arrangements. We urge that that particular issue be very carefully handled.

We made one other suggestion in response to the government paper, which we thought was important. I

note that it is not in the bill, and perhaps the government might give it some thought as it goes along the way. I quote from our response:

The Nationals believe there must be an annual audit of the access regime to ensure that it functions to generate on-rail competition, is performance driven, has strong corporate governance and allows effective, orderly and impartial review of access disputes. The audit would be conducted by an independent body capable of providing recommendations to government when improvements to the regime are required.

We believe that would be an excellent thing to have installed in the process.

I want to touch briefly on the issue of the rail provider ring-fencing information — or using China walls, as we used to call them years ago — provided to the ESC regarding the costs and details of their below-track operation so that the access seeker can make a decision on whether they wish to seek access. Putting these China walls and ring fences into place is a tough call in any organisation. We believe that that process should be carefully monitored to ensure that this information is kept as separate as possible from information regarding the rail operator's — in this case Pacific West's — above-rail operations.

It is interesting in looking at the bill to see what industry thought of it. As usual The Nationals consulted widely through the people we deal with on a regular basis. I refer to one of them. One of our respondents, an expert in rail access and in the rail freight industry, said in response to me:

In essence the proposal is simply a giant bandaid on what is rapidly becoming a very unhealthy wound. It may prove fatal.

It has become so complex that it goes beyond the comprehension of the ordinary man. This always signals danger. It means that only lawyers can sort it out or understand it!

... Victoria is no longer a place to do rail business. Companies do not like the look of this and are taking decisions to go interstate. It will push up the cost of doing business; it is driving investment away and also will result in a number of the current inter-modal terminals shutting down.

That is a very negative response from an industry person whose judgment I have a lot of faith in. Let us hope it does not work out that way, but that is their view on this bill.

All the people we work with really want this to work. They want a multimodal transport system that can compete well between road and rail, and rail and rail operators. We need to put it together carefully. If we get it right — we have extreme doubts about the bill getting it right — it will be a great system. We have seen the

multimodal processes in place and there are good examples all over the state.

I work quite regularly with Wakefield Transport at Merbein, which accumulates all sorts of products and produce, stores them, consigns them, packs them into containers and runs a train a day to the port of Melbourne; some of its containers are refrigerated. It is a great operation, but there are many more around the state. That is what we should be striving for — a highly efficient railway operation that can be multimodal with the road trucks accumulating the products. It could be a lot better if the rail standardisation and upgrades had proceeded as the government had trumpeted in 2001–02 when \$96 million was allocated to that task. A bit of that money was spent on the port, I concede, but nothing has been done in standardising and upgrading the railway lines. If you look at the government's promises at that time, it would be finished now in 2005, but we have not seen a spike driven as yet.

It is absolutely crucial it goes ahead and in an effort to kick-start it, the federal government allocated \$20 million to push it along. I do not believe anything much has been generated from that at this point. I give an example of how important it is to have the track upgraded and standardised, particularly upgraded, in relation to freight. From Mildura it takes about 17 hours to get to the port. Just think of the efficiencies we would save if you could break that down to, say, 10 hours so you would have one engine and drop off a rake of trucks and turn around and come straight back — a rotating exercise that was highly efficient and world class, and one that would stand us well for the future.

The Honourable Ron Bowden mentioned the vision a number of us have of a rail link to the north, to link up with the transcontinental railway and give us access to Darwin, which will become essential over time. Obviously that would suit Mildura and it could be a huge transport hub where products from all over Victoria and New South Wales could be accumulated, marshalled and moved on in an efficient and practical manner.

The bill also deals with the issue of authorised officers. Without going into detail on that issue, we understand there was an alleged offence committed and a particular gentleman was charged with, as I understand it, 13 offences. It went to the Magistrates Court and a number of charges were dropped and some retained. Obviously it would have opened up the system, so the bill will remove any doubts about that. It will retrospectively cover authorisation of individual

officers, authorisation of companies and the Department of Infrastructure.

We are advised that the particular court case will be exempt from this legislation so it does not impinge on that. In April 2005 there was a temporary accreditation put in place for 12 months which we are advised covers the various tram, train and bus companies. In effect, what this section of the bill does is cover retrospectively government inspectors prior to 1999 and franchise-holders and sweeps it all up in one bill, which should put the issue beyond doubt.

I wrap up The Nationals' stance on the major issues I have addressed in this bill. We fervently hope the process works but we doubt that it will. We believe that if the government had taken the opportunity of buying the remaining years of the track lease back the problem would have been resolved, and we would have a really good system to operate in Victoria. We honestly believe Pacific National bought the business to have it successful. It is a successful company and is a great transport organisation, but the system means they have a monopoly, which we hope this bill will alleviate.

We hope the process works; we believe very strongly that the rail system in Victoria deserves the best deal it can get. It is hugely important to all of us, particularly people in country Victoria. We want to compete with the road transport industry and have it work as a multimodal freight industry so we can get world best practice in place. We are nervous about how the bill will work. We hope it works and will watch with interest the operation of the new process, and we urge all members to support our reasoned amendment.

Ms ROMANES (Melbourne) — I am speaking on the Transport Legislation (Further Amendment) Bill and the reasoned amendment. Firstly, there will be a government amendment in the committee stage to remedy a technical defect in the second-reading speech. That technical defect relates to a second section 85 statement which was incorporated in *Hansard* through the second-reading speech but was not orally uttered by the minister.

I will go firstly to the clauses that relate to authorised officers. The government is acting to reinforce the powers of authorised officers under the Transport Act following the result of the recent court case *Arachichi v. Clarke*, which was heard in the Melbourne Magistrates Court in February and raised issues regarding the powers of authorised officers — in particular, the method of delegation of those powers.

The government has introduced legislation to address any historical issues regarding public transport fines and to remove any doubt regarding the powers of authorised officers. The bill amends the Transport Act to validate the appointment of authorised officers and actions taken by them for the purpose of enforcing transport and ticketing laws.

The period covered by these amendments dates back to 1 July 1983 when the Transport Act was enacted. The bill also validates the accreditation of passenger transport companies and bus companies and the actions taken by them during the period they were arguably not validly accredited under the act — the period covered by these amendments dates back to 24 August 1999.

The bill also has in it a section 85 statement which restricts rights of appeal to the Supreme Court and the action the government is taking is to close perceived loopholes and persistent legal attacks on the public transport compliance regime which threaten to undermine strong public support for a firm but fair penalty regime.

The aggregation of fares that come into government revenue relating to public transport are in the order of \$250 million per annum, and that is a significant amount of money that the government seeks to protect. It relates to public transport and can be used productively to enhance the transport system, hence the government's desire to close any loopholes through the bill before the house today and to protect that source of revenue.

The part of the bill that I feel very passionate about is the rail access regime, because the bill reforms Victoria's rail access regime and provides a framework under which third-party rail operators will be able to use Victoria's rail infrastructure that is owned or controlled by others. I feel passionate about this because it is an issue that has been smouldering for some time and the bill provides the opportunity to bring into effect a workable third-party access regime. That is part of a broader strategy to revitalise Victorian rail across the whole state. The Bracks Labor government is undertaking reform of rail infrastructure and associated services at a level not seen for the last 120 years. That strategy includes regional fast rail, the Spencer Street Southern Cross station redevelopment, the reopening of country passenger lines, the renegotiation of public transport partnerships, the Flinders Street concourse rehabilitation, the upgrading of the Dynon Road rail link, the electrification of Craigieburn and the building of Marshall station.

The bill seeks to redress and fix up the mess left by the previous coalition government. That government, let us remember, ignored rural and regional Victoria and treated it with disrespect. It closed schools and hospitals and cut services across the state. Rail in particular was badly affected, because that government was more interested in closing down and selling off rail lines than in investing in Victorian rail for the future. That is exactly why we are debating this bill today, because it sold off the tracks and left our rail freight services in the hands of a private monopoly, abandoning regional Victoria to the vagaries of freight market forces in this state. Under the previous government's privatisation arrangements Freight Australia was given control of the tracks for 45 years.

The access regime that the previous government put in place has failed and failed miserably. It has been proved over the past five years that with a monopolistic rail operator no other rail operators have been able to compete and gain fair access to the track. That is because Freight Australia, which in the past had a monopoly on the control of the track, had an unfair advantage in negotiations. Despite all the efforts to unlock that control, GrainCorp found the price too high and turned away. As Mr Bishop and I commented earlier, other possible third-party users of the track felt totally discouraged from even attempting to get access to the track.

In stark contrast to the previous coalition government, which left a mess behind, the Bracks government recognises the importance of rail and improved competition for access to rail infrastructure in Victoria. When Freight Victoria was sold to Pacific National last year, the Bracks government was determined to ensure that conditions were placed on that sale to secure capacity, including terminal space in the Dynon precinct, for other operators to enter the Victorian market and to service the port of Melbourne. Also the government ensured by that deal that the future of regional freight terminal operators was secure and a clear commitment was given to reform the rail access regime.

The speaker for The Nationals, Mr Bishop, suggested that that was the time to buy back the tracks of Victoria. That would have come at a very heavy price and would have meant that the people of Victoria would have paid heavily for the mistakes of the Kennett government. What the Bracks government has determined to do is ensure that the right conditions are in place to make the system workable, to make competition possible and to encourage investment in the network. This will then mean increased use of rail and an increased share of the freight task by rail in this state.

To set in place the certainty and the terms and conditions that will achieve a more competitive regime, the provisions of the bill set out to provide that access under a number of conditions. The bill now provides a new model for determining terms of access to infrastructure, which will provide greater certainty for prospective access seekers. That will provide for pricing orders as set out in an order in council. The pricing orders will include standard terms and conditions which those who wish to tender for access to and use of tracks can use.

Previous speakers raised the concern that it was going to cost third parties hundreds of thousands of dollars, maybe \$700 000 or \$800 000, to access the track — to mount a case, put in their tenders and go through the processes. I want to assure the members of this house that the provisions in this bill are designed absolutely to obviate those sorts of costs and to provide standard terms and conditions and pricing which will make it easier to access the track. Any non-standard extra services are able to be negotiated, but the vast range of services will be priced under a standard pricing policy. That is very important.

A question was also raised as to who will maintain the underutilised tracks which are across the system. I want to remind members of the house that a discussion paper on the pricing options has been released by the government and the Essential Services Commission, and those issues in greater detail are still under consideration with the opportunity for all stakeholders to have some input. Further provisions of the bill provide for new rules and guidelines by the Essential Services Commission (ESC) that will cover account keeping and ring fencing, so that the new owner, Pacific National — which does have associated entities above and below the rail business — can be held to account in terms of providing proper competition with other access seekers. The rules and guidelines cover capacity use, network management rules and negotiation guidelines. There are interconnection provisions that set out new rights and obligations that are intended to facilitate the interconnection of railway sidings or railway tracks that are owned or operated by an access seeker to an access provider's railway track.

There are dispute resolution procedures which provide the framework for the resolution of access regime disputes. There is a limit on appeals to and review by the Essential Services Commission, but that is to facilitate quick resolution of disputes. One of the factors that got out of hand in the previous regime was the long disputes about access which took place and which in the end made it ineffective. Confidential information obligations will apply to an access provider in relation

to information provided to it in confidence by an access seeker, and these systems and rules will be approved by the ESC. Enforcement provisions will provide that the ESC may bring civil proceedings in respect of a penalty provision. The ESC can set charges, which may include a return on capital for any investments by the access provider, Pacific National. That responds to Mr Bowden's concerns about the cost of maintenance of the track across the state and how it will be funded.

As I said, further work is required to be undertaken in a range of areas, including the finalising of pricing rules and the establishment of guidelines, but with this bill we have the prospect of a workable third-party access regime which has been completed in consultation with industry and which will continue to be further refined with industry and other stakeholders as time goes on. We in this state are already two-thirds of the way towards our objective as a government, which was outlined by the then Minister for Ports two or three years ago, of having 30 per cent of freight moved from the ports to rail by the year 2010. We have moved from 10 per cent at the start of this government's time in office to 20 per cent, so we are well on the way to further increasing freight by rail. This bill will assist in that task, and I commend it to the house.

Hon. J. A. VOGELS (Western) — I want to make a few comments on the Transport Legislation (Further Amendment) Bill. One of the purposes of this bill is to reform the rail access regime to allow third-party operators access to the track. The Essential Services Commission will be the arbitrator if Pacific National has access disputes with other interested stakeholders or third parties.

Victoria's rail system is in a mess, and in hindsight I have no doubt that the decision in the 1990s to privatise our rail and track system was not one of the smarter decisions made by the Kennett government.

Hon. Andrea Coote — What?

Hon. J. A. VOGELS — I come from country Victoria, and I do not think it was one of the smartest decisions that was made. I actually believe that rail freight especially — not so much the passenger side — is so very important for country Victoria. I live down at Scotts Creek, and there is a Bonlac factory there. In 1997–98 — quite a while ago, but the dairy industry is still a vibrant industry — Bonlac was sending about 160 000 tonnes of product out of that factory by road to the ports to be exported. A railway line goes right past the factory, but it was closed. To me the sensible thing would have been to put the freight in containers and send it by rail to Melbourne to be exported. That would

have taken 160 000 tonnes of product off the roads. If you work that out, that is about 500 tonnes a day, or probably 15 semitrailer loads, which were leaving that factory daily. We know what our rural roads are like — they are struggling as it is — so I do not think it was a smart move. In any case, that is with the benefit of hindsight.

What disappoints me, though, is the response from the Bracks government since it has been in power. When I was a member of the lower house I listened with great interest in 2001 when Treasurer John Brumby in his 2001–02 budget promised \$96 million for rail standardisation in the Western District. We know how important that would be, because there is Iluka sandmining, there is grain, there are logs and there are all sorts of things that could be heading to the port of Portland. However, money is needed to standardise the railway system in south-west Victoria. Four budgets later still nothing has happened. The \$96 million —

Hon. T. C. Thephanous — What happened to the matching funds?

Hon. J. A. VOGELS — I do not know where that \$96 million has gone. I think in this budget it says the government will have another look at it, have another feasibility study. I think it has a few million in the budget to conduct another study. What we seem to do most of the time in relation to this rail system is have legislation come into this Parliament — I do not know how many times we have had bills brought in — with lots of spin and a lot of media releases but with the end result that very little happens. Einstein's definition of insanity was continuing to do the same thing and expecting a different result. It appears to me that this is what we are doing.

Hon. R. G. Mitchell — Vogels's theory.

Hon. J. A. VOGELS — No, it is actually Einstein's. This \$96 million for standardising the rail was obviously promised in the 2001–02 budget, just before the 2002 election, so you do not have to be Einstein to work out why it was promised then, and you do not have to be Einstein to work out that next year there will be more promises when another election comes up. In north-western Victoria we have the north-west municipality group and Cr Peter O'Rourke from the Ararat Rural City Council. I do not know how many times he has come to Melbourne over the past 8 to 10 years. He is dedicated to getting rail standardisation up in that area.

Peter is no longer a councillor; he retired at the last election. Geoff White from Glenelg has taken over that

responsibility and he is coming to Melbourne on a regular basis, meeting with transport people, the department and basically banging his head against the wall. Those people are getting very frustrated, and so they should be because I am a great believer that if you make a promise you keep it; otherwise you should not make a promise in the first place. That is the only issue on this bill that I wanted to talk about. Let us hope this legislation works and is not another bandaid. It is time we stopped the rhetoric and actually had some real action.

Hon. R. G. MITCHELL (Central Highlands) — I rise to speak in support of the Transport Legislation (Further Amendment) Bill. This bill provides an introduction of a workable third-party access regime in Victoria to encourage rail competition which is critical to the success of our grain and other export commodities that we produce in Victoria. The government foreshadowed these changes when it approved the transfer of the lease over the intrastate rail network to Pacific National in August 2004. The bill reforms Victoria's rail access so that it provides a framework under which a third-party rail operator will be able to use the rail infrastructure that is already owned and controlled by another. Our government is committed to providing a workable regime as part of a broader strategy to revitalise Victorian rail across the whole of the state.

We outlined in our election commitments that we would rebuild confidence in regional Victoria after the seven dark years of the conservative regime — a regime that considered and spoke about country Victoria as the toenail. We are doing this with a number of initiatives including regional fast rail, which is vital to the repairing and rebuilding of the infrastructure that was neglected under the Kennett government. We have a government which is committed to undoing the damage and moving forward in the redevelopment of projects like Spencer Street station and re-opening rail passenger services which we know are vital for our regional development. As part of our commitment we are renegotiating the transport partnerships and upgrading the Dynon Road rail link, which is the cornerstone of freight delivery and distribution across the state to other states, intrastate and, of course, to our export markets. Our rail revitalisation also includes electrification of the Craigieburn railway line. The member for Yuroke in the other place, Liz Beattie, should be congratulated for delivering this outcome which has been a long time coming.

This bill seeks to fix the mess left by the previous coalition government. In so many areas the former government ignored rural and regional Victoria and

treated it with great disrespect. It closed schools and hospitals and cut services everywhere. In particular it was more interested in selling off the railways to foreign companies in the middle of the night in one of its shady little deals than considering the interests of Victoria. It sold off the tracks, left our vital rail freight in the hands of a private monopoly and totally abandoned regional Victoria. Under its flawed arrangement the access regime that this previous government designed failed miserably. Under that regime no other rail operator was able to compete.

That is in stark contrast to the Bracks government, which is acutely aware of the vital importance of rail as competition increases in Victoria. So when Freight Australia was sold to Pacific National we ensured the sale meant there would be conditions which secured capacity so that the Dynon precinct could be used by other operators to service the port of Melbourne. We ensured the future of regional freight terminal operators with a clear commitment to reform the rail access regime. We are doing this with the part of this bill that provides a new model for determining terms of access to infrastructure. This will provide a far greater certainty for prospective access seekers dealing with the access providers.

We know that through this bill the prices will be required to be consistent with the requirements in pricing orders set out in the order in council. Dispute resolution procedures which provide a framework for the resolution of access regime disputes will have enforcement provisions to provide that the ESC may bring civil proceedings in respect of a penalty provision. It was interesting to hear The Nationals say in debate that we should buy back the tracks at a cost of \$45 million — and I am sure if you read through the contracts you will find it is a little bit more than that. The house will also recall the \$7 billion that the Liberal economic vandals on the other side of the chamber want to pay to buy back a road project. From those comments it is quite obvious that what we say would happen is going to come true — that is, if the opposition ever gets its hands back on the controls of Victoria, we will return to the same old, dirty, dark ways of selling off our assets, closing our schools and hospitals and cutting services and police numbers. The state will return to what happened during the seven dark years it experienced under the Kennett coalition!

