PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

30 May 2001

(extract from Book 6)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Standing Orders Committee — Mr Speaker, Mr Jasper, Mr Langdon, Mr Lenders, Mr McArthur, Mrs Maddigan and Mr Perton.

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Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables E. J. Powell and G. D. Romanes. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

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Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Manager: Mr M. L. Bromley

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella, Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margret [4]	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John [3]	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

CONTENTS

WEDNESDAY, 30 MAY 2001

Wednesday, 30 May 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.37 a.m. and read the prayer.

PAPER

Laid on table by Clerk:

Residential Tenancies Bond Authority — Report for the year 1999–2000.

ATTORNEY-GENERAL: FORMER CHIEF MAGISTRATE

Dr DEAN (Berwick) — I wish to move, by leave:

That so much of the sessional orders as required be suspended to allow debate under standing order 26 on a definite matter of urgent public importance — namely, the blatant attempt by the Attorney-General, Robert Hulls, to undermine the former Chief Magistrate in clear — —

Mr Batchelor — Leave is refused.

Honourable members interjecting.

The SPEAKER — Order! It is customary for an honourable member — —

Dr DEAN — Mr Speaker, would you like me to repeat the motion?

The SPEAKER — Order! The honourable member may continue.

Dr DEAN — I wish to move, by leave:

That so much of the sessional orders as required be suspended to allow debate under standing order 26 on a definite matter of urgent public importance — namely, the blatant attempt by the Attorney-General, Robert Hulls, to undermine the former Chief Magistrate in clear contravention of the doctrine of the separation of powers.

Leave refused.

Dr DEAN (Berwick) — I give notice that tomorrow I will move:

That so much of the sessional orders as required be suspended to allow debate under standing order 26 on a definite matter of urgent public importance — namely, the blatant attempt by the Attorney-General, Robert Hulls, to undermine the former Chief Magistrate in clear contravention of the doctrine of the separation of powers.

ATTORNEY-GENERAL: FORMER CHIEF MAGISTRATE

Dr DEAN (Berwick) — I desire to move, by leave:

That this house notes with concern the report in the *Herald Sun* of 30 May regarding a plot to remove the former Chief Magistrate and calls on the Premier to establish a judicial inquiry to investigate:

1. who commissioned the legal opinion on ways to remove the Chief Magistrate;

2. did the Attorney-General have access to the opinion or did he obtain the benefit of that opinion;

3. whether the commissioning of the opinion breached the doctrine of the separation of powers, any state laws, or any rules, precedents or customs of the court and, if so, who is responsible for such breach;

4. what action is appropriate to redress any wrongdoings; and

5. was the Attorney-General involved or concerned in a conspiracy to remove the Chief Magistrate.

Leave refused.

Dr DEAN (Berwick) — I desire to give notice that tomorrow I will move:

That this house notes with concern the report in the *Herald Sun* of 30 May regarding a plot to remove the former Chief Magistrate and — —

Mr Batchelor — On a point of order, Mr Speaker, if the motion the shadow Attorney-General is seeking to move follows his practice with his previous motion, where leave was refused, and he reads out the same motion by way of giving notice — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr Batchelor — I put to you, Honourable Speaker, that if that is the form he wishes to use he will be in breach of the requirements laid down by *May* that prohibits these types of motions being moved in such a verbose and extended form and that he proceed only if the motion is in a much shorter form than the motion for which he sought leave.

If the motion were to proceed in the same format it would clearly be outside the guidelines provided in *May* that require these types of motions to be much shorter and less verbose. He cannot include in the motion the substance of debate. The customs and forms of this house clearly require that motions be much shorter. The substantive arguments an honourable

member wishes to mention in the debate should be articulated in the house rather than be contained in the words of the motion.

Mr McArthur — On the point of order, Mr Speaker, I put it to you that the matter raised by the Leader of the House is completely spurious. I refer you to the precedents and practices of this place over many years. Where on occasions an honourable member has sought to move a motion by leave and leave has been refused by another member, the member moving the motion has always had the right and opportunity to give notice of that motion.

Secondly, in relation to verbosity and length of the motion, I refer you, Mr Speaker, to the notice paper, copies of which are in the hands of all honourable members, and particularly to notices of motion, general business, item 1, standing in my name. It goes to some four or five pages and contains a good deal of substance and detail on a proposed set of sessional orders.

I further refer you to item 36 under notices of motion, general business, standing in the name of the honourable member for Springvale, and I put it to you, Mr Speaker, that that motion is at least as long as the motion the shadow Attorney-General sought to move. Further, it contains in its detail the substance of the argument the honourable member for Springvale seeks to make. If that motion is acceptable and can be moved in this place, the motion to be moved by the honourable member for Berwick is also entirely acceptable.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the House. The practice in this chamber has been that where leave has been refused the honourable member has been able to give notice. That notice has been given, and I remind the house of the point of order raised some time ago by the honourable member for Cranbourne about why such a notice is not recorded in *Hansard* immediately it occurs. I also refer honourable members to the 22nd edition of *May's Parliamentary Practice*, which at page 335 deals with irregular notices of motion. It states, in part:

> A notice of motion which contains unbecoming expressions, infringes the house's rules, or is otherwise irregular, may, under the Speaker's authority, be corrected by the clerks at the table. The alterations, if necessary, are submitted to the Speaker, or to the member who gave the notice. A notice which is wholly out of order may be withheld from publication on the notice paper.

As I said, on this occasion I do not uphold the point of order. The honourable member is entitled to give notice of his motion and that notice will be subjected to the same rigours as all other notices.

Dr DEAN — I am happy to repeat the motion yet again. I give notice that tomorrow I will move:

> That this house notes with concern the report in the *Herald Sun* of 30 May regarding a plot to remove the former Chief Magistrate and calls on the Premier to establish a judicial inquiry to investigate:
>
> 1. who commissioned the legal opinion on ways to remove the Chief Magistrate;
>
> 2. did the Attorney-General have access to the opinion or obtain the benefit of the opinion;
>
> 3. whether the commissioning of the opinion breached the doctrine of the separation of powers, any state laws or any rules, precedents or customs of the court, and if so who is responsible for such breach;
>
> 4. what action is appropriate to address any wrongdoings; and
>
> 5. was the Attorney-General involved or concerned in a conspiracy to remove the Chief Magistrate.

MEMBERS STATEMENTS

Attorney-General: former Chief Magistrate

Dr NAPTHINE (Leader of the Opposition) — The allegations outlined in today's media are the most serious allegations I have seen in my time in Parliament: they go to the very heart of the separation of powers. The separation of powers is an important doctrine in our Westminster system, and it goes to the heart of how we operate in our democratic society.

This morning's media reports raise serious allegations and assertions as to the role of the Attorney-General in a conspiracy or plot to get rid of a judicial officer simply because the Attorney-General did not like that judicial officer. The Attorney-General did not like the Chief Magistrate and what he was doing, and according to the allegations he was involved in a conspiracy to get rid of that judicial officer. It is absolutely outrageous that the government is now trying to stifle debate on this very serious issue.

It is outrageous that a government that describes itself as open, honest and accountable will not have a full judicial inquiry into this matter and will not allow parliamentary debate on it. It will not allow the elected members of a democratic Parliament to debate these serious allegations against the Attorney-General, who has been involved in a grubby, political plot to get rid of the Chief Magistrate, to undermine the separation of powers, to damage the judiciary in this state and to undermine our fundamental democratic society.

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

Solectron Technology Pty Ltd

Mr JASPER (Murray Valley) — I bring to the attention of the house my concern over the closure within six months of the Solectron Technology facility at Wangaratta with the loss of over 200 full-time and part-time jobs. The excellent factory and office facilities in Wangaratta were originally built in 1978 by IBM, which manufactured personal computers and then extended its manufacturing operations to a range of computer equipment. The staff became very skilled in the manufacture of information technology equipment.

The factory was sold a few years ago to a consortium controlled by Blue Gum Technologies and then to the worldwide computer manufacturing and repair company called Solectron. The announcement of the company's rationalisation and closure of the Wangaratta factory, claimed to be due to the world economic slowdown, came as a shock to the community.

Early last week I took part in a meeting between representatives of the Rural City of Wangaratta, Wangaratta Unlimited and the Department of State and Regional Development offices to discuss the implications of the announced closure. The meeting established a working group to pursue alternatives, including the establishment of possible new industries.

Wangaratta has great strengths for business and industry, but importantly it has a first-rate specialised technology work force, largely based on the excellent computer manufacturing facilities originally established by IBM.

I call on the Minister for State and Regional Development to give every support to attracting an industry to utilise the excellent staff and high-quality factory and offices in the Rural City of Wangaratta.

Frankston: mayor

Mr VINEY (Frankston East) — Obviously there is some sort of challenge coming from the other side, with the Leader of the Opposition getting angry. Many government members, however, remember a previous Liberal Attorney-General who brought the house into disrepute.

I refer today to matters raised by the Honourable Cameron Boardman in another place and also by the honourable members for Cranbourne and Frankston in this house regarding the re-election of the mayor of Frankston, Cr Mark Conroy. They have made unfair and unreasonable criticisms about his re-election.

However, I join with many other members of this house in congratulating the mayor of Frankston on his re-election. In particular, I join with the honourable member for Prahran, who when she wrote to Cr Conroy crossed out the words 'Councillor Conroy' and wrote 'Dear Mark', followed by the words:

> It is with pleasure that I convey my congratulations on your re-election as mayor of Frankston City Council.

Another honourable member of this house also wrote to Cr Conroy congratulating him on his re-election. Under his letterhead the Leader of the Opposition states, in part:

> I am writing to offer my congratulations on your re-election for another term as mayor for Frankston …
>
> It is a great honour to serve one's community in this capacity, and I am confident that you will fulfil this role with distinction.

I suggest that the honourable members for Cranbourne and Frankston and the Honourable Cameron Boardman in another place have a chat with — —

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

Attorney-General: former Chief Magistrate

Dr DEAN (Berwick) — Today in the *Herald Sun* a story was released that has wide ramifications for the Attorney-General. I notice to my dismay that the Attorney-General has walked out of the house, I suspect because he does not want to hear what I am about to say.

Yesterday the Attorney-General was parading his knowledge of the doctrine of the separation of powers and suggesting to honourable members that he was the paragon of virtue when it came to the separation of powers. Today he is drowning in a sea of allegations that suggest he was up to his neck in actions, behaviour and conduct that breach the separation of powers in a way that doctrine has never been breached in the history of the state.

The opposition has an opinion that was commissioned by his friend and Labor adviser, Mr Dreyfus, stating in its first paragraph:

> I am asked to advise on:
>
> (a) what means are available to remove the Chief Magistrate from his position as Chief Magistrate …

I ask you, Mr Speaker — an advice that was prepared by counsel has to be prepared to advise somebody! Mr Dreyfus would have us believe that he has done it to advise himself. Perhaps he wants to take it home at night and have it in his bed and sleep with it under — —

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

National Australian Sikh Games

Mr LANGUILLER (Sunshine) — I was pleased to represent Premier Bracks and to extend greetings to all those who participated in and witnessed the 14th National Australian Sikh Games.

The Sikh games have evolved over time to become an impressive event that Melbourne has had the honour of hosting. There are now more than 1000 participants from Australia, Singapore, England, Malaysia, Canada, India, New Zealand and Pakistan. I am told that more than 15 000 spectators witnessed the historic event.

The Sikhs are a dynamic community and many of them live in the electorate of Sunshine. They are known for their great enthusiasm for sport. Since its formation the Singh Sabha Sports Club has promoted a wide range of sports and cultural activities that encourage social and cultural interaction among all Australians. The members of the club strongly believe that sport and culture are intrinsically linked with the lives of our youth and the development of their character. I also add that it successfully promotes the benefits of multiculturalism. I therefore commend the Singh Sabha Sports Club for its contribution in promoting intercultural understanding through its sporting and cultural initiatives. I am confident that the Singh Sabha Sports Club will continue to encourage Sikh youth to reach their maximum potential in sport through future games as it has in the recent games.

I welcome interstate and overseas guests. I congratulate them on making the 14th Sikh games a great success, and I commend Mr Gurdip Ahluwalia, chairman of the committee, and the organising committee.

Ambulance services: community officers

Mr SAVAGE (Mildura) — Across regional Victoria there are many unsung heroes and quiet achievers, who one minute are driving their tractors or feeding their children, and on many occasions the next minute are driving an ambulance as community ambulance officers, from Manangatang to Hopetoun, Patchewollock, Murrayville, Rainbow, Wentworth and Ouyen. Those community ambulance officers are trained to the same level as ambulance paramedics — that is, to the level below advanced life support training.

Some community ambulance officers in my area have worked for their communities for up to 34 years. These communities are well serviced by those people who work in harmony with full-time ambulance paramedics and complement the operations that they conduct, including operating defibrillators. They are also trained to administer drugs.

In Wentworth they put the money they get as ambulance officers into the building of their new ambulance station. They are on call for 12 months of the year for no recompense. Many times they are called to attend trauma involving their own families and other members of their communities.

I congratulate all community ambulance officers for the amount of effort they put into their communities and for their dedication and ongoing commitment.

Barwon Heads Pony Club

Mr PATERSON (South Barwon) — A new draft management sports facilities plan for the village park in Barwon Heads is now circulating in the town which, according to the local pony club, places the club's future under threat.

Under the previous Kirner Labor government, the foreshore master plan determined that the football club be removed from the caravan park area. The Liberal government allowed the football club to remain at its home, but it seems the move is on again as part of the new plan.

The people of Barwon Heads would like to see up-to-date sporting facilities in the town, which has been ignored by this government. Under the plan, the pony club has been given an area which it says is too small and will spell an end to the club. It currently uses a much larger space in the village park.

The president of the pony club is a member of this house — the honourable member for Geelong. It is unclear whether he has done anything to assist the club with its dilemma. There is no evidence of him taking any action to date.

Barwon Heads is now used to this government ignoring its needs. The Labor government's pretence that it cares about regional Victoria is wearing thin.

Dr Igor Balabin

Mr SEITZ (Keilor) — I place on record my congratulations, along with those of the Brimbank Central Rotary Club, to Dr Igor Balabin, who has been our family doctor and has practised in the St Albans area since 1958.

Dr Igor Balabin is a typical case of a migrant who came here and had to work and go to night school to requalify to practise here in Australia.

Dr Igor Balabin is a family doctor who took over from Dr Atlas in a practice that was started early in the 1950s. He is still practising medicine in St Albans. Dr Balabin was born in 1923, and he says he will continue working there until he is 80. He is a true family doctor and a man who has served St Albans and the district for many years. He was eager to develop a community health centre and worked closely with me when there was a need for medical services to expand in the western suburbs. He has been a constant advocate for the improvement of medical services in the western region, particularly in multicultural societies like St Albans. He speaks four languages. Dr Balabin has provided his services out of normal hours and beyond the call of duty.

Ministers: accountability

Mr McINTOSH (Kew) — Rarely does a week go by without the Attorney-General providing the public of Victoria with his comments on the doctrine of the separation of powers. An article in the *Age* of 18 May sets out his understanding of the doctrine. He states:

> I refer specifically to the division between the legislature, the executive and the judiciary, and the doctrine that each of those institutions ought to exercise its powers independently of each other.

The Attorney-General demonstrates a breathtaking misunderstanding, if not total ignorance, of this basic constitutional doctrine. Members of the executive — that is, the ministers — are drawn from this chamber and are absolutely responsible to it. The executive is responsible to this chamber in every single act it does. The Attorney-General sees himself and other ministers of the Bracks government as unaccountable to this Parliament and, by definition, the people of Victoria. Ministers do not exercise their powers independently of the Parliament.

I am troubled about his comments, because they demonstrate the ignorance of the Attorney-General, which can be dangerous. What happened to the former Chief Magistrate indicates the danger to our cherished liberties.

Amaroo art show

Mr STENSHOLT (Burwood) — Last Friday night I attended the annual Amaroo art show in Jordanville. We had a great night at the Amaroo Neighbourhood Centre, which is a great centre and a focal point of community activity in Jordanville.

I pay tribute to Eileen Mosden, Margaret Taylor, Elsie Smith, Arthur Larsen, Joan Gard, Heather Currie and others too numerous to mention. They run an op-shop and help locals in need by providing bread and other basics. The community is fiercely proud and looks after its own. It is always a pleasure to go there; it always feels like one is at home. They are good salt-of-the-earth people with no airs and graces, and everyone looks out for each other.

The art show had more than 100 entries. Anna Burke, the federal member for Chisholm, and I gave out the prizes with support from the Monash Arts Council. The show had many outstanding entries, and the quality of the entries is clearly improving each year. I place on record my strong support for and appreciation of the work of everyone at the centre. I hope the annual art show continues to grow and prosper.

AGED CARE: FUNDING

The SPEAKER — Order! I have accepted a statement from the honourable member for Frankston East proposing the following matter of public importance for discussion:

> That this house notes the impact of the failure of the federal government to adequately fund aged care beds on Victoria's aged care facilities and the Victorian public hospital system.

Mr VINEY (Frankston East) — It is never a pleasure to raise matters such as this in Parliament. This is the second occasion I have raised this matter of serious concern — namely, the federal government's failure to adequately fund aged care services, particularly residential care services, in Victoria.

I first raised this matter in a grievance debate on 15 November last year. In that debate I made the comment that the responsibility lies squarely with the federal government, which is deaf to the looming crisis and takes no notice of the critical shortage affecting Victoria in particular.

Mr Smith — On a point of order, Mr Speaker, I have always been under the impression that when the

house is considering a matter of public importance honourable members are given a copy so they can examine it.

The SPEAKER — Order! I ask the house to pause while the notice is circulated. It is the responsibility of the Department of the Legislative Assembly to produce sufficient copies for honourable members. An oversight has occurred this morning. I ask the house to pause while copies are obtained, and I ask the Deputy Clerk to stop the clock. The copies of the matter of public importance were here all the time and are now being circulated.

Mr Plowman — On a further point of order, Mr Speaker, is it not the usual custom of the house that if it is unable to continue debate on an issue it continues with the next order of business?

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Benambra. It is customary for the house to pause while documents are circulated. There has been an inadvertent error in that the Clerks have not circulated the notice this morning. The notice was in the chamber all the time and is now being circulated.

Mr VINEY — It is interesting that when honourable members on the other side of the house do not wish to face the facts of a particular debate they like to raise technical matters in an attempt to silence the chamber to avoid criticism of their federal colleagues. In November last year I made the comment that nothing reflects the status — —

Mrs Peulich — On a point of order, Mr Acting Speaker, the honourable member on his feet has reflected on a decision of the Chair by making the criticism that it was gagging debate.

I ask the Chair to draw to the honourable member's attention the requirement under the procedures of the house that the house pause while copies of the matter are circulated for all honourable members.

The ACTING SPEAKER (Mr Lupton) — Order! I am afraid the Chair was in the middle of changing seats and did not hear the comment, so at this stage there is no point of order.

Mr VINEY — Nothing reflects the status of a society more accurately than how it cares for its elderly. I am afraid that the federal government stands condemned for its recent budget, and the appalling lack of funding to redress the problems I and others have raised in this house continually with regard to residential aged care funding.

In November last year I detailed the impact of the failure to fund residential aged care, and how Victoria was falling behind in this regard. I also drew to the attention of the house the impact on hospitals of this lack of funding, and the fact that extraordinarily high numbers of people in hospitals were awaiting placement into residential aged care facilities. I pointed out the cost to our public hospital system of directing funding at private health insurance companies instead of into our public health system.

I showed the impact of the lack of funding for aged care, in particular in Frankston and on the Mornington Peninsula. I detailed the dollar impact of the bed days lost to acute health services by the lack of aged care funding. I looked at the fact that with adequate residential aged care funding Peninsula Health could have treated 5000 more patients, and that elimination of the 250 000 bed days taken up with patients waiting for residential aged care placements would have allowed around 70 000 more patients to be treated in our public hospital system than was achieved because of the lack of federal funding.

Things have not improved; in fact; they have worsened significantly. The lack of funding from the federal government in the areas for which it is responsible — the control of licences for nursing home and hostel places in Australia — has worsened. The federal government is failing to keep pace with the growth in demand caused by our ageing population, let alone filling the gap and addressing the shortfall that already exists. In March of this year approximately 400 people in our hospital system were awaiting placement to residential aged care facilities but could not be given a place because of the lack of funding from the federal government. These people had been in hospital for approximately 20 000 bed days, which placed and continues to place significant stress on the acute health system.

I reflect today not so much on the impact the lack of beds is having on our hospital system, because I did that in November last year, but on the terrible impact it is having on the elderly and their families in our community. The situation is worse today than it was last November, but the federal government is refusing to deal with it. The federal government seems to think that giving pensioners $300 as an election bribe will win it votes, but pensioners in Victoria understand that $300 will not buy them an aged care bed.

The federal budget contained no initiatives that alter or address the current service pressures being felt in the Victorian residential care system, where there is a chronic shortfall of aged care places. The

commonwealth's under-resourcing of aged care has brought the Victorian aged care system near to breaking point. It is placing unprecedented pressure on our health system and our acute care hospitals.

At June 2000 New South Wales had 49 nursing home beds per 1000 population over the age of 70, and the national average was 44, but Victoria had only 39. The Productivity Commission report for 2001 shows that for the first time in decades Victoria has fallen below the commonwealth benchmark for nursing home places and is 10 per cent below the national average. Victoria is the only state the commonwealth has forced below its own benchmark for aged care places.

Victoria has lost hundreds of beds due to building certification requirements, particularly in nursing homes. It receives less commonwealth aged care funding than any other state per person over the age of 70, except for the Australian Capital Territory.

Mrs Peulich — On a point of order, Mr Acting Speaker, the honourable member is reading his speech, which is against the custom of this house. I ask you to ask him to desist from doing so.

The ACTING SPEAKER (Mr Lupton) — Order! Is the honourable member for Frankston East reading his speech?

Mr VINEY — I am referring to notes.

The ACTING SPEAKER (Mr Lupton) — Are they copious notes?

Mr VINEY — Mr Acting Speaker — —

The ACTING SPEAKER (Mr Lupton) — Order! I warn the honourable member that I will not tolerate his reading a speech. I will keep my eye on him, and if I find him reading his speech I will ask him to desist.

Mr VINEY — If you would care to look, Mr Acting Speaker, I have pages of handwritten notes, other notes and aides memoire with tabs that I wish to refer to during the course of my speech. I am happy to show you those if you wish, Mr Acting Speaker.

Added to Victoria's problems is the fact that accreditation and funding changes have caused a further loss in nursing home accommodation.

I will refer to several comments made on the federal budget by various parties, including the Victorian Association of Health and Extended Care (VAHEC). That organisation made the following comment:

> Some VAHEC members who recently were granted a three-year accreditation have beds available but do not have the funds to operate them. Others who could have beds operational quickly were unsuccessful in their applications for new bed licences in previous allocations.
>
> In one example, an accredited Victorian aged care provider operating on the Mornington Peninsula applied to the government for additional beds but was overlooked in favour of a Queensland-based company which received an allocation of 140 beds. Eighteen months later, these beds remain on the drawing board.

In the time remaining to me I will explore this matter a little further. According to my research the company involved, Leslin, is based in Queensland and has no record of involvement on the Mornington Peninsula, in Frankston or anywhere in Victoria. It received a licence from the federal Minister for Aged Care through her allocation of a 140-bed licence, which is two to three times the size of the average licence granted to any other company.

The licence was received over the application of community-based agencies such as the Andrew Kerr facility, which provides excellent services on the Mornington Peninsula. As I said, Leslin had no record of aged care operation. The only place any record of that company can be found is in Deception Bay, Queensland, which would be the most appropriate location for such a company. It is an absolute deception that this company, which has no record or experience, is pretending it can provide aged care services and aged care beds on the Mornington Peninsula.

A number of questions need to be asked about the allocation of bed licences to this company. Why was it selected over a number of other companies and community-based organisations that already provide services on the Mornington Peninsula? Did the federal minister personally intervene to allocate and ensure it got those bed licences, and if so, why? The company has not applied for planning or building permits on the Mornington Peninsula until recently when it put in a planning application for a site that is too small. The most tragic thing about this matter is that this company is proposing a facility that will take us back to the Dark Ages of institutionalised care where the maximum number of people are put into the one facility rather than providing more homelike and more caring attention.

The matter raises serious questions that the federal Minister for Aged Care must answer. Based on the averages for aged care facilities, the Mornington Peninsula is 600 beds short, and the allocation of licences to this company is highly questionable. Many things need to be answered about it. Agencies on the

Mornington Peninsula are desperate to provide services and this company has taken their places.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Mrs SHARDEY (Caulfield) — I am absolutely appalled that this matter of public importance (MPI) has been brought on this morning. It is not about any genuine concern by the Labor Party about genuine care. Let us not be mistaken: this MPI is about the Aston by-election. It is about state Labor running federal campaigns out of the state Parliament. It should be castigated for pulling such a stunt. Why can't it be honest about its real intentions? Question time after question time has seen honourable members asking dorothy dixers about the federal government's administration, and nothing to do with the state Parliament. I am appalled that this matter has been brought on this morning in the run-up to the Aston by-election because it is nothing more than campaigning out of this place for a federal by-election.

It is also about state Labor apportioning blame to the federal coalition for its own failings in the state health system. For all the promises made by the Minister for Health, what has occurred? The Minister for Health and the Minister for Aged Care have promised Victorians much, but what have they really delivered? They have left us with increased waiting lists; more trolleys in hospital corridors; hospital bypasses at record levels; and restrictions on operations in public hospitals because there are never enough intensive care beds open to offer Victorians the operations they need. They have left us with a strategy to attract more nurses that is bleeding the aged care system of its nursing staff. They have also left us with aged care policies for the upgrade of the state's nursing homes, which are swallowing money, while the private and not-for-profit sectors were online to invest some $200 million into the system and to offer older Victorians high-quality accommodation with the support of federal government subsidies to support their daily care needs.

Is the accusation really that the federal government is failing to fund aged care beds in Victoria? The honourable member for Frankston East has thrown a lot of figures around today, but what is the reality of the Labor Party's performance at a federal and state level?

The Gregory report, brought down in 1994 after a decade of federal Labor Party government and a decade of Labor government in Victoria, highlighted the existence of a capital crisis in the nursing home industry. It identified a large backlog of capital expenditure requirements because of the deferment of refurbishment expenditure in the past. The report found that approximately $36 million was required to ensure that buildings complied with fire authority standards and approximately $42 million was required to ensure they complied with health authority standards. Further, it found that $500 million was required to upgrade nursing home building stock to existing outcome standards, and $500 million to upgrade nursing home building stock to existing Australian design standards. That was the legacy the Labor government left to the Australian people. It also left 10 000 nursing home beds short across the country.

The federal government has allocated Victoria a large number of beds and a large amount of funding. In just over three years it has released more than 31 000 new aged care places to make up for the deficit of 10 000 beds left by the federal Labor government. Claims have been made that Victoria is 5000 — or 4000, depending on which week one listens — nursing home beds short. But if one looks at Victoria's actual allocation one sees that much has been achieved by the federal government after the Labor government left things in such a poor state. Victoria has been allocated nearly 7000 new places in the last two approval rounds — almost one-third of the nation's allocation, yet it has just 24 per cent of the nation's population.

Between 1996 and 2000 operating places in Victoria grew from 87 to 90 places per 1000 people over the age of 70. These figures are ignored by the Labor government. Under the federal government the rate of growth in operating aged care places to meet the aged care needs of our community is among the highest in the country. On 3 April the federal government released a record number of high-care aged care places. It included almost 1400 residential care places and over 370 community aged care packages in Victoria. In January the federal minister announced the allocation of more than 14 000 new aged care places worth $156 million. Of this, Victoria received 4500 places worth $52.2 million, and an additional $9.7 million was allocated for establishment grants.

These new places and grants are in addition to the $1.1 billion spent by the federal government on aged care in Victoria in the last financial year. The 2000 approvals round raised the total allocated places for Victoria to over 105 places per 1000 people aged 70 or over.

Many people do not know much about these benchmarks, because it is not something that is readily understandable, but the previous federal Labor government set benchmarks for the country in terms of the allocation of aged care places and stated that there

should be 40 high care places, 50 low care or hostel bed places and 10 community aged care packages per 1000 people over the age of 70. In Victoria the release of the places for 2001 brings this ratio to over 109 places per 1000 people aged 70 or over. It is an amazing achievement considering the situation left by the previous federal government.

The early 1980s saw a dramatic increase in the proportion of the population over the age of 70, but Labor finally left the country with a system seriously underfunded, as Gregory described, and with a deficit of 10 000 aged care beds.

It was up to the coalition to fix the system and what did it achieve? Firstly, it was left to the new Howard government to introduce structural reform that saw expenditure on residential aged care increase from $2.5 billion in 1995–96 to $4.2 billion in 2000–01 — that is, an increase of $1.7 billion at a federal level. Yet the Bracks government claims that the federal government is not funding aged care in Victoria and around Australia!

Under this reform other things have happened. A system was introduced to identify dependency levels; funding is supported by a daily accommodation charge; and concessional charges ensure that the disadvantaged are able to access residential aged care. A certification process was put in place to ensure that facilities meet building standards. An accreditation process was established to ensure appropriate standards of care are delivered. Community aged care packages provide care for elderly citizens in their homes.

What has Victoria received as a result of the reform listed in the documents? I have demonstrated that it has received much. What has been the Victorian government's contribution? It has not been a great deal, when compared with the $1.1 billion spent on aged care last year by the federal government. The Victorian government — —

Ms Pike interjected.

Mrs SHARDEY — It is your job, too! The Bracks government allocated $685 million in the 2001–02 budget — an increase of merely 6.5 per cent. Compared with the year before, budget figures and output targets indicate very little increase. The government was so desperate to hide its performance it changed a lot of the output groups so that one could not compare apples with apples, as it were.

Despite all the rhetoric, the government's performance has not been all it has claimed. It has a lot to answer for. One need look only at the output groups in the budget to realise that the government is barely increasing its targets — in most areas it has just met targets.

I turn to state-owned nursing home beds, which is a popular topic with the minister. As honourable members have already heard, a large number of beds are offline and owned by the state government. Some of the beds came offline during the previous government's time in office as part of the privatisation process, but there was also a process in place for the reallocation of those beds so that they could be used in a more flexible way, which was important.

Ms Pike — Dig in deeper. Go on, dig yourself in deeper!