This is a fantastic bill. It aims to fix up a mess that those opposite created and now shy and duck away from. Mr Dalla-Riva in his interjection said, 'Get over it'. That is a great thing to say from someone who claims to be the saviour of the Liberal Party. He never apologises for anything done by the former government. The

opposition has not learnt a thing. At least Mr Vogels had the honesty — and it is very rare on that side of the house — to admit that the Liberal Party had made a blue when in government; that it had done the wrong thing. He was honest enough to stand up and admit it. The rest of the members squirm and hide under their little rocks and do not admit to mistakes made by the former government which caused many problems for rural and regional Victoria. As I said, this is a fantastic bill. The minister should be commended for having the foresight to introduce a bill that will fix up the mess created by those on the other side of the chamber. This bill deserves a speedy passage.

House divided on omission (members in favour vote no):

Ayes, 22

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr (<i>Teller</i>)
Buckingham, Ms	Nguyen, Mr (<i>Teller</i>)
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	Viney, Mr

Noes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr (<i>Teller</i>)	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr (<i>Teller</i>)	Vogels, Mr

Pair

Jennings, Mr	Hall, Mr
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Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms BROAD (Minister for Local Government) — In addressing all of the amendments which will be moved as we come to the relevant clauses, I wish to indicate that the government regrets that this is necessary as a

result of the omission of the reference to the second section 85 statement in the second-reading speech. These amendments are designed to address those matters and to ensure that the bill is then restored to the government's original intention and as passed by the Legislative Assembly. That is all that I have to say about the amendments that have been circulated. In the first instance, I move:

1. Clause 1, page 2, line 22, omit "Part." and insert "Part;".

Amendment agreed to.

Ms BROAD (Minister for Local Government) — I move:

2. Clause 1, page 2, after line 22 insert —

"(c) to amend the **Constitution Act 1975** in relation to an amendment made by this Act to the **Transport Act 1983**."

Amendment agreed to; amended clause agreed to; clauses 2 to 8 agreed to.

Heading to part 3

Ms BROAD (Minister for Local Government) — I move:

3. Part 3 heading, page 88, line 1, after "1983" insert "AND THE CONSTITUTION ACT 1975".

Amendment agreed to; amended heading agreed to; clauses 9 to 15 agreed to.

Clause 16

Ms BROAD (Minister for Local Government) — I move:

4. Clause 16, omit this clause.

Hon. R. H. BOWDEN (South Eastern) — The opposition is not opposing the amendment, but we are disappointed at the close timing and rapidity with which this has been brought into the chamber. I seek an assurance from the minister that the clause is a technical need to make sure that the functioning of the bill in relation to the constitution is technically acceptable. I would like to record my disappointment at the close timing and the very late arrival of this amendment.

Ms BROAD (Minister for Local Government) — I am certainly happy to give that assurance to the member and again indicate that the government regrets that this has been necessary and these matters will be addressed in the future.

Amendment agreed to.

Clause negatived.**New clause**

Ms BROAD (Minister for Local Government) — I move:

5. Insert the following New Clause to follow clause 15—

‘AA. Constitution Act 1975 — amendment of section 85

After section 85(13) of the **Constitution Act 1975** insert —

“(14) Section 246CZC of the **Transport Act 1983** (as inserted by section 15 of the **Transport Legislation (Further Amendment) Act 2005**) alters or varies this section and has effect as a direct amendment of this section.”.

New clause agreed to.**Long title**

Ms BROAD (Minister for Local Government) — I move:

6. Long title, after “1996” insert “, the **Constitution Act 1975**”.

Amended long title agreed to.**Reported to house with amendments.****Report adopted.***Third reading*

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a third time.

In so doing I thank all members of the house for their contributions, and I thank members for their cooperation, particularly during the committee stage.

The PRESIDENT — Order! I am of opinion that the third reading of the bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.**Members having assembled in chamber:**

The PRESIDENT — Order! I am of opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may ascertain whether the required majority has been obtained, I ask those

members who are in favour of the question to stand in their places.

Required number of members having risen:**Motion agreed to by absolute majority.****Read third time.***Remaining stages***Passed remaining stages.**

**CHILDREN AND YOUNG PERSONS
(MISCELLANEOUS AMENDMENTS) BILL**

*Committee***Resumed from earlier this day; further discussion of clause 41.**

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand that the last time we spoke about clause 41, during the last committee stage, I informed members in some detail about those matters. I understand since that time there has been some briefing of the members in relation to clause 41 so as to clarify some of those matters which I raised in terms of the description of some technical matters pertaining to clause 41.

I reiterate that the reference to restitution in the minister’s second-reading speech refers only to an amount of money that may be ordered under section 84(1)(c) of the Sentencing Act 1991. I understand that will clarify for members what has been discussed during the committee stage and the lack thereof of any clarity in relation to the second-reading speech on clause 41. I hope that assists members in some way. I understand that they have been provided with the detail I referred to earlier in committee. I hope that will assist them in digesting and considering clause 41 as an appropriate clause within the context of the bill.

Hon. C. A. STRONG (Higinbotham) — I thank the minister for that clarification and also thank him for his forbearance and tolerance in reporting progress twice in committee and for the government making available an opportunity for us to seek clarification with the aid of Ms Mikakos and the officers in question. We certainly did have concern about the issue of restitution and about the fact that the words in the minister’s second-reading speech could quite easily have been construed as limiting restitution to \$1000, and a clarifying statement made by the minister that restitution will only be limited to \$1000 will only apply

to section 84 (c) to the Sentencing Act clears that up without any question.

This has been an excellent committee because it has allowed a clarification of this issue which will be of benefit to an understanding of the bill. In conclusion — —

Honourable members interjecting.

Ms Hadden — On a point of order, Chair, there is a lot of conversation on my left. I said ‘Shush’ to the member and he told me to keep my mouth shut. I am having great difficulty — —

The CHAIR — Order! There is no point of order. I have asked both Mr Pullen and Ms Hadden to desist from creating extra noise in the chamber, and I ask Mr Strong to continue.

Hon. C. A. STRONG — In response to the minister’s notes, which he kindly made available to us after reading some 22 points into *Hansard*, I want to make some very brief comments on the issues raised in points 7, 8, 9 and 10. They go to the issue of the extent to which the Children’s Court can order compensation and costs against an offender. These are capped at \$1000. This is totally unnecessary and it fetters judicial discretion.

The minister’s comments in those points 7, 8, 9 and 10 do not really further that debate because quite clearly whoever is presiding over a case in the Children’s Court will take into account all the issues of an offender’s ability to pay in setting what is a fair level of compensation. It is unfortunate because although in many cases young people do not have the ability to pay large amounts in compensation, and therefore to limit it is appropriate, that is a decision the judge will make at the time of sentencing. There are quite clearly many cases where young people have the means — they are coming into an inheritance or whatever — to adequately compensate victims. This flies very much in the face of a lot of government rhetoric about looking after victims of crime and seeing they are adequately compensated. We continue to disagree with the \$1000 cap. We see it is unnecessary simply because the judiciary is able to come up with what it thinks a child can pay.

I conclude by reiterating this has been a good committee process as we have clarified one issue which will be of benefit, and I would like to put on record my thanks to the minister.

Ms HADDEN (Ballarat) — I also wish to acknowledge the assistance of the Minister for Sport

and Recreation on this bill. It is a very important bill because it impacts on young offenders and victims who have been victimised by young offenders. I am pleased we have been able to reach a decision by consensus as that provision has been clarified by the minister. Although it is unfortunate it does not form part of the bill, at least the clarification in *Hansard* will assist lawyers and the judiciary in the future if there is any concern in relation to the \$1000 cap.

I reiterate my position that I do not approve of any fettering of the court’s discretion and this is certainly what is going to happen with clause 41 where a court is having its discretion fettered in relation to ordering compensation or costs or monetary restitution upon an offender. I also note that this committee stage has been important in that it has encouraged the government to clarify the second-reading speech in relation to clause 41. In fact it has backtracked on its position in relation to capping restitution per se. I certainly want that noted. My position in relation to capping is that I am not satisfied it will result in the rehabilitation of an offender nor is it in the long-term interests of the community. I am not sure that the capping of a maximum amount an offender can be ordered to pay under part 4 of the Sentencing Act will be in the long-term interests of the offender or the community. I have asked the department adviser to note that the issue of the proposed rehabilitation and the policy behind the clause needs to be monitored to see that in fact it achieves the purpose of rehabilitation. I am not confident it will.

Clause agreed to; clauses 42 to 62 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the bill be now read a third time.

In doing so I wish to thank honourable members for their respective contributions and their glowing endorsement of the minister’s generosity.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUDGET PAPERS 2005–06**Debate resumed from 24 May; motion of Mr LENDERS (Minister for Finance):**

That the Council take note of the budget papers 2005–06.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased to make some comments on the budget this afternoon. The introduction of the appropriation bill in the other place marks the first time that this Parliament is being asked to appropriate more than \$30 billion for the running of the Victorian government. Over the life of this government since 1999 expenditure by the state government has increased more than 56 per cent. When the Bracks government came to power in 1999 the Victorian government was spending \$19 billion, and in six short years we have seen that blow out to more than \$30 billion.

Last evening it was interesting to watch the reaction of the Minister for Finance, Mr Lenders. I noted that he was listening intently to some of the opposition contributions on the budget and was expressing exasperation at the fact that opposition members were commenting not only on the level of expenditure by the government but also on the need for additional services. I know that Mr Lenders has a keen eye on the budget bottom line, but the point I would emphasise to him is that it is the concern on this side of the house that the money that is being appropriated through this budget is not being spent efficiently. It is my observation that this government has for the past six years focused more on the level of inputs rather than on the outputs it achieves.

You need only reflect on comments that are made by members of the government. This morning we debated the Deputy Leader of the Opposition's motion on young people in aged care facilities, and government members spoke about what the government has done for the health system. I think Mr Viney spoke about the extra resources in dollars that have been put into health and about the 4000-odd nurses that had been added to the health system. What he did not speak about was what had happened to the outputs from the health system. He did not talk about improvements in the level of clinical care, and he did not talk about improvements in the number of patients treated. The focus of this government has consistently been on what we spend on things rather than on what we get for our expenditure. It is for that reason that members of the opposition have been raising this, and I am sure that in his heart of hearts that is something the Minister for Finance would be acutely aware of and perhaps something he would do well to emphasise to his colleagues on the government benches.

Yesterday I listened with interest to contributions of government members on the budget, and one I would like to pick up was the contribution of Mr Eren, who spoke at some length about what the government has done with speeding fines. He defended the government's collection of speeding fine revenue on the basis that it is contributing to road safety and on the basis that the emphasis this government has placed on speeding fines has improved road safety. In making that point Mr Eren ignored the fact that for the last two years the road toll in Victoria has been increasing. From a base of 330 deaths on Victorian roads in 2003 we saw an increase to 345 for calendar year 2004, and regrettably yesterday the road toll for this year stood at 157 and is on track, if that trend continues, to hit 400 by the end of 2005 — an increase of 70 over the figure reported in 2003. Despite the rhetoric from the government, there has been a reversal in the road toll in the last two years, and we have seen two years of increases. It is quite clear that the emphasis on speeding enforcement has not had the impact on the road toll that the government claims.

I also pass comment on the government's decision to hypothecate the speeding fine revenue into a road safety trust. That is something that has been done as a reaction to the public outcry at the level of speeding fines here in Victoria. People are not happy that the government has apparently — and I say 'apparently' because they will not indicate the true situation — cut the tolerances on speed cameras from the original 10 per cent to 1 or 2 kilometres an hour, depending on which camera is where and who is operating it. The true situation is unclear. In response to the public outcry, the government has hypothecated the revenue to the road safety trust and said, 'We will spend this money on road improvements'. The only problem with that is that it then follows that the funds the government will spend out of this trust fund for road safety improvements will be dependent upon people committing speeding offences. If no-one speeds there will be no money in the trust and therefore no money will be spent on road improvements. So while the government has introduced this measure to get around the public difficulties it is having, the ultimate extension of that is quite nonsensical.

The other area I pick up from yesterday concerns Mr Hilton's contribution. Mr Hilton spoke at some length about the allocation of GST grants by the commonwealth to the states. He pointed out the inequities that exist in the allocation of grants across the states and the fact that both New South Wales and Victoria are subsidising the rest of the states. Under the formula for the allocation of GST grants, New South Wales and Victoria subsidise the other states and

territories. Mr Hilton called on the commonwealth to do something about it. He said it was the fault of the commonwealth that this situation existed. It would have been more appropriate for Mr Hilton to call for all the Labor premiers and chief ministers in the states and territories around Australia to get together and agree on how this money should be divided up. Victoria and New South Wales are subsidising other states because people like Peter Beattie in Queensland will not agree to come off the drip feed subsidy from the southern states, and so it is with the territories and with Western Australia and Tasmania. This will be resolved not through the commonwealth stepping in but through the agreement of all the premiers and chief ministers, all of whom head Labor governments, reaching agreement as to how these funds will be distributed. I am sure as soon as the chief ministers and premiers reach that agreement, the commonwealth government will be more than happy to allocate the grant revenue in accordance with that agreement.

I now move to the issue of what this budget delivers for my electorate. I will touch on a couple of items. Firstly, there was an allocation of \$3.2 million for the Dandenong Development Board. I have to say the decision to allocate this money over three years with an additional \$1 million a year for the next three years, in addition to the current funding for the board, which was \$3 million over the last three years, has raised questions in Dandenong, because the people of Dandenong do not know what the Dandenong Development Board is doing for them. There is great concern that the Dandenong Development Board is sucking up \$1 million per year but is failing to deliver anything of tangible benefit to the people of Dandenong. There is now a real feeling that this money would be far better spent if it were delivered locally for spending on local infrastructure rather than being filtered through the board.

The board's annual report for last year indicated that of the \$1 million it receives a year, roughly half is taken up in salaries and administration. From memory I think there are 9 members on the board, of whom 7 or 8 are bureaucrats — either from the council, the Department of Infrastructure or Major Projects Victoria. It is another layer of bureaucracy that has been put in place and it is failing to deliver for the people of Dandenong. I have written to the Auditor-General asking that he undertake a performance audit so that the people of Dandenong have a clear indication of exactly what the Dandenong Development Board is delivering for them.

The other area I would like to touch on also relates to Dandenong. It is the allocation of \$25 million to review and examine options for public transport in the

Dandenong rail corridor. I have to say that \$25 million is a lot of money to spend to 'review and examine'. The City of Greater Dandenong could achieve a great many things for the greater Dandenong area, rather than spending \$25 million on examining and reviewing.

Mr Somyurek — It is for the growth corridor, not just Dandenong.

Hon. G. K. RICH-PHILLIPS — Mr Somyurek talks about the corridor, and I accept that it is the corridor, but that does not alter the fact that \$25 million is a lot of money to spend on reviewing and examining.

Mr Somyurek — It is a big area; it is the third fastest growing area in Australia.

Hon. G. K. RICH-PHILLIPS — It is the fastest growing area in Victoria and the third fastest, or thereabouts, in Australia, and that money could be well spent on infrastructure. This is not a new problem, and the demand in the area is known. This money would be better spent on delivering infrastructure rather than merely on examining things.

The other areas I will touch on relate to local issues for the east of the electorate. The first is the Tivendale Road–Princes Highway intersection in Officer. This budget fails to provide any funding for signals to be installed at that intersection. Last Wednesday night a delegation from Officer met with the Minister for Transport in the other place. Even before considering the extensive submission made by the delegation, the minister made it very clear that there would be no VicRoads funding within five years to have signals installed there. It was a great disappointment to the people of Officer that yet again they were ignored by this government.

I turn to two other projects in the eastern end of the electorate. One is the installation of signals at the intersection of Enterprise Avenue and Clyde Road, which is a major intersection immediately south of the railway line in Berwick. It is a very congested area because of the convergence of heavy traffic out of that intersection — traffic that is blocked by the railway line. The community has resolved that it wants temporary traffic lights installed, but the Minister for Transport in the other place has said that funding will not be provided. The community has been told by VicRoads that the cost would be \$1.5 million. Local traders are endeavouring to raise some of those funds, but they are not getting any help at all from —

Mr Somyurek — Do you know Chisholm is also moving in there?

Hon. G. K. RICH-PHILLIPS — Mr Somyurek says Chisholm is moving in there, but had he visited that part of his electorate he would know that Chisholm has been there for about five years. Again VicRoads and the minister are ignoring the need for funding of work at that intersection.

The other area I would like to touch on is the provision of sound barriers on the Monash Freeway between Clyde Road and Princes Highway East in Beaconsfield. When Dale Wilson, now the member for Narre Warren South in the other place, was a candidate he said he would take up this issue. He gave a commitment that if the Bracks government were re-elected in 2002, it would deliver on sound barriers for that section of the freeway, where no barriers had been installed. Subsequently the government has refused to install those barriers.

Mr Somyurek — He has lobbied.

Hon. G. K. RICH-PHILLIPS — Mr Somyurek says by interjection he has lobbied. The issue is that he promised they would be installed and the government has not delivered on his promise. The Minister for Transport in the other place has ignored the people of Beaconsfield. The issue has been handballed to the member for Gembrook in the other place, who has now in her latest letter handballed it back to the member for Narre Warren South in the other place. In this year's budget the government has removed the program for the installation of retrofitted sound barriers, so while they had a chance of getting them last year when there was a program, this year's budget indicates there is no program for the retrofitting of sound barriers. It seems that the prospect of the people of Beaconsfield getting their sound barriers is now all but non-existent.

In conclusion, this budget is somewhat disappointing for the people of Eumemmerring Province, despite it being the fastest growing area in Victoria and the third fastest growing area in Australia. There is very little provided in the budget to meet its growth needs. No new schools have been provided despite the fact we have upwards of 150 children a week moving into the city of Casey. It would appear the government simply does not understand what the people of the south-eastern corridor, particularly those in Casey and Cardinia municipalities, need from the state government.