Mrs SHARDEY — I will explain to you exactly what is happening. While the government was telling Victorians that the fault of the crisis in our hospital system is that of the federal government in not allocating beds, there is quite a large state pool of beds — in fact, some 500 beds, I am told — —

Ms Pike — Where are they?

Mrs SHARDEY — You should know — you know all about it. The Bracks government must ensure that it finishes its discussions with the federal government to make sure that those beds come online.

I will raise some other issues in relation to that. In the budget the government announced that it would reopen some 110 beds in country Victoria, but I question — —

Ms Pike interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The Minister will cease interjecting.

Mrs SHARDEY — When did the minister put the proposal to the federal government to bring those beds online?

Mr Cameron interjected.

Mrs SHARDEY — I am told that she put that proposal only in April, yet already the honourable member for Bendigo West is bleating that the federal government is showing sour grapes, and saying that he has written numerous letters. It seems to be a point of conjecture. The minister should come clean and tell Victorians what she has been up to. I am sure that the residents of Caulfield — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The Minister for Local Government and the honourable

member for Malvern will go outside if they continue to talk across the table!

Mrs SHARDEY — I am raising important issues that demonstrate that the state government is sitting on a large pool of beds.

It is responsible for taking proposals to the federal government and negotiating with that government to get those beds on line. It is the Bracks government's responsibility to put proposals to the federal government, not the federal government's responsibility to put its own proposals forward. As part of the process in this budget, beds are moved around. I am sure the residents of Caulfield — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The ministers at the table will refrain from talking across the table while the honourable member for Caulfield is making her contribution.

Mrs SHARDEY — I am sure the residents of Caulfield and those living around the Kingston Centre will be pleased to learn that their nursing home beds are disappearing to other places such as the Grace McKellar and Mount Eliza centres. I am also sure the government has not been telling the people of Heywood that the redevelopment of their nursing home will mean the closure of 15 beds. As yet, the residents have not woken up to that fact.

The government's ideological policy not to use the private sector under the former government's privatisation scheme means that more than $200 million the private sector was prepared to invest in the system is now not being invested. The government has allocated $47.5 million over four years and perhaps a further $25 million. But that is not $200 million! The bill will keep growing as the accreditation process continues.

The opposition believes the government has created a large black hole in the overall aged care system because of its policies and its failure to address the issues at hand. It is driven purely by ideology. The government should fix up its own backyard before it tries to blame the federal government for its lack of performance. It should stop using this place as a forum for a federal election campaign. It is not appropriate to do that. The Minister for Aged Care is using frail, aged people as a political football in her attempt to blame other people for both her failure and the failure of the Minister for Health to run the health system in the best possible way for all Victorians.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! Before calling the honourable member for Rodney I again warn the ministers at the table that I do not appreciate interjections across the table.

Mr MAUGHAN (Rodney) — The matter before the Chair today is a smokescreen! When government members were in opposition they had all the answers about what Labor was going to do with the health care system. The government has now been in office for 18 months, yet it is still shifting the blame. The matter is all about shifting the blame away from this government. I remind the ministers for aged care and health that they have now been in power for 18 months and it is too much to be blaming the former government, the federal government, anybody but themselves. It is time they examined what the problem is and what they can do to resolve it.

It is beyond dispute that many patients in hospital acute-care beds are delaying the treatment of other patients while they wait for places in nursing homes. It is a well-documented fact that we all see day after day. The question is: what will the government do about it rather than whose fault it is?

The time of honourable members in this debate can be spent — as it probably will be — going backwards and forwards blaming each other, blaming the federal government, blaming the former government. It is about time the government got on and fixed the system. The federal government does have a responsibility — and I will come to that in a moment. It has discharged its responsibility far better than its predecessor has, and that should be kept in mind. I will quote some figures shortly.

The Bracks government can do something about solving the problem. It inherited a huge surplus of $1.7 billion from the former government, which is on the record and beyond dispute. The government's first budget had a surplus of $1 billion and the estimated surplus of the budget delivered a couple of weeks ago is $500 million. Those figures add up to a surplus of $3 billion. Where will that money be spent? If there is a crisis in Victoria's health system — and there is — why not spend some of that money? Firstly, the government should upgrade the nursing home beds that it owns. The government should get its own house in order before it starts throwing stones at other people, including the federal minister, the federal government, the former government and anybody else to divert the blame from itself.

The government has the money and the beds, but what is it doing with them? It is hard to know how many government-owned nursing beds are not operating. It may be 200, 300 or even 400. I do know that the number of government nursing beds is being reduced rather than increased.

Mr Nardella — That was your government's policy.

Mr MAUGHAN — It is the Bracks government's policy too.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Melton will refrain from interjecting, and the honourable member for Rodney will ignore his interjections.

Mr MAUGHAN — The Bracks government has failed to adequately fund nursing home beds in public hospitals. The number of nursing home beds at Echuca Regional Health is being reduced. The new hospital is now being built and this government is responsible for the lack of beds. The government claims responsibility for providing funding, yet it has cut back on the number of nursing home and hostel beds at Echuca Regional Health. That is only one of many examples I could cite.

Day after day in opposition the Labor Party capitalised on stories about waiting lists, sick people on trolleys, ambulance bypasses and so on, and claimed the Kennett government was responsible for them. I remind the Minister for Health and the honourable member for Frankston East that the Bracks government has been in power long enough to do something about it. The minister has had control of the health portfolio for 18 months and it is now time to get on with the job and fix the problems. He should stop looking for scapegoats.

There are a number of reasons for the lack of aged care beds. I will not go through them in detail, but it is common knowledge there is a crisis in our public hospitals. I refer to correspondence I have received from two emergency doctors employed in major hospitals. They state that approximately 25 per cent to 30 per cent of patients in the emergency departments of the main teaching hospitals are now waiting more than 12 hours, as compared with 5 per cent in March 1999, when the present emergency department crisis started. It has got worse, not better, since the Bracks government has been in power. This is the government that said it would fix the crisis, that it had the solution, but the problem has got worse rather than better. It is about time the government stopped the rhetoric and did something about the situation.

Another emergency doctor states:

> We start the morning with three cubicles rather than 25 because 22 are already full with patients waiting for beds, and then you only need three ambulances to fill up and then you go on bypass.

The number of ambulance bypasses is going up, as is the number of people waiting on trolleys! In opposition the Labor Party made capital out of the fact that people were waiting on trolleys, but now that it is the government the problem has got worse and people are still waiting on trolleys. Not so long ago a person suffering from a brain haemorrhage waited for more than 12 hours on a trolley! The opposition hears these stories day after day, but it is not making capital of them as the Labor Party did in opposition.

I again remind the Bracks government that it is the government and in control of the health portfolio. It is about time it did something to fix the system, because it is getting worse rather than better. As I said earlier, it is hard to know how many government-owned nursing home beds are currently not being used, but it is at least 200 and probably a lot more. The government must do something about it.

I again refer to Echuca Regional Health, which has 69 nursing home beds and 34 hostel beds, making a total of 103 beds. That is in Echuca today.

At the hospital, which is currently undergoing a $21 million reconstruction program, there will be 62 nursing home beds and 17 hostel beds — that is, a reduction of 7 nursing home beds and 17 hostel beds. Put the two together and it is a loss to that community of 24 beds that it currently has but will not have when the new Echuca regional health facility is completed.

Another marvellous aged care facility in my electorate is the Tongala and District Memorial Aged Care Service. The Tongala community of its own volition closed the bush nursing hospital and put the resources into building a hostel and a nursing home. It now has a 63-bed facility that is as good as you would see anywhere in Australia. Members of the Tongala community have concerns. They run a marvellous organisation but it has been badly impacted on by the government. On 18 February I wrote to the Minister for Health. The letter, which ultimately found its way to the Minister for Aged Care, concerned aged care in Tongala, where the government has impacted on the capacity to run aged care beds. For example, Workcover has caused real problems, and discharge planning has had an impact.

A letter from the Tongala and District Memorial Aged Care Service to the minister outlines a number of requests. Firstly, it asks for something to be done about the differences in access to retraining programs between nurses working in the aged care sector and those in the public health system. Secondly, it asks for something to be done about the increased cost of Workcover, which was brought about by this government and which has impacted on the aged care sector. Thirdly, it asks for something to be done about the 15 per cent pay rise over three years, which was brought in by this government and which is causing a crisis in the aged care sector.

The pay rise is okay for the public health system — although there is another story there — but those rates do not prevail in the aged care sector, so nurses are leaving and going across to the acute sector. That is part of the reason there is trouble in the aged care sector. There is a problem. The government should stop shifting the blame and get on and fix it!

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Ms PIKE (Minister for Aged Care) — The honourable member for Caulfield said that members of the house value contributions of excellence, not contributions of mediocrity. I agree with her, which is why it is astounding we should have such a banal contribution from her, that she would reveal how totally out of step she is with the Victorian community, and that she would continue to be an apologist for and would continue to defend the indefensible — the absolutely parlous and appalling state of the provision of aged care beds to Victoria. Compounding that is the absolute hypocrisy of honourable members opposite, who decimated our health care system. They stripped it bare by pulling out thousands of nurses and closing down hundreds of beds, yet they now try to attribute blame to this government, which is putting millions of dollars into rebuilding the system. Further, they defend the policy of the previous government of selling off and neglecting state-owned nursing home beds.

All of this will only draw condemnation from providers across the state and from anyone trying to find a nursing home bed for a member of their family. That is the real test. Honourable members should ask Victorians who are trying to find a nursing home bed for a member of their family what the success rate is. What should be available has become an absolute nightmare for people in this state. The 2001–02 federal budget tells the real story and continues this policy.

The real issue is the discrimination that Victoria is experiencing. The federal government is actively discriminating against Victoria by knowingly leaving this state with a chronic shortage of residential aged care beds. Frail elderly Victorians are hurting, and so are their families.

For opposition members to try to defend the situation is astounding, and I am sure all Victorians will be able to see this tactic for what it is. Good aged care providers in this state are justifiably angry because they predicted that this situation would arise. Some three years ago when the federal government brought down its 1998 budget, Aged Care Australia said in regard to the aged care allocation:

> The budget may be in the black but it is a dark day for older Australians dependent on nursing homes and hostels.
>
> Pensioners across Australia and particularly in rural and remote areas will find it increasingly difficult to get access to nursing home beds, and some facilities providing quality care may face closure.

What was predicted three years ago has come true, and a legion of evidence points to the discrimination experienced by Victoria. Objective data, whether it be from the Productivity Commission, the Australian Institute of Health and Welfare or even the commonwealth's own data produced by the Department of Health and Aged Care, points to the fact that Victoria is moving closer to a crisis year by year. Victorian subsidies have not been indexed to meet wage increases or other increases since the mid-1990s. Many good nursing home providers have been forced to cut care, or they are getting out because the funding is not adequate.

The real story is that beds have been deliberately held out of the system by Canberra. For the honourable member for Caulfield to defend the ineptitude of the commonwealth Minister for Aged Care, who is sitting on her hands while matters requiring decisions are sitting on her desk, and to try to shift blame to the Victorian government is astounding. The honourable member has tried this trick in the media and tried it again today, and it is amazing because the documentation and the record speak for themselves. The proposal requiring a decision is sitting on the federal minister's desk, and it is her disregard for Victorians and her own ineptitude that is stopping it from going ahead.

It is worth noting that there has been systematic slowing down of allocations in 1997 and 1998, and that is now proceeding year after year. The Howard government is saving millions of dollars at the expense of Victorians and has left a massive shortfall of beds.

Regardless of the overwhelming facts and evidence, the 2001–02 budget did not produce any extra places.

It was a wonderful opportunity for the federal government to address these fundamental viability issues, and it missed the opportunity. It has chosen to do nothing, so the situation for Victorians is becoming worse. For members opposite to fill this house with misleading figures and defend the indefensible, when anybody in aged care in Victoria knows that we are at least 5000 beds short, is absolutely amazing and deserves the condemnation of all Victorians. Of course, the record of the former government on aged care was one of neglect and disinterest.

Victoria is the only state to have been driven by the Howard government below the commonwealth's own benchmark. The benchmark has been described to the house, and I turn to the figures: in 1985 Victoria had 54 nursing home places; in 1995 it had 45 nursing home places, and by 2000 it had only 39 places, which was below the benchmark of 40 places.

Members opposite must have fallen asleep. The honourable member for Caulfield talked about the promises that the federal government made in allocations, which leads to the issue of phantom beds. The Howard government has put figures on pieces of paper, then counted them and said that they are real beds. We know they are not real beds; they are phantom beds. Around Australia there are 10 500 empty promises in the form of phantom beds. In Victoria it is known that of the hostel and nursing home places allocated in 1997, 1998 and 1999, 1170 places are still not operational — they are not even built! One can look at the practical examples of these phantom beds. At the Cabrini nursing home in Ashwood, which is a beautiful brand-new facility, 60 beds are unfunded. There are shortages at Rose Lodge in Wonthaggi, the Andrew Kerr Frail and Aged Care Complex on the Mornington Peninsula, and the Doutta Galla Community Health Service.

A report by Melbourne Health in September last year on winter emergency demand found that there is a shortage of more than 700 residential aged care beds in the north-west aged care assessment services region, well below the benchmark. The federal government promises it will allocate those beds, but in a number of cases it has not even found a block of land, let alone begun to build a facility or sought planning approvals to be able to put beds into place.

If one looks at the record of the federal government and at what is happening in Victoria, one will see that all Victorians are disgusted and outraged. For members opposite to defend this inept system, which is clearly failing Victoria, is astounding. There is no willingness on the part of the commonwealth to join with the Victorian government on planning issues.

All Victorians will suffer for as long as members of the opposition, particularly the honourable member for Caulfield as the shadow Minister for Aged Care, continue to defend the indefensible — that is, the appalling record of the commonwealth government.

Mr DOYLE (Malvern) — What a debate the house is having today! I listened with interest to the honourable member for Frankston East, whose matter of public importance it is — I will have more to say about him later — and then to the Minister for Aged Care, who during the entirety of her contribution so far as I can recall did not talk about what she intended to do. I can only say that if the honourable member for Frankston East is the one whom the Labor Party wants to put up first on its own matter of public importance to represent the level of sophistication it wants in the debate, it must be writing its speeches in crayon!

Ms Pike interjected.

Mr DOYLE — That is a very ministerial statement, and I will get to the minister later.

I am at a loss to describe the performance of the honourable member for Frankston East. It was as though for a moment the organ grinder had dropped the leash and the monkey was running around in little circles, chattering away and occasionally whacking himself on the head with his empty tin cup almost for the pleasure of the sound he could make. The house has just witnessed another demonstration of that sort of behaviour by the minister, in her personal and graceless comments across the table rather than focusing on the issue at hand.

I turn to the matter of public importance (MPI). I looked at the rules for debate on the matter of public importance. As honourable members know, the Labor Party, as is its right and in line with its winner-take-all attitude, has changed the rules of debate on matters of public importance. According to most accepted conventions of a Westminster Parliament an MPI is debated almost as an item of opposition business, but the government turned the rules around so that it gets to make its own statements on matters of public importance.

The rules stipulate that the subject matter of an MPI must be something the Legislative Assembly has jurisdiction to deal with. A matter that only the federal Parliament could consider would not be appropriate for

this debate. The fact is that the government has made a statement by proposing this MPI which amounts to a concession that the subject of this MPI is its responsibility. Yet the house has just heard the minister's tirade about how it is everybody else's fault. She made all sorts of imputations, but she said not one word about her responsibilities in her own portfolio.

Ms Pike interjected.

Mr DOYLE — The minister says, 'What are they doing?'. Let us look at what the federal government is doing. In the past year the federal government spent $1.1 billion on aged care in Victoria because it is the most central problem facing our health system. What did this minister announce? If aged care is so important to her and is a matter of such public importance, why is it that the minister last mentioned the subject on 28 February? On that occasion she said a wonderful package of $41 million would be made available over the next four years. She said the state government was prepared to put in a little more than $10 million a year over the next four years. This year the commonwealth government will spend $1.1 billion. The minister says, 'It is all their fault. It has nothing to do with me', but that will not run.

If the issue were such a matter of public importance it could have been debated in this house earlier. Until 5 April the notice paper listed a motion in the name of the Minister for Health in which he referred to condemning the previous government for its mismanagement of the public hospital system and improving services to country Victorians.

If the government considered this related issue so important, why did it have that notice of motion removed from the notice paper on 5 April, when it had been listed for debate for more than a year! That demonstrates the government's bona fides on the issue. The government is not really serious, Mr Acting Speaker!

The record shows that over the past three years 31 000 new aged care places have been made available throughout Australia, of which 7000 were made available in Victoria.

Ms Pike — Phantoms.

Mr DOYLE — 'Phantoms' says the minister, thereby demonstrating her total misunderstanding of what the Auditor-General said in 1998 are not phantoms. It demonstrates that she disagrees with the Auditor-General. That is an example of the minister's understanding of her portfolio.

In April this year a record number of high-care aged places was announced by the commonwealth — some 1400 — which the Auditor-General said in 1998 were appropriately allocated in principle or announced. Some $52.2 million was allocated for 4500 places in January last, and I ask the house to compare that with the minister's announcement on 15 May of some $50 million over the next four years.

When the minister talked about aged care and what the government is doing, she did not mention the Grace McKellar Centre. The government may ideologically hate privatisation, and that is entirely a matter for the Labor Party, but it has been wrong to delay for a year and a half the redevelopment of the Grace McKellar Centre and then to say, 'We are refurbishing it for $19 million'. I welcome the announcement because I think Grace McKellar is a great institution, but in reality the $53 million project proposed by the former government in partnership with the private sector would have seen the centre's doors open by now. All you have done is make an announcement — something you criticise the commonwealth government for doing — but you have actually not done anything yet. It is apparently okay for you to criticise the commonwealth and opposition, but a year later simply trumpet an announcement.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Malvern should speak through the Chair.

Mr DOYLE — Quite right, Mr Acting Speaker. I shall examine the final part of the statement on this spurious matter of public importance. It refers to the Victorian public hospital system, which is where interesting comparisons about the performance of the previous government and the performance of this government are to be found. This is another of its furphies. They don't actually do anything! For the first six months of this government Victorians heard, 'Blame the previous government'. That litany continued throughout the first six or seven months of the Labor government. Then it turned to, 'Blame the federal government, it's all their fault'. But when that did not work, it became anything — even 'Blame seasonal change'.

The actual figures show exactly what was happening in our public hospital system, to which the matter of public importance refers. A hospital services report is produced every quarter. It directly measures on precise key indicators performance in our public hospital system. Better still, the reports compare apples with apples, because, for example, the figures for last December can be compared with the figures for

December 1999. Seasonal changes occur in the health area, and winter is the most difficult time, but, as I said, the most recent figures provided by the Labor government for the December quarter 2000 can be compared with the figures for the December quarter 1999.

At that stage Labor had been in government for only a couple of months and I presume that even members opposite would allow that the December 1999 figures were reflective of the previous government's performance rather than their own. Let us look at their performance after one year. Any argument by government members that things changed so markedly in that year that it was a different landscape simply will not run.

A comparison of the key indicators for December 1999 covering the end of the previous government and the start of the new government and those of December 2000 after the Bracks government had been in power for a year show a deterioration in every single aspect of hospital performance, including ambulance bypass. For the benefit of the house, ambulance bypass occurs when an ambulance carrying an emergency patient is trying to find a hospital to discharge that patient but has to drive past the front door because the emergency department is full. From December 1999 to December 2000 the number of ambulance bypass incidents increased by 35 per cent.

Ms Lindell interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The house will come to order. The honourable member for Carrum should keep her voice down.

Mr DOYLE — What happened to people waiting on trolleys for more than 12 hours, which is a critical indicator? That increased by 50 per cent from 4160 in December 1999 to 6066 in December 2000. Waiting lists for elective surgery rose by 3000 from 40 301 in December 1999 to 43 410 in December 2000. These are the government's own figures. To cope with that the government shut down elective surgery for the month of September last year. What a wonderful way to cope with an emerging crisis in the health system — just stop doing operations. It had never happened in the state's history.

If members opposite are trying to tell the house that in one year the landscape in health had changed so remarkably that the government could not possibly improve on any of the benchmarks — —

Ms Lindell interjected.

Mr DOYLE — The honourable member for Carrum said, 'You left the hospitals', but all I am asking you to do is perform at least as well as we did when we left government. You can't do that. It has got worse!

The ACTING SPEAKER (Mr Kilgour) — Order! Through the Chair.

Mr DOYLE — The figures have worsened quarter by quarter. The government's December figures show that it performed worse than the previous government on all the key indicators.

This is a very serious debate. I believe the area of aged care will be the major problem facing our health system over the next 20 to 30 years. It is a sham to bring this in here as a matter of public importance, something which is supposed to be definite and of immediate importance, when the minister herself has not been on her feet in this Parliament on this issue since 28 February. The important point is that we should certainly have this debate, but instead of it being about members opposite whacking the federal government, blaming the previous government and ducking the responsibilities of being in government, it should be a constructive and coherent debate about how we can care for those aged and vulnerable people in our community. That would have been a worthwhile debate. Instead what we have had today is a political exercise, an attempt at blame shifting and political mud throwing and an attempt to use the most vulnerable people in our society for political ends.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired.

Mrs MADDIGAN (Essendon) — I am pleased to join this debate today. I was somewhat surprised to hear the shadow Minister for Health suggest that the provision of aged care beds in Victoria is not an urgent issue. I am not sure how things are in his electorate, but I can assure him that in the western suburbs of Melbourne, and particularly in the City of Moonee Valley where my electorate is situated, it is a very urgent matter and there is a huge shortage of nursing home beds.

The federal budget was a great disappointment to people interested in aged care facilities. Victorians would have quite reasonably expected the commonwealth government to acknowledge the comparative disadvantage of Victoria and make suitable appropriations to compensate the state for its lack of aged care facilities. It was a great disappointment to all of us that that did not happen. We

saw the federal Treasurer looking very pleased with himself in announcing the wonderful things he is offering older people in Victoria and the rest of Australia, but the people who might require assisted accommodation or supported care accommodation were well and truly ignored.

As I said, my electorate is situated in the City of Moonee Valley. In October last year a report identified Moonee Valley as having 74 fewer nursing home beds than required by the commonwealth's own benchmarks. That is the commonwealth government saying how many beds we should have, not the Victorian government. The commonwealth government identified the fact that the City of Moonee Valley had 74 fewer nursing home beds than it should have. Appallingly, the municipality was also 247 hostel or low-care beds short of the commonwealth government's benchmark. That is a shortage of 247 hostel or low-care beds in one municipality in Melbourne. Extrapolating that figure to the other municipalities in Melbourne shows how urgent and serious this problem is. I am disappointed that the shadow Minister for Health does not seem to recognise that.

I am surprised he does not because residents in my area are constantly speaking out about the problems they have in getting appropriate aged or supported care for their relations. In Essendon we have reached the situation where if you have a partner who gets to the stage of needing supported care they are on a waiting list for a very long time and when they finally do get a bed it is often in a facility many kilometres away from where they have lived.

The old established nursing homes in my area have closed. Gladswood in Rothwell Street, Ascot Vale, was well known and served the city for many years. It had to close because the cost of upgrading it to the new commonwealth standards made it uneconomic. The nursing home was run by a church group. I assisted the group in many discussions with the commonwealth government to see whether any accommodation could be made or if any way could be found to replace those beds. Our approaches were met with an absolute no.

Last year we had another example of how difficult people who want to provide nursing home beds find the situation. The federal government, as has already been mentioned, is not prepared to negotiate with or assist people in any way. This example is a common story and one which I am sure honourable members would have heard discussed in other areas of Melbourne; there was quite a bit about it on the radio the other day. St Marks was a nursing home in my electorate. At one stage the owners got a bad report about the way they were running the home so it was sold to a new provider who fixed it up and ran it very well. That company, Kilbandon Pty Ltd, then sought to build another nursing home in the area, at 75 Keilor Road, Essendon.

They found they got absolutely nowhere. Every time they spoke to officials in the commonwealth department office they were told they did not have a good record. Their attempts to explain to the commonwealth department that they were not the owners of St Mark's Nursing Home when it got the bad report fell on deaf ears, even though that department had all the records.

On 21 December 1999 I wrote to the federal minister on their behalf asking the minister to investigate the matter and to see what she could do, because we were very short of supported care beds. I got an acknowledgment on 7 January 2000 saying the matter was being attended to. I wrote again on 22 February of that year asking when I would get a response. I am still waiting. That is typical of the federal government and typical of the lack of concern it shows for aged people, not only in my electorate but right across Victoria.

The figures provided by the commonwealth, and the frequent statements on television by the federal minister, try to tell us that we have many nursing home beds in Victoria and more than is required. Nevertheless, as has been mentioned, places like Gladswood Home in Rothwell Street, Ascot Vale, are still being included in those figures even though they have been closed for some time. In addition, the federal government has allocated nursing home beds that have not yet been built.

Anyone who has been involved in the aged care area knows that nursing home beds seem to have become a commodity tradeable on the open market. The commonwealth grants beds to people on a system that is very hard to follow. Frequently a facility already built cannot get approval for nursing home beds, even when they could take patients the following day, while the federal government gives money to people to build nursing home beds before they have even bought a block of land on which to build them. To say, 'Yes, we have allocated nursing home beds' is a nonsense because it makes people think everything is all right. People think, 'Nursing home beds are out there, so my family will be all right'. However, those beds are simply figures on some sort of report that the federal minister is putting out to try to cover her appalling lack of action. Those nursing home beds are not available. Unfortunately, the federal minister always tries to blame others for this process, while the real problem is

poor administration and lack of concern by the commonwealth government.

I wish I could say that the situation in the City of Moonee Valley has improved since late 1999 and early 2000, but that would be a lie. The figures, according to commonwealth guidelines for February 2001, show 37 too few hostel beds, 104 too few nursing home beds and 141 too few beds in aged care facilities, making a total of 282 beds still short in the municipality. Considering the future of Moonee Valley, it is clear that the problem will become increasingly serious. *Victoria in Future — Data*, a publication prepared last year by the Department of Infrastructure, projected an increase in population of 3552 people between 1999 and 2021 in Moonee Valley, and the report indicates that change is also expected in the age structure over those 22 years. The 60 to 69 and 50 to 59 age groups are projected to have the greatest net growth, with the highest net loss in the 25 to 34 and 5 to 17 age groups. That means that by 2021 we are looking at an increasingly ageing population in my electorate, and indeed in the neighbouring electorate of Niddrie.

What do we have to look forward to in the future? From the figures, and from the assistance given to our municipalities so far, there is very little. There has been a small amount of good news. Doutta Galla Aged Services, which is a quality provider operating the Queens Park Age Care facility in my electorate as well as at Lynch's Bridge in Kensington, recently negotiated for a new nursing home in Keilor Road.

Honourable members will recall that the Essendon hospital was a going concern until the previous Kennett government sold it. Salracha Pty Ltd, the developers of the Essendon hospital site, are seeking to get 78 supported beds there. Even if both developments go ahead — and as yet there is not one bed there for anyone to get into — that will mean on today's figures we will still be 200 beds under the number we should have in our municipality, and the number required will, as I have said, increase as time goes on.

The figures show how badly the commonwealth treats Victoria — for example, in June 2000, when New South Wales had 49 nursing home beds per thousand of population, Victoria had 39. New South Wales received $1991 from the commonwealth for each person aged over 70, while Victoria received $1768 a person. In 1996 Victoria had 44 nursing home places per thousand of population aged over 70. In June 2000 Victoria had only 39 places.

Does the federal government care? The evidence would suggest not. The Victorian Minister for Aged Care — and a very good minister she is — has written, as has her department, to try to get the Howard government to assist. What is the reaction? No response. In the past few years, by refusing to speak to the state Minister for Aged Care and by its budget statements, the Howard government has shown — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired.

Mr WILSON (Bennettswood) — The matter before the house is:

> That this house notes the impact of the failure of the federal government to adequately fund aged care beds on Victoria's aged care facilities and the Victorian public hospital system.

Ms Pike interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The Minister for Aged Care will get the call if she cares to rise at the end of this speech.

Mr WILSON — A more honest and accurate matter to place before the house would have been 'That this house laments the inability of the Bracks Labor government to provide adequate and responsive aged care services for Victorians and its failure to continue with and build on the reforms and successes of the previous coalition government'. Reflecting on the reference in the government's matter of public importance to the Victorian public hospital system, it would have been far more accurate for the government to have put before the house a matter calling upon the Victorian Minister for Health to stop blaming everyone but himself for the disastrous state of Victoria's public health system.

There are three reasons why aged care in Victoria is in such a parlous state.

Ms Lindell interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Carrum should cease interjecting.

Mr WILSON — Firstly, most aged care problems in Victoria, and indeed in Australia, go back to the Hawke and Keating Labor governments. We all remember that that was a period of great rhetoric by Labor governments but very little action. Over the past 15 years aged care people in Australia have paid a great price for the lack of action by the Hawke and Keating governments. That lack of action is now continued by the current Bracks Labor government in this state.

The second cause of the problems for aged care facilities in Victoria is that the Bracks government, which has been in office for some 20 months, has done very little to advance the cause of elderly Victorians by providing an adequate number of aged care beds. We have seen no vision from this government, we have seen very little action, and the reality is that in the area of aged care Victoria is going backwards.

The third reason for the problems facing Victoria in the area of aged care facilities — or the lack of aged care facilities — is that on coming to office this government decimated privatisation and the consequent redevelopment of nursing home beds across Victoria without providing an alternative strategy. It is one thing to change policy, but when you change policy — when you indeed decimate policy — you have to have ideas of your own. You have to be willing to put those ideas forward and get some results. This government has no vision and no strategy, and as a consequence we have had very serious consequences for elderly Victorians.

We have heard this morning — we often hear it from the Victorian Minister for Aged Care, and we certainly hear it regularly from the Victorian Minister for Health — that the current federal government is not providing adequate funding for aged care services in Victoria. The facts are otherwise, Minister, and I will provide the house with some statistics that will support my contention and dispute the rhetoric behind the matter the government has brought before the house.

Firstly, the recent federal budget saw an increase of $336 million in recurrent residential aged care spending. Commonwealth recurrent residential care funding has risen from $2.5 billion in 1995–96 under a federal Labor government to $4.2 billion next financial year under the Howard coalition government, which is an increase of $1.7 billion.