Mr SCHEFFER (Monash) — The member for Caulfield in the other place, Helen Shardey, was reported in the *Caulfield Leader* a couple of issues ago as saying that there was not a cracker in the state budget for the people of Caulfield. This remark is misleading,

ill informed and disappointing. Mrs Shardey's remarks do her no credit and really cannot go unanswered.

The 2005–06 Victorian budget is very good for Victorians generally and for the voters of Caulfield in particular. The last five Bracks government budgets have made the Victorian economy strong and competitive, and that benefits all Victorians. Every serious commentator supports this view and the evidence is there in the state's leading economic performance and in the steady improvements made in services. I meet regularly with local organisations and I see direct evidence of significant investment by the Victorian government right across Monash Province. A recent example is the Curraweena Road housing redevelopment where the government put in over \$4 million and the Glen Eira council contributed the land. Through social investments such as this, the Bracks government aims to share the benefits of economic growth more equitably.

Monash Province residents know that planning for the ongoing redevelopment of the Caulfield General Medical Centre is well under way and that millions of dollars have been and will continue to be spent on this important facility. The Bracks government is breathing new life into the Caulfield General Medical Centre and it is common knowledge amongst people in Caulfield, Elsternwick and Carnegie that the Kennett government had allowed this medical precinct to run down very badly. I was a member of the Friends of the Caulfield General Medical Centre during those years, and I remember well the low staff morale and the bleeding of resources that almost brought this institution to its knees.

The Bracks government has increased funding to every hospital in every one of its five years it has been in government. Bayside Health, which includes the Caulfield General Medical Centre, has received a 53 per cent funding boost since 1999 — from \$238 million to \$363.8 million. It is flagrantly untrue to say, as Mrs Shardey does, that our hospital is not getting a cracker. Caulfield schools will benefit from the additional \$867.5 million in funding that brings the total investment in education and training in Victoria to \$5.23 billion since 1999, and \$315 million is committed to building and infrastructure improvement.

Voters understand very clearly that Caulfield and Malvern, for example, as established areas do not need brand new schools and that it is entirely appropriate for the government to build 16 new and replacement schools in areas where they are needed. Local schools will benefit from the ongoing allocation of resources and that will progressively redevelop our existing

facilities and invest in updating teacher skills; and \$89.3 million over four years will ensure that schools across Victoria, including those in Monash Province, will benefit by being connected to the high-speed, fibre-optic broadband system, SmartONE.

The budget provides a record funding boost to non-government schools, including: \$115 million over four years to help needy students meet literacy and numeracy targets and tackle retention issues and \$36.1 million over four years to meet the growing enrolment costs of education. Many families in Monash Province use the non-government school sector and this is an important investment in the schools that they use. I am sure they will welcome this news hugely.

Monash Province residents will continue to directly benefit from this budget. Older residents will benefit from increases in home and community care funding, and people with mental illnesses living in the province will have access to more treatment, better services and innovative intervention and support services. There is also funding for a new approach to family violence services that benefits families living in Monash Province — \$35 million will be made available across the state. This comes on the back of the new code of practice in Victoria Police and the development of support services for families right across the province.

An extra \$52.8 million for the Melbourne 2030 strategy includes a \$12.5 million grants program to fund key planning projects in activity centres including Caulfield, Elsternwick and Glen Huntly. Business in Monash Province will benefit from the transformation of the tax regime over the last five years. These benefits are continued in this budget. Many initiatives and ongoing programs contained in the budget benefit the residents of Monash Province.

The 2005–06 budget that Mrs Shardey has publicly tried to discredit contains \$788 million worth of major initiatives to improve opportunities for the most disadvantaged people and places in Victoria. What does governing for the whole of Victoria mean in practical terms? It means that government spending benefits the whole community while at the same time strategically directing resources to particular areas where there are specific needs. Monash Province residents know that they live in a well-resourced community that has good schools, hospitals, public transport, roads and easy access to a wide range of services and amenities. They also know that there is more to be done and that this budget is continuing the work that the Bracks government began in 1999 to build a sound economy and greater equality amongst individuals and communities right across the state.

It is important to also understand in examining the budget that this budget, together with the last five budgets, has been part of a coherent policy base of the Bracks government. That policy is articulated in Growing Victoria Together. It is a framework that draws all our programs, initiatives and financial initiatives together. There are a few objectives that are worth spelling out. The first long-term objective is to maintain a substantial budget operating surplus. The short-term objective under that is to maintain each year an operating surplus of at least \$100 million. This commitment continues to be met. Maintenance of the operating surplus enables the government to tax and spend within a predictable financial framework. The surplus gives Victorians confidence that tax rates will be kept under control and that services can be maintained.

The second objective is to deliver an infrastructure that is of world-class standards, which can maximise economic, social and environmental benefits. It enables us to implement strategic infrastructure projects where and when they are needed. The third objective is to provide improved service delivery to all Victorians, and the corresponding short-term objective is to deliver the commitments we made in the 2002 election — that is, service delivery. As most Victorians know, the Bracks government is well on the way to delivering on these commitments and this budget has added to this long-term program.

The 2005–06 budget is part of a coherent package of measures that go back to the 1999 election and through to the 2002 election. What it is starting to show now after what is becoming a considerable period of stable economic management in Victoria is that we are making the kind of changes in this community and economy that are important and which go to Labor values. On that basis I commend the budget to the house.

Hon. DAVID KOCH (Western) — This year's budget certainly demonstrates many shortfalls, especially for regional Victoria. Funding for regional development in 2005–06 is 36.7 per cent less than in 2004–05. This government is not interested in pursuing growth in regional areas. There is nothing for standardisation of rail, bridge replacements or the redevelopment of regional hospitals, and there is little for public housing. Other cuts supporting this raw deal in regional Victoria include regional infrastructure development, which falls by 53.2 per cent; the investment attraction fund, which slips 41.2 per cent, tourism marketing, which is down 7.6 per cent; and sustainable catchment management, which is cut by 6 per cent.

The drought that ravages much of regional Victoria is not acknowledged with any form of drought assistance. We have been lucky in the last week, especially on Monday, to have received some rain across western Victoria and the north-west, but at this stage, as Mr Bishop indicated earlier in the week, only 2 millimetres in his district in the north-west is not enough for farmers to start their tractors. It needs more like 50 points in the district of Hamilton, but that would only be enough to settle the dust. Much more rain is required before our farming communities can work forward.

There is absolutely no reference in the budget to the ongoing dry being experienced by the farming community and which is having a serious consequence on many families and small rural communities. This is in contrast to the federal government which is approving exceptional circumstance (EC) applications as a matter of urgency whereas the Victorian government takes up to three months to furnish the correct information to support those in financial and stressful difficulties. Many in regional Victoria now believe that the Premier and the Minister for Agriculture in the other place have little understanding of the difficulties being faced in rural areas due to the lack of rain; sadly, they do not even care.

Education has seen little reward coming its way, even as enrolment percentages fall to their lowest ever in the public arena. We are seeing falling standards in numeracy and literacy, with the incidence of truancy and bullying continuing to grow. There is no allocation in the budget to fix the appalling maintenance schedules in both country and metropolitan schools. In fact there has been a \$300 million cancellation of maintenance programs after which we will see further increases in the incidence of leaking roofs, lack of playground safety and maintenance improvements to cater for — for example, broken windows and peeling paint. The increase for special schools is to be applauded, but it should not be at the cost of existing school programs.

The substantive motion last week by a member for North Eastern Province, Ms Lovell, talked about the shortfall in public housing. That sector gets little support with only an additional 150 houses being built over the next 12 months to accommodate the rising number of those in need. We are now seeing record demand for public and crisis housing as some 35 000 find themselves on waiting lists.

The Bracks government always likes giving us a history lesson, so in this case, in relation to public housing, let us not forget the actions of the previous Kennett

government which built 1600 homes in 1998–99 and a further 1400 in 1999–2000 respectively. This was seen to be making some inroads. The current outcomes are far from acceptable as we see needs growing in excess of 100 per cent, especially in regional areas.

Although there is some relief in WorkCover premiums, with a 10 per cent fall over the past year, the disastrous impost on pensioners with an \$80 car registration fee and the cruel capping of the multipurpose taxi program leaves many in regional Victoria short changed. The impact of registration fees is only now beginning to take a toll as many second cars in families are being relinquished as registration fees become due, with too many aged and infirm people becoming housebound.

Security in regional Victoria, as in the metropolitan area, is under continual threat due to the failure in recruiting extra police, which has seen many 24-hour police stations in rural areas drop back to being manned for 16 hours a day, or less. There is provision in the budget for a further 34 police stations to be built across the state, but we must question the capacity of this government to staff them. Over what period will these new stations be built? We are still waiting for the building of many on the old list. I could cite Lake Bolac, Edenhope, Torquay and quite a few communities around the country that are certainly looking for some development to take place.

Police, like the rest of us, are only human. They are now very concerned that with officer shortfalls their capacity to police has been dramatically reduced. This in turn is now putting many communities at greater risk. Many police stations in Western Province are staffed only part time due to the fall in the number of police recruits. This has come about even after this government promised in 2002 that a further 600 police would be trained. Nearly three years later only 232 new police have come into the service. If we were to take out natural attrition over the same period we would see a nil net gain. Is it any wonder our crime statistics cannot be contained?

Local government, our all-important third tier of government, has also been duded through this budget. A miserable \$10 million for capital works under the Regional Infrastructure Development Fund is just laughable. There are no extra provisions for small shires in rural Victoria to address failing infrastructure, there is no support for struggling library services that have become top heavy, and there will be further cost shifting and reliance on ratepayer funds along with home and community care (HACC) funding shortfalls. The only relief offered is the \$36 million over four years towards the HACC car service. This service

remains reliant on volunteer drivers, who also continue to fill the void in so many other areas, especially with home visits, Meals on Wheels and the running of community programs. There is no doubt that this government remains irresponsible on providing financial support for local government.

In my own shadow responsibility area of the racing industry the government has been anything but generous or fair. One of the earliest 2005–06 budget leaks was on the doubling of the licence fees on electronic gaming machines from \$1503 to \$3033 per machine as a top-up in support of the earlier one-off 2001 health benefit levy that was to assist in allowing tens of thousands of extra patients to be treated and more hospitals to be upgraded. This latest grab will raise a further \$45 million, of which Tabcorp will contribute \$20.61 million. Due to the joint venture arrangements with the racing industry across all three codes this will see \$5.1 million, or 25 per cent, removed from the turnover distribution. The only reward is a one-off \$3.5 million compensation assistance package that leaves a \$1.65 million shortfall which must be carried by owners, trainers and punters. At least in 2001 the Treasurer did not short-change the industry, which continues to be the beneficiary of the \$4 million annually due to the earlier 2001 grab. The racing industry has left me in little doubt it will pursue what is owing to it as it is not in a position to prop up the government.

It appears that the country racing program will not get further support after the success it has enjoyed to date. At a cost of \$375 000 annually, this program has achieved greater outputs than earlier envisaged, and a continuation for a further three years would have had a very positive result. The fear experienced by many small harness racing clubs of having race meetings torn from them is most disappointing. Many in the industry would have expected more support from the government and their statutory body, Harness Racing Victoria, and they see many small rural economies being further threatened, especially in these very harsh years of drought where every dollar is so important.

Turning to Champions, that is another story. The debacle that many believed was to be a monty has been achieved a bit quicker than many thought at Champions, the recently relocated racing museum that was heavily encouraged by this government to lease unoccupied space at Federation Square. Many other commercial entities saw these unrealistic rentals and the lack of foot traffic as being an unviable environment for them to be operating in. Disappointingly, like other inaugural anchor tenants, Champions is forecast to have losses exceeding \$10 million after three years of its

five-year lease. After being lured to this location, this icon will need further government financial support to sustain it into the future.

All in all, irrespective of how it is packaged, this is not a good budget for rural Victorians or the racing industry. Obviously regional Victorians will not be rewarded for their efforts, as was earlier promised by the Bracks government at both the 1999 and 2002 elections. This undoubtedly adds to the government's peril come November 2006. Bring it on!

Mr SOMYUREK (Eumemmerring) — I am pleased to join the debate on the 2005–06 budget papers. I had intended in my contribution today to give more of a bigger picture analysis of the budget, but due to some of Mr Gordon Rich-Phillips's assertions I have decided to tackle just some of the issues that he raised. Mr Rich-Phillips asserted that Eumemmerring Province got a very bad deal out of the 2005–06 budget. All you need to do is take a look at pages 293 and 294 of budget paper 3 under the heading of asset initiatives to see that some \$40 million in total expected investment over the next four years is due for things like the Dandenong growth corridor review funding and the Dandenong–Frankston SmartBus funding. Mr Rich-Phillips suggested that \$25 million for a review is a lot of money. Yes, it is a lot of money, but it is also a widely encompassing review and includes not just the potential third rail line in the growth corridor. Mind you, the Dandenong growth corridor involves not just Dandenong. The name refers to the growth corridor that goes from Dandenong all the way up to the Latrobe Valley and includes Pakenham and Cranbourne. It is a very, very big catchment area. As Mr Rich-Phillips said, it is the third fastest growing corridor in Australia behind Brisbane and the Gold Coast, and it is the fastest growing in Victoria.

Every year about 10 500 families move into the city of Casey alone, and there is some very big growth happening in that particular area. I have not seen projections for the area so far as transport usage is concerned, but I will be very surprised if it is not double the average of metropolitan Melbourne. I think projected increase in the metropolitan average usage of rail transport in the next five years or so is about 3 per cent, and I would expect this growth corridor to have about a 6 per cent increase in its own right. Let us talk about the SmartBus project from Ringwood to Frankston.

Hon. David Koch — Will it be as quick as the fast train?

Mr SOMYUREK — It will be very quick, especially after the Mitcham–Frankston freeway, or whatever it is called these days — EastLink — is built. There are major problems at the moment in going from Frankston to Ringwood, and this project will certainly be of assistance to the people of Eumemmerring Province. I was not going to go through these things today, but apart from that we are providing money to expand and extend the neighbourhood renewal program in Doveton. It is a very successful program so far, and we are extending that.

Hon. Richard Dalla-Riva — What is it extending? Give me an example.

Mr SOMYUREK — It has actually strengthened the community in Doveton. Seriously, I have been to about four or five.

Hon. Richard Dalla-Riva — What does that mean?

Mr SOMYUREK — I went to the opening of the Doveton neighbourhood renewal program. There were about 1000 people there who otherwise would not have seen each other and who came together. It was a fantastic day. I have subsequently been to other functions through that program, and all those events were well attended. There is a great community spirit in Doveton.

Hon. Richard Dalla-Riva interjected.

Mr SOMYUREK — Other funding issues in Eumemmerring Province include funding to operate a new emergency department in the city of Casey, the Casey Hospital; new and improved local bus routes in Hampton Park, Narre Warren, Berwick and Pakenham; the Dandenong development; and the Dandenong transit cities project. Mr Rich-Phillips again was disparaging of this project. How could he be? The Bracks government is committed to rejuvenating Dandenong and a part of that promise in 1999 — —

Hon. Richard Dalla-Riva — Again, what does that mean?

Mr SOMYUREK — I understand Dick Dalla-Riva across the road there, Tricky Dicky, does not have any concept of anything — —

Honourable members interjecting.

Mr SOMYUREK — It is a bit abstract for you guys, but you have to get used to some abstract thought.

The Dandenong Development Board and the Dandenong transit city project are part of the Bracks

government's commitment to making Dandenong again truly the second city to Melbourne. There are more funding issues here, but I am not going to go into them — there are lots. The people of Eumemmerring Province really have got a good deal out of this budget. I do not want to boast about it too much because my colleagues might get upset.

I will move onto the macro issues in the budget. This budget continues to deliver on the essential services of health, education and community safety whilst maintaining the healthy AAA credit rating that Victoria has managed to maintain, which was reaffirmed again last week.

Honourable members — We know, we know.

Mr SOMYUREK — The opposition says, 'We know, we know', but this is actually something very substantial, and our surplus for the 2005–06 budget is expected to be \$365 million this year, and going forward over the next three years it is expected to be \$394 million. Amazingly, this has been achieved by keeping net debt and net financial liabilities at very, very reasonable levels. When we came into government, net debt was 3 per cent of gross state product (GSP). It is now down to 1.9 per cent. When you consider the social expenditure — —

An honourable member — It was 40 per cent under Bolte.

Mr SOMYUREK — It was even 60 per cent for a while. When you consider that we have done all this at the same time as making great social expenditure you can see the adroitness we have demonstrated in these things. I say to the members across the chamber that this government's spending is about prioritising. This government has clearly chosen to prioritise in favour of delivering key services in health, education and community safety. The Liberal Party might not have prioritised in that direction, and I respect its members for their political views, but we certainly have. We believe providing health, education and community services is the mark of a civilised society.

This is certainly a good, solid and fair budget for Victorian families in general and for families in my electorate of Eumemmerring Province, as I said earlier. As I also said earlier, over the last five years the government has responsibly managed the state's finances. We had a commitment. In 1999 we gave a commitment that the minimum surplus we would bring in would be \$100 million per year, and over the last five and a half years we have delivered on that. We have budgeted for \$364 million this year, and we will stick to

our commitment going forward in the next four years. We have agreed on that and have been good at managing that.

The two most salient features of this budget are the resources — —

Hon. A. P. Olexander — You cannot get two most salient features.

Mr SOMYUREK — There can be two. The dual salient features — —

Hon. A. P. Olexander — There cannot be two singulars. It is one most salient feature and another salient feature.

Mr SOMYUREK — There are a couple of very good features or initiatives. There are two good initiatives. There are two very, very outstanding initiatives in this budget, if I can leave the grammar lesson to one side.

One is the allocation to infrastructure and the other is the initiatives for the state's most disadvantaged residents. This government is doing what the Kennett government did not do. In its first five years of government the Bracks government has invested \$10 billion a year into infrastructure projects. That compares to \$5 billion in the last five years of the Kennett government. That is a fact; members of the opposition just cannot interject on that one. It is about priorities again.

I go back to priorities. The Liberals did not prioritise in that direction; that was the prerogative of the former government. That is okay. I also have to give the Howard government a bit of advice here too. The economy at the moment is not sustainable. On a macro level our economy is travelling along okay with inflation, unemployment and growth. It is all going well, but if you have a good look and go deeper than that — I am a man of substance, and I like to go deeper than the figures that are presented — you see that the growth of our federal economy is driven by unsustainable consumer spending. We are dealing with a lopsided economy. I am glad the last federal budget provided more in terms of R and D, and hopefully that will dovetail in with an increase in some of our exports too. That part is good, but we need to do more on infrastructure spending. We need to pump up infrastructure spending. That would mean more efficient, reliable and secure assets, transport and buildings across the whole nation and the state, and in the medium to long term that would mean more growth and more even growth for not only Victoria but the whole country.

The second most salient feature is the social policy initiative providing \$788 million over the next four years. This initiative addresses disadvantage by improving access to key services, providing assistance for disadvantaged groups, strengthening communities, expanding choices and improving opportunities for all Victorians. As a member representing one of the most socioeconomically disadvantaged suburbs in Australia — that is, Dandenong — I can say that this statement is very functional for Dandenong, and I am surprised that Mr Gordon Rich-Phillips did not acknowledge the benefits for a place like Dandenong of this social policy initiative.

I have only a few seconds to go, so I will just say that this is a very good budget for Victorians and for the residents of Eumemmerring Province.

Hon. C. A. STRONG (Higinbotham) — It is interesting to rise to speak on the budget after Mr Somyurek, and in due course I will make some comments on his submission —

Honourable members interjecting.

Hon. C. A. STRONG — Yes, on his multisalient features. However, the key thing to remember in all the bragging about the Bracks budget is that it is pretty easy to produce a good budget when you are facing record growth in the economy. That is not a problem at all. In fact what a good budget would have done and what good budgets over the last several years should have done is build a surplus and use the money coming in the good times to ensure that when the bad times or the not-so-good times come, the state is protected. This government has failed miserably to do that. I will address that in a minute.

Honourable members interjecting

Hon. C. A. STRONG — Mr Somyurek says the Australian economy is boosted by consumer spending. That is true. I wonder why there is such consumer spending out there. It is because Australians have got more money than they have ever had before, and they are spending it. As a result of the coalition government bringing in changes to workplace relations, which have been reforming the economy, Victorians have more money to spend than ever before. That is why the economy is consumer driven — it is driven by the spendings that Australians have in their pockets as a result of the coalition government in Canberra.

Consumer spending is at record levels compared to the Labor government simply because the Labor government in Canberra messed things up so much, and now we have the next round of industrial relations

coming — the next round of microeconomic reforms that the Labor and Greens stood in the way of year after year and blocked in the Senate. But now with a Senate majority — —

Mr Somyurek interjected.

The PRESIDENT — Order! Mr Somyurek has had his opportunity. He will desist from interjecting.

Hon. C. A. STRONG — We can again go into microeconomic reforms and drive the economy of Australia forward, no thanks to the people opposite who would happily have killed it years ago. I say to Mr Somyurek, ‘Doesn’t the truth hurt?’.

I want to return to details of the budget because if you look at the record of the Treasurer and the Bracks government in budgeting, their performance over the last five years has cost Victoria dearly in lost opportunities. The government has consistently failed to meet its own expenditure targets, while at the same time receiving massive windfall gains. This has resulted in a huge loss of opportunities. I will read the figures.

If you look at what this government has got in the time the Treasurer has held that responsibility, would you believe it has received \$9.16 billion more in revenue than it budgeted for? What have we got for that \$9 billion — is it enough to build three Scoresby freeways?

Mr Somyurek — Services!

Hon. C. A. STRONG — Services? Hospital waiting lists are blowing out; services are not being matched; people are unhappy with the schools, and we have record levels of complaints about education. People are waiting on hospital trolleys. Services have not been increased at all. The government has blown its revenue targets by over \$9 billion. What a joke! And what has Victoria seen for it except a lot of inane objections from opposite simply because the government does not want to hear the truth that it has had huge windfall gains but simply wasted them?

I wonder where some of that money has gone. I looked at some figures on employment growth in the public sector, which are not easy to get hold of. The growth in public sector numbers over the last five years has been huge. This government brags about the extent to which unemployment has been reduced and employment growth has increased in Victoria. Do members know what the statistics show? Over the last five years, 20 per cent of that employment growth in Victoria has come from the public sector. Over 20 per cent has gone straight into the public sector. What a disgrace! That is

not about service — that is just about padding the public sector.

I want to turn briefly to some of the details of the budget documents, having made the point that this is one of the most wasteful governments we have ever seen. As I said, its revenue has been over \$9.2 billion than it budgeted for, but what have we got to show for it? Victoria needs another West Gate Bridge — a duplication of that. It needs a massive upgrade of the underground rail loop. It needs an enormous amount of important water, rail, city, roads and freeways infrastructure, but this government is doing absolutely nothing with that. Interestingly the New South Wales budget, which we have read about today, has some investment in infrastructure. The Victorian government has invested nothing in infrastructure and yet it has massive windfall gains.

Hon. Richard Dalla-Riva interjected.

The PRESIDENT — Order! Mr Dalla-Riva will have his opportunity to contribute.

Hon. C. A. STRONG — I would like to make a few brief comments on the budget documents. Members may remember that about 18 months ago we brought in an amendment to the Financial Management Act which gave the Minister for Finance the ability to present the budget figures however he wanted to produce them, as distinct from according to Australian accounting standards. The rationale for that was that it would be very difficult for the government to be ready to implement the international financial regulations that were being incorporated into Australian financial standards at the time. We on this side of the house suggested that there needed to be a fallback position that we would support a late introduction of the international financial reporting standards (IFRS) if that was necessary. I am glad to say that the budget has been assembled on the basis of the IFRS, and it is a credit to all the agencies that they have been able to do this in the time available. It is also a credit to the Minister for Finance that rather than take the easy way out and do some shandy stands, he has gone ahead and reported against the IFRS. I commend the government for that.

What the budget shows is interesting, and it is worth reflecting on the different result as a consequence of the old Australian accounting standards and the new Australian IFRS. Under the standard that we have been used to up until now, if a net result from transactions of a surplus is \$375 million, under the new accounting standards that grows to \$578 million. One of the most interesting things is — and I do not know how people

will understand this — in the overall sector which includes a significant gain on the government's investments, particularly the reduction in superannuation benefits and so on, we see an actual net result from investments under the old accounting standards of \$1.28 billion which under the new way in which that is measured is significantly reduced. Of course it will be pretty hard to re-educate Mr Somyurek and some of the other troglodytes opposite, but some re-education of the house will be needed to understand the Australian IFRS and how budgets will look on that basis. However, I am pleased that we have bitten the bullet and gone ahead and done that in the full way.

I would like to comment on the paltry nature, the mean-fisted, mean-spirited way in which the government gives back our money. As I have said, it has revenue gains over what it budgeted of some \$9.2 billion. And what is it going to do? In 2005 it is going to give back in tax reductions \$200 million. In 2006–07 it will return \$188 million, and the following year, 2007–08, it will give back \$196 million. If you look at the scale of the extra revenue that it has had, those so-called deductions to land tax and other areas are so pathetically paltry — are nothing — and are swallowed up in the huge gains that are coming in grants and revenue windfalls. In the period of this government grants from the federal government, of which GST is a major part, have come in at \$1.8 billion over budget. Not only has this government had a revenue windfall from the growing economy, but it has had a huge revenue windfall from an increase in grants. Where has Victoria seen any of that money? Where has Victorian business seen some money coming back to it as distinct from the money ripped out of it in usurious land tax rates and the like?

All we see are just more and more people not going into the front line of the public sector where they could do work in reducing waiting lists, teaching more students and policing our streets. The government has failed in those areas. As I said, waiting lists in hospitals are up, there is increased dissatisfaction with the way education is delivered, and police numbers have not gone up. We have seen a total decay and reduction in the confidence of the police force with police corruption and the number of police, because they are still not out there on the road; they are being used for revenue collection through speed cameras and the like.

What is a disgrace about this budget — an absolute disgrace! — is the huge windfalls that have come to this government which it is not giving back and not using properly. It is not investing in the infrastructure of Victoria. It is not using the good times to invest in Victoria. The good times — although they will go on

for some time yet as a result of federal activities — will not last forever, and a prudent manager will make sure that it uses the money that comes in in the good times to provide the investment in infrastructure needed to keep the Victorian economy going strongly. This government stands absolutely condemned for producing such a wasteful, profligate budget.

Sitting suspended 6.32 p.m. until 8.02 p.m.

Hon. B. W. BISHOP (North Western) — I am delighted to join the debate on this year's budget. When we went through the budget I suggest we thought there was not a lot in it for country Victoria and certainly not very much in it for agriculture. While I am a great supporter of theatre and opera, although I do not get the opportunity to attend as much as I would like, someone said to me that there was less in the budget for agriculture than there was for the theatre and the opera. That is not a good reflection on the Bracks government.

Perhaps that fact reflects on the Bracks government in that it is not as interested in agriculture as some of us would like it to be. I noticed the other day in one of the Auditor-General's reports that the plant-based industries in Victoria produced over \$3 billion a year, which is a substantial amount of money. That is a huge contributor to Victoria's and Australia's economy.

Most people in country Victoria are extremely concerned about the drought. As we well know, we have had a number of years of indifferent rainfall, some frost and unfortunately, at times, poor prices which have certainly put our farmers in a precarious position.

In a great deal of the grain-growing area we are now getting past the optimum time for planting grain. Across much of the grain-growing belt, particularly the Mallee, the first couple of weeks of May, which is now well gone, are the best time to plant a crop. Some of our farmers, in somewhat desperate moves, are doing what we call dry sowing to get some of the work load out of the way in anticipation of rain. We are concerned about the drought, which will have a dramatic effect on the state's economy if we do not get rain soon and the season does not pick up.

The government has addressed some of the issues in relation to the drought, and we welcome the drought social recovery program in our municipalities where that has been put in place. However, we in The Nationals urge a much sharper focus on the drought recovery process and urge the government to reinstate the program it had after the 2002–03 drought, which was called the Farm Business Support package. Under that program grants went directly into cropping

programs so farmers could get the coming year's crop into the ground. If memory serves me correctly, about \$50 million was injected into that program and went to over 3000 families. It was a good program — it was very direct, and it hit the spot.

In the education portfolio, in Mildura it is great to see that the Nichols Point Primary School has at last got the tick. This has been on the books for a long time. It is a great school. It certainly deserves new buildings, and I wish it well. I hope it does not stay just on the books for too long. I must say to the house that I have some difficulty these days in tracking through the budget. The building of a police station at Robinvale is a good initiative. Robinvale is a great place and a new police station there is much needed. I have been urging the government to ensure that when the new police station is built that it be a 24-hour facility. It certainly is required at Robinvale with the issues there, and I hope the government picks up those suggestions we have made in good faith about the Robinvale police station. Unfortunately it appears that rail line upgrades and standardisation has missed out again in this budget. We do not see any work being done in that particular area, and there have been some lost opportunities in relation to the government's inaction on that.

Some \$96 million was put up in the 2001-02 budget for these projects. As I said earlier today, had the government stuck to its program all of those lines would have been upgraded and standardised by now. However, they are not. I note that \$8.7 million has been allocated for the Mildura passenger link. What is that for? Is it for new rolling stock? Is it to do up the line a bit, perhaps? We have had a couple of election promises now for a return of the passenger train. Clearly, the Mildura-Sunraysia community is getting a bit tired of these empty promises and empty words. I can remember in 2004 when the Premier brought the cabinet to Mildura, he said a passenger train would be back in 2004. It is now 2005, and we are guessing and wondering — and the community is getting a bit tired of the whole process.

Someone said to me the other day, 'How is this for spin: we have been promised a passenger train and what do we get? A toxic waste dump. It is a pretty raw deal out of the escapades of the Bracks government'. The government has been renowned for its spin in the media but it is all wearing a bit thin in my end of the world, and the government is certainly losing a lot of credibility.

The next thing I touch on briefly is the huge revenue stream we now have in Victoria. Again, if my memory is right, I believe the budget in 1993 was about

\$16 billion and now it is about \$30 billion — almost twice the amount — and in the last six years it has gone from \$20 billion to \$30 billion.

Obviously there are a number of reasons for that — stamp duty, GST and all other expenses the government has picked up from the community. A lot of those have been locked in as a consumer price index increase. That is across all areas — it does not matter where you go, they are all locked in. As someone said earlier today, our seniors are still hopping mad about the treatment they have received — pensioners, veterans affairs gold card holders and health card holders have been shortsheeted in relation to their car costs. That hits home particularly in country Victoria where there is little or no public transport and people rely on cars for their transportation to work and the things they need to do.

The other thing that has snuck in is the environmental levy on water. I can well remember — and many here would too — the catchment management authority levy that was brought in years ago. It was absolutely transparent; it was in the books very clearly for everyone to see. But this environmental levy brought in by the Bracks government is buried in the books. You cannot see it or find it anywhere — it is simply buried in the accounts. That is not a good way to go about it. If there is going to be a levy, have it out front where everyone knows where it is. Then it can have a very positive side that creates awareness in the community and a sense of togetherness working to solve our environmental problems. People will then pitch in and help rather than having it buried in the accounts of a water authority somewhere.

The Bracks government has been dragged kicking and screaming to the table to contribute finally to the finishing off of the Wimmera-Mallee pipeline. The Bracks government played politics with it all the way much to our frustration and certainly to the community's frustration. It was playing with the lives of the community, you might say, particularly with the dry weather we are experiencing. I congratulate our colleague the federal member for Mallee, John Forrest, who absolutely stuck to his guns. He stood firm in the whole debate on this issue and he deserves a lot of credit for both the federal and the state governments coming to the party.

The commonwealth government has been quite generous in having a national water initiative program. There is \$2 billion in there, which is a lot of money. But I do not find anything in the Victorian budget to attract any of that money into this state. It is a great opportunity for the Bracks government to utilise some

of this national water initiative money from the federal government. If it got some of that money and leveraged it up, we could do some really good works in our irrigation infrastructure around Victoria, particularly in the Sunraysia area. It can be done and it should be done. We have seen some very good examples just over the river in New South Wales. The government there provided a very innovative scheme to enable the water industry to have its infrastructure upgraded to excellent world best standards capacity. In South Australia the same thing happened. There was a mix of contributions from the federal government, the state government and irrigators — they called it the 40, 40, 20 scheme. Forty per cent came from the federal government, 40 per cent from the state and 20 per cent from the irrigators. They have a world-class system in place now. It is an absolute credit to them. There is no doubt that this government could do the same thing — it could rise to the challenge and the opportunity. I am sure it would get tremendous support from the Sunraysia irrigators. There is no doubt those irrigators could work out without too much trouble — —

Hon. Richard Dalla-Riva — Acting President, I direct your attention to the state of the house.

Quorum formed.

Hon. B. W. BISHOP — I was talking about how the Bracks government has missed an opportunity to trigger some of the national water initiative money from the commonwealth government. I was also making the point that the irrigators in that area would be able to cooperate together to get the best deal. There are four sections in that particular area: Robinvale, Red Cliffs, Merbein and First Mildura Irrigation Trust. There is absolutely no doubt that the Robinvale area is the one in most need. I am sure that if the Bracks government got some of that national water initiative money and some leverage out of it, the irrigators would get together and say to fix Robinvale first, to get it off the agenda. It is reported to me that growers there are paying 40 per cent of their irrigation charges on maintenance. That needs to be done. The irrigators would only agree to that if there was a decent plan to ensure they knew that their own infrastructure would be fixed up over a short term such as five or six years. I am sure our irrigators could work together.

In the time remaining I want to briefly touch on what we used to call the slightly faster train. We have now had to change that to the slightly slower train. It has been a very interesting process. In 1999, \$80 million was put to one side for this particular project; later on it was still \$80 million. Then it went to \$550 million from the government and \$260 million from private

enterprise. Private enterprise looked at it and said, ‘Not on your life’. Private enterprise was not getting in there — there was nothing there for it. Now it has blown out to enormous cost, but for what result? It is a slower train for many of our people.

We in The Nationals had a good look at this, and we got the firm ACIL to have a go at it. They believed, and reported quite clearly to us, that this was a waste of resource, that we would be far better spending the money to reduce payroll tax, particularly in regional Victoria, to do some natural gas work — we have not seen much from this mob — and also some infrastructure work. But that was ignored and we now have a slightly slower train.

I think the disappointment in country Victoria is quite understandable, and it is understandable because country Victoria is doing it pretty tough. We are suffering from the drought, and certainly a lot of our horticulture industry has had a tough run this season. I do not think they believe that the Bracks government is supporting them as much we would like to think it could.

The Bracks government has certainly had a revenue stream where it could afford to support agriculture in rural and regional Victoria, and I must exhibit my concern that this budget has not answered the questions for country Victoria.

Ms CARBINES (Geelong) — I am pleased to speak tonight in support of the excellent budget brought down by the Treasurer, the Honourable John Brumby, a couple of weeks ago, which delivers both opportunity and prosperity for Victorians and makes Victoria the best place to raise a family.

The Bracks government has yet again made a huge investment in infrastructure projects — in health, education and community safety, plus through A Fairer Victoria, which is our social policy action plan, we have provided some \$788 million to seriously address social disadvantage in communities across the state. This \$788 million is made up of about \$100 million for kindergartens, to provide children suffering from disabilities with access and child protection services; \$45 million to help troubled teenagers get their lives back on track; \$35 million to tackle family violence; some \$45 million to improve indigenous health and prosperity; \$180 million for extra mental health services; and \$84 million for neighbourhood renewal programs. They are just some examples of the money that is being invested to address serious disadvantage across our state.

We have also listened very carefully to concerns expressed to us by Victorians regarding land tax. I know some people in my office have talked to me about this issue and how it has affected them and their businesses, and I am very pleased that our government has listened to those concerns and acted to provide considerable land tax relief on investment properties worth below \$2.7 million. I refer members to the huge headline carried by the *Herald Sun* of 3 May, which reads 'Land tax win for 21 000 Victorians'. That has to be good news.