Secondly, other federal government budget highlights in the area of aged care include a $45 million increase for community aged care packages and a $49 million increase for home and community care.

The third statistic I wish to place on record is that since 1998, 32 000 new aged care places have been allocated across Australia. This is an important statistic in the context that in 1998 the commonwealth Auditor-General found that the Keating and Hawke governments had left a deficit of 10 000 places — I repeat: 10 000 places — across Australia.

In Victoria we received $873 million in residential aged care subsidies in 1999–2000, an increase of $273 million. As I quote these statistics to the house I ask honourable members present — and I notice the minister has left the chamber — to reflect upon the wording of the government's matter of public importance. It does not stand up to scrutiny. The facts prove otherwise.

Other statistics I shall quote to the house to refute the claims we have heard from government members, in particular the honourable member for Frankston East and the Minister for Aged Care, are that Victoria has been allocated nearly 7000 new places in the past two commonwealth approval rounds — that is almost one-third of the total national allocation. Those of us who know our Australian statistics understand that Victorians make up one-quarter of the Australian population. Between 1996 and 2000 the number of places in Victoria per 1000 people aged 70 and over grew from 87 to 90.

In January this year the federal Minister for Aged Care, the Honourable Bronwyn Bishop, announced the allocation of more than 14 000 new aged care places worth $146 million in a full year. Over 4500 places worth $52.2 million were allocated to Victoria, and $9.7 million was provided in capital and establishment grants. These new places and grants are in addition to the $1.1 billion spent by the federal government on aged care in Victoria in the past financial year. Finally, the release of places for 2001 brings the ratio to over 109 places per 1000 people aged 70 years and over.

The statistics I have just quoted prove that the wording of the government's matter of public importance is full of major errors. In the seven years of the Kennett government a lot of effort was devoted to improving the lot of elderly Victorians. It was a time of radical change after years of inaction by the Cain and Kirner governments in Victoria and by federal Labor governments.

There were a number of publications that outlined Victoria's strategy — how we were leading Australia and, indeed, how we were leading the Western world. These publications and the policies contained in them had great support within the aged care field in Victoria. I refer the house to a publication dated July 1993 that set Victoria on a pathway of great success and many achievements in aged care. It was called 'Everyone's future. Directions for aged care services in the 1990s'. That is the difference between the Kennett government and the current government: the Kennett government had policies that had directions, initiatives and strategies behind them.

In contrast, the current minister is spending most of her time attacking her federal counterpart. Her efforts are

beaten only by the Victorian Minister for Health, who looks around to find other people to blame when he cannot explain why the Victorian health system is in such a disastrous state. He blames either the federal government or the previous government, or he says it came about as a result of circumstances beyond his control. The policies of the Minister for Health or the Minister for Aged Care are never to blame! When writing matters of public importance this government should consider carefully that the opposition and the Victorian public will not be fooled by the sentiments behind this matter before the house. The facts speak otherwise.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired.

Mr LONEY (Geelong North) — I support the Minister for Aged Care and the honourable member for Frankston East in the debate on this matter of public importance. I also condemn the Howard federal government for its callous approach to aged care, which was demonstrated by the recent federal budget — a budget that failed to address any of the underlying issues that require urgent attention in the provision of aged care.

Mrs Shardey interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Caulfield should not interject across the table!

Mr LONEY — It comes as no surprise to anyone in this place that the shadow minister for aged care and housing and other opposition members prefer to run furphies about their federal colleagues rather than stand up for elderly Victorians. For seven years in this place the former Liberal government let down elderly Victorians massively. I will refer to the situation in my own area later, but what has happened during the years of the Howard government go beyond even the sorts of things that happened in Victoria under the Kennett government.

Despite the rhetoric behind the federal budget, and that coming from the other side of the house during this debate, there is no new initiative in that budget that addresses the crisis in aged care throughout Australia, and particularly in Victoria. There are no initiatives in the Howard–Costello federal budget. That second name is important. Honourable members may not believe it when they look at aged care funding in the budget, but he is a Victorian. They should remember that when they look at the facts behind the Howard government's approach to the elderly. It shows the federal government is turning its back on thousands of frail Victorians who are currently unable to gain access to care. The federal budget has ignored the widespread concerns about the federal government's funding cuts, which are now starting to affect standards of care throughout the community.

Not one extra nursing home bed was announced in the federal budget — not one more bed than those previously announced! I refer to the federal government's sleight of hand, which the shadow minister defends. Rather than standing up for Victoria's elderly she wants to be part of the cover-up. Not one extra nursing home bed was announced in the federal budget despite the fact that as at 30 June 2000 there was a shortage of 10 500 beds, according to a report by the Australian Institute of Health and Welfare on residential aged care released on 18 May. If the opposition does not wish to accept that report perhaps it will accept the facts given by the people it is trying to defend — the federal government. The federal government's target for 30 June 2000 was 151 600 beds, but in fact only 141 000 beds were operating in Australia at that date. Its own departmental figures confirm it has failed to meet its target — it is some 10 500 beds short!

Even worse, the shortages are most severe in rural areas of Australia — much more severe than in other areas. The situation in rural areas is shameful, because under the Howard–Costello government elderly people in rural communities are being forced to leave the communities in which they have lived all their lives to seek the care they need. The situation in rural areas is further exacerbated by the federal government's failure to address assistance for rural nursing homes in the current budget. It has failed to meet the commonwealth accreditation standards in its budget, which the shadow minister is defending heart and soul as part of the cover-up.

The federal budget allocated $5 million for rural health accreditation in aged care facilities. Let us have a look at that $5 million of funding, because the shadow minister probably says it is terrific. What did the Productivity Commission say was required? It said $180 million was needed, not $5 million. Even worse — and the shadow minister may be able to get her head around this one — the federal government has not returned what it collected in accreditation fees. It received some $22 million in accreditation fees but has returned only $5 million. That is what the federal government is up to! Of course our colleagues on the other side say, 'Well, that's a good job'.

Going further, the federal government's target for 30 June 2001 is 154 260 beds. Again, on the commonwealth's own figures there will be only 144 320 beds in place. At 30 June this year it will be 10 000 beds short of its target. As a result of that waiting times almost doubled between 1998 and 2000 — from 29 days in 1998 to 55 days last year, and it is going up. This is the federal government's record. These are the facts the other side asked for. This is placing enormous and growing strain on families who are forced to look after elderly family members within their own settings while waiting to try to get them — —

Mr Steggall interjected.

Mr LONEY — That's an interesting comment, Mr Acting Speaker. It seems the National Party's policy is not to provide beds at all.

The ACTING SPEAKER (Mr Kilgour) — The honourable member has 2 minutes and should ignore interjections.

Mr LONEY — The honourable member for Swan Hill thinks you should not provide beds! It is a very interesting comment indeed.

As we know, people are being held in public hospital beds while waiting for appropriate placements and it is placing enormous strain on the public hospital system in this state. This is deceitful behaviour by the federal government because it is including in its pronouncements about bed numbers, beds that have been allocated but not built — phantom beds. It rushes around telling us about beds that it has allocated when they have never actually been brought into the system. In some cases providers were allocated beds years ago but still do not have approval for the development of a site.

Mrs Shardey interjected.

Mr LONEY — Bronwyn Bishop's own department — —

Mrs Shardey interjected.

Mr LONEY — If you like, give us some more time and I'll tell you what it was in 1996 and what you have done. Perhaps we had better go straight there, Mr Speaker, because the shadow minister wants to know what they have done.

Under this federal government Victoria has seen a considerable deterioration between 1996 and the present time. I think 1996 was the year that the Howard–Costello government, beloved of the shadow minister, was elected. From that time on we went downhill. There has been a savage deterioration since 1996 and no amount of huff and puff from the shadow minister is going to — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired.

Mr ASHLEY (Bayswater) — I fear that we are in rather strange country this morning. Although the matter of public importance before us is important, the statement is strange and vacuous because the Parliament of Victoria is in no position to do anything about the situation other than to note it. In other words, this is a statement of complaint or a statement of whingeing only. In the way it is framed and put together it absolves the state government from having to take any kind of action to do anything about the situation. There is no reference to calling on the Victorian Parliament and the government to meet with the federal government ministers to do anything about what government members deem to be the problems.

Mrs Shardey interjected.

Mr ASHLEY — I agree with the shadow minister that there is a real question about whether this matter should have come before the house at all. Although the matter is of great importance, the statement itself really has no power. Having said that, we are now put in this strange territory of debate and the first thing that needs to be said is that we have all been caught out. Over the years a growing problem has been sneaking up on us, which governments of all persuasions have turned a blind eye to.

As the issue has become more pronounced over time and the proportion of the population classed as aged has begun to increase dramatically, we are confronted with the consequences of our own inaction. In fairness to the current federal government, it has to be said that the record shows that of all federal governments since Federation it has done more to address the issue of ageing and aged care than any other. Whatever faults there may be, that is a matter of record that should be recognised.

There is a need to attend to what Victoria may be failing to do because we in Victoria have to put our own house in order as much as we have to ask others to put theirs in order if we think that is necessary. At the beginning of April I was intrigued to receive a letter from the mayor of the City of Maroondah in which he stated there were problems getting on with the home and community care funding round process. He said:

> Prior to Christmas agencies were pressured to return submissions within extremely tight time lines, with, I understand, no consideration for late applications. However the time lines for the announcement of the outcomes of these applications have been exceeded, not only by weeks but by months.
>
> Aged [care] and disability services are under immense pressure in all areas, particularly the community service area. The announcement of the allocation of funds is vitally important to enable agencies to forward plan. This is also essential information for council, to determine budgets for the next financial year.
>
> Council have been verbally notified of the state government's allocation of funds …

He goes on to say that he was under the impression that the federal government was the problem.

I therefore did a bit of digging around and found that the delays were the result of the slow and inadequate provision of information from a number of states — principally, apparently, Victoria. The commonwealth placed August 2000 deadlines on the submissions that it was seeking from the states concerning any specific proposals that the states might have to be acted upon. In Victoria's case a submission that apparently should have been lodged in August was not lodged until two days before Christmas.

Delays continued into the new year because, I am told, of Victoria's failure to provide the degree of information sought by the commonwealth in respect of at least a number of programs it had nominated. If that is the case, we are dealing with a delay by a state that is now screaming and whingeing. Many months have been lost in the planning process on an issue that it is now jumping up and down about — and that may be fair enough — but if the Victorian government is letting time drift away because it is unprepared or not ready to do something about my issue, it is creating more of the problem it says it wants solved. That is the issue here. If we cannot do anything about the federal scene because it is out of our remit, at least we can do something about our own scene because it is our own responsibility and we have the jurisdiction to do it.

I will now confine my argument to a single case, because this case has ramifications for the way we deal with the macro side of things. There is an ageing constituent in my electorate with cerebral palsy. He can only crawl on the floor using his arms. Everything in his unit is at floor level so he can get to it. He has begun to experience problems with attendant day care. It is becoming less and less reliable, and as a result he is finding it more and more frustrating. Increasingly he has to run the gauntlet of carers who come and go. For whatever reason, the carers do not remain long enough for him to get to know them or for them to get to know him.

My constituent is concerned about the quality of management offered by his care provider. He finds that if he cannot get action from the carer, he cannot get action on the phone to get a carer because he cannot be understood by the operator on the Telstra number that receives his complaint to pass on to the providing agency. He also says it is becoming increasingly difficult to find carers for the people in the outer east who are in need of care.

His advocate believes that my constituent's current condition is best explained by the loss of confidence he has sustained as a result of the unpredictable and fragmentary care he now receives. His advocate says that his loss of confidence has to do with unreliability and discontinuity of care and mismanagement by the agency. His description is that my constituent remains a prisoner in his bed until a carer arrives to help him with getting up, toileting, bathing, getting dressed and breakfasting. My constituent has lost his autonomy, and with it he has become more anxious and his distress is deepening.

The only way to deal with this case is to address the issues of attendant care, because otherwise my constituent will again become dehydrated and end up in Maroondah Hospital. This is one man, one case, taking one bed overnight, and there are probably many other cases around like it. This is a matter that we can deal with if we fix the issues of attendant care for my constituent and others like him. If we fix the issues that can keep people out of hospital beds, then we may well not need so many beds.

Maroondah Hospital is more and more pressured because the government does not have the will to build the Knox hospital. This puts more strain on the two existing hospitals — Maroondah and Angliss — to provide the services that could be discretely given in one hospital, and open up the possibility for greater care of those with particular needs, including disability and aged needs in the existing hospitals.

We therefore have essentially come around full circle. If the government finds that it is much more difficult to manage health care than it thought and looks for excuses as the way out, in the end its own excuses will come to trap it.

The end point of all that is that the government is doing nothing more than complaining and whingeing as, unfortunately and sadly, this motion does. It ought to be pushing us on a track to do much more because the

problem in front of us in aged care will be massive as the years go by.

Ms ALLEN (Benalla) — I am happy to support the minister on this motion and condemn the Howard federal government on its callous approach to aged care. I must admit that, just sitting here listening to the opposition, I am not surprised that our minister has left the house for a short time. She probably got absolutely sick to death of listening to the drivel coming from the opposition on this issue, including its excuses for the federal government and its failure to support aged care in this state.

My first memory of going to a nursing home is of a time about 35 years ago after my parents had been caring for my grandfather for a long period in their own home and had been waiting for a considerable time to find a bed for him in a nursing home in Victoria. I can remember the strain and the trials and tribulations my parents went through while they were caring for him. What they were waiting for was a bed to put him into. Guess who was in power federally then? It was the Liberal Party — and nothing has changed since. In 2001, 35 years on, we are still desperately waiting for the federal government to provide funding for aged care in this state.

Given the way members opposite talk, they obviously have no consideration for older Australians in this state. The honourable member for Caulfield said the government has raised this issue because of the Aston by-election. I remind the honourable member for Caulfield that this has been an issue for some time now due to the Kennett government's closing public hospital beds and privatising everything. The aged care issue is relevant right here and right now because the federal government flatly refuses to provide decent funding for it. The opposition's reference to the Aston by-election is a typical furphy on its part to direct attention away from the fact that the Howard government — as Shane Stone, the Liberal Party federal president, said — is typically mean and tricky. That is demonstrated by the federal budget papers and the lack of funding for aged care coming through to this state.

I have moved around my electorate visiting nursing homes, and it is only by the grace of God that the wonderful caring nursing staff in those places run them very well. Country people are very parochial and love living in their country towns; they do not want to have to move away from them. Country areas in Victoria desperately need more nursing homes.

Mr Mulder — Have you got good nursing homes?

Ms ALLEN — We have good nursing homes, but by God we need far more, and the reason we are not getting them is because the federal Liberal government is not providing the money for them!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Polwarth will get the call if he stands in his place at the end of the current speech.

Ms ALLEN — The Nagambie bush nursing hospital is a typical example of the federal government's treatment of small country town hospitals and its lack of interest in them. On 9 May last year the federal government put out a press release saying it was allocating $30.3 million to bush nursing hospitals around Australia. Nagambie has not seen 1 cent of that money, contrary to what the federal Minister for Aged Care says about having given bush nursing hospitals $300 000-odd, because that has simply gone to consultants to tell the hospital how it can better run the place. That money could have been used to allow that little bush nursing hospital to run for at least 12 months.

The federal government seems to think that $300 000 is a nice round figure, because that is the same amount Minister Bishop used in media watching to track what people were saying about her. What people were saying about her was that she is the most incompetent federal aged care minister the country has ever seen!

An opposition member interjected.

Ms ALLEN — No, that is not it; I am still going. I have to take a breath.

Ms Lindell interjected.

Ms ALLEN — He is always rude, but that is okay; I am used to the opposition being rude.

In the past 20 months since Labor has been in power it has put far more funding into aged care in this state than the federal government has since 1996, when it came into office. As the honourable member for Geelong North said earlier, since 1996 aged care funding around Australia, and in this state in particular, has gone downhill dramatically.

As I move around my electorate and talk to people involved in the aged care industry, I hear them screaming out for more nursing home beds in country Victoria. That is one of the things I have been to the state Minister for Aged Care and the Minister for Health about, and they have responded by giving $1.5 million to the Nagambie and Euroa bush nursing hospitals in May last year, which is $235 000 recurrent for four years. When Victoria asked the federal

government to match that funding what did we get — absolutely nothing! All we got was $300 000 for consultants. It is an absolute disgrace that opposition members in this house dare to say they care about older Victorians when they do not give a damn about them, because they are not encouraging their federal counterparts to put more money into aged care in this state. They should be absolutely ashamed of themselves for not doing that.

The little bush nursing hospitals also run nursing beds, but many of the board members and nursing staff involved in those hospitals have told me that such hospitals are past their use-by date. They are non-profit private hospitals, and the problem is that the majority of people who live in the small country towns where they are located are on health care cards or earn under $25 000 a year and are not able to provide themselves with private health insurance, which is necessary for them to use the facilities.

If the federal government had any inclination at all to care for older Australians in this state, it would seriously consider restructuring bush nursing hospitals and making them all nursing homes. However, even if it did that, there are 11 bush nursing hospitals in Victoria with an average of about 40 beds per hospital, so that would work out to a total of only 440 nursing home beds. That is a significant shortfall in the 5000 nursing home beds that are badly needed in this state, a fact that the federal government and its state opposition counterparts simply refuse to acknowledge.

Mr Steggall interjected.

Ms ALLEN — Yes, it is a good opportunity to vent my views on how little the opposition cares about older Australians, how little respect it has for them and how little it does about lobbying its own federal government to provide more funding. Anyone would think that is what you would be doing, but no, you just sit there and come up with all the excuses under the sun!

The ACTING SPEAKER (Ms Barker) — Order! The honourable member will direct her remarks through the Chair.

Ms ALLEN — The federal Minister for Aged Care, Bronwyn Bishop, is probably the most incompetent minister this country has ever seen. Over the past couple of years we have seen examples of her failure to get around and make sure accreditations are done properly. There has been the kerosene bath example in Victoria. It has been only as a result of public pressure and outrage through the media that she has started to do something, although what she has done is very little. Mind you, if the minister is thinking about closing down public hospitals and privatising all of them, all she has to do is sing to the patients — that would clear them out! During the Women Shaping the Nation function her singing drowned everyone out. She is hopeless at singing. If she sang to all the nursing home patients she would clear them out straightaway and then she would not have to worry about providing funding.

It is typical of the minister and the Howard government to be mean and tricky in their shuffling of money and pretending they are putting money into the budget for aged care in this state when it is — —

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Mr MULDER (Polwarth) — Although I will contribute to the debate on this matter of public importance I do not enjoy being involved in frightening elderly Victorians, which is what the process is about. It is about frightening elderly people in the community and using them as a political football.

The work that has been done by the former state coalition government and the current federal coalition government to assist aged care in the Polwarth electorate has been extraordinary. Those who live in country areas are fortunate in that they have something that those who live in metropolitan areas do not have: a strong community of interest. Not just the people who work in the aged care facilities but members of the whole community know, understand and have a strong interest in the aged care facilities in a district. There will always be a worker in contact with a member of a family. Information about how people are going, how they are or are not coping, or if they are unwell at a particular time is spread through the community and there is strong community interest in and support for them. If you were to ask the people in the Polwarth electorate how the aged care facilities are running, they would tell you that they are proud to be part of the aged care facilities throughout the area.

I will refer to a couple of the towns in my electorate and describe what the current federal government and the previous state coalition government have done over the past few years. If honourable members are interested in who is and who is not performing, I will draw a couple of conclusions at the end of my contribution.

I have taken the shadow minister and a number of other members of my party to the multipurpose service at Apollo Bay which was instigated by the previous government. It has not just aged care but also adult education, child minding, acute care and a whole range

of other services associated with it. On a day-to-day basis the elderly continue to interact with the people in the community who come into the aged care facility. That marvellous process works well for the Apollo Bay township. The multipurpose service was put together through federal funding for beds and funding by the former state coalition government.

Travelling around the coast further to the township of Lorne, one can see where the previous state government announced a $6 million redevelopment of the health and aged care services. The previous state government worked with the current federal government to provide the best brand new, up-to-date aged care and health facilities that one could wish to see.

Lorne and Apollo Bay are just two small towns on the coastline of the Polwarth electorate. Moving inland we come to the town of Winchelsea. Once again through the work of the current federal and previous state governments there has been a complete rebuild of Winchelsea's aged care facilities, which has been greatly supported by the community. The whole community has interacted with that facility and you would not get better aged care facilities no matter how hard or where you looked.

Currently at Cobden, with federal government assistance a total rebuild is being undertaken of all the aged care facilities. Colac has had 72 new placements provided by the federal government in the past two funding rounds. A facility in which I am proud to say I was involved since its inception is Barongarook Gardens where members of my wife's family, David and Elaine Marriner, are building a beautiful facility of 32 retirement units and a 60-bed state-of-the-art nursing home. Mercy Health service is currently redeveloping Eventide Hostel's aged care facilities by building another 60-bed nursing home. The local federal member, Stewart McArthur, has been heavily involved in promoting that process, getting those beds to Colac and doing a fantastic job in supporting aged people in the Polwarth electorate.

In Camperdown the federal government recently announced funding of $500 000 and new aged care packages for the Sunnyside nursing home which is building a brand new facility.

At this time there are two large holes in the Polwarth electorate that have nothing to do with federal government funding. They have nothing to do with Bronwyn Bishop or John Howard, but have a helluva lot to do with the state Minister for Aged Care. They are the second stage of the Colac hospital's aged care redevelopment and the Camperdown hospital's aged care redevelopment. What is in the budget papers for the two black holes in my electorate for aged care? Absolutely nothing — nothing for Camperdown and nothing for Colac! The two black holes for aged care in Colac and Camperdown are the responsibility of the state government because it has failed to provide one single cent of funding for the Polwarth electorate.

I have detailed the federal government's and the previous coalition government's commitments to aged care in the Polwarth electorate, where only two black holes appear — and they are the responsibility of the state Minister for Aged Care. The government said it did not want to put those beds out to the private sector. I invite the minister to come and look at what the private sector is doing and then to announce when the government will fund stage 2 of Colac hospital's redevelopment, including its aged care service. Then the minister should go to Southwest Healthcare and announce funding for aged care at Camperdown because the community of Camperdown, through Sunnyside, a voluntary organisation, is doing its bit with aged care beds.

In Colac the private sector, not-for-profit organisations such as the Mercy Health group and the federal government are all doing their bit. The previous government also did its bit, but this government has failed to deliver. I could not believe my luck when I saw this matter of public importance because not a single cent has been allocated to Polwarth — nothing in the entire budget papers.

Ms Pike interjected.

Mr MULDER — I am hearing about the Skipton police station. Isn't that great for rural and regional Victoria! The government has really put its hand in its pocket. It has not given a cent to rural and regional Victoria. It does not care about aged care. This is just about frightening old people.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member should direct his remarks through the Chair.

Mr MULDER — This is a great matter of public importance for me and my electorate. It has given me the one opportunity that I really appreciate to highlight what the Kennett government did and what the Howard government has put forward. It also highlights the great funding black hole for aged care that has appeared in Polwarth. I would welcome the Minister for Aged Care at any time if she came to Polwarth, to the Colac Community Health Service or to Southwest Healthcare

in Camperdown. We would sit down with her and talk about the redevelopment and she could tell us where the money was coming from, because it is not in the budget.

Mr MILDENHALL (Footscray) — The honourable member for Polwarth has not been in Parliament for long, but I advise him that the recurrent funding for the whole system is provided by the federal government. That is what is being debated today. We are talking about funded beds in an operational sense.

The capital can be provided by a range of government or non-government agencies. The role of the state is as a potential proprietor or operator of the beds. As is usual with government services, it is recurrent service allocation that drives the service system. It either enables it to expand in concert with demographic changes or strangles the service system, which is what is currently happening in Victoria.

Some extraordinary claims have been made this morning. The shadow minister said that it was all to do with the Aston by-election and that the issue does not exist in its own right. She suggested that the families who come into my office looking for aged care accommodation have been organised by the Labor Party to embarrass the federal government for the purposes of the Aston by-election. That is one of the more ludicrous claims I have heard in this place!

The National Party claims that it is up to the state Labor government to fix a federal government responsibility. Should it also fund the customs services at federal airports or the docks if the federal government is deficient in providing resources? Should the state government put in another airbase if the federal government closes Point Cook? It must be made clear who is responsible for what. The shadow Minister for Health and other opposition members also claimed that the problem does not exist because the federal government has provided an extraordinary and adequate level of resourcing.

In my electorate this has gone from being a serious issue to a crisis. The aged care facilities in my electorate and the inner western suburbs have closed off their waiting lists. They have both reached 90 and have said there is no reason for people to put their names on the lists because they extend so far into the future that it is not a worthwhile exercise. With the combination of accreditation and the strangling of recurrent funding from the federal government, a number of facilities have closed down or looked at merging. It is indeed a crisis. The paucity of federal government funds and the strangulation of recurrent funding has meant that proprietors and operators now seek greater economies of scale just to keep their facilities operating.

I am a trustee of an aged care provider. In 1991 when we started looking at investing and providing aged care facilities, we wanted to provide a homelike environment and homelike care for people in their own communities. But the way the federal government has gone about strangling the recurrent funding has meant that our organisation and many others are losing a grip on their core mission, one of which is to provide a homelike environment. To make a facility work now, one must build a 75 or a 90-bed facility, which is going back to the bad old days of institutions and moving away from homes, putting our older folk into large buildings and large impersonal institutions. They are being forced to move further and further away from their communities.

When the Kennett government closed the north-west beds and allocated so many to that shady Moran guy — what was his name — —

A government member interjected.

Mr MILDENHALL — Doug Moran. He was a shady figure around the edges of federal and state government policy making. Those beds were taken from the inner west to the furthermost reaches of the suburban areas. Families looking for compassionate local care for their parents in their community are now forced to go to those areas, which are away from public transport, so their parents are inaccessible to the people who love them.

Following the privatisation processes we are more reliant on the private sector. Many of the beds have been purchased by other providers, who would now relocate them to areas of higher income, where larger ingoings can be achieved by proprietors in a desperate attempt to make facilities viable.

Fewer non-government agencies such as the one that I am involved with are able to provide facilities where they are most needed. The west and the inner north-west areas are where the greatest differences exist between the current level of provision and what is needed. We have the greatest shortage because of the privatisation of the system.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! The level of conversation in the chamber should be lowered.

Mr MILDENHALL — There is a lack of interest by investors in areas of lower socioeconomic profile, so the gap grows. The crisis between the level of provision and what is needed becomes worse. The strain on the existing proprietors is increased. Instead of having new facilities opening up in my area, which has the greatest need in the metropolitan area, they are closing down. What sort of perversion of government provision is it that in an area with the highest need the facilities are closing down? Beds are being relocated from the areas of highest need into the areas of highest provision.

What sort of minister is Bronwyn Bishop? What sort of system is this? When we say 'We need it most', the federal government says 'We're going to take more from you'. In areas that have more, such as some of the higher income areas in Melbourne, the federal government regards it as an over-provision, but through assistance it in effect says to the Victorian shadow Minister for Health, 'Have some more over-provision'. What an extraordinary performance by the federal minister! It is mean and tricky and shows that she has absolutely no idea or any sense of equity of coverage.

Even a per capita demographic allocation would see a dramatic reallocation of what is going on now. The Doug Morans of the world — any of the fly-by-night operators that the honourable member for Frankston East talked about — are deciding how our aged care services are provided. They are the shonks and the charlatans who seek to get the highest return on investment. Is that how we want to care for our aged community in this state? Unfortunately, that is what it has come to under the stewardship of Bronwyn Bishop in an extraordinarily negligent federal government.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Mr STEGGALL (Swan Hill) — This has been an interesting discussion. I wonder what the purpose of introducing it was? I think it might have been purely a political operation.

It is interesting to listen to the contribution of honourable members when they talk about aged care in their respective areas. In my electorate of Swan Hill aged care is one of the biggest roles and tasks that I have, along with most of the health and education services. My electorate includes some 25 communities, many of which have facilities and methods by which the members of the communities have set about to resolve issues and meet needs.

It has probably been easier in the past few years to achieve aged care needs than it was in the earlier time of my 18 years in Parliament. In my electorate we have also had problems associated with changing accreditation standards. Just as we got the facilities in our small hospitals and communities to an appropriate standard the standard changed and we had to go back through the process again.

I do not consider that this is just a state and federal issue. In my electorate it is an issue for all of us to tackle. If you reckon it is bad now, just you look at the figures for the baby boomers coming behind me. I am about the last of the non-baby boomers; the numbers and the groups coming behind me dwarf the numbers of people in my age group. We have been watching with much interest and doing a lot of planning of how we will handle the issue when the baby boomers retire and need aged care. They will change the whole demographic and the situation in our communities. In the country we try to tackle such issues and work out how we are going to solve them.

Ms Allen interjected.

Mr STEGGALL — As I listened to the honourable member for Benalla I wondered if she had any aged care facilities in her electorate. She mentioned the bush nursing hospital at Nagambie. If she were a decent member of Parliament she would be working to get rid of that bush-nursing tag and to get the Nagambie hospital into the public system and onto a sustainable basis into the future.

We have had a lot of bush nursing hospitals. Two in my electorate which have changed from bush nursing hospital status would otherwise have been closed — —

Ms Allen interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Benalla had her opportunity.

Mr STEGGALL — They would have been closed had we not taken the steps we did — because people were not using them.

Those two hospitals, at Birchip and Charlton, have been included in the management structure of the East Wimmera Health Service. The final round of negotiations is now taking place to sort out how that single unit of five — five hospitals and five aged care facilities — will be run, which is the only way the bush nursing hospitals in my electorate can survive. Previously they were going out of business. The process was introduced just as the former coalition government lost power. I am pleased that negotiations with both the Minister for Health and the Minister for

Aged Care have been successful for the ongoing operation of those facilities.

It is interesting that in sorting the matter out we found that no-one was able to tell us which government was responsible for what in aged care facilities in country areas. A consultancy is taking place as I speak, and I hope it will be finished in four weeks, to try to identify the responsibilities of both the state and federal governments in these ongoing recurrent areas. Here in this place honourable members are having a hate session against the federal Minister for Aged Care when we all have one helluva job to do to sort out how these issues will be handled.

I turn now to some of the areas in my electorate. The Minister for Aged Care graced the people of Robinvale with her attendance last year and did a good job in opening a facility. I am sure she would appreciate the work that went into getting that centre up and running. The multipurpose service or MPS that is now functioning in Robinvale has delivered a health service and aged care standard enjoyed by few communities. It was opened last year, and — —

Ms Allen interjected.

Mr STEGGALL — You didn't plan it and open it in bloody six months, woman!

The Minister for Health opened the aged facility at Wycheproof, which has changed the face of the area. It replaced an 1890s building and is now providing top-class facilities to the people of Wycheproof. The bush nursing hospital at Nyah was not doing well, and negotiations took place with both the state and federal governments — —

Ms Pike — And we gave you the money.

Mr STEGGALL — You did, that is what I am saying. Negotiations took place with both the state and federal governments to upgrade and change that facility from a bush nursing hospital to a successful aged care facility.

Through the state offices, negotiations are currently taking place with both the state minister and the federal government for a facility at Swan Hill. I am hopeful that the state regional office and the minister will act as advocates — and they do.

Ms Pike interjected.

Mr STEGGALL — Of course you do. Negotiations also take place at the federal level where necessary. In Swan Hill, negotiations are taking place for new hostel and nursing home facilities, which will be jointly managed with those at Nyah and Sea Lake — an interesting configuration of aged care management. The complex will comprise some 250 beds and be managed by three communities.

Those facilities were not gained by belting the living daylights out of anyone. The communities and organisations worked together to see how best to do it and then went to both state and federal governments with plans in hand. I am pleased that at both levels we have received friendly assistance.

At Manangatang, Pyramid Hill, Boort and Inglewood the story goes on. The facility at Inglewood is a top facility built around the provision of acute services in Bendigo and is about to be opened. Throughout country areas people are working in their communities to achieve their ends. They are all different. I object when I hear people abusing people in a generalistic way. I listened to the honourable member for Geelong North speaking about all those country people who must leave their rural centres and live somewhere else. That is not true. When we get down to tintacks, those communities that have worked to get their facilities and ensure that that does not happen have reaped the benefits. Communities that have not worked do suffer. It is not a matter of government solving the problem, but rather of communities working to get facilities for their own people.

The issue is who is responsible for what, and it would have been better if that had been made clearer today. I am sorry that the issue of aged care has been introduced into this place as an adversarial argument for political purposes when it is one of the biggest issues faced by us all. I am confident that as the baby boomers age, honourable members who are baby boomers will ensure that aged care facilities will be provided for their own needs.

Mr Doyle — They won't be taking care of you!

Mr STEGGALL — No, the system will handle me. It is those who come behind me that one must worry about. I refute the matter before the Chair and trust that aged care facilities — —

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired.

Ms LINDELL (Carrum) — I am probably the final speaker on this issue. I think all the contributions have pointed to the fact that the provision of aged care services is a serious problem. If nothing else, honourable members can agree on that. Aged care in

Victoria is in a deplorable state as a result of five years of neglect from the federal coalition government.

As a member of the Bracks government I like to think that it can work towards fairer treatment for older Victorians and to see a system of residential care where older Victorians have access to the care that they need.

The difficulty Victoria faces is that it needs 5000 aged care beds, but the federal government is refusing to provide them. It has led to a nightmare for families of older Victorians who need residential aged care services.

Honourable members will recall the dreadful circumstances surrounding the closure of the Riverside Nursing Home in Patterson Lakes last year. It caused an amazing amount of distress for residents and their relatives. The fact that the facility is still empty is testimony to the mismanagement and incompetence of the federal Minister for Aged Care, the Honourable Bronwyn Bishop. In my electorate office I regularly see people who are desperate for some respite from the care of older family members. Last Monday I received a call from a son who is distraught because his mother can no longer care for his father and there is no bed available anywhere on the Mornington Peninsula.

Honourable members opposite have questioned the Bracks government's commitment to older Victorians. I will outline some of the actions taken by the government, which is committed to opening beds that were closed in the dark days of the Kennett government — the black hand of the Kennett government closing beds! The Bracks government is committed to opening 110 residential aged care beds, 60 at the Austin and Repatriation Medical Centre, 30 at the Caulfield General Medical Centre, 15 at Geelong and 5 at Mount Eliza. This year and next year the government will invest $72 million to improve rural health and aged care facilities that were run down and neglected by the Kennett government and ran the risk of closure by the federal coalition for not meeting building requirements.

The latest Bracks government budget prioritised health in an extraordinary way. Its most vital component was the announcement of the major initiative to recruit and train registered nurses, including 1000 division 2 nurses vital to the aged care work force. The Bracks government has also matched the commonwealth government's funding for home and community care (HACC) services and has invested $46 million in extra services.

My electorate has a higher number of aged persons than any other electorate in Victoria, so the demand for home and community care services is great. There was a lot of angst about the Kennett government cutbacks. The inequitable outlay of funds across municipalities meant that Kingston was always insufficiently funded to provide services to its ageing population, certainly south of Mordialloc Creek.

All the Bracks government's initiatives announced in the last budget stand in stark contrast to the latest federal budget: it contained absolute and total inaction. It contained no initiatives to address the current shortfall of 5000 aged care beds in Victoria. Even the shadow Minister for Health commented on the lack of aged care beds that is continuing to place pressure on our acute hospitals and health system.

Opposition members tried to defend the current system, yet the Productivity Commission report on government services shows that between 1993 and 1999 there was a dramatic decline in the ratio of residential aged care beds to the Victorian elderly population. The honourable member for Bennettswood supported the federal government by sprouting figures for increased aged care funding throughout Australia, but he neglected to mention that Victoria has a shortfall of 5000 residential aged care beds.

The honourable member for Rodney, in his usual way, presented a glowing defence of the federal coalition and the former Kennett government. He accused the Bracks government of reducing the number of aged care beds in Echuca Regional Health, but he failed to say that the health plans, including the reduction in the number of beds in a nursing home hostel, were planned by the coalition Kennett government more than two and a half years ago.

At the time when those plans were prepared a consultative committee was formed to see whether the agency could survive without any nursing home beds! Yes, the Bracks government has reduced the number of nursing home beds in Echuca Regional Health from 69 to 62, but that planned reduction was put in place before this government came to office. The plans were drawn up by the former Kennett government and, in one sense, they were appropriate plans because the current occupation rate is only 94 per cent, so perhaps those seven beds that will not go to Echuca can be used more appropriately to service some of my constituents.

There is no doubt that Victoria has suffered at the hands of the federal coalition government. In 1996 Victoria had 44 nursing home places per 1000 population aged over 70 years; in June 2000 it had 39. It went

backwards by 11.4 per cent in four years. It demonstrates the hypocrisy of honourable members opposite, because although they accept that there is a problem in aged care services they defend the federal government, which has overseen a significant reduction in Victoria's share of aged care funding.

Victoria receives less commonwealth funding for aged care per person over 70 years of age than any other state or territory, except for the Australian Capital Territory. It is an indictment of members opposite that they have stood shoulder to shoulder with their federal colleagues in an attempted defence of treatment that is indefensible. I note that to his credit the shadow Minister for Health argued more about acute hospital services than trying overmuchly — —

Mr Doyle interjected.

Ms LINDELL — 'Overmuchly' was a common term when I was growing up.

He did not spring to the defence of the federal coalition government but spent most of his contribution acknowledging the acute hospital system in Victoria is suffering. People in acute hospitals are in need of nursing home beds, which is an inappropriate use of those resources. At the same time the honourable member could not bring himself to admit that the federal government should come forward and fund the 5000 beds that are Victoria's shortfall.

Debate interrupted pursuant to sessional orders.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member's time has expired. The time allocated for dealing with the matter of public importance submitted by the honourable member for Frankston East has expired.

HOUSE CONTRACTS GUARANTEE (HIH) BILL

Introduction and first reading

Ms KOSKY (Minister for Finance) introduced a bill to amend the House Contracts Guarantee Act 1987 to establish an indemnity scheme in respect of certain classes of domestic building work affected by the collapse of the HIH Insurance Group, to amend the Building Act 1993, the Domestic Building Contracts Act 1995 and the Sale of Land Act 1962 and for other purposes.

Read first time.

POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 29 May; motion of Ms KOSKY (Minister for Post Compulsory Education, Training and Employment).

Mr BAILLIEU (Hawthorn) — I resume my contribution on the Post Compulsory Education Acts (Amendment) Bill which seeks to align the approvals process for higher education institutions and courses with the national framework and in particular to implement the Ministerial Council on Education Employment Training and Youth Affairs protocols.

Yesterday in debate I dealt with the changes to procedures for the endorsement of courses for overseas students; the approval of universities — those which are not established by their own act — to operate; the accreditation of higher education courses; and the approval of institutions to conduct those courses. I note that those approvals are now to run for five years and that seems a sensible alignment.

I will now deal with the proposed section 11A which is the review power. The proposed section gives the minister power — another review power — to review 'operations of universities, institutions and courses'. In the briefings it was suggested that the review power is limited to approved universities but the reality is that all universities, even those established by their own acts, conduct courses for overseas students. Therefore those universities will be caught by the review power under proposed section 11A(1) (a). The review process allows a fairly wide gamut. I note again the new provision requiring the minister to review those approved universities, those not subject to their own act, at least once within five years of the first enrolments at the university in Victoria. There is only one such university, Melbourne University Private, and it will be interesting to see how that review is conducted.

The deemed universities, those from interstate and overseas, are also tied up in the review process in the sense that those universities which are deemed may be subject to review under proposed section 11A(1)(b). Therefore there is an implied obligation on the minister to maintain the standards associated with those universities and that may be an obligation which is to a degree more onerous than the minister and the government may have anticipated. It is possible to conceive that under proposed section 11A(3)(b) the minister may impose a condition on the university or institution — and under that ruling that may be any

condition — and then under proposed section 11A(1) implement a review of that university or institution. That might lead to a decision to give 28 days notice to show cause why a further suspension, cancellation or revocation might not occur under proposed section 11A(7) and then that revocation under proposed section 11A(5) might occur — the revocation, suspension or cancellation of the approval. That is a concern given that we are talking only about the one university plus the deemed universities; in this case it is Melbourne University Private.

Appeals to the Victorian Civil and Administrative Tribunal have disappeared, and also for approved universities the capacity for Parliament to disallow any such decision has gone, and that is a concern as well. Liberal Party members trust that the demonstrated political thuggery going on on behalf of the federal opposition at the moment that is directed to Melbourne University Private will not be reflected in the state arena, and that these new powers will be used sparingly and appropriately.

I turn to proposed sections 11B, 11C and 11D, which deal with the powers of authorised officers. The minister has the power to authorise officers, and they are literally called 'authorised officers'. These officers will have full power of entry and inspection and the right to copy. No notice provisions will be required for those authorised officers to effect that entry or inspection. They will effectively have anywhere, anytime powers, although the 'anytime' is at least in working hours. Effectively any cause is involved.

There is obvious concern about the power because it is a power that may be reflected in vocational legislation, but universities are established as autonomous bodies and they are deemed in that sense to have a degree of self-management. It is certainly a heavy-handed power, and opposition members trust that this power will not be used with a sledgehammer, as was recently seen with regard to unauthorised power of entry and, it would seem, with implicit support from the government.

Liberal Party members were comforted in the briefing by the suggestion that this authorised officer power would only be associated with the review power, but there is nothing in the bill that says this linkage to the review power is there. There are no words as such tying the powers of authorised officers to the review power. As a consequence of that observation Liberal Party members sought a further briefing from the department, and we had hoped there may have been an amendment to clarify the situation. Instead I received a letter yesterday, which I referred to in my earlier contribution. The letter is from the office of the minister but is not signed by the minister — it is signed by her senior policy adviser. The letter refers to the Post Compulsory Education Acts (Amendment) Bill and states:

> I refer to our recent meeting at which I undertook to reply to you concerning the powers of authorised officers under the proposed new section 11D of the above bill, and its relationship to the minister's powers under section 11A to undertake a review of a university or private provider's operations. I now provide the following comments.

Item 1 refers to the construction of the powers and their source. Item 2 states:

> The proposed new section 11D(1)(i) states that the authorised officer will be able to make inquiries and examine and copy documents in universities where the university or private provider has not responded to a review commenced by the minister under the proposed new section 11A.

The next sentence is important:

> This power is limited and requires the minister to first establish a review.

That is consistent with the briefing we originally received and would be cause for some comfort with regard to the power. But stakeholders have been concerned and we have pressed on with the point. Item 3 of the letter states:

> The authorised officer also has the power to make inquiries in universities and private providers, and to inspect documents and make copies of documents relevant to the provider's approved operations, without the minister having first established a review.

There is a bob each way: on the one hand it is tied to the review and specifically on the other it is not tied to the review. On behalf of the stakeholders we express, with regard to universities and the private providers of higher education, that there is considerable concern. We encourage the government to think about this issue in greater depth between here and the other place. We believe the concern is legitimate in the way the bill is worded, and the letter we have received from the senior policy advisers of the minister has not clarified that situation; it has probably exacerbated that concern.

Under the provisions of the bill universities will be deemed as well as approved, and the deemed universities and the approved universities will be effectively established by a process other than their own legislation. That potentially puts those universities into a different corporate governance structure from those universities and institutions established by their own acts.

There may be cause for concern about that at some time in the future, and we counsel the government to keep an eye on it to ensure that the Corporations Law and other such laws that apply to institutions that come to Victoria in a corporate structure to operate in one way or another are meeting the same government requirements as those established under acts of Parliament, because deeming is not the same as establishment by an act, and there is not necessarily a cross-reference.

The Liberal Party is not opposed to the bill but has expressed a number of concerns. I regret the truncated nature of the debate because a number of members on our side wanted to contribute and will not have the opportunity to do so. I conclude my contribution on that point.

Mr KILGOUR (Shepparton) — At the outset I indicate that the National Party does not oppose the Post Compulsory Education Acts (Amendment) Bill. National Party members believe it is extremely important that Victoria and Australia maintain their very good standards with regard to courses offered by universities and outside providers. The amendments in the bill are largely machinery in nature and implement basically quality assurance measures recommended by a committee established by the Minister for Post Compulsory Education, Training and Employment. Although the National Party spoke or wrote to many of the universities, they have not raised any issues of concern. I thank the minister for the very good briefing by the department on the bill, which has provided us with a better understanding of it.

The bill gives the responsible minister the power, after an investigation is held, to approve, deny approval for or withdraw approval for the operation of an overseas university in Victoria. The bill will ensure that universities or service providers that come from overseas will understand the standards that operate in Victoria and can adhere to all that is necessary to enable them to conduct business and train people.

The bill also gives the responsible minister the power to endorse, accredit or authorise a course offered by a non-university provider for overseas students and amends the Deakin University Act to remove the requirement for it to maintain a campus at Clayton. Business changes just as everything changes over the years. One amendment is necessary because of the changing characteristics of our universities. The bill removes provisions that are considered to be no longer necessary. In addition, the proposed legislation amends the Victorian Qualifications Authority Act to enable the authority to charge the prescribed fees for registration of persons and bodies authorised to issue recognised qualifications.

After the National Party consulted the vice-chancellors of the Australian Catholic University at Fitzroy, the University of Ballarat, the Victoria University of Technology, La Trobe University, the Royal Melbourne Institute of Technology, Swinburne University of Technology, Monash University and the University of Melbourne it was clear that the universities are happy with the new parts of the legislation and that quality assurance will be maintained for students in Victoria.

The act already has three forms of authorisation, and the bill continues those arrangements. It adds some conditions to ensure the probity of providers and takes into account the national level agreement. It also protects the quality of courses. Any provider who wants to offer a new course will have to apply to offer that course and will have to go before an expert review panel that will review the course and make recommendations. The minister must approve of all the providers.

In recent years universities throughout Australia have come together to ensure that the quality of the courses being offered is kept up, but the bill beefs up the review powers of the minister. I hope it will work well.

Proposed section 10(3)(b) inserted by clause 6 ensures:

> the commitment of the university to research and scholarship and the systematic advancement of knowledge.

Also, proposed section 10(7) states:

> The minister may, after the conduct of a review in accordance with section 11A and after considering any submissions made in accordance with that section, by notice published in the *Government Gazette*, revoke or suspend the approval or deemed approval or impose any condition on the approval or deemed approval.

Clearly the minister will play a major role following the recommendation from the review panel in ensuring that the courses of a provider that does not keep up with the standard and is not doing what it said it would do in the first instance are revoked. The minister is in a position to say that it is not good enough, the standards are not being kept up and therefore that course cannot be offered.

The main purpose of the bill is to introduce measures to improve the quality of higher education consistent with the nationally agreed framework, which has been in vogue for a couple of years. In 1997 a nationally cooperative approach to the establishment of a quality assurance framework was agreed between the states

and the mainland territories. In March 2000 that work culminated in the Ministerial Council on Education, Employment, Training and Youth Affairs agreeing to a national quality assurance framework that includes the setting up of five national protocols for higher education approval processes.

The bill enables the commitment to be met in Victoria. Following that national approach all ministers made a commitment to work towards the implementation of the arrangements by July 2001. The bill is being introduced just in time. The protocols were developed following extensive consultation at state and national levels. There must be consultation if there is to be agreement throughout Australia, and we look forward to those protocols being implemented and acted upon by every state.

Victoria has eight publicly funded universities as well as a campus of the Australian Catholic University. About 147 000 students are currently studying in the system for almost 870 different undergraduate awards. A tremendous amount of work must be done to ensure the courses are up to scratch. Overseas universities and others will always want to come into the system and offer courses, but I do not for one moment think that will be easy, because extensive assessments must be carried out to ensure that any proposed courses provide exactly what is necessary according to the standards.

With more than 40 000 postgraduate students, some students will be involved in high-level research. There are a lot of students and a lot of courses, and a lot of work needs to be done. Given the cooperative approach taken to date I am sure that the collaboration around Australia will help each university have a better understanding of what will happen.

I was pleased to see that new universities will be required to show a commitment to research. Many new ideas and much forward planning come from the universities. The responsible minister will now have the power, after review and consideration, to establish or deny the approval of any university that wants to come here and run courses. The ministerial council's agreement on quality assurance in higher education has been well recognised across Australia. I am sure it will play its part in the future as all these provisions are invoked. It will allow the minister to conduct an investigation in relation to the continuing endorsement of courses. We are talking not only about new courses, new universities and new proposals coming forward: the minister will be able to conduct an investigation in relation to the continuing endorsement of courses for overseas students or the continuing accreditation or authorisation of a course offered by a non-university provider. A number of those providers — business schools and the like — offer such courses and it is very important to ensure that we have the opportunity to maintain their quality. The minister will now have the right to look at those courses to see what might be going on and being planned for the future.

The criteria have been simplified consistent with the nationally agreed quality assurance program framework, and I hope we will see that work proceed quickly. It is good to see the bill come forward. It will help with the overall quality assurance of our universities.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

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

QUESTIONS WITHOUT NOTICE

Attorney-General: former Chief Magistrate

Dr NAPTHINE (Leader of the Opposition) — My question without notice is to the Premier.

Mr Robinson — Warrnambool is in your electorate!

The SPEAKER — Order! The honourable member for Mitcham!

Dr NAPTHINE — At least I will have a seat after the next election!

Honourable members interjecting.

The SPEAKER — Order! The Chair is aware that honourable members have other things on their minds. However, questions without notice have been called.

Dr NAPTHINE — Given the allegations revealed today regarding the role of the Attorney-General — —

Mr Lim interjected.

The SPEAKER — Order! The honourable member for Clayton!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington!

Dr NAPTHINE — Given the allegations revealed today regarding the role of the Attorney-General in the

removal of the former Chief Magistrate of Victoria, the most serious breach of the separation of powers ever by an Attorney-General in this state, will the honest, open and accountable Premier call for a full judicial inquiry into these serious allegations that the Attorney-General was part of a conspiracy to get rid of the Chief Magistrate of Victoria?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! The honourable member for Mordialloc!

Mr BRACKS (Premier) — The facts are quite clear. The Attorney-General has informed me that he did not commission any such advice, was not aware that the advice was being prepared and did not receive the advice. The matter has not come to the attention of the Attorney-General.

Barley: industry deregulation

Mr RYAN (Leader of the National Party) — Being mindful of the pressure on the Treasurer from various interest groups, including the federal Labor Party, will the Premier give an assurance that he will allow debate on the bill to extend the single desk for barley when it is introduced into this house?

Mr BRACKS (Premier) — If my memory serves me right, the National Party voted for this bill in the first place. Not only that, but the honourable member opposite also voted for the deregulation of the single desk — he voted for it!

The government will examine the debate in the upper house, see what the Liberal Party does on the private member's bill in that house and make a judgment on it later. The reality is that the original bill was voted on, supported and advocated by the National Party in Victoria. The honourable member opposite voted in favour of getting rid of the single desk!

Mr Seitz interjected.

The SPEAKER — Order! The honourable member for Keilor!

Manufacturing: government promotion

Mr LONEY (Geelong North) — Will the Premier inform the house of the latest action taken by the government to promote Victorian manufacturing?

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Wantirna! The honourable member for Mornington shall cease interjecting. The honourable member for Bentleigh!

Mr BRACKS (Premier) — I thank the honourable member for Geelong North, possibly the future honourable member for Lara, for his question and for his continuing interest in manufacturing in Victoria.

I am very pleased to announce that as part of National Manufacturing Week the government has released an Agenda for New Manufacturing, an agenda which has been developed with business, industry and union leaders in the state and which has the endorsement and explicit support of the head of the national Australian Industry Group, Mr Bob Herbert; of industrialists and manufacturers such as Peter Hanenberger; and of the secretary of the Australian Council of Trade Unions, Mr Greg Combet.

The Agenda for New Manufacturing will focus on boosting investment and jobs, both existing and in new manufacturing as well. It will form the basis for a manufacturing future — —

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Mordialloc and Springvale will stop interjecting across the chamber and in that vein!

Mr BRACKS — The new agenda for manufacturing, which is endorsed by the Australian Industry Group, peak employer bodies and the trade union movement, will form the basis for the manufacturing futures conference that will be organised later this year by the Manufacturing Industry Consultative Council.

In the past 20 months alone the government has facilitated over $1.8 billion in new investments and new jobs in the state. There is a net increase of at least 3500 jobs in manufacturing, and Victoria now has the second-lowest unemployment rate of any state in Australia — 6.3 per cent. The government has fuelled 50 per cent, or almost half, of all new jobs in Australia, and manufacturing has played a part.

It is important to note, as we all do, that over the past 10 years manufacturing has been changing. It has been moving from an inwardly focused, domestic production of manufacturing to one that is externally focused, globally orientated and about export. That is very important because the state has had a $1.2 billion increase in exports over the past 20 months, as well.

I welcome the endorsements from the head of the Australian Industry Group, Mr Bob Herbert, from

industrialists and from key leaders in the trade union movement, and I welcome the Agenda for New Manufacturing. Victoria is leading Australia in jobs growth, and that will further cement and reinforce its position.

Attorney-General: former Chief Magistrate

Dr DEAN (Berwick) — I refer the Attorney-General to the advice which his friend, Mark Dreyfus, admits to having prepared and which details how to get rid of the former Chief Magistrate, Michael Adams. Given that the advice refers to an action only the Attorney-General could take and about which only an Attorney-General would be concerned, does the Attorney-General expect us to believe he has no idea why this advice was produced, knew nothing of the advice and never received the benefit of the advice?

Mr HULLS (Attorney-General) — Isn't it great to have a seat!

The only advice I commissioned and received in relation to the former Chief Magistrate, Michael Adams, was after receiving about 13 complaints from magistrates in relation to him. That advice was commissioned and received from Mr Habersberger, QC.

But not only that, can I also say that when the decision was made to get Mr Habersberger to give that advice, I personally approached the shadow Attorney-General about that matter, knowing absolutely how important the doctrine of the separation of powers was and how important it was to get bipartisan support for this matter. I approached the shadow Attorney-General and asked him about Mr Habersberger. He said that he would agree with Mr Habersberger.

Dr Napthine — On a point of order, Mr Speaker, the question — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House will desist.

Dr Napthine — The question related specifically to the advice Mr Mark Dreyfus had prepared. The Attorney-General is not addressing that issue. He is deliberately avoiding that issue because he knows he runs a serious risk of misleading this house — —

The SPEAKER — Order! The Leader of the Opposition raises a point of order and then proceeds to debate the issue. I shall no longer hear him. Order! I do not uphold the point of order. Has the Attorney-General concluded his answer?

Mr HULLS — So indeed David Habersberger, a well-known QC, was commissioned to give advice to the government on how to deal with these complaints, and indeed how to deal with this matter generally. As I said, I sought bipartisan support and discussed this with the shadow Attorney-General, and he was happy with David Habersberger.

Rail: Portland–Mildura link

Mr HELPER (Ripon) — Will the Minister for State and Regional Development inform the house of the economic and employment benefits of the Portland to Mildura railway standardisation project?

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster shall cease interjecting!

Mr BRUMBY (Minister for State and Regional Development) — As honourable members will recall, a key initiative in the budget brought down in this house two weeks ago was the provision of $96 million over the next few years for the regional freight links program to provide standardisation of the rail freight gauge right across Victoria, but particularly linking Mildura with Portland. Honourable members will recall this was a project that has been talked about for many years. Those on the other side could never find the funding and could never get the budget decision to support it, but the Bracks government did in its second budget.

This outstanding investment, dragging the rail system into the 21st century, will secure the development of the emerging mineral sands industry in Victoria's north-west. It is estimated that up to 1 million tonnes of mineral sands will be shipped from the north of the state down through the port of Portland over the next five to seven years.

This is not the only benefit that will flow from this allocation, of course. In addition there will be horticultural product coming down from across the border and, in total, if we accept the views of the managing director of the port of Portland, Mr Peter Davie, this decision is worth tens of millions of dollars to the Portland economy. So this is a great initiative never achieved in seven years under the Kennett government. It took just two budgets under the Bracks government.

This initiative does not just benefit Portland; it will benefit the whole south-west coast. It comes on top of

many other initiatives that the government has taken that will benefit the whole of the south-west coast — for example, the $3.5 million which we announced recently for the redevelopment of the Flagstaff Hill museum in Warrnambool; assistance to Murray Goulburn with its $50 million expansion at Koroit; support for a major Portland aluminium manufacturer that the Premier announced in Portland just a month ago; money for a waste water treatment plant at Port Fairy to enable the expansion of Glaxosmithkline; and, of course, in the budget two weeks ago millions of dollars of new investment for schools in the Warrnambool area.

All of this goes to show what the Bracks government has achieved for the south-west coast. The budget papers show that over the past year there has been a 16.1 per cent improvement in employment in the Barwon south-west coast district — a huge increase in employment has occurred.

It is worth pointing out that all of this growth in the south-west coast has occurred in spite of the fact that there are two opposition MPs representing that area, and honourable members know that soon there will be just one local member representing the south-west coast.

Honourable members interjecting.

Mr Perton — I raise a point of order, Mr Speaker, which is quite simple. It relates to relevance. The question related to the rail link. The minister is obviously quite lost geographically. I ask the Chair to bring him back to answering the question.

An honourable member interjected.

The SPEAKER — Order! I do not uphold the point of order.

Mr BRUMBY — All of these benefits have been delivered by the Bracks government, and they have been delivered in spite of the fact that there have been two local members down there — soon to be one local member of Parliament. I guess the choice now for the Liberal Party is — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr BRUMBY — I am trying to conclude, but the opposition is a bit sensitive today. You are a bit sensitive.

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc has been asked to cease interjecting. I warn him.

Mr BRUMBY — There will obviously be a major — —

Honourable members interjecting.

Mr BRUMBY — This is an important matter for the government in terms of who it will be working with in the future. Obviously, the Liberal Party has an important choice to make. Will it be supporting the Leader of the Opposition, Denis Napthine, or will it be supporting the honourable member for Warrnambool, John Vogels — a truly outstanding member of the Parliament?

The SPEAKER — Order! I am of the opinion that the minister is now debating the question. I ask the minister to conclude his answer. He has concluded it.

Attorney-General: former Chief Magistrate

Dr DEAN (Berwick) — My question is again to the Attorney-General. I refer to the conversation the Attorney-General admitted having with then Chief Magistrate Mr Adams when he summoned him to Parliament House early last year. I ask: is it correct that the Attorney-General said to Mr Adams words to the effect of, 'You are a disaster. If I hear of a no-confidence motion, then the press will hear too', and 'I would not have appointed you if I was Attorney-General.'?

Mr HULLS (Attorney-General) — It is interesting to note that in August 2000, because I had received a complaint relating to a Supreme Court judge and had referred it pursuant to protocols to the Chief Justice, I was asked by the shadow Attorney-General to resign. Today he has asked me only to step aside for the time being. In the future he will probably want me to be promoted!

I have full and frank regular discussions with the heads of all jurisdictions, including with the then Chief Magistrate, Mr Adams. It is appropriate that those conversations, which are private conversations, remain private.

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition benches to come to order.

Mr HULLS — Otherwise I would expect that heads of jurisdictions would be reluctant to come to me, as the Attorney-General, with concerns they have relating to their jurisdictions. Those conversations are private conversations, and they will remain private.

Tertiary education and training: apprentices and trainees

Ms GILLETT (Werribee) — I ask the Minister for Post Compulsory Education, Training and Employment to inform the house of the level of participation by Victorians in apprenticeships and traineeships.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for Werribee for her question and her interest in this area.

For the first time Victoria has more than 100 000 people enrolled in its apprenticeship and traineeship system. That is not only a landmark figure for Victoria, it is also a landmark figure for the whole of Australia, because Victoria is the first state to reach that figure. The growth in the Victorian training system has been extraordinary.

I extend my congratulations to all the people who work within the training system — the employers, the group training companies, the training providers, the teachers and the NACs, who have worked comprehensively to ensure there is a skilled work force in Victoria.

As I said, the growth in the system has been extraordinary. In the 12 months to the end of April this year alone we have seen an increase of more than 22 per cent in the total number of people in the apprenticeship and traineeship system. That number will increase with the number of students who are starting this year. There has been a record 53 per cent growth in the number of people starting apprenticeships and traineeships in the past 12 months. It is important to note that the growth has occurred across all areas in the apprenticeship and traineeship system.

We have seen growth of 18 per cent in the traditional trade areas, which we did not see under the previous government. Under this government, with its absolute commitment to Victorian manufacturing, we have seen growth in the traditional trade areas, with both men and women participating.