My electorate of Geelong Province has fared extremely well in this year's budget, and I thank the Treasurer for that, with some \$70 million worth of projects announced for Geelong Province. The *Geelong Advertiser* of 4 May had a front page headline that screamed '\$70m slice'. That was certainly very good news — as Geelong residents woke up to read the voice of Geelong, the *Geelong Advertiser* on 4 May, they would have seen the great investment that the Bracks government is making in Geelong Province.

The largest infrastructure project in Geelong Province has been the \$26 million we have allocated towards the upgrading of the accident and emergency department at Geelong hospital, which is part of Barwon Health. This is a huge investment and completes our election commitment to Barwon Health to provide funding not just to upgrade the accident and emergency department but also to upgrade the Andrew Love cancer centre — a much-needed upgrade — and to dramatically rebuild the Grace McKellar aged care centre in Geelong, a centre that was going to be sold off and privatised by the former Kennett government.

I know that was a key campaign issue for me and the member for Geelong in the other place, Ian Trezise, when we won our seats in 1999, and I am delighted that over the first two terms of the Bracks government we have been able to successfully rebuild the Grace McKellar Centre. It is a lasting legacy to the investment that the Bracks government has made to aged care services in Geelong.

As always, we have provided significant funds for infrastructure in education, and, as a former state secondary school teacher, I am always pleased to see money being invested in state school infrastructure. I consider it to be money well spent. In fact, in the *Geelong News* in the week of the budget, on 4 May, the headline was '\$23m to fund major education projects, school cash'. So we have seen \$23 million to upgrade, first of all, the Matthew Flinders Girls Secondary College. There has been a new campus bought for the Matthew Flinders Girls Secondary College in Myers

Street. We bought the former Catholic regional college site so that Matthew Flinders now will be able to extend its buildings over two sites. I know that the principal, Helen Fraser, was very appreciative of this when I rang to tell her that news. That will mean a great future for Matthew Flinders.

Through this budget Belmont High School has received \$5.2 million to allow for a much-needed major upgrade. I am very familiar with that school as my son attends there; and whilst we have upgraded part of it, the rest of the school needs to be finished. I am very pleased to see the \$5.2 million invested. To complement that, the government has also allocated \$3.6 million to fund the stage 2 development of the Barwon Valley special school, which is relocating from its current Shannon Avenue site to some spare land on the Belmont High School site. In last year's budget we allocated funding for stage 1 works, and this year we are allocating the funding to complete stage 2. That work is much needed. I know that the whole Barwon Valley special school community is absolutely delighted that they are going to have a state-of-the-art, brand-new facility for their students and staff, and I look forward very much to seeing that develop.

Welcome news in the budget was \$3.3 million for Newcomb Secondary College. This school is in much need of repair and this funding commitment completes an election commitment made to the Newcomb Secondary College school community at the 2002 election, and I congratulate the principal, Alan Davis, and acting principal, Toni Sharkey, on their work to secure the funding for Newcomb Secondary College. Also, in this budget Grovedale Primary School has been allocated \$1.1 million. Of course, all schools in Geelong will benefit from the program that was announced in the state budget — that is, an \$89 million program to connect all government schools across the state to broadband. That is welcome news indeed.

The Gordon TAFE college in Geelong, a much-renowned institution in Geelong, has provided TAFE education for over 100 years in Geelong. It has received \$9 million in the budget to further upgrade its facilities. In our first term we allocated \$16 million to the Gordon TAFE, so the total investment our government has made at that facility over its two terms has been \$25 million, which is fantastic news for all who attend and work at the Gordon TAFE.

This budget announced a new 24-hour ambulance station for the Ocean Grove-Barwon Heads area. That is a much-needed ambulance station. It will service those communities very well, both of which are experiencing fantastic growth in residential

development and they are very popular holiday destinations for many Victorians who holiday on the Bellarine Peninsula, so the new ambulance station is welcome as is the funding in this budget for the brand new Torquay police station.

I was pleased to see in the budget some \$800 000 to fund the replacement of a community residential unit (CRU) in Belmont, and I know that that will be welcome news indeed for the residents who live in the CRU.

Being Parliamentary Secretary for Environment, I have a great interest in investment in our parks across the state. I was delighted to see some \$121 million in the budget across the state to further improve management of our parks, and some \$13 million of that \$121 million is going towards the establishment of the new Otway National Park. It will help manage and provide additional staff members to look after the Otway National Park. I look forward to the Minister for Environment announcing the government's response to proposals from the Victorian Environmental Assessment Council and, later in this sitting, to debating the legislation that will set up the formation of the Otway Ranges national park. It will be a fantastic day for all in the Geelong region.

I note that the headline on the front page of the *Colac Herald* of 4 May says, 'Otways park gets \$13 million in state budget'. It led its whole budget coverage with a fantastic announcement of such a large amount of money for the park. The headlines on page 7 of the *Geelong Advertiser* of Wednesday, 4 May, are 'Park cash windfall' and 'Money flows for management'. This is welcome news for all in the Geelong region. We are looking forward to the establishment of the Otways Ranges national park, and it is fantastic to see that the government has allocated substantial funds for its setting up and management into the future.

Of course my electorate of Geelong Province shares in statewide funding announcements which were part of the budget. We were pleased to see the announcement of the extension to the first home buyers grant. That has been a very popular scheme across the state, and it has been very popular in Geelong. I was pleased also to see some \$30 million announced in the budget for the waiting list blitz. I congratulate the Minister for Health in the other place for securing funding not only for the infrastructure projects across the state, from which Geelong has benefited enormously, but also for funding the waiting list blitz, which I know will make a real difference, as will the 24-hour statewide health assist line. It will help patients during the night, particularly in regional centres like mine where most GPs are not

available after hours. We have very few 24-hour medical centres in Geelong, so most people are forced to turn up at Geelong hospital if they feel they need emergency treatment. The health assist line will help patients get advice from the medical professionals involved in this program on whether they need to front up to hospital.

Everyone should be pleased to see the \$38 million announced in the budget for the stage 1 redevelopment of the Royal Children's Hospital. Geelong residents, like residents around the state, rely on the hospital for the health and wellbeing of their children when they need specialist hospital care. I am delighted to see that our government has committed to totally redeveloping the Royal Children's Hospital.

I was also very pleased to see \$115 million allocated in the budget to needy non-government schools. Although I have always worked in the state system and totally support it, sending my own children to state schools, I recognise that there are many needy Catholic and small independent schools around the state, and I am pleased that the minister has been able to secure funding of over \$100 million to assist those schools.

It was also pleasing for the business community to see the 10 per cent reduction in WorkCover premiums. I know that will be welcome news. This issue is often raised with me as a member of Parliament by groups such as the Victorian Employers Chamber of Commerce and Industry and the Geelong Chamber of Commerce. I will be very pleased to make sure that they are aware of the 10 per cent reduction in premiums.

I was also pleased to see that the Minister for Police and Emergency Services in the other place has announced that there will be mobile police stations around the state. I think 12 were announced, and I am very pleased to see that 2 of them will be located in police region 2.

All in all this is an excellent budget for all Victorians. It is particularly good for Geelong residents. Once again we have invested substantially in infrastructure. I am delighted to see the social policy investment to address disadvantage across the state as outlined in A Fairer Victoria. I am very pleased to see \$788 million allocated to tackling some of the most serious issues in our state — issues of a complex nature and issues of social disadvantage. I am delighted to see investment in our business community and the changes in tax arrangements, particularly in the land tax regime. Of course given my longstanding commitment to the environment and my role as Parliamentary Secretary for Environment, I am absolutely delighted to see the

\$121 million invested in this budget for better management of our parks.

I congratulate the Treasurer, the Honourable John Brumby. He is an excellent Treasurer and the best the state has ever had. I am very proud to be a member of a government in which he is the Treasurer. This is an excellent budget. It delivers opportunity, prosperity and further reinforces Victoria as a great place to raise a family.

Hon. RICHARD DALLA-RIVA (East Yarra) — I have pleasure in making my contribution to the budget debate for 2005–06. I congratulate Ms Carbines for at least trying to establish credibility in some areas, but again we saw her as part of her contribution go to what was reported in the media and refer to headlines as to what had been achieved, which she saw as success. As we head into the sixth year of this government we have a budget of rhetoric and spin. We got more of the same from the Bracks government. The budget is about rhetoric, more spending and taxing more and contains little about demonstrating where we are going and what we are trying to deliver to the state in the future. It has little in it about providing infrastructure projects or how we are dealing with service delivery or outcomes to meet those in need in the broader community.

Let us get to the facts. The Treasurer speaks about fairness but continues to slug Victorian pensioners an extra \$80 a year for their car registration. He talks about decent, affordable housing, yet he announced a \$5000 increase in the cost of the first home in Victoria after 1 January 2007. The Treasurer talks about world-class schools and classrooms, yet he again failed to provide any budget funding for major maintenance. He talks about a modern reliable transport system, yet he failed to deliver on the very fast rail or on transport systems — trams and trains that run on time and meet the needs of the community. The Treasurer tells the community about a dynamic, competitive innovative business environment, yet every year he continues to slug businesses harder and harder with land tax, fees and other taxes. Every year he talks about improving service delivery, yet we know the waiting list for urgent and semi-urgent surgery is at a record high. We know that the waiting list has grown from 13 653 in December 1999 to over 18 000 now.

The reality is that what the government has done in this budget is not only avoid scrutiny of its performance measures but remove in excess of something like 430 performance measures across the 10 departments that would indicate how effective the government has been. It is clear that in terms of infrastructure delays and blow-outs the government has failed to deliver. The

very fast rail that was promised at an initial budget outlay of \$80 million has blown out in cost to well in excess of \$1 billion, and it will not deliver any real outcomes to country Victoria. The folklore of the government on fast rail will come from improvements in the time table achieved by extending the time taken now, making it more attractive later when the very fast rail is eventually delivered. The government has delayed channel deepening.

Honourable members interjecting.

Hon. RICHARD DALLA-RIVA — It has blown out the EastLink contract. The contract for the police mobile data network has blown out, even though it involved using 1998 technology at a cost of \$200 million. I take up the interjections about channel deepening. The reality is that the government has failed to undertake any process, and it continues to spend taxpayers money on spin and consultancies. This government is renowned for spending across the 10 departments on average \$4600 every hour it has existed on consultancies for its mates. Those are not my figures but the figures from the government's records. The reality is that when given the facts members of the government do not like it. We have heard over the last couple of hours nothing but rhetoric and spin from government members. The best example was Mr Somyurek, who was completely out of his depth in trying to demonstrate any knowledge of the budget. The member used rhetoric and spin and nothing but spin about the budget, yet after six years the government has failed to deliver on any real needs.

I ask the government and the community whether they can tell me of any major project the government has started and finished in its six years. There is always a pregnant pause after I ask that question because no one can answer it. No one can say, 'Yes, they have started and finished this major project in its two terms'. I note that Mr Pullen is shaking his head as he leaves the chamber, but if Mr Pullen can indicate in his contribution a major project that the government has started and completed, I will go on the record and counter it. The fact is it has not completed any projects but has delivered an increase in taxes. Taxes have increased to the point that Victorians are now paying \$740 a head more in tax than they were paying when the Bracks government first came to office, after allowing for GST. I thought it was important in the context of the government's figures on its outcomes to put on the record that in 1998–99 actual revenue from fines and regulatory fees was \$330 million and the government's expectation is for \$726.9 million, an increase of 120 per cent.

When it comes to the issue of the effective management of the government, one should look at investment income. In 1998–99 investment income was \$1339 million. In the revised estimates for 2004–05 it anticipated \$1345.9 million. In other words, after six years this government has managed to acquire an additional \$6.9 million on its investments — a measly 0.5 per cent. That tells me that Victorians should be very concerned, because that was the best the government could do in a boom period when people were achieving massive growth in the value of housing, property and other investments. That is an absolute disgrace. The government has ripped the heart out of Victorians through fines and regulatory fees. It has gone from a revenue base of \$20 billion to a base of nearly \$30 billion, something like a 40.6 per cent increase, yet it has only managed to deliver \$6.9 million from its investment capacity. This demonstrates to me, and should demonstrate to Victorians, a lack of capacity in managing the economy. We are back to the old days of the Cain-Kirner mismanagement Guilty Party syndrome. The fact is that the government is relying on income from fees and fines, but when it comes to real investment it cannot deliver. What I am seeing is that the government is about to head down the old Victorian Economic Development Corporation track — a smoke-and-mirrors approach — in delivering income.

The other stark contrast I note is with employee benefits. When the coalition government lost office it was spending \$6.9 billion on employee benefits. It is anticipated in the 2005–06 budget we will be spending close to \$11.2 billion, a 60 per cent increase. We have had a significant increase in staff costs, and one would have to ask, ‘Where has it actually come from in terms of benefits to Victorians?’. What we are seeing — and we know this is the fact — is that over the past five years this government has increased the Victorian public sector by something like 25 000. Even taking out police, nurses and teachers which those opposite continually bark and hark upon, the fact is that this government has outstripped any other state in terms of growth in the public sector. There has been a significant increase in the vicinity of about \$1.7 billion recurrent each year to the state economy, and for what? One would have to ask where the benefits are.

The other interesting point in relation to the Victorian budget is the public authority investment revenue. It is interesting to note that the 2002–03 budget estimated that the public authority investment revenue for 2005–06 — in other words, stripping out Transport Accident Commission (TAC), WorkCover and all those organisations where the government continues to increase fees and registration costs to businesses and individuals — was \$1 billion, but the actual budget

estimate for this year is about \$1.4 billion; in other words, anticipating a 32 per cent increase. This is back to the old Cain and Kirner years. The government actually believes the revenue income stream to the budget comes from stripping those public authorities where it should be reducing the costs to businesses. It should not be increasing WorkCover fees, TAC registration fees and fees which impact on businesses, individuals and families, but it should be saying, ‘We are going to reduce fees in those areas’ and return it to those who need it most. But what the government is doing is stripping it out, taking it as a public authority investment revenue and adding it into its \$30 billion revenue take.

The fact of the matter is that over six years this government has gone from a \$19.1 billion revenue take to over \$30.6 billion, an absolutely huge growth that has to come from somewhere. It is coming from Victorians, business and investment. What do we see for it? We see no investment, we see no infrastructure, we see the unemployment levels in this state, we see job opportunities going overseas or interstate and the fact is that we are absolutely without a skerrick of a doubt in dire straits as we head down this path. The reason is that we have people at the helm who were advisers in the Cain and Kirner governments. They know nothing else. They believe a great bureaucracy and big governments deliver services to all. The fact of the matter is that businesses deliver jobs and opportunities, but what this government does and continues to do is to screw down business. It continues to overregulate, provide red tape and interference. It is getting to the stage now where it is difficult to conduct business in this state, but we see in the overall scheme of things the outcomes that are not being delivered to Victorians.

The other thing that concerns me is that in the budget we continually see the renaming of programs and funding arrangements that have been announced time and again. I could be no clearer than the budget, which indicates it is going to deliver two new jails to the Victorian community. The fact of the matter is that this was announced in the May 2001 budget. That is right. Four or five years ago this government announced that it would deliver three jails for completion by July 2004. It has not happened, so what it does is to re-announce it. It is like Groundhog Day for corrections in Victoria. It is Groundhog Day for infrastructure for Victoria. It is Groundhog Day every time the budget comes out because the government cannot deliver. It cannot manage. It is incompetent. The government is an absolute incompetent basket case of individuals who collectively are driving down this state to the point where we will effectively reach the same level that we

did in 1992. What is the capital of Victoria? Two cents. We are heading down that same path now with this mob here. These ministers were advisers to the Guilty Party. They have no idea.

An honourable member interjected.

Hon. RICHARD DALLA-RIVA — I take up the interjection from the Acting President. In fact the AAA rating was delivered by the Kennett government after the Guilty Party, the Cain and Kirner governments, ripped the guts out of the economy in this state. We are heading down the same path and unless Victorians wake up to the factionalised, unionised ALP — —

The ACTING PRESIDENT (Mr Smith) — Order! The member's time is up!

Hon. W. R. BAXTER (North Eastern) — I want to make a contribution to this motion to take note of the budget papers. I disagree with government members who have heralded this budget as a magnificent document and great achievement by the Treasurer. Ms Carbines even went so far as to say the current Treasurer is the greatest Treasurer Victoria has ever had. That is a very big call indeed. It is remarkably easy to be the Treasurer of the state when the coffers are overflowing, largely through no good work of your own. It is much more difficult to be Treasurer of this state when you inherit a bankrupt economy as the previous government did, as Mr Dalla-Riva so truthfully outlined to the house a moment or two ago. It is worth noting that this is the first time the Victorian budget has exceeded \$30 billion. That is to be compared with the last budget of the previous government which was \$19 billion. There has been this extraordinary increase in receipts in a relatively short time.

One might perhaps ask: where does it all come from? Clearly a lot of it has come courtesy of the federal government. We have such a well-run economy with low employment and with businesses doing quite well that GST receipts are absolutely running well ahead of the predictions. This government is enjoying the fruits of that very tough decision taken by the federal coalition government soon after it came to office to introduce the GST and to allocate the entire proceeds thereof to the states. I think that will go down in history as one of the most magnanimous gestures ever made by one government to another, and certainly the Victorian government is very much enjoying the cash flow that the GST provides.

Of course a huge volume of funds has also come in through the land tax rip-off. I have had businesses in

my electorate that in the past have not paid much land tax at all receive quite frightening and horrendous bills this year, and I assure the house that that has added to stress levels immeasurably. Conveyance duty still continues to be a bonanza for this government. The housing market is still running quite well indeed. There might have been some plateauing but it has amounted to very little; house prices are high, turnover is high and the stamp duty that is generated thereby is quite fantastic.

Of course this government has become a past master at putting up fees and charges for everything under the sun, and it is guaranteed that it will continue to get an increasing level of income from those fees and charges because it has now automatically indexed them. Everything you can possibly think of now, including the penalty units contained in all acts of Parliament, is now indexed on 1 July each year — again, another grab for cash by this government.

We have also had other tax increases. For example, just before the budget the government announced the coal levy and the so-called environmental levy on water, whereby consumers will now pay 5 per cent if they are in the urban areas or 2 per cent if they are rural water consumers. Some of that new tax is to be spent meeting Victoria's contribution under the Living Murray and the national water initiatives. That may well be perhaps acceptable, but I find it disappointing that when this government signed up to the national water initiative it made great play of the fact that it was making a financial contribution and was playing its part. There was no mention then that it was going to introduce a tax and then hypothecate that tax, as it has done, to make up its contribution to the national water initiative.