In 2000 one-third of all participants in the apprenticeship and traineeship system across Australia were in Victoria. Not only is Victoria leading the way in jobs growth, it is also leading the way in traineeships and apprenticeships. Since 1998 we have seen more than a doubling of the number of people involved in apprenticeships and traineeships — it increased from 47 000 to more than 100 000 in that time.

What has the federal government had to say? In a recent press release the federal Minister for Education, Training and Youth Affairs, Dr Kemp, said the states should contribute their fair share of growth and should not shift the burden onto the commonwealth. Dr Kemp needs to ensure that he is seen to be contributing to the growth in Victoria rather than expecting the state to pick up the tab.

If we look at what has occurred in funding for apprenticeships and traineeships we see that Victoria has put in $40 million extra each year since 1998–99, but zip from the federal government — $40 million from the Victorian government, zip from the commonwealth. The Victorian government has increased capital funding from $22 million under the previous government to $103 million in this budget. What does the federal government want to do? It wants to shift capital funding across to recurrent; it wants to see our facilities run down.

The government has an absolute commitment to making sure that Victoria has a skilled work force, not only to provide opportunities to Victorians, particularly young people, but also to ensure economic growth in Victoria. The government is committed, and it expects Dr Kemp and the federal government to be just as committed.

Attorney-General: former Chief Magistrate

Dr DEAN (Berwick) — I ask the Attorney-General to advise the house whether it is a fact that he received a telephone call from a Victorian magistrate in April 2000 during which the Attorney-General called that magistrate gutless for not having gone ahead with a motion of no confidence in Michael Adams.

Mr Smith interjected.

The SPEAKER — Order! The honourable member for Glen Waverley!

Mr HULLS (Attorney-General) — Since I have been Attorney-General I have had hundreds of conversations with magistrates, judges, members of tribunals, barristers and solicitors — even a number with the shadow Attorney-General. In the main those conversations are private and I am absolutely — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Frankston!

Mr HULLS — I am absolutely sure that to ensure that magistrates and judges can approach this Attorney-General in utmost confidence, as opposed to previous attorneys-general, those conversations will remain private.

Honourable members interjecting.

Mr Plowman interjected.

The SPEAKER — Order! The house will come to order. The honourable member for Benambra!

Dental services: government initiatives

Mr TREZISE (Geelong) — Will the Minister for Health inform the house of the latest action the government is taking to improve public dental health services?

Mr THWAITES (Minister for Health) — In 1996 the Howard government completely cut out the commonwealth dental health program, which removed some $27 million from dental care for pensioners and health care card holders. The Bracks government is doing its best to rebuild Victoria's dental system after the cuts imposed by the Howard government. In its 2000–01 budget the government allocated $28.35 million over four years to improve access to dental care. One of the best parts of that provision was to extend the free school dental program to secondary school students up to year 12 who are the children of concession card holders. Around the state the very thing that was causing disadvantage to young people — the inability to get dental care — has been addressed.

I am pleased to advise the house that the Bracks government is now allocating additional moneys — more than $3 million this year — to fund an extra 15 000 patients who will be treated in 60 community clinics across the state. I am particularly pleased to advise the honourable member for Geelong that some $239 000 will be allocated to his region so that more than 1000 more people can get treatment who otherwise would not have received it.

In the country — in the Grampians, the Loddon Valley, the Mallee, the Hume district and Gippsland — the government is putting in extra funds so that thousands more people can get dental care. Because the commonwealth government has slashed $27 million, Victoria continues to have long waiting lists for such care. I look forward to the federal government changing its cruel policy and putting more money back into our public dental system.

I am very pleased to advise the house of some of the innovative programs the government is providing in the dental area for particular groups in the community. The honourable member for Richmond recently launched an expanded program for people with drug and alcohol problems at North Yarra Community Health's dental clinic in Fitzroy. Dental workers will be part of an outreach health team that will include a youth health bus which will operate around the inner suburbs. There are programs for marginalised people right across the state, which include community centres in Corio — the honourable member for Geelong will be pleased to hear about that — and in Colac.

It is the view on this side of the house that public dental care is critical, and I look forward to members opposite putting more pressure on their federal colleagues to pay their fair share.

Attorney-General: former Chief Magistrate

Dr DEAN (Berwick) — Given his difficulties in answering the first question, I ask the Attorney-General whether he has ever discussed with Mr Dreyfus the removal of Michael Adams and, if so, when he first had those discussions?

Mr HULLS (Attorney-General) — This is extraordinary. I have never, ever — —

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr HULLS — I have never asked for or received from Mark Dreyfus any advice in relation to the office of the Chief Magistrate. It has to be understood that the only conspiracy that existed in this state was — —

Dr Dean — On a point of order, Mr Speaker, this question was very specific, particularly in view of the first question that was answered, and it goes to whether or not — —

An Honourable Member — You're repeating the question.

Dr Dean — No, I am not. The question goes to whether or not there were discussions with Mr Dreyfus, and that question is being avoided by the Attorney-General.

The SPEAKER — Order! I do not uphold the point of order. The honourable member is using the opportunity of raising a point of order to repeat his question.

Mr HULLS — I have never had a discussion with Mark Dreyfus, QC, about his providing me with advice in relation to the Chief Magistrate, nor have I ever received advice from him in relation to that matter. The only conspiracy that has ever existed occurred when the previous government conspired to get rid of the former Director of Public Prosecutions and to sack accident compensation tribunal judges. That is the reality! That is the only conspiracy!

The SPEAKER — Order! The time set down for questions without notice has expired. A minimum number of questions has been asked.

Mr McArthur — On a point of order, Mr Speaker, I refer you to your ruling on the point of order raised by the honourable member for Berwick, and I seek clarification on the issue of relevance. Although there are standing and sessional orders that require ministers' answers to be concise and relevant to the questions asked, I ask you to consider how it is possible for any member to take up the issue of relevance without raising the matter that was asked. A member needs to raise the matter so as to demonstrate that the way in which the minister answered is not relevant to the question.

The honourable member for Berwick did not repeat the question. He referred to the question and to the difference between that question and the first question he asked the Attorney-General. He was endeavouring to make clear that the two questions were specifically different and very narrow, and in so doing he was running the argument that the minister was not being relevant.

I put it to you that it is impossible to argue a matter of relevance without referring to the question asked. That does not mean specifically repeating it, but at least referring to the question asked and defining its parameters and boundaries. If a member cannot do that, he or she cannot argue relevance. I ask you to consider this issue and advise the house on the situation.

The SPEAKER — Order! I do not uphold the point of order. In raising his point of order the honourable member for Berwick, in my opinion, was merely repeating his question.

BUILDING (SINGLE DWELLINGS) BILL

Second reading

Debate resumed from 3 May; motion of Mr THWAITES (Minister for Planning).

Mr CLARK (Box Hill) — At last we have it! After 18 months of waiting and watching the Minister for Planning zigzagging across the landscape, at last Rescode has been released to the public. We started with the June draft of Rescode, which contained crazy propositions that would have destroyed the housing market on the urban fringe and loopy proposals that would have stopped homes being built on slopes.

Later, the minister called in the experts and a December draft was produced, which was technically well written but very much in line with planning orthodoxy and very much a repackaging of the *Good Design Guide* that during the 1999 election campaign both sides of politics promised to alter.

Last Thursday, after 18 months of waiting, the final Rescode version was officially released. The version is a mixture. It contains what I hope are some good elements, but definitely some bad and ugly elements. The good elements include the fact that at last an attempt is being made to tighten up some of the numerical standards, as both sides of politics promised in 1999. The elements of the new Rescode package that are definitely bad include it being uncertain and complex and containing anomalies. Its ugliness is the false raising of expectations of local autonomy.

However, at last Victorians have something to examine and evaluate. At last there has been movement towards what had been promised. The most important element in the draft released last week has been the attempt to change the numerical standards. That could have been done far more quickly than it was, and it is worth noting that deadline after deadline has slipped by in the production of this code.

When it was announced this code was to be known as Rescode 2000, but that tag quickly vanished. Now we are well into 2001 and the code is not scheduled to take effect until August 2001. That delay is fine — I do not begrudge the government and the minister taking the time to get it right. The opposition has always said that if you are to bring in a new code you should take the time to make it right, but the opposition's quarrel with the government is that during that extended period it made no effort to bring in interim planning controls to address the matters that during the course of the 1999 election campaign both sides of politics recognised as needing change.

The opposition called for these changes in November 1999 and offered the government bipartisan support to make them quickly. Certainly the government could have moved quickly, because when it came to office it had the benefit of more than two years work of a committee under the chairmanship of Ms Helen Gibson. That committee had come up with proposals for tightening the numerical standards.

It would have been a straightforward matter for the government to pick up on some of those options, quickly review the possibilities and bring in some interim controls to hold the position and address some of the critical issues. The government could then have taken the time to look at the structural and design issues of the *Good Design Guide* and residential planning generally and to look separately at the numerical standards, and it could thereby have achieved a better result.

The delay demonstrates that ultimately the minister and the government have been treating the planning issue with contempt and playing politics with a matter that has been of concern to residents across both metropolitan Melbourne and the urban parts of regional centres.

It was all very well and fine for the minister to rush in and introduce some interim foreshore height limits in his electorate of Albert Park and the Premier's electorate of Williamstown, but what about the residents of Burwood, Mont Albert, Malvern and many other established suburbs to whom the Labor Party had promised so much?

The Labor Party had promised to take steps to help those suburbs by changing some of the planning standards, the need for which both sides of politics had recognised in 1999. What happened to all those promises? Many promises were made during the Burwood by-election. A video was letterboxed to every household in the Burwood electorate claiming that the Bracks government would stop inappropriate development. What happened after the Burwood by-election? For month after month the planning regime affecting the residents of Burwood has gone on virtually unaltered, despite both sides of politics recognising that changes need to be made to improve the application of planning rules in suburbs such as Burwood.

Also during the Burwood by-election the Minister for Planning made a couple of big announcements on changes that he claimed would help residents in the area. He promised he would allow councils to increase from 300 square metres to 500 square metres the minimum lot size below which planning permits would be required for single dwellings. That was part of a specific coalition election policy to deal with a niche problem of avoidance of the requirements of the *Good Design Guide*, and it was fine as far as it went, but it was not an across-the-board resolution of planning issues.

To cap it off, the planning minister then had the hide to tell the residents of Burwood he was going to fix their problems by allowing councils to change the application of the *Good Design Guide* for areas within 7 kilometres of the GPO. The minister seemed to have overlooked that no part of the Burwood electorate fell within 7 kilometres of the GPO; however, that did not stop him holding his press conference and proudly announcing that change as one of the benefits he would confer on the citizens and residents of Burwood.

The Labor Party's election policy also contained a promise to the City of Whitehorse. The Labor Party made it clear it supported the municipality of Whitehorse in its quest to adopt a municipality-wide 1 to 400-square-metre density ratio. That was fine, and nothing more was said about that until well after the Burwood by-election. Then, in January 2000, support for that proposal was knocked on the head and the minister was reported in a local paper as saying that he was concerned about this proposal and it was unlikely to go ahead because it might stop higher density development. For heaven's sake, wasn't that the intention of the proposal in the first place? As soon as support for that proposal had served its political purpose it was quickly dumped.

That is typical of the way the Labor Party has approached the planning issue: first and foremost, it is something to be used in a political manner. Indeed, the present minister was appointed as the then opposition planning spokesman to bring more politics into planning because the former member for Richmond was playing too much of a straight bat on the issue.

Labor has carried over into government the absurd situation it had in opposition of having the same minister responsible for the health and planning portfolios, one of which is the largest and the other one of the most demanding of portfolios in the government.

The current shadow Minister for Planning is also responsible for Workcover, but even allowing for the shambles in Workcover created under the present government, one could hardly compare the breadth, complexity and time demands of the Workcover portfolio with those of the health portfolio.

The only reason one can conclude for the minister retaining both the health and planning portfolios is that he is considered to be the one who can best bring politics into planning. An example of that is the way successive Rescode announcements and the media were stage managed — when the *State Planning Agenda* was released in December 1999, when the first draft Rescode was released in June, when in January the December Rescode redraft was released and then when the final Rescode draft was released last week.

There has been a persistent pattern: the interested parties would be assembled; there would be a set-piece speech, possibly combined with a slide show and other goodies; the documents would not be available at the time of release; and the proceedings would be orchestrated so that interested parties were put under pressure to give their responses to the media, and to the television cameras in particular, after they had received the spin and before they had had time to look at the documents. That way, the minister might be able to get good grabs on the television news that night, but then the parties would go away and look at the documents and perhaps realise that what was in them did not tally with what they had been told.

That can be done once, twice, and perhaps even three times, but eventually people realise they have been bitten, and that produces a backlash. It certainly does not produce good planning outcomes.

Planning is an interesting area of government. In some respects it cuts across political lines and is a portfolio where progress tends to be made incrementally regardless of the government in power, and where one innovation tends to build on another.

Over the past decade or so planning has come a long way. When I was first elected to Parliament, the burning issue was dual occupancy as of right. Honourable members who have been in this place for a long time or have followed planning issues for a long time will remember the policy introduced by a former Minister for Planning and Housing, the Honourable Andrew McCutcheon. Backyards across Melbourne were carved off and often the separate homes built on them were wedged into the most inappropriate locations, delivering bad planning outcomes. At that time there was also an attempt to wipe out single dwelling covenants and trample on people's property rights, which were highly valued and highly prized.

Since those bad old days there has been a series of improved evolutions in planning. Firstly, Minister McCutcheon introduced Viccode 1, which was a definite improvement on what went before and I pay tribute to it. Viccode 2, which was also introduced by Minister McCutcheon, was another step forward. The *Good Design Guide* which followed enhanced and improved Viccode 2. Site analysis requirements and then improvements in those requirements were introduced.

The emphasis in planning has been shifted towards a focus on objectives and strategies and working through the broad principles down to the detail. Municipal strategic statements and Victorian planning provisions have been introduced and a lot of the clutter and inconsistent schemes and anomalies of the past have gone.

However, as I said earlier, there is always room for improvement. In 1999 people on both sides of politics recognised that planning requirements such as the *Good Design Guide* needed improvements to provide greater protection to residents on issues such as setbacks, overlooking and overshadowing, and both sides of politics addressed those matters during the 1999 election campaign. That was the context in which the government came to develop Rescode.

I will briefly examine the zigzag path that has been followed since the government embarked on that course. Some people say there is not much point in looking back over history and focusing on the errors of the past and that we should look forward and put that behind us, that we should heave a great sigh of relief that some of the disasters that could have happened did not happen, and we should get on with things. While it is vital that we work for the future, it is also important that there be accountability for what has happened in the past. We need to learn from the mistakes of the past and recognise how mishandling and mistakes have led to a less satisfactory outcome for the future and the cost, effort and frustration which have been expended in trying to address defects and the delay involved. In the end, sheer exhaustion from trying to overcome some of the more gross errors of the past has meant that a number of parties have not had the perseverance and energy to insist on a better outcome in the final version.

The June draft of last year, now thankfully dead and buried, contained proposals such as dual occupancy as of right being introduced — on a more narrow basis than in the McCutcheon model, but nonetheless running the risk of suburban blocks being carved up perpendicular to the street and narrow terrace-like pairs of houses dotting our suburbs. There were proposals for mandatory site analysis, including for single homes, which would have added hundreds of dollars or more to the cost of a single house. Council officers would have

been required to scurry across municipalities to inspect every individual home site, including across large municipalities of regional and rural Victoria to look at individual home proposals in small country townships.

The draft contained no time limits on decision making and had some absurd restrictions on the way second storeys could be built onto homes — for example, they had to be no more than 80 per cent of the ground floor level, which sounds fine in abstract until you try to work out how you would build a home within those specifications on a slope. There were all those sorts of anomalies. Initially the first Rescode draft was welcomed, and then everybody realised it was a pretty woeful document. Frankly, I do not know how it came to be drafted.

Mr Baillieu — It should never have seen the light of day.

Mr CLARK — As the honourable member for Hawthorn says, it should never have seen the light of day. My best guess is that somebody in the department decided to draft up for the minister a document which they thought complied with the Labor Party election policy and with the state planning agenda document. The minister either did not appreciate or was not told about all the bugs in it. Be that as it may, that is a matter of speculation and I hope the full story will come out over time.

There was such a chorus of criticism of that first draft of Rescode that the minister at least did the right thing and sent it off to an expert committee, headed by Mr Chris Wren, that laboured long and hard and received and dealt with a large number of submissions from all interested parties. It came up with virtually a completely new draft residential code. In technical terms it was a well-written document. It pulled together various strands of the *Good Design Guide* and Viccode 1, et cetera. However, it was written from an orthodox planning perspective, which has both strengths and weaknesses.

In particular it was a model that did not depart very much from the standards in the *Good Design Guide*, notwithstanding the fact that, as I have spoken about several times previously, the need to change some of those standards is something that has been recognised on a bipartisan basis since 1999.

The December draft disposed of the June version in a very uncompromising way. The expert report was quite damning about the quality of the June draft, however, it had still not tackled the core issue of how to tighten up some of the numerical standards. The minister had to go back into the bowels of his department and do a lot more work. He has at last come forward with the final version that was released last week, the single dwelling parts of which are implemented by the bill before the house.

How do we assess the final version of Rescode and the bill before the house? At the outset it should be said that the final version makes a number of evolutionary and incremental improvements to the planning regime as it presently stands. Like the December draft, it is technically well written. In large part it is a rearrangement, redrafting and reordering of divisions in the *Good Design Guide* and Viccode 1. I congratulate all of those who have been involved in the preparation of Rescode at a technical level.

Rescode at last implements the tightening up of some of the numbers that was promised in 1999, and in principle that is a good thing. One might well ask why it took so long to happen but it does seem to be happening at last. My only hesitation about offering an unqualified welcome of the tightening of the numbers in Rescode is that some six days after the code was formally released the jury is still out on whether or not the tightened numbers are workable across the full range of contexts in which they may need to be assessed. Going back to the experience of the June draft, that needs to be checked carefully. I mentioned earlier the problems with the June draft for buildings on slopes. It has been suggested to me that some of the height limits for buildings on slopes will also be problematic in Rescode.

There were some absurdities in the numbers in the June draft. For example, if an existing terrace home in Richmond happened to be destroyed by fire or a similar event it could not be replaced by an identical home because a replacement would breach the standards. We must wait for the experts' views on the numbers to make sure that the final version does not have those flaws.

However the issue of tightening up of the numbers works along just one dimension of the planning balance that needs to be achieved. Although it is probably a truism, planning is all about balance. The government's December 1999 document claimed to be a sensible balance, and it is agreed that balance is what needs to be achieved, but it is not a balance just along the spectrum of tighter versus looser numerical standards. There are a whole range of other dimensions in which balance must be achieved. Flexibility must be balanced against certainty, innovation against existing character, demand for new housing types against protecting existing amenity, local autonomy against statewide

strategy and appeal rights against delay. It is in some of these other dimensions that Rescode either misses opportunities or worsens the planning balance. The result is likely to be continued uncertainty, increased complexity, discouragement of beneficial change, frustration for local government and continued de facto policy making by the Victorian Civil and Administrative Tribunal (VCAT).

I will focus on the detail of the quantitative standards being set by Rescode and how those standards are specified. I will compare how they are specified with the specification of the equivalent provisions in the *Good Design Guide*. In the specification of standards in Rescode they are defined as follows, and I quote from page 1 of draft clause 54, which is set out in a document entitled 'The new provisions for Rescode'. Under the heading 'Objectives' it states:

> An objective describes the desired outcome to be achieved in the completed development.

Under the heading 'Standards' the document states:

> A standard contains the requirements to meet the objectives. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

The document makes clear that while it is a standard, it is not one in the sense that standards are normally regarded as something that has to be met in order to get a tick. In Rescode a standard is something that can be varied in different circumstances.

Let us compare that with the *Good Design Guide*. The introduction on page 2 of the original 1995 edition describes 'Objectives' as follows:

> These are statements which define the intention of each element and indicate the desired outcomes to be achieved in completed developments.

Just to confuse matters somewhat, the guide includes the following definitions of criteria:

> These provide a basis for judging whether the objectives have been met. Each development must be considered against all criteria but, depending upon particular circumstances, it may not necessarily satisfy all of them.

It then goes on to 'Techniques', which are called 'Standards' in Rescode:

> The techniques are assumed to satisfy the relevant design element objectives and criteria. However, in particular cases anyone proposing a development may use an alternative method if it can be demonstrated to the satisfaction of the responsible authority that the alternative will satisfy the design element objectives and criteria as well or better than the prescribed techniques.

The reason for quoting these extracts — obviously it will be easier for honourable members to follow them in written rather than oral form — is that when you boil down the differences in wording, the way 'standard' is defined in Rescode is almost identical to the way 'technique' is defined in the *Good Design Guide*.

The problems that affected residents in the *Good Design Guide* — that is, excessive scope and opportunity for second-guessing and subjective opinion making, which undermined protection of neighbours — will continue through to Rescode. In other words, Rescode has changed the starting points for arguments but it has not changed the fact that the system still has too much scope for arguments to occur and for people to put the case that exceptions should be made in particular cases with the consequence that neighbours are going to have to fight these applications before councils and VCAT. Indeed, in the house yesterday the minister recognised as much, and he is reported in newspaper articles as having said, 'You can't expect a change to the planning scheme to stop argument'. That is true, but the minister is, in effect, admitting, 'My model suffers from the same flaws as were recognised in the past model'. That problem is not tackled.

In any planning scheme you want to leave flexibility for truly exceptional proposals or unusual circumstances. However, the balance in the planning system needs to come back towards certainty and simplicity, as indeed the Labor party recognised in its 1999 election policy. Sadly, Rescode has moved in the opposite direction on these counts. Let us look at a concrete example of this. Rescode sets a so-called standard that a boundary wall height should not exceed an average of 3 metres. However, a developer is free to argue that an average wall height of, say, 3.5 metres meets the relevant Rescode objective requiring it to respect the existing or preferred neighbourhood character and limit the impact on the amenity of existing dwellings. On the basis that a proposed wall meets that objective, a developer or other building proponent could argue for a variation of the standard.

Some argument exists as to how 3 metres is going to work in any event, but 3 metres is set out as an aim in the *Good Design Guide*, and that has not been totally changed by Rescode. However, because the objective is so wide ultimately it boils down to a matter of opinion and judgment as to whether or not a wall height of 3.5 metres in a particular circumstance meets the Rescode objectives. There is not the certainty or simplicity that people have been looking to achieve. The case still has to be argued before council if someone seeks that exception. Assuming it is an

application for a planning permit that is involved, the case can then go off to be re-argued before VCAT.

The next major cause of concern with Rescode is in relation to the powers given to local councils. That is the aspect of Rescode that I regard as ugly because I think the government has falsely raised expectations of giving autonomy back to local councils. In fact, it has given them two tools, one of which is very limited and another that is going to be very hard for local councils to use.

The first is the power to apply to the minister to have a neighbourhood character overlay introduced that will apply to a designated area of the municipality to change some of the numerical standards and add additional neighbourhood character objectives. However, the minister has made it very clear that he is going to approve such neighbourhood character overlays only for neighbourhoods that he regards as special. If the minister does not consider a neighbourhood special, the overlay will not be possible. It is also worth making the point that the overlay is the only means provided by Rescode by which the practice of moonscaping can be prohibited. Although the minister made great play of the fact that he was going to tackle the problem of moonscaping — it was also something that was addressed in the coalition's 1999 election policy — in essence you can only get a prohibition of moonscaping under Rescode if you can prove to the minister that your neighbourhood is special.

Otherwise that protection is not available. Other provisions can require the planting of replacement trees, but scope already exists for requiring replacement trees in certain circumstances. It is highly unlikely that these other provisions will be effective deterrents against moonscaping. The public and local councils have been hoodwinked on the issue of moonscaping. Local government will find the route of a neighbourhood character overlay a difficult one to travel down.

The second power the minister says he is giving to councils under Rescode is to vary the numerical components of standards, such as setbacks, building heights and site coverage. The catch to that provision is that it is understood by everybody who has spoken to the government or read the documentation that those changes can be varied only for the municipality as a whole and not for specific neighbourhoods. In other words, if a council wishes to establish a local policy to encourage more medium-density development in a suitable neighbourhood — as the minister has urged councils to do — it is likely to find one of two things: either that its local policy is at odds with the statewide Rescode standards or, if it wants to adopt local numerical standards to facilitate more medium-density development in a particular part of the municipality, it must change that standard for the entire municipality. The opposition believes no council can be expected to do that.

The council may also adopt a local policy to encourage greater medium-density development in a particular precinct, but the numbers will still apply across the municipality, regardless of whether some parts of the municipality are conducive to medium-density development. Conversely, a council cannot protect a particular neighbourhood by introducing tighter standards unless it can persuade the minister to adopt those tighter standards across the whole municipality. Those municipalities with a variety of housing stock or environmental conditions will be caught in a real dilemma.

For example, if councillors of the City of Stonnington believed it was desirable or appropriate for parts of Toorak where large homes are the norm to set the standard building height at 12 metres rather than the 9 metres contained in Rescode, the consequence would be that in those beautiful single-storey federation streets of Malvern a single dwelling 12 metres high could be built as of right. That causes an enormous dilemma for councils such as Stonnington, because what suits one area of the municipality will not suit another. Those examples could be multiplied across both metropolitan Melbourne and regional Victoria.

A further issue exists concerning the local autonomy offered to councils by the minister. He has not spelt out the tests to be applied or what he will require councils to demonstrate before he approves local changes to the planning rules. Will he approve local changes that he considers to be inconsistent with statewide policy? How will that be judged? What will happen if a council wishes to introduce a site-coverage ratio or a private open-space requirement that the council and local residents believe is essential to preserve the character of the municipality but a planning panel advises the minister that it will make medium-density housing very difficult to introduce and, therefore, should not be agreed to? What will the minister do? The way forward in that area is an absolute void.

Perhaps that is an issue the minister has not thought about or has thought about but not told people the result of. Councils that have been offered this purported autonomy would want to know the answers to those important questions before they can judge whether the autonomy is fair dinkum or purported.

Will the minister allow a range of minor variations to standards to operate across different municipalities, such as a height limit of 8.5 metres in one municipality, 9.3 metres in another and 9.5 metres in a third? Will the minister consider that to be fine if it is what the local communities want, or does he think it a good thing to encourage a greater degree of uniformity?

What will happen to councils that have worked to develop proposed local variations to the existing rules? Will they be allowed to have those proposals finalised and put into place under Rescode? The minister has said work will be undertaken on existing local variations so they may be carried over. I understand he has told local government bodies that the department will work with them to see whether it is possible to translate proposed planning scheme amendments already in progress. However, we still do not know the answers.

What we do know is that the minister does not intend to allow councils to put new local standards in place from scratch in time for the commencement of Rescode. That will cause serious consequences, particularly in areas where a new Rescode standard is applied but does not suit local conditions because it is too restrictive. I cite the example of fence height, which is an important aspect of the character and appearance of suburbs and towns. Some areas generally do not have front fences at all, and people regard it as important to deter high fences, or any fences, in those areas. That aspiration is understood.

In some places high fences are becoming quite popular — for example, people living on main roads may want to reduce traffic noise as well. In many inner and middle suburbs of Melbourne high open wrought-iron and brick fences are becoming popular. They are valued because of the combination of security and openness they provide. They do not shut the property off from the street, which is often the criticism of high solid fences, but they provide the security of a locked front gate. Many residents find that security comforting and the fences are becoming increasingly popular.

Under Rescode those fences not on main roads will be outlawed unless the local council can persuade the minister to agree to a variation to the numerical standard for that municipality or unless and until the council decides on a case-by-case basis that it will grant applications to vary the standards. That will mean a fee either for the application under the building laws for a dispensation or an application for a planning permit. It will also involve delays and residents will be dependent on whether the council will agree to the application. This high standard will hit several municipalities. A council will not have the opportunity to decide in advance whether the standard is suitable for the municipality and, if it decides it is not, do something about it from day one of Rescode. That is a concern and is another illustration of the fact that a lot of the detail of Rescode has not been thought through properly, even though it is some 19 months since the government came to office.

I turn now to consideration of those aspects of Rescode that apply particularly to single dwellings and therefore to the issues to which the bill specifically relates. I place on record my appreciation of the many organisations that have given feedback, recommendations and expert advice to the opposition both in relation to the bill and to Rescode generally. I particularly acknowledge the Save Our Suburbs organisation, the Urban Development Institute of Australia, the Master Builders Association of Victoria, the Housing Industry Association, the Royal Australian Planning Institute, the Municipal Association of Victoria and one of the municipalities covering part of my electorate, the City of Whitehorse.

This framework bill will give effect to those aspects of Rescode that relate to single dwellings. Rescode intends to regulate single dwellings primarily under the building legislation while regulating medium-density dwellings and subdivisions under the planning law. There are some exceptions to regulating single dwellings under building legislation. Overlays may require a planning permit and if a single home is to be built on a lot less than a certain size a planning permit is also required. With those exceptions the objective is that the vast bulk of single dwellings will continue to be regulated under building legislation.

The framework bill will allow the minister to issue guidelines regarding the design and siting of single dwellings. It expands the regulation-making powers of the Building Act to include what I might describe as typically planning matters such as the availability of light, overshadowing, privacy, overlooking, distances from boundaries or nearby buildings, site coverage, tree preservation, preservation of architectural heritage, car parking, permeability of surfaces, matters relating to the energy efficiency of buildings, and fences and boundary walls.

The bill also sets out procedures which are to give affected neighbours the opportunity to make representations to councils in cases where building matters come before councils. It is intended that if a proposed single home that does not require a planning permit meets the numerical and other standards of

Rescode applicable to single dwellings — a list of 14 is set out in the documentation issued by the government last week — a building surveyor, who may be a private building surveyor, can issue a building permit and the building can proceed. If the building does not comply with some of those standards the proponent can go to the council and seek dispensation from the council to depart from the relevant standards. Clause 7 which inserts proposed section 4A(2)(b) into schedule 2 to the bill — and the bill refers to the council as the reporting authority — states in part:

> … if in the opinion of the reporting authority the application may result in a nearby allotment suffering detriment, must give the owner of the allotment an opportunity to make a submission in respect of the possible detriment.