In recent times there has been an horrendous increase in royalties for timber. If our sawmillers and the communities that rely on them — and they are usually small and isolated communities — had not been put through the mill enough by this government and the previous Cain and Kirner governments, the last thing they needed was a hike in timber royalties such as they have seen in the last week or two. As we have already read in the newspapers, the sawmill at Cann River is just one example: the only major employer in Cann River is now up for sale and is likely to be closed. This is the sort of destruction this government is wreaking right around country Victoria.

What do we have to show for this huge \$30 billion budget the house is considering tonight? We get a lot of glossy brochures. I have never known there to be so much stuff pouring into my office and bearing the state of Victoria logo — now, of course, minus the crown —

and the stuff that is peddled out is extraordinary. We get expensive, full-page ads in the newspapers including some today about the government's regrettable decision on alpine grazing.

Often those advertisements are misleading in that they are designed to deceive, like the one today was designed to deceive. For a start, the photograph includes Angus cattle, but I have never actually seen an Angus bullock on the mountains — they have all been Herefords. I am not saying there are no Angus cattle on the mountains, but that the photograph was clearly concocted. There is no doubt that it was designed to mislead. I commend the Leader of the Opposition in this house for his question to the Minister for Consumer Affairs today about cattle grazing, and I condemn the minister for refusing to investigate it on behalf of Victorian consumers.

Then we get unwarranted claims. Mr Dalla-Riva has used his example of prisons to illustrate how the government announces things over and over again. I will use the example of the Beechworth Hospital. The accompanying documentation with this year's budget, the A4 brochure, proudly proclaimed a new Beechworth Hospital. In fact the minister is going up on 8 June to open the hospital. But who actually committed the funds for the Beechworth Hospital? None other than the Kennett government, which put up \$6 million to build it, and it would have been opened years ago had the Kennett government remained in office. It has taken this government six years to construct a building for which the funds were put on the table by the previous government, yet in this budget the Labor government claims that to be its initiative. The construction of police stations has been announced time and again. In the budget Goulburn Valley Health has been allocated money for extensions at its base hospital in Shepparton. This is the fourth time this project has been announced by this government in one form or another. It has no shame for the spin it puts on things, on its announcements and the fact that it is so ready to mislead the voters and the taxpayers of Victoria.

One of the most concerning features of the budget from my perspective is that it could well herald the beginning of the slide back into debt in this state. I know the Treasurer says, 'Yes, we are going to borrow money. We are going to go into debt this budget, but it's okay, it's for infrastructure'. On the surface that is acceptable, and I believe it is right and proper for governments to borrow money for major infrastructure projects and that future generations who are going to enjoy the fruits of that infrastructure construction will pay some of the costs. However, my concern is that I look around and I recall how spooked some of the current members of the

Labor government were about the Cain and Kirner fiasco in terms of debt. I heard it said at committee meetings, around the corridors of this place and out on the balcony: who said, 'We're never going to go into debt while in government'. That is what they have gone out and tried to sell to the people: they are not going to go into debt; they are cleaner; they are better managers than were people of the Cain and Kirner governments.

What are we seeing here? We are going down the debt track again. I say it could well be, as Mr Dalla-Riva said a moment or two ago, the beginning of that slide back into the Cain and Kirner financial management regime, where the government raids every hollow log, where it racks up debts, where it cannot control its recurrent costs and in fact where investment in capital goods grinds to a halt. The trend lines in the budget are not good. Expenditure is rising at a faster rate than revenue is rising. Despite the fact that revenue is actually booming because of all the government's taxes, expenditure is going up at a higher rate. When those two lines intersect is when we are in trouble. That is how the Cain government got into trouble, and I say this budget indicates pretty clearly that that is the sort of scenario we are facing. We are not there yet, but the trend lines in this budget indicate clearly that that is where we are going unless this government can actually manage the finances of the state better than it really has up to date. Despite all the claims, you have to look a bit more deeply than that.

In the few minutes I have remaining I want to get on to the main issue I want to talk about tonight — that is, the budget's almost total ignoring of agriculture in this state. A major underpinning of our economy is our farm sector. At the recent Public Accounts and Estimates Committee hearing I asked the minister — after he had done his presentation which pointed out how important agriculture is to Victoria and to the nation, and I agreed with all that — why, under his watch, expenditure in the budget on agriculture had only gone up by a little over 1 per cent when nearly everything else — the arts or whatever — had gone up much more than that. He had no answer to that whatsoever. He simply resorted to bluster, and I think it is very disappointing indeed that we have a Minister for Agriculture who has lost the confidence of the farmers.

I know farmers always think that when a Labor government comes into office they are going to get a Minister for Agriculture who does not know too much about it, and by and large that has been the situation. Generally, however, previous Labor ministers for agriculture at least got their minds around it. I am sure that when Evan Walker became Minister for Agriculture he did not know a bull from a cow, but, by

Jove, he found out and became quite a good minister. Robert Fordham, a very intelligent man, did not know much about agriculture when he took on the job but at least he made a contribution. Recently we had Keith Hamilton, who also at least made an honest stab at the job and got on well with farmers. This current minister has no rapport whatsoever with the farming community in Victoria, and he does not seem interested in securing it either. He does not attend agricultural events around the state. He has taken little interest in the drought that is beginning to envelop most of the state, particularly the north and the north-west. The Prime Minister could find the time to go out to western New South Wales, but our own Minister for Agriculture cannot find the time to go up to the Mallee. And he wonders why farmers do not have much confidence in him.

I refer to an article in the *Australian Financial Review* of Thursday, 19 May, which says:

Australian consumers get a very good deal out of their farmers. Not only is farm produce uniformly high in quality, low in contaminants and disease free by international standards, it is also among the cheapest in the world.

The article further states:

The reason for highlighting these figures is to remind Australians what an extraordinarily good deal they get from their farmers, and to urge them to keep this in mind next time a newspaper columnist rages about the cost of emergency drought assistance measures, or an environmental group argues that farmers should not be paid any compensation when policies to improve the environment restrict them from using their land. Any way you look at it, even with the cost of drought support or environmental compensation added in, Australians get a very good deal from their farmers.

I think that is absolutely true. I believe it is time that this government gave the farmers of the state of Victoria a little more attention than it has thus far given them, particularly as we are now entering into our ninth year in a row of below-average rainfall, which is not a situation that even the best manager can handle without assistance.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to rise and make a contribution on our budget, which I am particularly proud of. This budget is one that is really aimed at — —

Hon. Richard Dalla-Riva — Acting President, I draw your attention to the state of the house.

Quorum formed.

Hon. KAYE DARVENIZA — As I was saying, I am proud to have the opportunity to speak on the budget and to highlight some of the initiatives in it for 2005–06. The budget is about ensuring that we have a

fairer and more equitable state where people have an opportunity to raise their families and to meet their potential. It is about delivering those services that our community tells us time and time again are so important to it: education and schools, health care, services for people who have a disability or a special need, and safety and security. We have delivered on all of these areas in this budget.

I turn to talk a little about how we have delivered on those areas in my electorate of Melbourne West Province. I will take up some of the comments made by previous speakers. The first is a matter raised by Mr Dalla-Riva — and yes, he is still in the house — who claimed that the Bracks government had not delivered on any major projects. He said there were no major projects we had started and completed in the time we have been in government. A major project that we have started and completed in our term of government is the redevelopment of the Austin and Mercy hospitals. You probably do not remember this, Mr Dalla-Riva, because you were not here — —

The ACTING PRESIDENT (Mr Smith) — Order! Ms Darveniza will address her remarks through the Chair.

Hon. KAYE DARVENIZA — Mr Dalla-Riva probably does not remember this, but many on the other side of the house probably do remember that when the opposition was in government it wanted to privatise the Austin. It wanted to take it out of public hands. We made a commitment in 1999 that we would not have the Austin privatised and taken out of public hands. We made a commitment to the electorate, to the community of Victoria, that if we were elected we would save the Austin from the path that Mr Dalla-Riva and his colleagues wanted to go down — to privatise it and take it out of public hands. So the redevelopment of the Austin Hospital and relocation of the Mercy Hospital for Women are a culmination of our government's pledge to rebuild the Austin and keep it in public hands. The Heidelberg site is a very powerful example of the government's commitment to rebuilding a health system that was bankrupt, that was technically insolvent when it took office. It had had the heart and the guts ripped out of it.

Hon. Richard Dalla-Riva — Acting President, I draw your attention to the state of the house.

Quorum formed.

Hon. KAYE DARVENIZA — As I was saying, the government made a commitment to redevelop the Austin Hospital and we committed \$387 million to that

project alone. I notice Mr Dalla-Riva is now leaving the chamber — he cannot bear the fact that he was wrong, wrong, wrong again. Good, he is now going to stay.

We embarked on this project following 1999 and fairly recently our Premier opened the new and space-age Austin Hospital with the relocation of the Mercy hospital. It is just part of our commitment to health, and we see that commitment to health in the budget.

I also wanted to take up some of the points made by previous speakers about rural and regional Victorians not being all that happy with our budget. I would like to read out a few headlines from the rural and regional newspapers regarding the budget. I have a couple here from the Ballarat *Courier*. The headline of the editorial is ‘Budget confirms sound financial management’. That has never been more right. It states:

On the basis of —

the sound financial management —

the Bracks Government is entitled to be confident of its hold on government.

Yesterday’s budget confirmed that Victoria is being well managed financially ...

AAA is here to stay, what more can I say? Another article in the Ballarat *Courier* of 4 May states:

... Brumby handed Ballarat a \$5 million cheque ...

...

Yesterday’s announcements only strengthened Ballarat’s position ...

I could go on and on about what was being said in Ballarat, but many good things have been said elsewhere, too, about the budget. A letter to the editor from Bill Murray, published in the *Bendigo Advertiser* and headed, ‘State government has done well for Bendigo’, states:

It is terrific to see the jobs that have come to Bendigo as a result of the efforts of the state government.

Another article, headed ‘Land tax reform is on the menu’, states:

The reforms were yesterday welcomed by the Bendigo Chamber of Commerce, accounting agency CPA Australia and the Real Estate Industry of Victoria ...

A further report in the *Bendigo Advertiser* is headed ‘Special development school gets new site’ — —

Hon. Andrea Coote — Acting President, I draw your attention to the state of the chamber.

Quorum formed.

Hon. KAYE DARVENIZA — Acting President, the opposition must not like what I have to say in my budget speech — —

Hon. Richard Dalla-Riva interjected.

Hon. KAYE DARVENIZA — Mr Dalla-Riva is obviously very distressed about the fact that he is so wrong — yet again. Wrong, wrong! I was talking about what rural and regional newspapers and individuals had to say about — —

The ACTING PRESIDENT (Mr Smith) — Order! The member’s time has expired.

Hon. ANDREW BRIDESON (Waverley) — I rise to take note of the budget papers 2005–06. I start my contribution by giving the Liberal opposition’s vision for Victoria: to have a thriving economy, to have quality health and education, to have a healthy environment, to have caring communities and to have a vibrant democracy.

The Liberal opposition also has goals, and we would implement our goals to help us realise that vision. Our goals would be: more quality jobs and thriving innovative industries across Victoria; to grow and link all Victoria; to have high-quality, accessible health and community services, high-quality education and training for life-long learning; protecting the environment for future generations; efficient use of natural resources; building friendly, confident and safe communities; having a fairer society that reduces disadvantage and respects diversity; greater public participation and more accountable government; and sound financial management. I would add an 11th point: we would have smaller government and we would give more encouragement to private enterprise.

A lot of that vision and many of those goals might sound very similar to what the government would do. In fact it is, because I have just taken those goals and visions from pages 4 and 5 of budget paper 3. The reason I have done that is to reflect upon the contribution of the Honourable Johan Scheffer when he said, and I will try to paraphrase him, that it is up to any elected government to collect taxes and other revenue and then distribute it as it sees fit. That is probably a fair summary of a small part of Mr Scheffer’s contribution. It shows that there are a lot of similarities in goals and vision between both opposition and government, and it is how we implement our programs where there is a difference.

It is a pity that the federal Labor opposition does not respect the majority Howard government and allow the passage of the federal budget. While we stand up, bleat and object to various programs, taxation measures and so on that the government wants to implement we in the Liberal Party certainly are not standing in the way of the budget. We believe that at the end of the day the electors of Victoria will make the decision on whether this is a good or a bad budget. In my contribution I will heap some accolades on the government for some of the programs it has implemented, and I will enunciate my reasons for doing so as I go through my contribution.

There are three major reasons why Victoria's 2005–06 budget is a big spending budget. Firstly, the Bracks government inherited a sound economic base from the Kennett government. When we took over from the previous Labor government state debt was at a staggering \$32 billion. During the Kennett years we were able to reduce that to \$10 billion. We had to take some harsh economic decisions. We did so, and as a result we are now in opposition — I recognise that— but we actually built a strong economic base from which the Bracks government was able to launch itself. Secondly, Australia has one of the best performing economies in the Western World. We have an economy that has kept interest rates low, and the federal government has raised living standards and created unparalleled levels of investment and jobs.

Ms Romanes interjected.

Hon. ANDREW BRIDSON — I pick up the interjection from Ms Romanes that it was Paul Keating's government that actually started the economic reform. I do not think there are too many people who would not acknowledge that.

Hon. M. R. Thomson — And Bob Hawke.

Hon. ANDREW BRIDSON — And certainly Bob Hawke. It is interesting to note that 47 per cent of revenue for the 2005–06 Victorian budget comes from commonwealth grants. The GST revenues have underwritten this budget. If you turn to page 160 of budget paper 4 you see that it explains in detail the amounts of grants provided by the commonwealth to the state. It states:

General-purpose grants to Victoria are made up of GST grants and national competition policy payments. Revenue in 2005–06 is expected to increase by \$486 million (6.4 per cent) compared to the 2004–05 revised estimate.

In accordance with the intergovernmental agreement on the reform of commonwealth-state financial relations,

the states and territories receive all GST revenue. The budget paper at page 161 states:

The GST grant distributions between states and territories are determined by the GST relativities that are recommended by the Commonwealth Grants Commission (CGC) to the commonwealth government.

It is an apolitical body that is disseminating these grants. It continues:

In 2005–06, GST grants are expected to increase by \$493 million (6.7 per cent) compared to the 2004–05 revised estimate.

...

Victoria's share of GST growth is higher than overall GST growth because Victoria's share of the GST revenue pool has been revised upward in the CGC 2005 *Update of State Revenue Sharing Relativities*.

That is from the government's own budget paper, which illustrates its reliance on GST revenue. All up the Victorian community will gain \$14.3 billion in grants from the federal government.

Thirdly, the reason the Victorian budget is big spending is that Victoria is a high taxing state. At page 147, budget paper 4 outlines in great detail the increases in all of the taxes. The budget paper overview at page 9 explains the revenue stream of the budget. As I have already said, commonwealth grants comprise 47 per cent of the budget and taxes, fees and fines comprise 36 per cent, so 83 per cent of the total revenue for the state budget comes from commonwealth grants, taxes and fees. By any measure that is a very high taxing budget.

The *Herald Sun* editorial of Monday, 23 May, explains the number of taxes which have been increased and carries the headline 'Sleight of hand', referring to the sleight of hand by this government. The editorial states:

Today the *Herald Sun* can reveal that hundreds, probably thousands, of government charges and fines are rising secretly.

By indexing them, they have guaranteed increased revenue while avoiding the outcry a \$112 million tax grab would spark.

When the *Herald Sun* requested details of the increases, limited and fragmented information was grudgingly provided.

It goes on to explain that the Bracks government is not as open, honest and accountable as we hear it is day after day from members in this place. It is estimated that every Victorian household is paying on average \$2500 more in taxes each year than they were when the Liberal Party and The Nationals were last in government. Fees for families who want to go camping

and fees for families who want to go boating or fishing have risen, and these are all indexed annually. Pensioners, war veterans and health card holders must find an extra \$80 to register their car. That was imposed in last year's budget and we were hoping it would have been overturned this year, but it was not. As Terry McCrann, a well-known economic writer for the *Herald Sun*, said in an article on 4 May:

Buying your house, you pay tax. Insure it you get hit again.

Driving to work, you pay tax.

At work, your employer pays tax on your wage or salary. After work, you go to the pub and play the pokies — you guessed it, you pay tax.

I now want to make a brief comment on the difficulty in finding information in the budget papers. I am certainly no commerce student, which I am happy to put on the record — I know that most other members of this chamber have not studied commerce either — but I know I have great difficulty finding elementary information in the budget papers. It was very easy for government members. They did not have to find the information because it was presented to them. They have the glossy documents, and they can quote figure after figure of government programs which the government wants to implement. On this side of the house we had great difficulty in doing that.

In fact Ken Davidson wrote in the *Age* on 4 May that he also had great trouble. He also alluded to the amount of spin that this government is putting on its budget presentations. He said:

The government wants to control the media (and parliamentary) response to the budget via 'spin' put on the unofficial release of selected parts of the budget to journalists before the official presentation to Parliament.

He said that the budget papers are:

... so obscure that they cannot be decoded without the help of the government's spin doctors and a flood of press releases during the budget 'lock-up' that gives the media three hours to study the documents ...

He further went on to say:

For most of us, the papers might as well have been written in Urdu, particularly this year because a new accounting standard has been introduced that makes it even more difficult to compare 'expenses' so we can decipher the government's expenditure priorities.

...

... Parliament and the public don't understand it and the additional information it provides is more appropriate to shareholders of companies than citizens of states.

I make a plea to the Treasurer that next year we should have a simple budget for we simpleminded supposed economists. This year we saw the budget released in five stages. We had the statement *A Fairer Victoria*. We then had the unofficial leaks and the official leaks. The budget was delivered on 3 May, and we have since had ongoing media releases. I read my local papers, as I guess all other members read theirs, and I see reports of local Labor members of Parliament running around electorates holding hands with ministers and creating photograph opportunities. That is still continuing. In any case, it is a very good way for us to get information.