The proposal is that having had the application for the dispensation and the submission, the council will make a decision. If the neighbour is dissatisfied with the decision, that is the end of the road for that neighbour. There is no appeal right. However, if the applicant is dissatisfied with either the refusal of or the conditions attached to the dispensation they can take that issue to the Building Appeals Board.

A number of issues have been raised with the opposition about how the regime will work. One aspect has been the time lines within which the decisions have to be made. I particularly thank the City of Whitehorse for drawing the issue to my attention. It has also been raised by municipal organisations. The letter from the City of Whitehorse states:

> Whilst council is generally in agreement with the framework of the bill, further examination has revealed that the bill seeks to introduce a time frame of five days for the consent and report process, which is entirely incongruous with achieving good outcomes.
>
> The consent and report process involves application to council to vary the amenity requirements of the building regulations such as building setbacks, window locations, wall heights et cetera, which have a potential impact or detriment in relation to adjoining properties or the streetscape.

The council goes on to outline the amount of work involved and makes the point that the time limit proposed is inconsistent with the time limit of 15 days recently introduced for demolition controls. I understand that that is now accepted by the government and that it intends to make the standard 15 days. I hope the minister or other government speakers will confirm that.

Another area of concern is what the procedures are if it appears that the building falls within the standards set by Rescode so there is no requirement for the proposal to be taken to the council.

The operation of the scheme in this context is heavily dependent on the building surveyor concerned and the accuracy and correctness of the building surveyor's conclusion that the numerical standards have been complied with. It is worth making the point that although every effort has been made so that what the building surveyor has to assess are numerical and quantitative matters, and to avoid the exercise of subjective discretions or judgments, nonetheless the role of the building surveyor is being significantly extended because he or she will now have to address issues such as overlooking, overshadowing and checking whether relevant distances from neighbouring buildings or windows have been complied with.

One practical question raised with me is whether a building surveyor has the right to enter a neighbouring property to carry out those measurements or whether they could be carried out if the surveyor does not have that right or is unable to enter the property.

More significant is the question of what happens if the surveyor issues the building permit and subsequently there is an allegation or it proves to be the fact that the building does not comply with the Rescode standards and therefore does not comply with the building regulations. The first time the neighbour is likely to find out about that fact is when the building is well under construction: the neighbour starts to take a close interest and concludes that one of the dimensions is wrong, that inadequate attention has been paid to a nearby window — possibly the surveyor concluded it was not within a distance that was relevant but in fact it was, or some other similar error. The building is well under way, and the neighbour's amenity has been impacted in a way that breaches the rules. What is to be done when a large amount of money has already been invested in the construction?

I understand that, in principle, remedies are available and the building surveyor responsible for the project should order rectification albeit that the surveyor issued the permit in the first place. The Building Control Commission or the local council building department can be invoked, and the commission has the authority to order rectification. All of that may well be the case, but the question is: will it work adequately to obtain redress in a practical sense? By the time the building is half constructed it is a serious financial imposition on the owner concerned to require walls or other parts of the building to be demolished and rebuilt.

It is fair to say that where owners or builders have connived in the deliberate violation of the building requirements they deserve everything they get and it is perfectly just to order demolition and rectification. On

the other hand, if someone is an innocent home builder and has relied on the building surveyor to check the plans and issue the permit and it turns out the building breaches the standards, they are in a dreadful position, which is unsatisfactory all round.

While the desire of the government to avoid bringing single homes into the planning system is understandable, there are these important questions hanging over the path it has chosen to go down. I hope the minister will offer some response on these issues.

Suggestions have been put forward that neighbours should be notified, or shown the plans in advance, or possibly asked to certify whether they have an objection. Other suggestions have been that it should not be mandatory but should be made pretty clear by way of a practice note or other advice that it is probably a good idea for surveyors to do that if there are any question marks involved.

It is also worth making the point that this regime depends heavily on a proper and professional approach by the building surveyor. There have been instances where a few surveyors appear to have engaged in some practices that might at best be called questionable and there is a general consensus that, given the autonomy and responsibility given to building surveyors, if they are found to have deliberately transgressed or breached their duties they should suffer severe penalties. That will be an important aspect of the regime.

The next issue that needs to be considered is the rights of a neighbour where an application is made to the council for dispensation from the standards.

Save Our Suburbs raised some concerns about what documentation neighbours will be given to enable them to make a submission, which the bill gives them the right to do. That is an important issue that is not touched on in the bill. The bill simply says they have the right to make a submission. Will they be given the plans? Will they be given a copy of the reasons being put forward by the applicant for the dispensation so that they will have a chance to rebut those reasons? What period will they have in which to make the submission? If the overall time is going to be 15 days — obviously from an applicant's point of view a tight time line is wanted — conversely, how much time will the neighbour be given to prepare a case when out of the blue they might be told there is a proposal coming up next door to them?

What form will the submission by the neighbour take? Presumably it will be in writing. Are they entitled to an oral hearing? Are they entitled to be heard by whomever the council delegates to make the decision? What process is the council going to follow in considering those applications? I understand the intention is that in the case of most councils the process will be handled through the building department of the council, possibly in informal consultation with the planning department.

How will those procedures work? What will happen when the council decides that a neighbour is not going to suffer detriment, but the neighbour hears about the proposal and believes he or she is going to suffer detriment? Can they go along and have their say? What if they contact the council and the council is adamant they are not going to suffer detriment; the neighbour says, 'Yes, we are': will there be an argument about whether they have a right to make a submission?

They are all important and complex issues that are not addressed in the bill, or in any of the Rescode documentation that is available to date. They are issues that will have to be sorted out if the regime in the bill is going to work properly.

Save Our Suburbs has raised another important issue with regard to the drafting of the bill. The organisation points to the fact that there appears to be some inconsistency between the powers given to the minister in the guidelines and the matters about which the minister may make regulations. Is that intended or not intended? What is the position with regard to extensions to single dwellings? At page 12 of the document issued last week entitled *Roadmap to Rescode*, the question is posed:

> Does Rescode also apply to an extension to a house?

The answer is:

> Yes, it does, except when a planning permit is not required and no building permit is required.

I take the exception to refer to minor extension projects, and apart from that Rescode will apply. One assumes it will apply if it is an extension to a single home under the building regulations rather than under the planning aspects of Rescode.

However, proposed section 188A(1), which is being inserted into the act by clause 3, states:

> The Minister may from time to time issue guidelines relating to the design and siting of single dwellings.

There is no reference to extensions. Perhaps somewhere in the Building Act there is something that says that single dwellings include extensions to single dwellings.

However, the definition in proposed section 188A(4) says:

> In this section "single dwelling" means a building, or buildings, of a class specified by the regulations for the purposes of this section that is, or are, intended to be used as a dwelling.'.

Again, on the face of it, the bill is talking about complete buildings and not about extensions to buildings. It is an important question to which answers are needed, and answers have not yet been forthcoming.

The question also arises of what fees will apply to these applications. I thank the minister's adviser for providing me with information on this point at short notice. I understand there are already powers in the Building Act for the regulations to prescribe fees. To date fees have not been prescribed, but as part of the regulatory impact statement process for the proposed regulations the government is intending to put forward a proposal for the prescription of the fees, possibly on a sliding scale or some other structured arrangement. It is good that fees will be prescribed because it is going to be a statewide requirement, and we will wait to see exactly what the fee level is and how the fees are to be structured.

The overall concern the opposition has about the aspect of the Rescode model that applies to single dwellings is that it creates the risk of turning the building system into a de facto second planning system operating under separate different but parallel rules.

Earlier I referred to all the unanswered questions about what the procedure will be when somebody wants a dispensation. I believe over time these questions will have to be answered with rules, formalities and requirements, and they will turn into a procedural code which parallels but is separate and different from the planning code. I believe the quest for simplicity and the attempt to avoid many single dwellings being drawn into the planning regime will in time have their own serious ramifications.

In conclusion, the opposition does not oppose the bill. It believes there are many issues still remaining to be worked out. It is an important and complicated debate. Many speakers would like to contribute on this issue from their own perspectives and on the basis of their own expertise, and I acknowledge the honourable member for Hawthorn as a former architect who is well versed in these issues. He has been of great assistance to me in providing advice and commentary on planning issues.

Debate on Rescode is important for the electorates of a number of honourable members, including the honourable member for Malvern. It is unfortunate that the government is allowing little time for debate on this and a list of other bills this week. I certainly hope there is more opportunity later for others to make contributions.

Overall, Rescode at last attempts to do what both sides of politics promised to do in 1999 — that is, to provide greater protections for neighbours on issues such as setback, overlooking and overshadowing — but in other respects Rescode fails the test. In particular it fails a number of the tests the Labor Party itself set out in its 1999 election policy. That policy talked about changes that would result in a quicker and less costly process, would guarantee fast approval, would reduce the complexity of factors to be taken into account and would provide more prescriptive controls. These are all important aspirations on various dimensions of the planning balance; they are all aspects in which Rescode makes the balance worse rather than better.

The government has failed to deliver on the expectations it raised about Rescode; it has failed to achieve a good balance of the issues; it has failed to achieve a good balance of local autonomy within a strategic context; it has failed to achieve greater certainty and simplicity; it has failed to provide greater assurances to neighbours that their positions will be protected by the regime without forcing them to become involved against their will; and, conversely, it has failed to provide the opportunity for participation in local decision making and local planning that could have been provided. For all these reasons, under Rescode our suburbs and towns are likely to fall short of their full potential.

Mr DELAHUNTY (Wimmera) — I shall present the National Party's response to the Building (Single Dwellings) Bill. I thank the honourable member for Box Hill for his in-depth description of many aspects of the bill and the history of the planning issues. The main purpose of the bill is to amend the Building Act 1993 in relation to the siting and design of dwellings. It is obviously one of those contentious issues and has created a lot of interest — even to the extent that the Minister for Agriculture is starting to get nervous about my contribution to the debate and is moving around the chamber in anticipation.

I express my thanks for the briefing provided to members of the National Party, including the Honourable Jeanette Powell in the other place and me, by Department of Infrastructure staff, particularly Sarah McDonald and Chris Turner, Stephen Harkin from the

Building Control Commission and Maria Marshall, the ministerial adviser who was helpful in arranging a meeting at a time that was suitable to everybody. To put it on the record right from the start, the National Party will not oppose the bill.

I turn to the content of the bill. Clause 3 inserts in the principal act proposed section 188A to enable the minister to issue guidelines relating to the design and siting of single dwellings. As you can see, the minister will have a fairly major hand in developing those guidelines, which I am told will be standard right across the state. I often say that one cap does not fit all, and that will create some problems if it is not handled in a sensitive way and, importantly, in consultation with councils, developers, the community and others throughout Victoria, not only in the metropolitan areas of Melbourne.

Clause 3 also provides for matters that can be dealt with in the guidelines, and includes such matters as neighbourhood character — which is always in the eye of the beholder — overshadowing, privacy and overlooking. Privacy is always a difficult issue. As I travel from the great Wimmera electorate I pass Caroline Springs. I have not had the opportunity to actually visit Caroline Springs, but many people who have looked at the new developments have commented on how close together the buildings are. Obviously a privacy issue will raise its head every time somebody opens a window or a door or when there is noise at night and all those kinds of things. Privacy is a sensitive issue that I do not believe has been dealt with properly in Caroline Springs.

Height and setback of buildings are also controversial issues, particularly if you are the first one to build and then somebody next door builds a little closer to the road and blocks your view. I have even seen cases in my electorate where people have put up boundary fences and planted gardens and bushes to try to block off the view of someone else's house. That highlights the importance of having good neighbours. I have been fortunate in my life in always having great neighbours — when I was studying in Melbourne and living in Moonee Ponds or Essendon, or when I lived in Donald and now in Horsham.

Mr Hamilton — You're a top fellow.

Mr DELAHUNTY — I am a top fellow, thank you, Minister for Agriculture. But the reality is that it takes two to tango. It is important for the way you live in a community that you have good neighbours. I am grateful for the support I have had in my present address at Gardenia Court, Horsham, where I have fantastic neighbours. I do not yet have them mowing lawns for me, but they do a lot of good work.

Other matters included in the guidelines are the preservation of trees and architectural heritage features. I know the former Minister for Planning, who is in the chamber, would agree that they are sensitive issues. I have always believed you can please some, but you can't please everyone. It will be difficult for the minister to fit these issues into his guidelines.

Car parking is also a sensitive issue, which was the case when I lived in Melbourne. Today more and more people live in flats and we seem to have more and more cars on the roads, therefore creating more car parking problems. The other contentious issue that will be in the guidelines concerns fences and boundary walls. As I said earlier, I have seen neighbours wanting to put up higher and longer fences that interrupt the view of, for example, a river or a park. The new planning guidelines cater for such situations.

Clause 5 of the bill provides regulation-making powers. It will allow the insertion of two regulation-making powers into section 261 of the principal act. That is important for the act to take effect.

Clause 6 inserts additional regulation-making powers into schedule 1 to the principal act relevant to the design and siting of buildings. This will enable regulations dealing with the design and siting of buildings to include 10 matters. I will not go through all of them, but one relates to the availability of light and the overshadowing of neighbouring buildings and allotments. This is always a contentious issue. I know that all governments have tried to stop the urban spread and use the land we have to the greatest extent, but every time you build another house in a backyard or erect a building of more than one storey you raise concerns about light and overshadowing. Other matters which can be regulated relate to privacy and overlooking.

I will focus on the regulations for the provision of car parking in relation to an allotment. It is my understanding that an allotment can be a single residence but it can also mean a block of flats. The designers of allotments must take into account whether the buildings are to be flats, houses, units or whatever and appropriate car parking sites must be made available on the land. Regulations can also be made on matters relating to fences and boundary walls. I know that height restrictions have been included in the guidelines.

I am interested in the workings of the Scrutiny of Acts and Regulations Committee. I know that one honourable member in the chamber is a member of that committee. I note that the committee accepts that the regulation-making powers of clauses 5 and 6 are appropriate to give effect to the purpose of the act. I am sure the members of the Scrutiny of Acts and Regulations Committee have considered this thoroughly and they would not give other members of Parliament bad advice. Is that correct?

Mr Carli — Absolutely.

Mr DELAHUNTY — Clause 7 inserts a new clause 4A into schedule 2 to the act to require the reporting authority — in all cases that will be the council — to provide a report and consent. A council must have regard to the guidelines and if an application may cause detriment to a nearby allotment it must give the owner of the allotment the opportunity to make a submission. I am not sure what is meant by the term 'nearby'. Is that the adjoining one or is it 1, 2 or 3 blocks down the street? The reporting authorities — in this case the councils — will be grappling with the interpretation of this term as the bill is implemented.

The councils must also consider submissions made by owners of nearby allotments. Councils are elected to make decisions. In most cases I am aware of, and particularly in country areas, they consult with their communities, but at the end of the day they will have to make the decision. They will not be able to ask for more and more reports and consultation; they will have to ensure that they make decisions for the development of their municipalities and the state.

Clause 7 also provides that the council must refuse consent if an application does not comply with any matter set out in the guidelines. It will be up to the applicant to ensure that they fill in all the information or the application will become null and void. Many important aspects of the bill are covered in the provisions to which I have referred.

In his second-reading speech the Minister for Planning states:

> The proposed amendments to the Building Act will form part of the package implementing the government's new residential code for Victoria, known as Rescode.

The honourable member for Box Hill thoroughly outlined the history of planning and it is always a contentious issue. Many governments have grappled with this issue over a long time. It will be interesting to see if this bill has a greater effect on planning than those of previous governments.

The minister also said in the second-reading speech that since coming into office the government has committed to a lot of things, one of those being the introduction of interim measures to enable councils to require planning permits for single dwellings on lots of less than 500 square metres. I have spoken with planning people and I know that there is a greater emphasis on developing the land so there is no further urban sprawl. The Minister for Agriculture, who is sitting at the table, knows that great pressures are being placed on eastern Victoria with the taking over of good agriculture land by residential development. The reality is that we have a larger population. More people are staying longer in their homes because of the home and community care services provided by government and we have a greater need for the development of housing estates. This bill will allow that to happen.

The minister's second-reading speech also referred to the introduction of height controls around Port Phillip Bay. I have seen the redistribution proposals released by the Victorian Electoral Commission and the seat of Wimmera will be called Lowan. It will include part of what is now the seat of Portland and run within 10 or 15 kilometres of the Southern Ocean. I hope the voters will elect me as the new member for Lowan. The new member might be able to go to the top of a good rise on a nice calm day — I am sure there will not be any height restrictions down there — and see boats travelling through the proposed marine national parks.

The government has introduced a requirement for restrictive covenants to be considered in planning decisions. We have discussed that in legislation that has been debated in the house over the past 18 months. The minister states in his second-reading speech:

> A consultation draft of the new residential code, known as Rescode, was released by the government in June 2000.

It is nearly June 2001 — that will click over tomorrow night — so the code has been through 12 months of consultation. There was a great deal of debate by many groups right across Victoria and particularly in Melbourne. Save Our Suburbs was very vocal about its concerns about the first draft. But after some road-testing the consultations identified the need for a simpler approval process so that implementation of the advisory committee's recommendations on single dwellings could be subject to additional controls to protect amenity, character and environment. That is why the legislation is before us today. According to the minister the building regulations were strongly supported as an appropriate vehicle for such additional controls. Again the National Party will wait to see the truth of that over time.

In his second-reading speech the minister stated that the bill would amend the Building Act to provide many things, including the following:

> … where a reporting authority is required to provide a report and consent it must have regard to the guidelines, and undertake procedures in considering such matters …

As I said earlier, the guidelines will be standard across the state. You, Madam Acting Speaker, will be aware that guidelines appropriate to Gippsland West might be different to guidelines appropriate to, for example, Box Hill or the Wimmera. Guidelines must be sensitive to the needs of various communities, and Victoria is certainly made up of a collection of diverse communities, each having differing needs.

The minister stated that the bill will also provide:

> … a right of appeal to the Building Appeals Board against the failure of a responsible authority as a reporting authority to consent or refuse to consent to an application within the prescribed time …

The honourable member for Box Hill spoke of a turnaround period of about five days, as I recall. That will be a fairly difficult task for most councils, particularly councils that are under-resourced in planning.

The National Party and its many groups and organisations have provided a lot of input on the bill, and I will touch on a few aspects. The first matter raised concerns costs. The fee structure, as the honourable member for Box Hill explained, will be set by the minister, and the National Party believes there will be a fairly large increase not only in application costs but also in the implementation costs of councils. I have seen reports by the Municipal Association of Victoria on cost shifting, which could be a major concern, particularly for councils suffering through lack of revenue.

Another concern has to do with appeals to the Victorian Civil and Administrative Tribunal and the measure of practicability. Practicability is always in the eye of the beholder, and the practicability of some of the implementation guidelines and regulations imposed by the minister is a matter for conjecture. Input received by the National Party indicates that costs to councils will increase, so although councils have not been too open and forthright about it, they are quite concerned.

One of the issues in country councils — and we in the National Party represent them well and strongly — is planning staff. An increase in planning staff and better resources are greatly needed. In the electorate of Wimmera, for example, many councils share planning resources, and that sometimes causes concern because of differences in planning schemes between municipalities.

As honourable members know, for many years I was a member of the Horsham Rural City Council and was deeply involved in developing new planning guidelines. As the shadow Minister for Planning, the honourable member for Box Hill, has said, various overlays such as environmental guidelines and heritage overlays need to be implemented. The new heritage overlays will necessitate changes — in some places only minor and in some quite major — to the current planning schemes.

Overall the National Party believes the various measures proposed in the bill will flow on to increase the cost of housing, and that will have an impact on the many people who cannot afford to pay the increase. It will also take away the benefits of the federal government's first home owner grant of $14 000, which has been very beneficial. Earlier today we heard that the new Urban and Regional Land Council has seen a lot more land transfers than had been anticipated. As I said, there is a need to ensure that guidelines will be both consistent across the state and sensitive to the needs of local areas, because one cap does not fit all. Country issues are different to metropolitan issues and need to be addressed separately by individual councils.

I am aware that the shadow minister is warming up on the bench and gargling some water to make sure his voice is strong enough for his forthcoming presentation, but I will take a little more time to read from a couple of newspaper articles I have sourced from the library. The first is by Sally Finlay from the *Age* of 25 May, and states in part:

> Local government groups welcomed the provision for training and education of council staff in the new code.

The government must make sure that happens right across Victoria, not only in the metropolitan area. It must get out beyond Ballarat and Bendigo to places like Horsham — Australia's tidiest town — Hamilton and other such places, to make sure that all council staff members are appropriately trained. The *Age* article further states:

> The Municipal Association of Victoria said the package allowed flexibility for councils …

That is not the impression I am getting. I have been told the guidelines will be consistent across the state, so I am not sure whether that is a true statement. The National Party will await the outcome.

The *Age* article states that the winners will be, among others:

> Resident action groups such as Save Our Suburbs. Rescode will give more power to councils to protect the character of their neighbourhoods from unwelcome development. Residents can vote for council candidates who share their views on planning …

Councils do many things other than planning, but planning is obviously a sensitive issue, particularly in the leafy suburbs of St Kilda and the like. According to the *Age* article the losers will include errant developers, and that is as it should be. Other losers will include:

> … councils that have poor resources and funds to spend on detailed planning policies.

I covered that group earlier in my presentation. Other losers nominated were:

> … the mobility impaired. The Disability Support and Housing Alliance says Rescode does not go far enough with its mandatory provisions to make houses more accessible.

That needs to be taken on board by most councils. Other losers mentioned will be the Royal Australian Institute of Architects Victoria, which states:

> Rescode fails to define neighbourhood character —

a very true statement —

> and will constrain diversity and innovation in housing designs.

There is no doubt that there are some good innovative designs out there but too often the media and others focus on the bad ones, as no doubt they should, but let us also compliment the good ones. Those who are undecided are members of the Victorian Civil and Administrative Tribunal. The article states that the government has drawn up a set of guidelines that VCAT members and local councils must consider in making further decisions and that:

> It may ease tensions often misdirected at VCAT.

We will wait and see. Another article in the *Age* of 25 May states:

> The Victorian Civil and Administrative Tribunal is often the battleground where suburban planning disputes are won or lost.

That sounds a bit like the AFL football match in which Essendon just beat Hawthorn the other day! It goes on to say about VCAT that:

> As the third party appeals tribunal, 70 per cent of cases in front of the tribunal have been residential, according to veteran campaigner Jack Hammond, QC.
>
> …
>
> Now, when giving their reasons to approve or reject a planning application, councils and VCAT will refer to the one document, Rescode, which has mandatory standards.
>
> Multi-unit developments have to meet 34 standards and all developments have to meet 14 amenity standards relating to building height, overlooking and overshadowing, access to daylight and private open space.

Mr Hammond is quoted as saying:

> It is very important you have guidelines that are binding on all the players. This will guide applicants, objectors, councils and VCAT.

The article also reports him as saying that he hoped to see fewer appeals under the new code. I think all members of this house would agree with that statement.

In another article, in the *Herald Sun* of the same day, 25 May, Rachael Hodder says:

> Backyards will get more sunlight and privacy under the state government's new residential planning code.

I am not sure if that means that the sun is going to shine brighter in the future! The article goes on:

> Rescode, launched yesterday, will also give councils and the Victorian Civil and Administrative Tribunal their decision guidelines.
>
> …
>
> Making neighbourhood character the most significant mandatory test for new homes.
>
> Lifting overshadowing standards …
>
> Cutting building height limits from 12–9 m.
>
> Front fence height limits of 1.5 m. or 2 m. for arterial roads.
>
> Boundary walls to be 3 m. rather than 3.6 m.

I am not sure if a neighbour of the Minister for Sport and Recreation in another place would like that, because even if the fence were 3.6 metres he could probably look over it! I am sure he will take that in a light-hearted way. The article goes on:

> Requiring front setbacks consistent with neighbours' homes.

That is very good.

A very good editorial in the *Age* of 25 May sums up the feeling of all honourable members:

> While the new code will not prevent the trend for higher-density housing from continuing, it will mean that the business of erecting multi-unit developments will become more exacting.

As I said, that will impose higher costs and consumers who cannot afford the increase might be pushed further out of town or it will be more difficult for them to

purchase that great asset — their own home. The editorial goes on to say, and I hope it is true, that:

> Mr Thwaites said Rescode strikes a sensible balance between the concerns of residents, the building industry and local councils.

Further, it states:

> It remains to be seen, however, whether the more stringent standards will lead to a reduction in medium and high-density housing and what impact this will have for planning in Melbourne generally.

Honourable members will note that the code is mainly for Melbourne generally. Obviously planning is a bigger issue here than it is in most country areas. The editorial goes on:

> The arguments for increasing the number of people living in established suburbs are sound ones. It means that better use is made of existing infrastructure — roads, schools, public transport, etc. — which can be expensive to build and maintain and which can be under-used as residents age in older neighbourhoods. Shoring up the population in existing suburbs may also reduce the outer suburban sprawl and the isolation, hardship and environmental cost that come with that.

The next statement really sums it all up:

> The business of finding a balance between the desire to conserve what is good about existing suburbs while allowing more people to share these benefits is not easy, but it is important that it be done. Mr Thwaites says the new rules will not stop development — but that the development that does take place will be of a better standard. We hope that this is so.

All members of this house would agree with that last sentence.

Finally, as the shadow Minister for Health is starting to get edgy in his seat, I quote from a response from Mr David Merrett, manager of planning and development for the Shire of Campaspe to the Honourable Jeanette Powell in another place. He supports the bill, but says:

> It requires extra rigour in the assessment of building applications for single dwellings that do not require planning approval.

Along with many who have spoken to us, he has some concern about the implementation of the code and its cost.

Planning is not the most exacting science. Often it is in the eye of the beholder. Many governments have tried to improve the rules, the regulations and the guidelines. I trust that the current attempt will succeed. The National Party is not opposed to the bill, and I wish it a speedy passage through the house.

Debate adjourned on motion of Mr CARLI (Coburg).

Debate adjourned until later this day.

HEALTH (AMENDMENT) BILL

Second reading

Debate resumed from 3 May; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — I am pleased to make a brief contribution to the debate on the Health (Amendment) Bill. This small bill had its genesis in 1998, when work began on the national competition policy principles under the previous government. The opposition supports the bill, although it does not do much at all other than shift a few responsibilities onto the Minister for Agriculture. I know he is waiting with some alacrity to assume those responsibilities through two of the pieces of legislation under his control.

In their responses to the minister's second-reading speech a couple of my colleagues have talked about the fact that debate on all bills has been truncated, and I echo their concern. Sadly I will probably not get a chance to speak on the bill the house has just been debating — that is, the Building (Single Dwellings) Bill — which is of particular importance to my electorate. It appears that the government business program will not allow further debate on either this bill or the building bill.

This bill does some cleaning up in the corners of the back rooms of what is a big house, the Health Act, which is a fascinating piece of legislation. I look forward to the rewriting of the act in its entirety, and I presume a fair amount of work is being done to do just that. The act was consolidated in 1958, together with a range of other Victorian legislation. It has been amended so many times — so many provisions have been deleted from it — that it no longer works as a coherent single piece of legislation, despite the fact that the areas it covers are important. I will briefly touch on the areas responsibility for which has been shifted to other ministers.

The Health Act has a wide purview. It deals with a diverse range of matters, from tattooing and body piercing to health regulations for vessels such as ships. It also deals with the seizure of drugs and animals, which is important for public health. The seizure of animals is often in the news in the United Kingdom. The provisions for that necessary public health imperative are in the bill, together with provisions on slaughter, responsibility for some of which will pass to

the Minister for Agriculture under the Meat Industry Act while some will remain with the Minister for Health under the Food Act.

When looking at some of the provisions I was struck by how much the Health Act needs to be rewritten. I was pleased to note — I know all honourable members will be fascinated by this — that the principal act prohibits the selling of fancifully named admixture as a substitute for real admixture. That is a necessary provision!

The act also regulates the sale of such things as lipsticks, deodorants, mouthwashes, hair dyes, toothpastes and sunscreen creams. With the passage of this bill, all those things that are now regulated by the principal act will come under a range of other acts to which I will refer shortly.

The principal act also deals with the labelling of food and drugs, which is important. The repeal of section 390 means that provisions dealing with the regulation of food and drug labelling will pass to another piece of legislation. Many members of the community have been concerned about the proper labelling of food and drugs.

The provisions of section 249 will pass to a different piece of legislation. I was staggered when I discovered that it is an offence to publish false statements when promoting the sale of a substance for the relief of any human physical defect. If that is an offence, half the advertising industry could be in breach of the act. I have not yet seen the provisions being used. The section even covers such areas as administering oestrogen to birds. As the Minister for Agriculture will know, although that prohibition may appear to be esoteric at first glance, if one considers the poultry industry one realises that administering oestrogen to birds requires regulation.

One of my favourites provisions prohibits certain substances being used in toys, wallpapers and serviettes. Prior to that provision being implemented a generation of children blithely put objects made almost entirely of lead into their mouths.

Mr Hamilton interjected.

Mr DOYLE — It explains this generation! I can remember having toy soldiers made of lead, so perhaps it explains more than we first thought!

Part 14 of the principal act will be repealed by the bill. Although we are now being flippant, the important provisions in that part will now pass to a range of other acts such as the commonwealth Therapeutic Goods Act, the Therapeutic Goods (Victoria) Act, the Agricultural and Veterinary Chemicals (Control of Use) Act — important legislation under the Minister for Agriculture's control — the Drugs, Poisons and Controlled Substances Act, the Fair Trading Act and the commonwealth Trade Practices Act. All those acts already provide the protection the public requires, so this small amending bill repeals the provisions in the Health Act that are duplicated elsewhere to enable such matters to be better regulated.

One matter which is not addressed in the bill but which is certainly regulated by the principal act concerns precautions against fire — for which members of both sides of the house should give themselves a small pat on the back. One of the measures begun under the previous government and continued by this government will ensure that there is adequate fire protection in a number of areas, particularly in community residential houses and other institutions where the clientele is vulnerable and where fire precautions have not until recently been up to scratch.

That may not be newsworthy, but it is important to the state's administration. I am delighted that both sides of the house have shown a real commitment to ensuring that fire precautions are taken and sprinkler systems are installed to protect people in institutions. Nobody would like a repeat of the catastrophes of the past. Again, that is one of the small but nevertheless important things covered in the bill.

Another arcane area amended by the bill is the act's ability to allow the Minister for Health to set up consultative committees. There are two standing committees, one on anaesthesia and another on obstetric and paediatric mortality and morbidity. I look forward to seeing the development of a consultative council on surgical mortality and morbidity, because I think it would be a useful addition to the protections we have in the state, and the mechanism is certainly contained in the principal legislation for the government to set up just such a consultative committee. I emphasise the word 'consultative' because it is very important that the profession has complete confidence in the committee.

Clause 23 of this bill allows those consultative committees to maintain the confidentiality of the material that they receive. Normally there would be an obligation to pass that material to the Auditor-General if he required it, but clause 23 allows that confidentiality to remain. That is particularly important if those consultative committees are to be effective.

Another thing the Health Act does is regulate and control infectious diseases, which is one of the most

important parts of our public health imperatives. We have all seen the recent stories about actions involving legionnaire's disease, and I pay tribute to the government for reacting to them in the way that it did and for bringing in, with support from the opposition, legislation and regulations on this important public health imperative with a view to minimising infection as far as possible. I do not think it will ever be wiped out until water-based cooling towers are replaced with air-based cooling towers. Obviously it is not possible for that to be done in one fell swoop, if ever. At least Victoria has an up-to-date set of regulations that can be applied throughout the city.

One of the interesting offences in the Health Act — from memory the last government did this, again with the support of the now government in opposition — is the very important offence of knowingly or recklessly infecting another person with an infectious disease. That is all the more important when one considers, for instance, some of the actions of some irresponsible people in the community.

The act also covers autopsies and radiation safety. In our profession we read legislation a lot, but I am sometimes struck by the simplicity of what the legislation says. The act governs radiation safety and radioactivity, as well as what are termed 'sealed and unsealed sources'. I wondered what an unsealed radioactive source was, so I looked up the definition in the headline act and found it is one that is not a sealed radioactive source. I was better informed, if not wiser.

The act deals with such diverse things as the destruction of rats and mice, and water. I am sure the Minister for Agriculture would agree with me that one of the central defining features of our country is water, and the Health Act governs the integrity of our water supplies. It also deals with nuisance and gives wide powers in that area. Perhaps it echoes the legislative language of previous years, but those powers include dealing with nuisance in buildings, in structures, on land and in water, on land under water, with any animal bird or pest, anything to do with refuse and any noise or emission. As I said, it is perhaps legislative language of a different time.

It has two general catch-alls the like of which I have never seen. The first of these is to say that it can deal with nuisance in any state, condition or activity. I thought, 'Right, that catches the whole lot'. Just in case that was not enough, the next section said that it deals with nuisance in any other matter or thing. Just in case there was something left out in the first bit I can assure the house that it is caught by the second.

As I said, Mr Acting Speaker, I do not wish to speak very lengthily on this. It is a fascinating act and the elements with which it deals are terribly important in the area of public health. It is an act of some 450 sections and has been much amended. It was part of the consolidation of 1958 and was first amended subsequently in May 1959. Since then it has had over 140 amendments, either directly to the act or substantially to the act by the enactment of different statutes. Perhaps it really is time to think of a thorough rewrite of this very important and central headline act, the Health Act.

Its first amendment was May 1959 and its latest amendments were as recent as 1 January 1999, and again today there are more. It is an act that is probably well and truly overdue to be rewritten. Before I go on to the very brief conclusion of the bill's effect, there is one thing I cannot resist pointing out. I did not realise just how powerful this act is. In a way I am very sorry that the Minister for Local Government is not here, because when I came across section 36A of the act I found in the powers of the Secretary of the Department of Human Services powers that I did not know existed. The secretary of that department can become any council they wish to for any reason, the only hurdle being — —

Mr Wynne interjected.

Mr DOYLE — I must say I agree with the honourable member for Richmond that it has certain attractions, but we will not go down that path. The section provides that if the chief general manager forms an opinion and there is an emergency or a sudden necessity, the secretary can order a council to perform any duties that the secretary directs, to perform all or any of the functions of a council and to order any officer of a council to carry out a particular function. I thought that was an astonishingly wide-ranging power for the secretary of the department. It reflects the very stringent conditions that may be necessary if there were an epidemic or pandemic of some kind, or a public health crisis. It would never be exercised in due process. Nevertheless, I thought just in case the government was not aware of it, I would make it aware in case there was ever a need for it.

In conclusion, this bill does a number of sensible things in reordering some of the responsibilities.

It says that environmental health officers do not have to belong to any particular organisation but must have appropriate qualifications. As I recall, the original act said they had to belong to the Australian Institute of Environmental Health or at least be eligible to belong to

that institute, and in order for that to happen they would need appropriate qualifications, so it is really not altering the status quo very much.

The bill removes some redundant restrictions on the pest management industry, which was regulated under both the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and the Health Act; and the Health Act licensing provision is repealed in this bill so that pest control businesses no longer have to be registered under the act.

An interesting provision is that the regulation of weed and vermin businesses will now pass to the Department of Natural Resources and Environment and to the Minister for Agriculture under the Agricultural and Veterinary Chemicals (Control of Use) Act; and the individual pest management technicians must still be licensed under the Health Act.

I was particularly interested to see what would happen under the provision in clause 13 if the business and the person were one and the same. Would they have to get both a licence under the Health Act and also a business licence under the Agricultural and Veterinary Chemicals (Control of Use) Act?

I was talking to one of my esteemed National Party colleagues who directly asked that question of the minister. I am sure my colleague will spell that out, but my understanding is that clause 13 does not cover that eventuality; however, one would need only to be licensed as an individual under the Health Act. That seems to be a sensible provision so long as there is not a duplication so that business and personal licences, when they are the same thing, have to be registered under two different acts.

The bill passes control of use of prescribed pesticides to the commonwealth. There is an agreed national system — and that is sensible — for registration of chemical products under the commonwealth's legislation, which is the Agricultural and Veterinary Chemicals (Control of Use) Act 1994. I understand that one extant schedule under this act is empty, so it is not even as if we are passing a schedule to the commonwealth legislation, but it is sensible that that nationally agreed system of registration is administered by the commonwealth.

When the legislation was under the portfolio of the Minister for Agriculture, the sale of meat prohibited for human consumption was covered under the Health Act, and those provisions are repealed because of the controls that now exist in the Meat Industry Act and the Food Act.

In other words, everything that is appropriate to be done now in terms of regulation in this area, particularly of pest control in the amending bill, will continue to be done not under the Health Act but, where the provisions already exist, under a range of other acts, both state and federal.

This legislative change was initiated in 1998. It seems to be a sensible rationalisation of the regimes of protection through using appropriate legislation. We certainly support the bill and wish it a speedy passage.

Mr MAUGHAN (Rodney) — As the honourable member for Malvern said, the Health Act is a fascinating read if you have the time to go right through it. I do not recommend it for bedside reading, but I was interested in some of the comments the honourable member for Malvern made about just how all embracing this act is and the powers that it contains.

Because it is so overarching and wide reaching it virtually gives anyone speaking on this debate the licence to speak on anything they want to. I do not intend taking advantage of all of that, but I intend digressing to speak on items that are relevant to the bill. Because it is such a wide-reaching bill that stretches into virtually every section of our lives there is that opportunity to discuss a whole range of things that are governed by the Health Act.

The National Party will not oppose this bill. It is a sensible piece of legislation. It is essentially housekeeping legislation — tidying up, removing some of the now superfluous provisions of the act that are covered in legislation that has been introduced since the Health Act came into being in 1958, and the many amendments that have been made since that time. What is being proposed is sensible and obviously has the support of the major players in the industry and for that reason we will not be opposing it.

The purposes of the bill are to update the Health Act 1958 to comply with national competition policy principles, to remove the requirement that environmental health officers be part of local government, and to make changes to the registration and licensing of commercial pest control activities. That is essentially about licensing individuals and not businesses.

The consequences of national competition policy agreement and the progressive application of national competition policy principles are driving part of the legislation that is before us. I put on the record that I am a strong supporter of national competition policy principles, and I remind the house — because we

sometimes get into debates about this one — that those principles were agreed to by all state and territory governments and the commonwealth, across party lines, because the Premiers, the Prime Minister and the people involved at the time quite correctly believed that the adoption of the principles was of overall benefit to all Australians collectively.

The problem we now have is ensuring that there are not groups in the community who are adversely affected by the application of national competition policy principles. It is important to see that no group of Australians suffers unreasonable or inequitable disadvantage because of the doctrinaire application of those principles.

The bill is fairly simple and straightforward. It is essentially in two parts. Part 1 is the preliminary section; part 2 deals with pest control operators and businesses; and part 3 deals with environmental health officers.

The provisions relating to pest control officers are an important part of the legislation because the industry must be adequately regulated and monitored. The federal Agricultural and Veterinary Chemicals Act of 1994, which has made some provisions of Victoria's Health Act redundant, provides Australia with a national system for registration of chemical products.

A number of chemicals that were previously widely used in our community, in agriculture in particular, are no longer permitted or no longer available, and consequently some of the provisions in the current legislation are no longer applicable. There is also some duplication in the management and licensing of the pest control industry under the Health Act and the Agricultural and Veterinary Chemicals (Control of Use) Act. It is vital that individuals, the public generally and the environment continue to be protected from inappropriate or excessive use of chemicals, pesticides and insecticides.

I draw to the attention of the house an interesting article in the *Sunday Herald Sun* of 20 May entitled 'Allergic to the world, prisoner in her home'. Many honourable members will have read that article about Diana Crumpler, who happens to be a constituent of mine, a person whom I know well and whom I have visited on a number of occasions in her home. Diana Crumpler suffers from a severe form of multiple chemical sensitivity. She lives in a purpose-built home in the middle of the family's farming property, which, from memory, covers about 200 hectares or 400 acres, with the nearest house or road being a minimum of 500 metres away. Mrs Crumpler is extremely sensitive to petrochemical fumes. Over the years I have known her, Diana's condition has deteriorated and she now lives in almost complete darkness in a house that is completely blacked out, with a single 15-watt globe being the only illumination she is now able to tolerate.

Mrs Crumpler cannot go outside the house in the daytime; she makes brief visits outside her home on dark nights. She is extremely sensitive to electromagnetic fields and therefore she cannot use a telephone, watch television and so on. Her husband, Bernie Crumpler, who is a terrific fellow, has the telephone, stove, refrigerator and all the other necessities of life in a shed about 100 metres from the home.

Because of her condition Diana Crumpler can now eat only cabbage, parsnip, silver beet and very little else, and she can drink only bottled water. She is a prisoner in her own home and is totally dependent on her husband, Bernie, whom she describes as a saint. In the article she says:

> Bernie is my lifeline … He helps stop me from going crazy.

Diana is a highly intelligent woman. She was a former teacher and librarian, and she has also written a book entitled *Chemical Crisis*.

Honourable members might ask what relevance this has to the bill. The relevance is that Diana Crumpler's illness is a direct result of exposure to chemicals that were widely used in agricultural industries and to herbicides and weedicides that were — and, in some cases, are still — used to control weeds and pests such as white ants and the like. It is therefore important that the consequences of overuse and inappropriate use of chemicals is acknowledged. The consequences can be severe.

Diana's doctor, who specialises in multiple chemical sensitivities, treats about 50 cases of the condition each year. Approximately 20 of the patients suffer severe adverse impacts on their lifestyles. Although the effects may not be as severe as those on Mrs Crumpler's life, their lives are certainly severely affected.

Multiple chemical sensitivity, which some people refer to as the 20th century disease, is affecting an increasing number of people throughout the world each year, and certainly that is so in this country. It is officially recognised in Britain, Germany, Canada and the United States of America, and an increasing number of doctors are now recognising the syndrome and its causes.

Some people claim that one-third of the population in advanced countries such as Australia, Britain and the

United States suffer some form of chemical sensitivity, and others claim that up to 15 per cent of the population is affected to varying degrees by multiple chemical sensitivities.

I am not for a moment suggesting that we should not use weedicides, insecticides and agricultural chemicals. I acknowledge that we need those things to maintain our agriculture and our lifestyles. However, I also acknowledge that an increasing number of people are becoming increasingly sensitive not just to petrochemicals but also to a whole range of chemicals, pesticides and weedicides that we use widely in our daily lives. Therefore, we should use chemicals with a great deal of care.

The legislation covers part of that by providing for the licensing of pest management technicians. Technicians should understand what they are doing; they should be licensed, and they should be strictly controlled so there is no inappropriate use of chemicals that have serious effects on a small but nonetheless important part of our community which is entitled to protection. Technicians who apply pesticides and insecticides to control insects, rodents, vermin, white ants, et cetera, for commercial purposes will still be required to have a licence under the Health Act. It is appropriate that those people should be properly licensed and the Health Act is the appropriate act under which they should receive that licensing. However, it is no longer a requirement for pest control businesses to be registered under the Health Act. As the honourable member for Malvern pointed out, pest and weed control businesses are regulated by the Department of Natural Resources and Environment under the authority of the Minister for Agriculture, who is responsible for the Agricultural and Veterinary Chemicals (Control of Use) Act.

Clause 6 repeals section 108B of the Health Act which required a person carrying on a pest control business to be registered with the Secretary of the Department of Human Resources.

The bill strengthens the pest control operational licensing system by issuing or making it possible to issue licences to trainee pest control operators. To obtain a licence, trainee operators must undergo appropriate training and be under the supervision of a licensed operator. The training of young people by a person who is qualified and who will ensure they are receiving the appropriate training is a step in the right direction. That provision is contained in clause 8 which amends section 108C of the Health Act. The explanatory memorandum states that clause 8 will:

> … enable a licence to use pesticides to be granted to a natural person who is undergoing training in the safe application of pesticides, subject to the condition that that person uses the pesticides under the supervision of a fully trained licence holder.

The honourable member for Malvern raised the issue of the need for some clarification on the licensing of pest control operators. The National Party was concerned about that same issue and wrote to the Minister for Health seeking clarification on the implications of the proposed amendments for pest control operators working in rural areas who may wish to conduct a wide range of pest control activities. People in country areas cover the whole gamut of pest control activities from weed control to rodent control and so on. The minister wrote back to my colleague in the other place, the Honourable Ron Best, on the potential impact of pest control businesses in rural areas. His letter states:

> I am aware that many pest control businesses in rural areas are often owned and operated by a single pest controller. Because these businesses may be the only ones in their area, they often use a wide range of pesticides against a number of different pests, including, for example, rodents, vermin, insects and weeds.
>
> In this situation, pest controllers will be required to be licensed under the Health Act 1958 in order to use pesticides in the course of their business.

So operators are certainly required to be licensed under the Health Act. The minister continues:

> That licence will be endorsed so as to allow them to use all of the pesticides which they may need to apply. The fact that they hold such a licence will exempt them from the requirement to obtain a commercial operator licence under the Agricultural and Veterinary Chemicals (Control Of Use) Act 1992. Only one licence, that is the one issued under the Health Act, will be required.

I thank the minister because that clarifies the situation for those operators in country Victoria who without such clarification could well be required to obtain licences under the Health Act on the one hand and the Agricultural and Veterinary Chemicals (Control of Use) Act on the other.

Part 3 of the bill removes the requirement that environmental health officers should be employed by local government. The act no longer specifies any particular organisation to which environmental health officers must or should belong. However, it requires that environmental health officers have appropriate qualifications as specified by the Secretary of the Department of Human Services. That is appropriate without being at all prescriptive. It ensures that environmental health officers are appropriately qualified but does not dictate as to which organisation they should belong. Part 3 is a mishmash of a wide range of unrelated matters. It deals with transitional

provisions and also deals with meat supervision which is interesting. The explanatory memorandum states that clause 17:

> … repeals the prohibitions in sections 305 and 309 of the Health Act 1958 on —
>
> > slaughtering an animal or dressing a carcass except at a meat processing facility licensed under the Meat Industry Act 1993 …

The provision has caused problems for some people in country areas who are used to slaughtering their sheep or cattle on the farm and sometimes out of generosity giving meat to friends or neighbours, which contravenes this section of the act.

The bill also repeals the provision which prohibits selling or preparing the flesh of a mammal which is not a consumable animal within the meaning of the Meat Industry Act. The mind boggles when trying to work out what that includes. However, I am aware of an example. A number of years ago possums were served in restaurants in Melbourne and that was covered by that section. Those provisions of the Health Act are being repealed because they have become obsolete, as they are now adequately dealt with under the Meat Industry Act and the Food Act.

Part 3 of the bill is, as I have said, quite a mishmash. It deals with the Chinese Medicine Registration Act, the Drugs, Poisons and Controlled Substances Act and the Pharmacists Act. The proposal is that unnecessary duplication between the Health Act and other acts that impinge on health aspects of our community be removed. The bill repeals a number of sections of the Health Act that are redundant as a result of other legislation that has been passed over the years. It removes unnecessary restrictions on competition. It continues to provide adequate protection for the community with regard to public health risks or inappropriate use of pesticides and weedicides.

In conclusion, the National Party has consulted widely on the bill, which appears to have widespread community support. The bill is not of any major consequence and the National Party will therefore not be opposing it.

Debate adjourned on motion of Mr VINEY (Frankston East).

Debate adjourned until later this day.

CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL

Second reading

Debate resumed from 29 May; motion of Mr HAERMEYER (Minister for Corrections); and Mr WELLS's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until affected community groups have been consulted on the serious community safety issues related to home detention'.

The ACTING SPEAKER (Ms Davies) — Order! I call the honourable member for Springvale — I beg your pardon, the honourable member for Richmond.

Mr WYNNE (Richmond) — Thank you, Honourable Acting Speaker. I realise the day has been somewhat consumed in people reviewing maps and so forth, but I am delighted to be the member for Richmond!

Mr Maclellan interjected.

Mr WYNNE — I support — —

Mr Doyle interjected.

The ACTING SPEAKER (Ms Davies) — Order! I suggest the honourable member for Richmond just begin his contribution.

Mr WYNNE — I am trying to focus in spite of the outrageous provocation from the other side.

I support the Corrections and Sentencing Acts (Home Detention) Bill and acknowledge the contributions yesterday of the honourable members for Wantirna and Shepparton, who both raised concerns about it. The honourable member for Wantirna, the shadow Minister for Police and Emergency Services, indicated that the opposition would be moving a reasoned amendment that the bill be deferred for three months for further consultation.

The bill has been in public circulation and the shadow minister acknowledged the excellent briefings he had had with the Department of Justice. It is disappointing that the opposition has made such a policy response to this important piece of legislation.

The concerns of the honourable member for Wantirna hinge on the point at which offenders should be released from custody under the home detention scheme. He argued that offenders should complete a minimum sentence before they become eligible under

that scheme, if they are at what is called the back end of the scheme. The government does not support that proposal.

The bill establishes a pilot home detention scheme to broaden the range of sentencing options currently available in Victoria. The government is introducing legislation because it believes that imprisonment should be a last resort and restricted to serious offenders. Home detention will provide a means by which a non-violent — this is a very important point — and low-security-risk offender can serve a period of imprisonment in the community at his or her normal place of residence under incredibly stringent conditions. Conditions of home detention will be highly restrictive and intensively supervised.

Home detention programs operate at a fraction of the cost of conventional imprisonment and result in significant social and economic benefits for the community. As has been already indicated by the government in its briefings to the opposition parties, the cost of keeping a person on home detention is expected to be between 30 per cent and 50 per cent less than the current cost of $42 000 to maintain a person in the prison system, and that is without applying the social costs of imprisonment, which are enormous, as most honourable members would know.

Families are separated and workplace links are lost as employment ceases for the period of incarceration. It is extremely difficult for many people to resume their lives in the community after incarceration. Often the struggle for prisoners to maintain any relationships outside prison has a devastating effect on them. Families find visits to prisons constraining and upsetting, particularly when children are involved.

In a former life, soon after I graduated from university, I had a job for a couple of years working in the parole area. My task was to assess the most dangerous criminals in this state in a division within the correctional services department called the special supervision unit. It involved my going annually to assess people who had been convicted of the most heinous and vicious crimes, such as murder and rape. Many of them had been incarcerated at what is commonly referred to as the Governor's pleasure for periods of 10, 20 and, in some cases, 30 years.

From my experience over a couple of years of dealing not only with people who had been in the special supervision unit, for which I had some responsibility, but also with young offenders, I learnt that prison has a tremendous impact on people. Once you incarcerate somebody, particularly a young person, the chances of recidivism on their release is extremely high.

Incarceration should always be considered as a last resort, because we are aware of its impact, particularly on young people once they get into the correctional system. As a society we must understand — and the judiciary does — that a custodial sentence is given as a last resort. The system proposed with the home detention scheme offers, in my view, a real alternative to potential custodial sentence. As we know, prisoners often find it extremely difficult to reintegrate themselves into the community once they have been through a period of incarceration and separation from their families. Significant resources are required in areas of counselling and support to aid reintegration.

One of the potential positive outcomes of home detention is that people will be reintegrated into their communities in situations where appropriate counselling and support services can be made available to them. In that context the government believes the scheme offers real potential not only to allow people to serve their sentences in a more appropriate way than incarceration but also because it will offer them the opportunity for community support and counselling to assist in their rehabilitation.

How much better would it be for a low-risk, minimum-security prisoner to remain with their family in society for the duration of their sentence and to continue supporting their family through paid employment? One can think about the social context in which people go to prison. If a breadwinner has gone to prison, often the family is left in incredibly difficult circumstances where the partner has to maintain the family home, and the opportunities for children to interact with the other partner are taken away from them. The home detention scheme allows the process of rehabilitation to take place in the real environment of home, community and workplace.

The other aspect of placing minimum-security prisoners in the prison environment is that a long period spent in the company of serious offenders has the likely outcome of a high recidivism rate, which, as I said earlier, has been well documented in criminological literature.

The proposed system is balanced. It addresses many of the concerns raised by the opposition parties, particularly about the category of people who will be eligible to participate in it. It is clear from the legislation that no serious offender — that is, someone with a history of violence or family conflict — will be eligible. There will be important consultation in the

family unit prior to a person returning to the family home, so that a supportive environment for the 80-odd people who will be part of the pilot scheme over the next three years will be put in place.

It is important for the whole process that you engage not only the person who will be coming home for home detention but also the family unit to ensure that there will be a satisfactory environment from both parties' points of view. That assessment will be taken independently for the prisoner as well as the family, so that the correctional services department can be satisfied, independently, that the process will work well.

It is not a question of being soft on crime as indicated by some honourable members. The government recognises that in a humane system a range of options and dispositions must be provided. Those dispositions are now readily available to the courts through diversion programs. If one considers the work being carried out in the area of drugs through diversion programs, one recognises that the government has provided a comprehensive response to one of Victoria's major crime issues — the issue of drugs and drug addiction and people becoming trapped in the criminal justice system.

The bill is another leg in that process. Home detention will be a successful scheme in Victoria. It will be tightly monitored and scrutinised. The scheme has much merit and will provide real hope of rehabilitation for low-risk offenders. I applaud the Minister for Corrections for the development of the scheme. The opposition has indicated the excellent consultation that has occurred with the shadow Minister for Corrections. I commend the bill to the house and wish it a speedy passage.

Mr LUPTON (Knox) — In joining the debate on the Corrections and Sentencing Acts (Home Detention) Bill I will take up a couple of points raised by the honourable member for Richmond during his contribution. He referred to home detention being tightly scrutinised and supervised. I have concerns about that particular aspect.

I was in favour of the bill when I first heard about it. However, after examining the statistics of other states on home detention I now have real concerns. The honourable member for Richmond referred to people being tightly scrutinised and highly supervised. That is all right in theory. According to the briefing received by the opposition, once people enter their homes and activate the monitor that determines whether they are in the premises, if they then leave the confines of the area it is up to the person monitoring the system to activate some means to apprehend them.

If people remove their bracelets there is no way to track them and it becomes a matter for the police. If the bracelet is left on while they walk down the street and go to the pub, the only way the authorities can find out where they are is to drive past. If they are in an area where the supervising personnel believe they are, the home detention scheme can be activated.

To say they are highly supervised is totally incorrect. The figures available in New South Wales about the failure rate of the home detention scheme reveal that in 1999–2000 some 27 per cent of offenders placed on home detention breached their orders so severely that their orders were revoked. That is a high proportion.

The minister's second-reading speech states that the scheme will save money. However, in 1997–98 the cost was $65 per offender per day compared with $120.66 per minimum security prisoner per day. I should have expected that if the government were serious it would have quoted costs that reflect the situation today, not figures applying to 1997–98. That is not on. If New South Wales can produce current figures, so should Victoria. I bet the costs do not include the time it will take the Victoria Police to apprehend people should it be necessary. Those costs are three years old and do not relate to any costing involved in the detention and apprehension of those people.

The honourable member for Richmond said the protection of the public will take precedence over all other objectives. That statement comes from the government's booklet. It talks about people who have committed sex offences, crimes of violence, breaches of intervention orders, commercial drug trafficking offences, firearm offences and stalking offences. People who commit those crimes are not eligible for home detention.

Honourable members should examine the definition of 'commercial drug trafficker'. Heavens above, we are looking at a situation where people can traffic 750 grams of a particular drug before they are considered to be commercial drug traffickers. What happens if people sell less than that? They can enter the home detention scheme! They can sell drugs during the day because they will not be supervised between 9.00 a.m. and 6.00 p.m. — assuming the custodial part takes effect between 6.00 p.m. and 9.00 a.m. There will be no control during daylight hours so people will be allowed back on the streets to steal cars and so on. If they are not a commercial drug trafficker they can pursue their particular interests.

I am concerned that victims of crime will not be advised when people join the home detention scheme. People charged with certain crimes should be incarcerated. I agree that rehabilitation is important but it is not the be-all and end-all of everything. If people are granted home detention the victims have a high priority and must be looked after.

The brochure issued by the government states:

> Should an offender breach an order either by non-compliance or by reoffending, the Adult Parole Board can send them to prison immediately.

The minister's second-reading speech refers to a different situation. It states that they 'may' be able to send them back to prison. There is a helluva difference between 'may', 'can', 'possibly' and 'will'. I should hope if people break their home detention orders they would automatically be returned to prison. According to the briefing received by the opposition that is not the case. Prisoners will be treated with kid gloves, which concerns me. I do not care what anybody says: if a person commits a crime and is sentenced to incarceration, there is an obligation to ensure that that happens.

It should not be left for a pack of bureaucrats to decide whether offenders can be released into the community. I again refer to the pamphlet which states that the protection of the public will take precedence over all other objections. What a load of rubbish! I have already explained to the house that if a person breaks the guidelines for home detention, there is little opportunity, unless the person is wearing the bracelet, for them to be apprehended without the assistance of Victoria Police. That additional cost has not been added to the cost of home detention.

A person who has been sentenced to a term of imprisonment of less than 12 months will be eligible for home detention. While that person is being assessed for home detention, he will be allowed to wander the streets. A person who has been sentenced by the court to incarceration for 12 months or less who is being considered for home detention will be wandering the streets for four or five weeks while he or she is being assessed! The Community Correctional Services staff may determine that the person should be incarcerated, but that person will have been able to wander the streets for that time. The person may be a car thief or a non-commercial trafficker of drugs and in each case they can continue their trade.

I have real concerns about the bill. Initially I thought it was a great idea, but the bill has too many loopholes and at the moment I am not prepared to support it. The reasoned amendment moved by the honourable member for Wantirna expresses the need for further community consultation. I fully support that. Last week about 40 people attended a meeting on law and order called by the Liberal Party and considerable concern was expressed about the concept. I urge the government to rethink the issue and to support the reasoned amendment.

Ms GILLETT (Werribee) — It is my pleasure to make a brief contribution to the debate on the Corrections and Sentencing Acts (Home Detention) Bill and to speak briefly on the reasoned amendment moved by the honourable member for Wantirna.

The reasoned amendment seeks to delay the passage of the bill because the Liberal Party believes there has not been sufficient community consultation on community safety. I assure the opposition that the government has undertaken extensive public consultation and given thorough consideration to the public safety issues, and has balanced them with the important concerns about security while minimising any possible damage to the environment of consenting families of offenders who fit the two strict categories of the pilot program.

The pilot program introduces the notion of home detention. Victoria is the last state in Australia to implement a home detention scheme, so it cannot be said that the government is rushing headlong into something that is not tried and tested. The three-year pilot program that will be implemented by the passage of the bill will accommodate up to 80 low-risk, low-security offenders who have come to the attention of the courts, having been sentenced for the first time or who are young offenders. There will be a category of low-security offenders who have completed two-thirds of their prison sentence and are within six months of being released. In other words, they are at the back end of their sentence.

The consent of the family or other people close to the offender is an important aspect of the proposed program. Consent must be obtained from the offenders themselves, but also from the people with whom the offender is intending to live. It is not as if a person will not understand the conditions of home detention or that the people the offender intends to stay with will not be asked or required to give informed consent that such home detention will suit their circumstances.

The government is seeking to provide a diversionary option for the two categories of people who will be most affected — that is, women, including mothers bringing up children, and young offenders. If we can keep families together and young men and women are

kept out of prison and supported, nurtured and monitored during the period of home detention, rather than being incarcerated, we will see real improvements in their attitudes and a great reduction in harm caused by young people, particularly by women bringing up children.

Mr COOPER (Mornington) — I would not want the honourable member for Werribee to think that in moving the reasoned amendment the opposition believes that everything contained in the bill is wrong, because the opposition believes there are many good things in the proposed legislation.

However, I disagree with her in regard to the views of the community. The community certainly would have grave concerns over aspects of the bill. It is fair and reasonable that such a change should be presented to the community before Parliament proceeds with the debate.

I draw the attention of the house, in particular the honourable member for Werribee, to the New South Wales experience where, according to the official statistics, 27 per cent of offenders placed on home detention breached their orders so severely that the home detention orders were revoked. One might say that is a reasonably low figure but, considering the severity of some of the things these people have got up to in breaching the orders, the community is entitled to express a view and to tell the Parliament and the government whether it is or is not a reasonable risk to take.

With the honourable members for Wantirna and Knox I went to a briefing on the bill at the Department of Justice. We received a thorough briefing, and I thank the minister for making his people available. I am concerned by a document put out by the minister, with his signature, entitled 'The new home detention scheme at work'. It states that the program of home detention will not be available to those with a history of sex offences, crimes of violence, breach of intervention orders, commercial drug trafficking offences, firearms offences or stalking.