I said I was going to say some good things about the budget, for which I have reasons. I am very pleased to say that the government has listened to Brideson. In my budget speech and some adjournment items back in 2001 I asked for some things. It has only taken the government four years, but at least it has heard my message. I am very pleased to say that there are two extra lanes being built in Ferntree Gully Road. There are six mentions in *Hansard* by the former member for Glen Waverley in the other place, Ross Smith, and me on this road, and I am very pleased that is being implemented.

I am also very pleased to say that the government has picked up our land tax policy, and that there is some relief going to the aged care facilities in my electorate. I made mention of a couple of them in a 90-second statement, and I know that the proprietors of those aged care facilities were very pleased with the government's backflip on its land tax policy. On 23 May 2001 — it must have been a very good year — I raised an adjournment matter asking the government to look after the Cerebral Palsy Education Centre. Again, it has only taken four years but at long last it has listened to me and it has given a grant to the centre to relocate to the Glenallen site. There could not be a more worthy cause than the Cerebral Palsy Education Centre.

I am pleased to say again that the government has listened to me and has given \$10 million to the Monash Medical Centre emergency department. I did not specify an amount of money, but I knew that additional money had to be given to the Monash Medical Centre for further spending on its emergency department.

I want to comment on a \$1 million grant which I could not find in the budget papers but it was in my local paper so I guess it is somewhere hidden in there, that the government is giving to the City of Monash to help develop the Clayton Community Centre. I just need to correct the record a little because in the *Waverley*

Leader of 16 May the Minister for Environment in the other place said the project — —

The ACTING PRESIDENT (Mr Smith) — Order! The member's time has expired.

Hon. D. K. DRUM (North Western) — I look forward to the opportunity to contribute to the budget debate. I would certainly like to cast our minds back a couple of weeks to when the budget was about to be delivered. It was interesting that the government's budget was leaked before it was delivered by the Treasurer in the other place. Those of us on the opposition side asked whether it was deliberate or accidental. We do not know if it was a disgruntled backbencher who wanted certain parts of the budget leaked or whether it was just a careless courier who suddenly thought it would be a good idea. There are two issues that need to be sorted out.

If it was an accident, we need to look at the internal investigation that is currently under way. We need to look at how heavily this government is going after the perpetrators who somehow or other found access to the budget details and leaked them to a major media outlet on the eve of the budget. It certainly was not the way this government was expected to hand down its budget. We also need to look at whether it was deliberate. Who were the people who were involved on the inside of government who thought they were personally going to gain by the leaking of the budget to a major media outlet? It certainly was a very embarrassing situation for the government and showed the entire Parliament in a poor light to think that the government is not even able to control the most important document it has before it each year. Maybe that is something the government will have to work out either way. We expect the government to relay to the public sooner rather than later the report of its internal investigation into how the budget was leaked to the Channel 9 network.

As nearly every opposition contributor to this debate has said, this government has had a revenue base in this particular year of over \$30 billion. That really is an amazing increase in revenue when we compare it to what governments have had to operate on to run this state in the past. Not only does this government have a huge amount of revenue with which to deliver on services, but it also has an amazingly small amount of net liability to carry with it. Therefore the opportunities have never been better for any government in this state to produce services and have the potential to offer real outcomes in our key service areas. Never has there been a more golden opportunity for any government than

what is presented to the Bracks government right at this time.

As I say, the government has \$30 billion at its disposal with very small net liabilities. If we were to compare this situation to 1992 when the previous government first came to office, and if we were to weigh this government down with the same debt the previous government had, when that debt is expressed as a percentage of gross state product it would be the equivalent in today's terms of hamstringing this government with a debt in the vicinity of \$118 billion. We need to ponder that a little while. If we were to collar this government with the same debt the Kennett government was collared with when it first came to office, it would be the equivalent of a debt of \$118 billion. It certainly would create a bit of a hiccup in the freewheeling, free-spending period that the Bracks government has been enjoying recently.

The cost of this government having to service such a debt would be in the vicinity of \$3.6 billion per annum. It would be very interesting to see how this government would handle the service cuts that would be necessary to fork out \$3.6 billion each and every year, growing as the debt continues to grow. I would like government members to think about where they would first look to make those sort of cuts. What particular area of government spending would they look at cutting if they had to find \$3.6 billion. That is the equivalent to the size of the funding that all of a sudden the Kennett government was forced to find to try to run this state.

I think it is too easy for many government members to come before this Parliament time and time again and simply try to justify what they regard as their running of the state responsibly simply by talking about their throwing around millions of dollars and saying, 'Well, we are addressing that with tens of millions of dollars that we are throwing into this particular area', but they never talk about outcomes, about the amount of money they have to spend in each particular area, about the fact that they are cleared of the debt that their particular side of politics bestowed upon the previous government, and that they are yet expected to be able to run the state and reduce the debt to where it is now.

We need to be very aware of that and we need to be understanding, so we should stop talking about how much money we are spending on each particular area or on each issue and start talking about the percentage of the overall revenue that we are spending compared with the percentage of overall spending that other governments have spent in the past; that we talk mainly about the outcomes that we are achieving — not just about how much money we are spending, because, as

we know, there is a phrase that the Labor government tried to inflict on the Howard government at the last election.

It came up with the phrase ‘Spending money like a drunken sailor’, certainly implying that you do not need to be any sort of fiscal giant or economic guru to be able to spend money. I want to have those facts thrown straight back at this government. It is simply not good enough to say that you are addressing an issue by throwing money at it. Unless we are achieving outcomes, it does not matter how much money you throw at it.

If they want to spend money like a drunken sailor, that is their prerogative — they are in government — but it is time we started looking at what they are doing and what sort of outcomes they are achieving, and I think it is well worth knowing how they are getting the money that they have.

We also know that over the last six years this government has overspent its departmental budgets in the vicinity of nearly \$8 billion. I think each of its particular departmental budgets has been blown to smithereens to the tune of \$7.8 billion through its careless spending. The old adage that ‘Labor struggles to manage money’ or ‘Labor cannot manage money’ certainly is true when you realise that Labor’s own budgets throughout its various departments have been blown out of the water to the tune of nearly \$8 billion in six years.

Revenue has been underestimated dramatically due to the housing boom delivering record amounts of stamp duty and income from speeding fines being taken to another level by this government. The government has tried to call speed cameras something else. I think it called them road safety devices. The government is very big on revenue raising but not too good at acknowledging that these speed cameras are seen as a revenue raising device. It says, ‘We had better call them something different, now we will go around the state and spend another couple of million dollars to take down all the old signs. We will put up new signs. We will not call them speed cameras any more; we will call them road safety devices’.

This government has had record levels of land tax that it has attempted to address. As has been shown in this debate previously, the land tax cuts that were most welcome in the budget will be buried in the windfall gains that will continue to come to the government in the next few years. One of my great favourites of all time has been what this government, when in opposition, said about gaming revenue. It continually

accused the Kennett government of being addicted to gambling and to gaming machines, and said it was going to make wholesale changes.

Now that it is in government it has done absolutely nothing to make any significant difference to the amount of money that just pours out of gambling and gamblers throughout this state into the revenue of this government. Nearly \$1 billion now comes into state revenue via gambling on electronic gaming machines. In other words, from gambling on electronic gaming machines (EGMs), or poker machines, this government takes in nearly \$1 billion every year. For all of the wind and for all of the do-gooding politicians who were ranting and raving when they were in opposition, saying how absolutely criminal it was that the Kennett government would take so much revenue out of the society in previous times, now that it is in government it has done absolutely nothing.

Just this week the government had the opportunity of following New South Wales’s lead and making a significant inroad into the amount of revenue being taken from problem gamblers by putting pop-up warnings on gaming machines. It did not want to know about it. The gaming minister dismissed it immediately without even looking into it. This government does not want to know about something that the New South Wales government thinks can have a significant impact on problem gambling, because it knows it needs the gaming money.

Ms Romanes interjected.

Hon. D. K. DRUM — Ms Romanes said they have reformed the gaming legislation. It has done absolutely nothing. It is not allowed to advertise any more. That is a most pathetic effort! It has not touched the slow spin rates; it has not touched limits on how much you are allowed to take; it has not touched anything about the amount of — —

Hon. B. N. Atkinson interjected.

Hon. D. K. DRUM — Yes, they put in clocks. I think Ms Romanes said they put clocks into the casino. That has been an absolute joke. I think it is interesting that the government had a real opportunity to do something significant with gaming revenue, but it absolutely refused to do anything at all.

I would like in the few minutes I have left to talk about disability funding — again one of the issues on which this government will trumpet the fact that it has, under its A Fairer Victoria policy, made some significant inroads. I spoke this morning in debate on a notice of motion under opposition business and told the house

that \$20.5 million has been allocated in this budget to families with disabilities. Government members mentioned autism, but waiting lists continue to grow for both shared supported accommodation and for home support packages and day programs. The response to need is totally inadequate. We need to separate housing and support, because all the money is going to only 5000 people who are getting housing accommodation and less than half the money in the budget is going to everybody else.

The 2005–06 budget estimates contain no commitment to match the federal funds that are on the table for respite. They include \$17.5 million on the table from the commonwealth government for respite for ageing parent carers. This money has to be matched by the state. If the state continues to not take up this offer — and at the moment it has not fully matched the \$17.5 million — this money will stay on the table. This government trumpets that it is trying to help people and families with children who have disabilities, but this is another example for people, such as ageing parents, who really need help and may be in severe need of respite when \$17.5 million for the program is on the table.

An allocation was made in this budget of approximately \$8 million or \$9 million. It is well short of \$17.5 million, and they will not get that matching funding from the feds unless they are going to get serious about providing respite care for ageing carers. After these people have brought their children up through adolescence and into adulthood, all they want is the opportunity to simply retire with a bit of dignity. The government needs to look at these issues and stop talking about how much it is spending out of the \$30 billion. It should look at some of the outcomes that should be able to be achieved with such an enormous amount of money, with no personal net liability as debt compared with what was previously handled under the Kennett government. It should stop talking about how much money it is spending and start talking about some of the outcomes that it is not achieving.

Debate adjourned on motion of Ms ROMANES (Melbourne).

Debate adjourned until next day.

SEX OFFENDERS REGISTRATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) on motion of Hon. M. R. Thomson.

ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) on motion of Hon. M. R. Thomson.

EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Minister for Finance) on motion of Hon. M. R. Thomson.

ADJOURNMENT

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the house do now adjourn.

WorkCover: travel allowance

Hon. BILL FORWOOD (Templestowe) — I have an issue I wish to raise with the Minister for WorkCover and the TAC. I have received correspondence from William Mercieca of Murchison. I should say I am pleased that the government has finally decided to bring in the ombudsman legislation in relation to WorkCover so that perhaps some of these things will end up with the ombudsman as well as on my desk, but I am happy to advocate on behalf of Mr Mercieca.

Mr Merceica tells me that he had an accident at work on 29 October 2001. He is still working, except for the times when he has had surgery and has to attend physiotherapy, hydrotherapy and specialist therapy. He drives his own vehicle, a Nissan four-wheel-drive, which he has had since before his accident. He receives 28 cents per kilometre for travel to these appointments. He says that the distance from home to the hydrotherapy pool in Shepparton, back to the doctors in

Mooroopna and then back home is about 125 kilometres. He says in his letter:

Since my accident I have been paid 28 cents a kilometre. On an average week I do 300 kilometres. I have spoken to Ann from WorkCover ... Ann told me it has been 28 cents per kilometre for many years before my accident and has not been increased to this date. Currently I am paying ... \$1.15 a litre for diesel, not counting vehicle maintenance, and \$150 every 5000-kilometre service.

The point I wish to raise is to ask: is it not time for the government to review the mileage rates for people attending doctors appointments and other like services when they are on WorkCover? We know the government has recently lowered the premiums, which is a very good thing. They are nearly back to what they were when the government came to office — what they were when we were in government.

Mr Gavin Jennings — We had common law.

Hon. BILL FORWOOD — The government has not brought back common law either, as the minister well knows. This is all smoke and mirrors! Now is the time this issue could be looked at, particularly on behalf of Mr Mercieca, but also on behalf of others who fall into this category. Perhaps the government might review this issue and advise me when the mileage rate was last increased and whether now is a good time to do so again.

Moorabbin Kangaroos: funding

Mr PULLEN (Higinbotham) — My adjournment matter is for the Minister for Sport and Recreation, the Honourable Justin Madden. The issue I raise is funding for floodlighting for the Moorabbin Kangaroos at their Widdop Crescent ground in Hampton East in my electorate of Higinbotham Province. I am aware the club has lodged an application for financial assistance from Sport and Recreation Victoria's community facility funding program.

The recent history of the Kangaroos is a rags-to-riches story. Two seasons ago the Roos were languishing at the bottom of the ladder in the Southern Football League (SFL) third division. Last season, under the dynamic leadership of president Graham Ash, they were runners-up, and this season are currently sitting second on the ladder with six wins from seven starts. They have secured major sponsorship from Fintrack Financial Services, a dynamic local mortgage originator. The club does a great deal for the local community, particularly public housing residents and the Samoan and Lebanese communities. The club needs to improve its facilities for the local community,

particularly with the advent of an under 15 competition in the SFL.

Last Saturday I attended a home-game function with Kingsley Ellis, the executive manager of the league; City of Bayside councillor, Andrew McLorinan; and the guest speaker was former Tiger great and a good friend of mine, local resident Tony Jewell. The Moorabbin Kangaroos is a real community club. Currently the team has to stop training as soon as it becomes dark. I ask the minister to ensure that this application results in a favourable outcome.

Harness racing: country meetings

Hon. DAVID KOCH (Western) — I raise a serious matter for the Minister for Racing in the other place, the Honourable John Pandazopoulos, relating to his announcement last Friday that Harness Racing Victoria (HRV) has refused state funding support to upgrade seven country harness racing tracks. That disappointing announcement proves that the Bracks Labor government cannot manage its own statutory bodies. Last week the racing minister told the media in relation to Harness Racing Victoria's *Vision Value Victoria* document, known as V3, and the calls from affected clubs for a 12-month moratorium on HRV's decision to close them:

Government offers of funding support, including funding under the Small Towns Development Fund for extended introduction of V3 time line to allow alternative options or a change in the V3 plan, were rejected by HRV's management and board.

This refusal might well be the last nail in the coffin for harness racing meetings at Hamilton, St Arnaud, Wangaratta, Ouyen, Wedderburn, Gunbower and Boort. HRV's contempt for the targeted clubs will result in a further eroding of those rural economies. This action clearly demonstrates that the minister has become a hostage to his own statutory body.

Last Friday's announcement is further proof that the Bracks government is failing country Victoria, and that it actually supports HRV's attempt to rip out harness racing from smaller communities. The minister must intervene immediately on HRV's decision and honour the Bracks government's promise at both the 1999 and 2002 state elections of support for rural communities. Although HRV has refused to consider a 12-month moratorium that would allow further discussion on the challenges confronting this great industry, it now expects affected clubs to believe its commitment to consider alternative proposals to regain race meetings in the next 12 months. That is totally unbelievable coming from a statutory body that has told many

untruths over the last three months and has seen its credibility all but evaporate.

During his announcement the minister said that HRV's governance issues needed to be reviewed, and it is a pity there is not greater representation of country harness racing stakeholders at board level. The HRV board is a government-appointed statutory body, so the minister's statement smacks of more hypocrisy. Participants in other codes will query the minister's capacity to manage if the introduction of the V3 document goes ahead unchallenged. My request is: will the minister be brave enough to remove this brash, non-consultative HRV board, accept the capital assistance offered through the Small Towns Development Fund and support further consultation with a 12-month moratorium?

Rail: Bendigo service

Hon. D. K. DRUM (North Western) — My adjournment matter is for the Minister for Transport in the other place and concerns the farce rail project.

Ms Hadden — What was that!

Hon. D. K. DRUM — I said the farce rail project — f-a-r-c-e! At the moment the fast rail project is calling for submissions on the timetables that are being considered by the Department of Infrastructure. Submissions have been forthcoming from various organisations throughout the corridor to Bendigo, which is the one that concerns me most. The Better Rail Action Group, which is based in both Castlemaine and Bendigo, has been very keen to talk to the government about providing a service that will better reflect the wishes that the users have identified as being most urgent. This is an \$800 million project with a name that does not fit the reality. Many of the services under the new project will be slower than the current services, which is phenomenal. After spending \$800 million on the track and another \$600 million on the rolling stock, making this a \$1.3 billion project, the government will deliver slower services under the fast rail project.

I have a request to make of the minister. The timetable put forward by the Department of Infrastructure and the minister indicates that the 84-minute express service will leave at about 6.00 a.m. and will get to Melbourne at around 7:30 a.m. That will miss the vast majority of people in Bendigo who wish to get to work at a responsible time of around 8.30 a.m. Hopefully we can expect an express service that will leave Bendigo at approximately 7.10 a.m. and get to Spencer Street by 8.30 a.m. The only express train heading back to Bendigo in the afternoon will leave Melbourne at

approximately 4.30 p.m., before most people have knocked off. So we would like to have an express train that would leave Spencer Street at approximately 5.30 p.m. and get back to Bendigo approximately 84 minutes later. If the government is hell-bent on ripping up one track — —

The DEPUTY PRESIDENT — Order! The member's time has expired. I rule the issue out of order because no question was asked.

Hon. D. K. DRUM — I had a specific request of the minister to check on the timetables to ensure that the timetables were changed.

Mr Gavin Jennings — I do not know if it this is very diplomatic, but I might be able to be of assistance and say that I think it was there.

The DEPUTY PRESIDENT — Order! Okay.

Mornington Peninsula: review

Hon. J. G. HILTON (Western Port) — My adjournment matter this evening is for the attention of the Minister for Local Government, Ms Broad. It relates to the electoral representation review for the Mornington Peninsula Shire Council.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I would like to hear what members are saying at the beginning of their presentation. Could we have more quiet in the chamber. If members wish to have a conversation, please have it outside.

Hon. J. G. HILTON — The Victorian Electoral Commission (VEC) reviewed the Mornington Peninsula shire and issued a preliminary report in response to which it received 176 submissions, including submissions from 30 community groups. A public hearing was held in Rosebud, which I attended, and 40 people addressed the hearing which lasted over 6 hours. The majority of submissions favoured 11 single councillor wards, which was not the VEC's preliminary preferred option of 11 councillors comprising two three-councillor wards, one two-councillor ward and three single-councillor wards. The main arguments in favour of single-councillor wards included that representation should be based on specific localised geographical areas; the Mornington Peninsula is a diverse community with approximately 40 specific local communities; the excessive costs of conducting council elections if larger wards were introduced; and finally, direct and specific accountability.

The VEC has now brought down its final recommendation, which is for 11 single-councillor wards. I applaud the VEC for listening to the community. The recommendation is now with the minister, and I ask her to give it favourable consideration.

Police: member resignation

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Attorney-General this evening.

Honourable members interjecting.

Hon. R. H. BOWDEN — This is a serious matter affecting a constituent and honourable members may learn why it is so serious. As I begin to discuss the matter it may appear to be a police matter, but I suggest, with respect, that it is a matter for the Attorney-General. I am happy to provide the name and contact for my constituent, which I would like to keep confidential at this time, but I will provide full details.

The issue is that in 1988 the young man joined Victoria Police and was at the academy. Not long after he commenced he was severely injured during his police training there. He required multiple operations. The operations and recuperation took considerable time, and a year or so later when he was assessed as competent to go back to his training in the police system at the Victoria Police academy he was told that he had resigned. However, my constituent tells me he has never resigned, and has provided substantiating documentation to create a very clear message that he did not in fact resign.

My constituent has been in dispute with Victoria Police since the early 1990s, going back to the 1988 incident. In 1994, while my constituent was on WorkCover, he was pulled over on a traffic matter by a police patrol officer, who asked him, 'What do you do?'. He said, 'I am on WorkCover from the police force'. That was checked out and it was alleged that he was not a member of Victoria Police. Ultimately he was prosecuted and found guilty at the Magistrates Court. The matter went to appeal at the County Court, the appeal was not upheld and to this day this young man has a criminal conviction for impersonating a police officer despite strong documentation that tracks the fact that he never resigned from the police force.

It is a very complex matter, and I compliment the staff of former police minister Haermeyer, who have been of tremendous assistance in checking this out so far, but after 18 months of conscientious assistance the minister's office has not been able to help. It is a matter

for the Attorney-General. I have a full statutory declaration with all the details. Will the Attorney-General look at the full history of this matter in detail and assist my constituent?

Geelong: *Australian Traveller* article

Ms CARBINES (Geelong) — I wish to raise a matter with the Minister for Tourism in the other place, Mr John Pandazopoulos. It concerns a very disturbing attempt to discredit my home city of Geelong by a new travel magazine *Australian Traveller*. Media reports over the weekend in the *Sunday Herald Sun* have indicated that the *Australian Traveller* has made some comments about Geelong. Headlines in the *Sunday Herald Sun* read 'Magazine's slur starts a catfight' and 'Geelong fuming'. The article states:

Australian Traveller has labelled Victoria's second biggest city as a place 'to just keep driving through'.

The city on Corio Bay at the western end of Port Phillip Bay makes an appearance in the magazine's soon-to-be published Top 10 list of places 'to avoid' in Australia.

...

The magazine says Geelong is 'living proof that big is not beautiful.

'The sooner they build the bypass to the Great Ocean Road beaches, the better', it states.

Obviously this news has gone down extremely badly in Geelong, and I suggest that *Australian Traveller* would not sell very well in our city. As a member for Geelong Province, I am very keen to refute this incredible slight on our city.

Over the last few years we have seen Geelong absolutely blossom. We have the new, revitalised waterfront; we have redeveloped the botanic gardens; we are progressively redeveloping the city centre; we have built a new stand at Skilled Stadium; and we have seen the Avalon Airport substantially redeveloped so that now Jetstar operates daily flights to Brisbane and Sydney.

The Bellarine Peninsula has wonderful beaches and wineries and the historic township of Queenscliff. Of course we also have the Surf Coast and Torquay, the home of the surfing industry. We have wonderful events in Geelong such as Skandia Geelong Week, the Avalon air show and the Bells Beach Surf Classic. Geelong is very much the gateway to the wider region of the Great Ocean Road and the Otways. As a Geelong resident knowing that many visitors, both domestic and international, come to our city and choose to holiday in our region, I am very keen to refute the lie that

Australian Traveller is putting about, so I am asking the Minister for Tourism to provide me with the visitation figures for Geelong and the Geelong region.

Moonee Valley: council meetings

Hon. J. A. VOGELS (Western) — I raise with the Minister for Local Government, Ms Broad, the secrecy surrounding Moonee Valley City Council meetings, which has become a real concern for residents. I have a copy of the *Moonee Valley Leader* which has the heading ‘Our city of secrecy’ on the front page. It is my understanding that Moonee Valley council has locked the public out of its committee meetings, despite section 89 of the Local Government Act, which states:

- (1) Unless sub-section (2) applies, any meeting of a Council or a special committee must be open to members of the public —

and I also refer to that subsection —

- (2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following —
 - (a) personal matters;
 - (b) the personal hardship of any resident or ratepayer;
 - (c) industrial matters;
 - (d) contractual matters’
 - (e) proposed developments;
 - (f) legal advice;
 - (g) matters affecting the security of Council property —

and this one that takes the cake —

- (h) any other matter which the Council or special committee considers would prejudice the Council or any person ...

In my opinion the act is absolutely hopeless, because it actually excludes everybody on anything if the council wants to exclude them. The section continues:

- (3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.
- (4) The Council must provide reasonable notice to the public of meetings of the Council.
- (5) The Chairperson of a special committee must provide reasonable notice to the public of meetings of the special committee.

The residents of Moonee Valley say that is not happening. The action I seek from the minister is to

have her department investigate whether the Moonee Valley council is abiding by and complying with the Local Government Act. It is interesting to quote Dr Ken Coghill, who I think was an eminent person in Parliament not that long ago. Monash University’s governance research unit director Ken Coghill said last week:

The principle of good governance is that it should be open and transparent ...

The presumption must be that every meeting is open and records of meetings are openly available —

to Moonee Valley residents. I therefore ask the minister to take some action and get her department to have a look at whether Moonee Valley council is a secret council or whether it is open and transparent to the residents of Moonee Valley.

Whitten Oval: community use

Hon. S. M. NGUYEN (Melbourne West) — I want to raise a matter with the Minister for Sport and Recreation, the Honourable Justin Madden. I would like to congratulate the minister and the member for Footscray in the other place, Bruce Mildenhall, who visited Whitten Oval two weeks ago with the acting mayor of Maribyrnong, Cr Gerard White, to discuss the community benefits that will flow from the redevelopment of the Whitten Oval. The Bracks government will provide \$3 million to help transform the western suburbs home of football into a facility that the whole community can enjoy. The football club promised to look at the issue for the benefit of the community. The member for Footscray also said that incorporating a program of community facilities in the project was the best thing, so the redevelopment would have something to offer everyone in the community.

Maribyrnong and the western suburbs are multicultural communities. There are people looking for a place for local sport, education, community and training groups. Also, some communities would like to use Whitten Oval for community festivals, but there is a lack of facilities to offer many local community groups to organise their cultural festivals. I would like to encourage the Whitten Oval committee to have a good look to see what opportunities there are for use by cultural groups, and I ask the minister to consult with the Australian Football League, the Forever Foundation and the local council to look at opportunities to provide space for local community festivals.

Exports: Singapore and Thai trade agreements

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Manufacturing and Export in the other place and it goes to the opportunities for Victorian exporters under the free trade agreements with Singapore and Thailand which have been entered into by the commonwealth in the last four years. The agreement with the Republic of Singapore gives Australian exporters access to a market of 4.1 million people and an economy of roughly US\$91 billion. That agreement came into effect in July 2003. The agreement with the Kingdom of Thailand came into effect on 1 January this year and gives Australian exporters access to a market of more than 60 million people and an economy of around US\$140 billion. So these are very significant opportunities for Victorian and Australian exporters.

The Victorian government has as its primary source of information for exporters the VicExport web site — www.export.vic.gov.au — which the government promotes as the key source of information about export opportunities for companies in Victoria seeking to establish export businesses and to grow existing export businesses. It was therefore with great concern that I discovered there is not a single reference on the VicExport web site, the primary source of information on export in Victoria, to the Singapore and Thai free trade agreements. As I said, the Thai agreement has been in force for almost six months and the Singapore one has been in force for almost two years, and it seems absolutely incomprehensible that the government is not providing any information to would-be exporters through its primary source on export.

The figures from the Department of Foreign Affairs and Trade indicate that over the last four years exports from Victoria have grown at only 0.3 of 1 per cent per annum on average, and that is slower than any other state in Australia.

Hon. David Koch — Shame.

Hon. G. K. RICH-PHILLIPS — It is a matter of shame, Mr Koch. I therefore call on the minister to rectify this appalling situation and ensure that in future information is provided to Victorian exporters on their opportunities under the Thailand and Singapore free trade agreements.

Recycling: Melbourne West Province

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter for the attention of the Minister for Environment in the other place, John Thwaites,

concerning the recycling of items that are part of our household waste such as newspapers and other paper waste, tins, plastic and glass waste. I know that in my electorate of Melbourne West, along with other parts of Victoria, we are very committed to improving the environment. You only have to take a look at the way in which our communities in the west and our local governments have embraced conserving water, which is very precious, to see a demonstration of the west's commitment to improving the environment.

Specifically I would like to know what action the minister and his department are taking to continue to invest in recycling infrastructure that will result in making recycling both simpler and more efficient, and I would also like to know what action is being taken to promote the sustainable use of resources and waste avoidance as well as reuse and recycling so that Victorian families, particularly those in my electorate of Melbourne West Province, can continue to increase their commitment to recycling of their household waste. We all want to move towards zero waste, which would not only benefit the environment but would also secure our environment for future generations.

WorkCover: travel allowance

Hon. W. R. BAXTER (North Eastern) — I wish to raise a matter for the attention of the Minister for WorkCover and the TAC on behalf of Mr Denis Bolton of Kerang. Mr Bolton is currently on WorkCover benefits, and he is required on occasion to travel to Melbourne for specialist treatment, which is not surprising because a lot of the sophisticated treatment is not available in rural areas and naturally he needs to come to the capital city.

He has spoken to me about the costs that are incurred in doing that. The reimbursement that is available from WorkCover is only 28 cents per kilometre. Mr Bolton has made representations to WorkCover and has discovered that the 28 cents reimbursement has been unchanged, according to him, for many years — certainly somewhere in the order of 10 years. He makes the case — and I agree with him — bearing in mind that this government is so good at indexing every tax and fee and charge that it has, that the government might look at the way it reimburses people and index that similarly.

I invite the minister to have a look at this 28 cents per kilometre reimbursement for WorkCover beneficiaries with a view to bringing that rate more into line with what current day realities are for country people needing to come to Melbourne for appropriate treatment.

Hon. G. K. Rich-Phillips — On a point of order, Deputy President, I draw your attention to the guidelines for the conduct of the adjournment issued by the President in recorded in *Hansard* of 7 October 2003 and specifically to the points in the second column. With reference to matters on the adjournment the President said:

questions similar to questions without notice are inadmissible ...

I draw your attention to the matter raised by Ms Carbines in which she asked that the Minister for Tourism in the other place provide her with figures on the level of tourism in Geelong. I would submit to you that that is very similar in nature to a question on notice and therefore inadmissible under these guidelines.

Ms Carbines — On the point of order, Deputy President, the adjournment debate is for members to raise items concerning their electorates and important issues that need to be addressed at that moment. I have raised an issue concerning a slight on my electorate by a travel magazine, and in the attempt to refute that slight I have asked the minister for visitation figures. I cannot see how that in any way bears any resemblance to a question on the notice paper as alluded to by the Honourable Gordon Rich-Phillips.

Hon. Bill Forwood — On the point of order, Deputy President, Ms Carbines obviously has misunderstood the purpose of the adjournment debate. It is not for her to stand up and complain about what a travel magazine has said about Geelong. It is for the purpose of making a complaint or making a request or posing a query, not to give a set speech. I draw your attention to the guidelines. I put to you, Deputy President, that Ms Carbines has come in here and used the opportunity of the adjournment debate to give a speech about her problems with a travel magazine and then at the end has tacked on a highly spurious request in an attempt to be seen to be falling inside the guidelines for the adjournment. I put it to you that Mr Rich-Phillips is absolutely right in the point of order he has raised, and you should uphold it quickly.

Ms Carbines — On the point of order, Deputy President, clearly I have made a request of the Minister for Tourism to provide me with statistics in relation to visitation to my electorate. I have asked for specific action on the part of the minister. I am absolutely stunned that Mr Forwood would even know what I was asking, because he yelled out the whole time during my contribution, so I find it staggering that he has taken a point of order, and I think that it is political point scoring by Mr Forwood and Mr Rich-Phillips.

Mr Gavin Jennings — On the point of order, Deputy President, I think Mr Rich-Phillips and Mr Forwood are relying on the way Ms Carbines concluded her adjournment request and in fact are narrowly relying on her concluding remarks. If members of the house were astute and alive to the full contribution of Ms Carbines, they would have noticed from her introduction that she called upon the minister to be mindful of the perception that has been perpetrated by this Australian tourism magazine and to embark upon a campaign to overcome that perception and correct the standing of the Geelong region in the eyes of the travelling public. She concluded on a specific request for some information that may assist her, but she had already created the request and the action sought of the minister — that he embark upon a campaign to correct this incorrect perception.

The DEPUTY PRESIDENT — Order! I do not uphold the point of order raised by Mr Rich-Phillips. Having listened to the preamble and the discursive comments and concerns of Ms Carbines relating to the newspaper article and the perceptions it was putting forward about Geelong, she was entreating the Minister for Tourism to assist in, as the Minister for Aged Care has said, correcting the misperceptions in the community. While she did conclude on the note about the figures that may help to correct those misperceptions, the thrust of the adjournment question was about enlisting the support of the minister in that exercise. Therefore I do not uphold the point of order.

Responses

Mr GAVIN JENNINGS (Minister for Aged Care) — Thank you, Deputy President, for the opportunity to provide an answer to all the measures that actually fall within the guidelines and warrant some response and attention from ministers of the Bracks government.

I would like to cluster a couple of issues raised by Mr Forwood and Mr Baxter. The beginning and the end of the adjournment matters this evening dealt with the circumstance of people on WorkCover and the rate of subsidy that provides for their travel allowance. Both members reported from different constituents across the state that they were concerned about the 28-cent-a-kilometre rate of travel reimbursement and implored the Minister for WorkCover and the TAC to review that matter, obviously with the intention of increasing that rate in line with other fees and charges and also benefits that accrue to other people in Victoria. They asked that he amend the WorkCover allowance accordingly.

Mr Pullen raised a matter for the attention of the Minister for Sport and Recreation seeking his support for floodlighting arrangements to help the Hampton Kangaroos in the Southern Football League.

Mr Pullen interjected.

Mr GAVIN JENNINGS — Sorry, the Moorabbin Kangaroos. For some reason I was confused about that because it was a very contentious issue during the member's three-quarter time contribution. Floodlighting is clearly required to support the Moorabbin Kangaroos in making that rapid rise up the ladder and in playing an important role in the daily lives of the community in Moorabbin.

Mr Koch raised a matter for the attention of the Minister for Racing in another place seeking his intervention to at the very least establish a moratorium in relation to reforms currently being undertaken through Harness Racing Victoria that may impact on communities throughout Victoria, the community activity involved and the social and commercial benefits that may accrue to those locations through harness racing.

Mr Drum raised a matter for the attention of the Minister for Transport in another place. I provided him with assistance to make sure that his adjournment matter got in on the basis of the community consideration and the timetabling issues. Mr Drum made a submission in his contribution to give an indication of when he believes a peak-hour train should run between Bendigo and Melbourne and asked the Minister for Transport to be mindful of those matters in the consultation process.

Mr Hilton raised a matter for the attention of the Minister for Local Government applauding the determination and consideration of the Victorian Electoral Commission in dealing with electoral reform impacting upon the Mornington Peninsula shire and seeking her favourable consideration of the recommendations that have come to her.

Mr Bowden raised a matter for the attention of the Attorney-General in the other place and outlined what appears to be a very perplexing and perhaps alarming case in circumstances that are very unusual. He indicated that in terms of gathering some information the former Minister for Police and Emergency Services in the other place, André Haermeyer, had provided some degree of assistance. The member has subsequently provided me with that information and asked me to pass the matter on to the Attorney-General. I indicate to the house that Victoria is one of the few

jurisdictions, along with South Australia, that does not have standing provisions to deal with spent convictions or similar matters, but that is something the Attorney-General hopefully may look at in light of this circumstance.

Ms Carbines raised a matter for the Minister for Tourism in another place. This is an issue on which probably everyone who is currently in the chamber is well apprised. The Minister for Tourism clearly needs to intervene to turn around erroneous propositions and perceptions about Geelong. In fact he perhaps could turn the floodlights on in Geelong so that Geelong can be shown in all its glory. People should stop and appreciate the virtues and the values of the Geelong region.

Mr Vogels raised a matter for the attention of the Minister for Local Government. Indeed he took the opportunity to read us the Local Government Act and —

Hon. J. A. Vogels interjected.

Mr GAVIN JENNINGS — No, section 89, Mr Vogels. Indeed he encouraged the minister to read section 89, in particular subsection (2), to see whether the current activities of Moonee Valley council fall within the provisions of subsection (2) and in particular whether they provide open consideration of matters in accordance with the act.

Mr Nguyen raised a matter for the attention of the Minister for Sport and Recreation, encouraging him to continue to consult broadly and engage widely with the community to form a connection with the community in the redevelopment of the Western Bulldogs site at Footscray, the Whitten Oval, to ensure that it is in a broad sense a community-based redevelopment.

Mr Rich-Phillips raised a matter for the attention of the Minister for Manufacturing and Export seeking the minister's intervention to ensure that the government's web site is mindful of export opportunities in the South-East Asian region. On my estimate of Mr Rich-Phillips's contribution there is a potential market of at least \$231 billion in the two economies of Singapore and Thailand, which cumulatively have a population of 64 million people.

Ms Darveniza raised a matter for the attention of the Minister for Environment in the other place seeking his best endeavours to ensure that we achieve a zero waste regime with our recycling endeavours. The member called upon him to ensure that there are appropriate infrastructure and support mechanisms to achieve those

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outcomes so that members of her community can achieve zero waste over time.

House adjourned 10.37 p.m.