I go back to the line that states that a person will not be eligible for home detention if they have been convicted of commercial drug trafficking. 'Commercial' is defined as a quantity of heroin in excess of 250 grams. That means that someone who traffics in heroin and has, say, 249 grams of heroin and is convicted is not deemed to be a commercial trafficker. That person is deemed to be a trafficker but not a commercial trafficker and so is entitled to home detention if a magistrate or judge deems that they could be suitable.

The scenario gets worse. If an offender appears before a magistrate or a judge who believes they should be sentenced to a period of home detention — that is, the offender is facing a prison sentence of 12 months or less — they may be considered by the court for home detention. That is according to the official document put out by the minister. I asked the question of the people giving the briefing, 'What happens when the judge or magistrate says, 'I would like you to be considered for home detention'? What happens to that offender? The answer was that they would be assessed by a panel. I asked how long that assessment would take and was told about four weeks. During that four weeks what happens to the person who has been convicted? Will they be put into jail? The answer was no, they will not be put into jail, they will be put out either on parole or bail or something similar. They will be out in the community while waiting for the assessment.

This is not a fanciful situation and it is one that would occur many times a week. The police apprehend and take to court someone who is trafficking 240 grams or so of heroin. That person is convicted and deemed by the magistrate to be suitable for home detention. They are let out while the assessment takes place for four weeks, and what do you think they are going to do? Do you think they will be home playing tiddlywinks? Will they be home watching television? I suggest they will be back doing what comes naturally — that is, they will be out selling drugs while the assessment takes place.

If the assessment panel comes back and says this person is not suitable for home detention they will go to jail and serve the sentence, but they have had four weeks free in the community as a convicted criminal.

As I said, that is not a fanciful scenario but something that the community needs to understand. I do not say the bill should be defeated. I say the bill should be presented to the community for a period of time, over the winter recess of the Parliament, so members of the community fully understand what the government wants to do and have an opportunity to say, through their elected members, that this is something they either support or do not support. I do not want to pull a surprise on the community. The scenario I have put forward is one that would be a great surprise to the community and one they need to understand.

There are many other aspects of the bill that also concern me, but time will prevent me from being able to detail them. The reasoned amendment moved by the honourable member for Wantirna on behalf of the opposition proposes that:

> … this house refuses to read this bill a second time until affected community groups have been consulted on the serious community safety issues related to home detention.

It is an amendment that should be supported. It is an amendment that will be defeated by a government that is not prepared to listen. This is a government that said, when it came to office in late 1999, that it was prepared not only to listen to the community but also prepared to consult. Here is an example of legislation that is of dramatic concern to most people in the community. It is legislation that the community needs to understand before Parliament proceeds to pass it. The community clearly does not understand the ramifications of the legislation at the present time.

If the government just moves the bill along and says, 'We are going to ram this through the Legislative Assembly' and does not allow the community time to consider it and come back to their elected members of Parliament, it will be a signal to the community in general that the government believes that it knows everything — that is, it believes that all wisdom resides in those on the Treasury benches of this Parliament.

Deputy Speaker, I have sat on the Treasury benches of this Parliament and I know you would agree with me when I say that all wisdom does not reside among those sitting on the Treasury benches, because you used to say it quite often when you were sitting on this side of the house! I do not pretend for one minute that all wisdom resides in those sitting on this side of the Parliament, either.

Collectively the Parliament needs to reflect the views and concerns of the community. The government has not consulted widely enough on the bill or its individual ramifications. The reasoned amendment will give the government time to draw breath and consult, and it will give us all time to come back in the spring session and be able to make a decision with the community behind and with us rather than ultimately against us as a Parliament.

I urge members who are present on the government benches — I note there are only four in the house — to seriously consider the reasoned amendment and to persuade the Minister for Corrections to support it. We will then be able to deal with the legislation in a proper and decent way.

Mr SAVAGE (Mildura) — I support the bill. I consider it to be good legislation and as Victoria is the only mainland state that has failed to adopt such a program, it is timely that the measure is being introduced. It is a pilot program so if the problems that have been encountered in other states arise in Victoria I am sure the program will be adjusted accordingly.

It is important to be proactive on issues of crime and punishment. The bill is a proactive way of dealing with the ever-increasing prison population. I understand that home detention will affect only approximately 80 prisoners out of a pool of 3300. The New South Wales program has 400 prisoners involved out of a prison population of 5000. The cost to the taxpayer in Victoria per inmate in custody is in the region of $50 000 per annum. Home detention is estimated to cost approximately 40 to 60 per cent of that cost, so there will be significant savings to the state with the passage of the bill.

I do not believe the community will be put at risk because the people who will be introduced into the home detention program will be those who would not necessarily go into the prison population. Prisoners jailed for sex offences, crimes of violence, breaches of intervention orders, drug trafficking, firearm offences or stalking will not be allowed to participate in the program. It will be restricted to offenders facing prison sentences of 12 months or less, and prisoners within 3 months of parole or of completing a sentence who have served at least two-thirds of their sentence in a prison.

Sentencing of offenders will occur in the usual way, but offenders admitted to the program will have to serve their sentences at home rather than in prison. Offenders will be required to remain at home except during agreed times, which could involve attending rehabilitation programs, training or work. Offenders will be required to abide by a curfew, receive random visits from supervising officers, wear an electronic monitoring device, and submit to drug and alcohol testing.

The program is focused on rehabilitation, not on prison overcrowding. Supervision will consist of regular face-to-face contact, which will be at least daily during the early stages. The electronic monitoring will consist of a bracelet worn by the offender and a monitoring unit in the home. Penalties for breaches of home detention orders will be determined by the Adult Parol Board, one-third of the members of which are judges. At least four members must participate in a board hearing, which must be chaired by a judicial member.

I congratulate the government on considering the restitution factor. For many victims restitution is an area of great concern because it usually ends up as a civil debt and in many cases it is not enforced. There is always a sense of injustice felt by victims who go through a process of not only suffering the loss of

property but also never receiving restitution. Part of the process of the home detention program will be that if a person has employment and has the capacity to make restitution that will be part of the order. The offender will be asked by the adjudicating magistrate, 'Do you consent to being in home detention? If you do, part of that will involve paying restitution'.

I note with some interest that Odyssey House has strongly supported the bill. I have received a letter from the chief executive officer of Odyssey House, David Crosbie, which I presume has been sent to all members of Parliament. I will quote the letter because it should be part of the record of the debate:

> Home detention is a program that will enable minor drug offenders to access community drug treatment as part of their sentence. Clearly, these programs have been shown to reduce drug-related harm. They provide a real opportunity to make a real difference in the lives of offenders and their families, as well as impacting on the level of drug-related crime our community suffers.

Because 50 per cent of minor property crime is drug related, there is a significant cost to the community. I congratulate the government on its consideration of the legislation, and, as I said, it is timely that Victoria goes down this path.

I do not share the concerns raised by opposition members. There is always some risk with new legislation. A good consultative process has been undertaken, which is appropriate. I received a letter from the family of one of my constituents who is serving a prison sentence in Melbourne. The home detention program will not affect that family, but the writer of the letter points out that the children have suffered greatly from having to travel long distances to visit their father in prison.

The difficulties they face would not be as acute if there were a regional home detention program.

The bill is not designed to keep out of prison people who should be imprisoned; it is, as I understand it, merely to try to have an intermediate place that is suitable for people who may be heading down that path or are coming out of it and there is some sign that their situation can be turned around. I commend the bill to the house.

Ms McCALL (Frankston) — I support the reasoned amendment moved by the opposition. When the Corrections and Sentencing Acts (Home Detention) Bill was mooted and about to be introduced I did some homework on it. My initial reaction was, 'If this is a way of reducing the number of people in the Frankston lock-up or reducing the number of people who are in our prisons in Victoria, maybe it has some merit'. Then I heard that we were following the New South Wales model. Being a good, loyal Victorian I was instantly suspicious — anything that works in New South Wales does not necessarily work in Victoria. I examined carefully some of the New South Wales statistics and became very nervous. I said to myself, 'This sounds like a sop. I am not so sure that this is necessarily a template we want to copy in Victoria', so I investigated further.

The focus I wish to place on what I am talking about on this bill in the limited amount of time available, given that my colleagues want to contribute, is the impact the home detention concept will have on women in the home. When I initially heard there would be wristbands that would electronically guard people, having just finished reading Colleen McCullough's *Morgan's Run*, I was reminded of the convicts who came out here in chains. I also recently again saw *Star Wars* on television and was concerned about whether the electronic bracelets would have electronic mind feeds and so on.

I was nervous about what seemed to be a way of keeping track of an individual. I discussed these issues at some length with the women's groups in my electorate and the electorate of Frankston East, particularly in relation to domestic violence, child abuse and sexual abuse overall. One message came loud and clear from all those groups and has come to me by submissions from the women's groups throughout Victoria: they do not want a bar of this for a number of reasons. One is because your home is a sanctuary. The home for a family is where families should feel safe and protected. It should not become an alternative for a prison, which is in the minds of the community the place in which you are punished or where you serve punishment for having committed a crime against the community.

A number of alternatives to imprisonment are available, and the Frankston Magistrates Court, I am delighted to say, is piloting diversion programs — there are early detection programs and community-based orders — but the one we are nervous about in the female community is home detention.

The list of offences for which you may gain home detention made interesting reading. Statistics, and I may accept the New South Wales statistics on this, suggest that someone who has been caught, convicted and charged for a particular crime and then becomes eligible for home detention based on assessment or whatever may have a history of crime — so the crime for which they are sentenced may be the tip of the

iceberg. I know all about the wife or the de facto having the option of refusing or accepting home detention for her spouse or partner, but the danger is that someone on home detention for one sort of crime may have a criminal record that has never been brought to the court's attention because the crime is committed in the home — that is, domestic violence.

We are all aware that domestic violence is a sleeping giant. We are also aware that over the past few years the reporting of domestic violence, child abuse and home sexual abuse has become more prevalent, but the fact remains that there are large numbers of relationships where spouses or partners are subjected to domestic violence that they never report. The offender may commit another crime that results in their becoming eligible for home detention, but that may return them to the home where they are the perpetrator of a different crime that has never been reported. That is a very serious concern for me.

Any honourable member who has ever sat in a women's refuge with the victims of domestic violence is aware that people are loath to report their partners. They are very loath to say, 'Yes, I am a victim of domestic violence', until they have reached the point of no return and last resort. Some of these women may be spouses or partners of men who have been perpetrators of other crimes for which they have been caught and charged.

It is for that reason — from a very personal female perspective and in particular from the point of view of women in women's refuges with whom I have talked in the electorate of Frankston — that I would have the greatest of personal difficulties in supporting this concept in its current form in legislation. I believe the government has not consulted as widely as it should have.

I urge the government to support the reasoned amendment moved by the opposition and to say, 'Do not put any more women in the community in a position of risk where they have no choice but to accept home detention when their home should be a sanctuary and a haven, not a prison'.

Mr HARDMAN (Seymour) — It gives me great pleasure to speak on the Corrections and Sentencing Acts (Home Detention) Bill. The bill fulfils an election commitment of the Bracks government. Home detention is an issue on which there has been wide consultation and research, and that is reflected in the bill and the different bits and pieces that make it up to ensure that people's concerns are met. Home detention expands the range of diversionary and rehabilitative options available to people who have committed crimes. In many respects prison is about rehabilitation as well as punishment.

The bill allows for a three-year pilot program that will operate in the greater Melbourne metropolitan area. Between 50 and 80 offenders will take part in the pilot program. It is indicative of the Bracks government that wide consultation has occurred. It is important to repeatedly place that on the record. Community legal centres, community agencies that work with prisoners and families, the police, courts and the Office of Women's Policy have all been consulted about this bill and its impact on people.

People, families and the public are protected by the stringent eligibility criteria in the bill. No-one who has a history of violence, sex offences, firearms or prohibited weapons offences, commercial drug trafficking offences or stalking offences and/or who has breached an intervention order will be allowed to participate in the program.

We need to ask why we need home detention. One of the major reasons is that prisons are places of learning. They are places to learn how to commit crimes, to learn about criminal culture and to develop an old school tie culture through the networks in prisons. When prisoners go back into the community they are part of that culture, and they commit more crimes because that is the culture they learnt in prison.

Some of the facts speak for themselves. Only 5 per cent of interstate home detention prisoners reoffend. That is not the case with people who go to prison. Many people who go to prison reoffend.

I am concerned about the opposition's amendment. When in the past the opposition has asked for time to consult it has gone out and scaremongered. It has tried to build community anxiety about the bill in question. This is really an easy issue on which to do that. The opposition will go out there and play it out in the media to the ultra right-wing conservative forces. It is a pity, but that is our experience with the opposition when it has asked for an extension of time. That is the government's concern.

The honourable member for Mornington put his argument on home detention. He picked on the particular instance of someone with a history — not someone who had been convicted, but someone who had a history — of commercial drug trafficking offences. His first assumption was that that person was convicted this time of a commercial trafficking offence. The illogical side to his argument is that the assessment

panel sat down and looked at that person and decided that they could not be part of the home detention program for various reasons. Therefore, the person would be out in the community and would have to go to prison afterwards but would have been out in the community for that period of time. The honourable member failed to see that that person would be spending the same amount of time in prison as if they had been sentenced to imprisonment. The argument is illogical and perhaps irrational. I can imagine that kind of thing being run out by the opposition if it gets the opportunity for more community consultation. That concerns me.

We also need to ask who benefits from this program. The community benefits through a lower crime rate and a reduction in the number of people reoffending after having been in prison. The family benefits from having a breadwinner at home and having a father or mother at home with the children. These people have committed non-violent crimes — they may have diddled a bank or done something along those lines. The opposition needs to look at the issues. Obviously non-violent, low-risk, low-security offenders will benefit from this legislation because they will be able to learn to rehabilitate themselves outside prison, which is a poor situation for people who are not used to it.

Mr SMITH (Glen Waverley) — I have a great deal of pleasure in supporting the amendment put forward by the honourable member for Wantirna. I think the three-month period or whatever period the opposition has put up to defer consideration of the bill is very necessary because people out there in the community do not know about this bill. They do not know about these provisions. This government brings measures in and does not publicise them. Even a half-page advertisement in the *Age* or the *Herald Sun* letting people know what the bill is about and calling for submissions would start to make the community aware that this is happening. Years ago when we were in opposition I was tempted towards supporting home detention. The honourable member for Mornington had the same sorts of views because we were on the same committee. However, it is the way you do it. I do not believe the community knows enough about how you do it.

I do not think I have so far heard too many people talking about one area I would like to explore, and that is white-collar crime. One of the big temptations is to say that these offenders are non-violent and therefore they are the offenders you can save money on by letting them go on the home detention program. I think, as former Attorney-General Jan Wade used to say, that we have to be even tougher on white-collar criminals. I have no objection to considering them for home detention when they have served their minimum sentences.

Looking at people like Nicholas from the Aspro company family and Quinn from Coles Myer, one could not imagine that with the lives they live they would be into any violence, but they still have to serve that minimum sentence. Otherwise, the wrong message is sent to the other white-collar crooks causing untold misery to many members of the community who are the victims. Going soft on white-collar crime puts out a bad message to the community, even though it is a large temptation to put them into home detention.

Another case concerns a person I had trusted for years — an accountant who was well known in my area. He turned out to be a thief of the highest order. He got seven years for his crimes. In order to save the $50 000 a year we estimate it costs to keep a prisoner incarcerated, if that person has led as blameless a life as you can live in prison he should be eligible to go onto the home detention scheme.

With drug traffickers, however — and I know that 80 per cent of crime is drug related — the minute the community realises we have gone soft on them, we are in trouble. Minor drug users have to commit burglaries and other crimes to get the money to feed their habits, so even if they are not dealing, the community still believes they deserve a prison sentence. We must get the message across to the community that we are not going soft on crime.

The provisions in the bill, according to the comments of previous speakers and others, including some of my constituents, are an indication that we are going soft. If the government is sincere in what it is saying about wanting to consult widely, it now has an opportunity to prove it by advertising the bill and its provisions widely. If the bill is delayed for three months by the upper house it will not go ahead quickly anyway, so the government might as well take the time to engage in consultation. Then it might discover what people really think about it, particularly the wives and de factos of offenders who are significantly affected and who will have to act as jailers.

I remind the house that if a spouse says no to an offender coming home for detention the offender will find out. If the offender qualifies in every other way for home detention, there is no other reason to prevent the person being put on the scheme. The situation is more complicated than government members recognise. The government took up the scheme because it believed it was a way of saving money. I am all for that, provided

the way to save money is legitimate. We are all in the business of saving money. I do not believe, however, that the people affected by this legislation know what it is really about. By advertising widely the government would be able to get the message across more clearly.

It is also vital that the implications for the police are fully considered. The police already have enough to do worrying about new offenders. If the legislation is enacted they will also have to run around after experienced criminals on home detention. They know the ropes and will be more able to escape detection. Like the honourable member for Wantirna, I believe we must take the amending legislation into the community for consultation with people who will be affected by it.

Mr SEITZ (Keilor) — I support the Corrections and Sentencing Acts (Home Detention) Bill and congratulate the Minister for Police and Emergency Services for introducing it.

I first observed a home detention scheme while I was on a study tour of the United States of America. Although the study tour was not about home detention, I was interested in the idea because the former government had proposed to build a new prison in the Keilor electorate. I was interested in the way a prison, particularly if its inmates were locked up in a way that did not assist their further development, created local problems.

I also did some reading and study on the matter while I was in Germany, which has had a form of home detention for the past 20 years. The German system catered particularly for traffic offenders, motorists who did not pay traffic fines and similar minor offenders. Instead of incarcerating such people, the system made it possible for them to continue their work without even the electronic bracelet. Instead, supervisors from the corrections department were assigned to check on them. Some of the checking was done by telephone — for example, they checked that they were at home by a certain hour after work. The detainees also had numerous recreational and other pursuits they were allowed to enjoy under supervision or with permission. They had to keep a diary of their activities, and the diary had to conform to a work plan developed with their guiding officer. That is how the system was handled in Germany.

Home detention was quite common in Germany for white-collar criminals, and a lot of the documentation showed that home detention was far better for them than was incarceration, particularly when the family was still together. Detainees could go to work, support their families, and continue on with their careers. The system was not provided for those who committed major crimes but rather for minor offenders. It replaced an earlier system in which minor offenders would front up to a magistrate and be incarcerated for, say, six weeks, two weeks or a month.

I particularly welcome the provision that allows careful consideration of an order on the basis of the person's rehabilitation prospects. That is one of the main provisions in the bill and a main reason for it being introduced. I welcome the bill on those bases.

A trial period of three years will determine how the program works in Victoria. I hope the program will develop in the long term, because it would greatly benefit the community and the people concerned to be on home detention, rather than being sent to jail for minor offences — this applies particularly to juveniles — and finishing up as hardened criminals because of the environment in some prisons. As we all know, and as we jokingly say, often they come out of prison well trained on how to embark on a career in crime.

I commend the minister on the initiative. Although some members of society may be afraid of the new system — and there is always a fear of new activities or new approaches — I believe the minister's literature shows that community education and support from the courts, including support from court volunteers, helpers, social workers and the whole gamut, will lead to people accepting the program and assisting it to develop. I hope the program will be established for the long haul and not be only a three-year trial.

It would be a shame if the whole program were hijacked by scaremongers who said it was not worth the effort, it was too expensive or something had gone wrong with the system because of one small misdemeanour or human error, temptation or whatever — and such a situation would be sensationalised in the local papers, the media and television and so on. That sort of situation could lead to the project being talked down, not getting a fair go and not being developed and properly assessed.

I commend the bill to the house, and furthermore I commend it to the public of Victoria and the people working in the corrections industry. I ask them to give the proposal a fair go and to try to make it develop and work so that it will benefit society.

Mr WILSON (Bennettswood) — I am pleased to join the debate on the Corrections and Sentencing Acts (Home Detention) Bill. I am also pleased to support the reasoned amendment moved by the shadow minister,

the honourable member for Wantirna. I congratulate the honourable member on his contribution to debate on the bill.

In summary, the bill has two purposes: firstly, to widen sentencing options in Victoria through the introduction of a home detention program by amendment to the Sentencing Act 1991, and secondly, to provide an option of supervised early release for prisoners through a home detention program by amendment to the Corrections Act 1986.

The home detention scheme that is being proposed by the government is largely based on the New South Wales model. In his contribution the shadow minister advised the house that the Victorian government's proposal would have a more intensive assessment process, and the opposition would certainly welcome that. This information was provided to the opposition by the minister's advisers. We have also been told that the government wishes to commence the home detention scheme this year. It wants a three-year pilot program with up to 80 offenders taking part at any one time.

That said, I am well aware that the bill will cause significant unease in the community. All honourable members will remember that the government came to power on a promise that it would consult with the Victorian community and that all its actions would be transparent and open. The bill is an example of that transparency and openness not being provided.

The reasoned amendment moved by the honourable member for Wantirna gives the government the opportunity to go back and consult with the community and to ask the community whether it feels comfortable with this significant change to Victorian sentencing policy. When they hear about the bill — and let's be realistic: what goes on in this house does not get much analysis by the community — many people, especially vulnerable people, in the Victorian community will feel uneasy about it. The honourable member for Frankston gave the example of some women who will feel more vulnerable as a result of the legislation. My electorate has a large elderly population who will feel a degree of unease about the bill.

There is a perception in the Victorian community that this government is soft on crime. In my electorate there is a degree of unease about government policies on how criminals and victims of crime are treated. I strongly believe many in my community feel less safe in their homes and in the broader community than they used to. Too often I am told by constituents that this government is too concerned about the rights of offenders rather than the rights of victims. The bill will increase the fears of members of the community who feel that way at the moment.

The reasoned amendment gives the government every opportunity to go back to the community and to take the time to consult properly. There is no need for this legislation to be passed immediately. It will not change the world. If the bill is taken back to the community and a decent consultation period is allowed, it can later be considered on its full merits. I commend the reasoned amendment to the house and hope the house supports it.

Mrs MADDIGAN (Essendon) — I am pleased to support the government in the passage of the Corrections and Sentencing Acts (Home Detention) Bill. It is an excellent initiative that will certainly make a great deal of difference to available rehabilitation systems. There is nothing earth shattering about the concept of home detention, which is used extensively overseas as well as in other Australian states. It has been used overseas successfully for a number of years.

I have been somewhat surprised that some honourable members who have contributed to the debate have said home detention is something of a soft option. In many ways home detention is probably much more difficult than being in jail, because people in prisons know they have no rights and few freedoms, whereas if they are out in the community they will be faced with temptation all the time. I read an article on home detention in Sweden, where it has been available since 1994. The program in Sweden has been successful and has been extended since that time. I discovered from the article that prisoners find home detention difficult. The article quotes one prisoner, Jan-Erik Bengtsson, after having worn a tag for what he describes as a very long week, as saying:

> If I didn't have a family … I would rather have stayed in jail. I can't even take out the garbage and I feel like I'm always being watched. The breath tests are very demeaning. You don't feel trusted and it's very unpleasant not knowing when the probation officer will show up.

He is in the same situation as many people — he has a wife, a family and a job, which he would like to keep. It is not suggested that going to jail in itself does a great deal for offenders — although it protects society from that person, and society needs protection from some people — because in many cases the experience of being in jail makes them a greater danger to the community than they were before they went in. Efforts to keep people who have committed minor crimes or those coming to the end of their terms of imprisonment can be improved significantly by rehabilitating them through home detention.

Home detention is only one of the alternative rehabilitation programs currently being undertaken by the government. Recently when I had a tour of the Broadmeadows court the senior magistrate there, Bob Kumar, spoke to me about the alternative programs in place. He particularly talked about the program whereby people who have committed minor crimes are given options other than going to jail. Those options include apologising to the victim of the crime and undertaking charity work as an indication of their sorrow about the crime. Bob Kumar told me he found the program to be very successful. Offenders also have to undergo an extensive counselling program. When I spoke to Bob about a month ago he told me that since the program had started the court had seen no repeat offences being committed by any of the people who had undertaken the program. The community now has the opportunity of investigating a number of alternatives to jail, and, of course, home detention is one option.

The bill has been carefully drafted to ensure there are strict controls on home detention. As the honourable member for Seymour said, it is a concern that people have been heard to suggest that all sorts of people who have committed all sorts of strange offences will be eligible for the program. That is untrue, and it is a shame that sections of the community have been unnecessarily alarmed by those statements. Proposed new section 18Z inserted by clause 5 states clearly who is eligible for the home detention program, and anyone who has read the bill will have seen that there are provisions dealing with many strategies and the steps that people must go through before they can go on home detention.

I accept the concerns of some honourable members on the other side of the house that a spouse or another family member may be in the position of deciding whether a person should go on home detention. However, the provisions that deal with how people will be assessed make it clear that the decision about home detention comes after a number of steps have been taken. It is possible to disguise the reason for a person not getting home detention, if necessary. Obviously, the process of the Adult Parole Board and the corrections system will take that into account.

The advantage for offenders is that it will enable them to continue a normal life, including such things as keeping a job, and anyone who has dealt with prisoners — I have not had much to do with male prisoners but I have certainly done some work with female prisoners — will know that a prison experience, even one of the shortest term, makes it exceptionally difficult, if not impossible, to get a job afterwards. Allowing someone to stay in the community and keep their job, if they have one, helps that rehabilitation process in many ways, particularly for those prisoners who play a parenting role — and, of course, many women fall into that category. The effects of the separation of children from their mothers, particularly, or their fathers can be very damaging.

I know some women at the Dame Phyllis Frost Centre are constantly concerned about the effects that isolation from their families and children will have on the children's ongoing welfare. There have been cases, some of which have been well publicised, of children being severely assaulted by the partners of female prisoners. Enabling women who come within the guidelines to be at home with their children should be of great advantage to both mothers and children in ensuring that the family relationship remains intact.

The bill is not earth-shattering legislation: the system has been in place in many countries as well as in other states of Australia. It is not even a new system — as I said, it has been in place in Sweden since 1994. It is a great initiative that will be welcomed by the people of Victoria in the long term.

Mrs FYFFE (Evelyn) — I am pleased to speak in the debate on the Corrections and Sentencing Acts (Home Detention) Bill. I support the amendment moved by the shadow Minister for Corrections, which would result in the bill being laid over during the winter recess to allow the community time to be consulted on it.

In an article by Amanda George in the *Age* — I do not have the date because the fax machine blacked it out — she states:

> It was after reading a *Spiderman* comic that a New Mexico judge decided to use electronic bracelets to monitor and control prisoners. The Victorian government's electronic home detention proposal, unveiled this week, is also a creature of fantasy. It can be applauded only for its good intentions …

I think there are some in the community who also think that way and need to be given the chance to comment on this bill. Further, the article quotes a Department of Corrections home detention briefing paper, which noted:

> If we regard homes as potential prisons, (prison) capacity is for all practical purposes unlimited.

The article continues:

> The government has failed to answer this question: why, if offenders are safe enough to be at home, aren't they considered safe enough to be in the community?

When sentencing, the courts already have the capacity to give community-based orders or suspended sentences for offenders whom they think do not need to be imprisoned or receive a jail term for their offence but who do require some form of punishment. This has been referred to as the front end of the punishing system.

Then there is the back end, where a person has served a part of a sentence — maybe two-thirds — and it is decided they will be released into home detention. This decision is not made by the magistrate or judge who sentenced them to jail but by bureaucrats. Events of the past few weeks have highlighted some of the decisions being made in releasing people out into the community and its not happening in a very sensible way.

In the second-reading speech, the minister states:

> … the court can stay the execution of the order of imprisonment pending the outcome of an assessment …

Questions have been asked about what happens to the offender in the meantime. Are they left to walk the streets while they are assessed? How long does the assessment take? What is the victim's thinking during this period.

At page 5 of the second-reading speech, the Minister states:

> The fundamental principle will be that of ensuring that the protection of the public, in particular that of co-residents, will take precedence over all other objectives.
>
> …
>
> Only when co-residents give their consent to the making of the order will the order be made …

What a way to enhance what will already be a strained family relationship, given the terms the co-resident would find themselves in in making this decision. Rather magnanimously the minister says that this will occur only if the co-residents agree. I ask the minister: what choice do they have? He is saying, 'Take them home or they are going to jail'. What sort of decision is this for a family to make?. Some families would feel threatened by future retribution if they did not take the offender home. For some this threat is very real. At the back end of the sentencing the offender would be asked if he would like to be on home detention and the family would be asked what they thought of that. If the family were to say no, then the person organising the arrangement would go back to the offender and say, 'Your family says no'.

In the bill, and in the second-reading speech, it says that if offenders are guilty of certain offences they will not be given home detention orders. However, many offences are never reported or recorded because, as we all know, what ends up in court is only the tip of the iceberg of domestic violence offences. Many people commit crimes for many years before they are finally detected. Can the minister even begin to comprehend the stress this will place on the strained family? In most cases it is the mother or the wife who has to assume the role of supervisor. Family or friends who share the home prison become prisoners as well as warders

What will happen to a family under this proposal if the home detainee comes home late after obtaining permission for a night out? The minister says that non-compliance with the order will result in a swift and decisive outcome. Can you imagine how parents or a partner will feel knowing that at any time there could be a knock on the door or a phone call? The unsettling impact this will have on families cannot be measured. There will be pressure to make sure a detainee is home on time, a constant watching of the clock and an inability to go to bed or sleep just in case. The guilt felt by those in the house when an order is breached will be immeasurable.

What about the victims? Whenever there is a crime there is always a victim who suffers and who will always try to regain the normal life they had before the offence was committed, yet the minister is going to have someone who has committed a crime that is punishable by a jail sentence out in the home. The people of Victoria must be given time to consider this, to make public comment on it and to really think it through in a reasoned manner.

Before closing I will comment on electronic tagging. Last week I heard that the e-tags used on the City Link roads can now be fitted with a device so that when you drive under the sensor your account is not debited with the charge but City Link is debited instead. If people have done that already with City Link, what will they do with the electronic tags that are to be used in the home? Within a couple of months of their introduction some whiz-kid somewhere will develop a little gadget that will interfere with them. The machine will record that the offender is in the home when they are not. They could be anywhere and no one would know because there would be a little tag, a little thing — —

Mr Leigh interjected.

Mrs FYFFE — Absolutely! The advances in computer technology and electronic tagging are unbelievable. This is not a safe and secure system, and I want the people of Victoria to have time to consider it and give their opinion to the opposition. If they come

back and say they will support it, then I will support the trial period, but at the moment there are too many questions and doubts about whether this will work effectively.

Mr STENSHOLT (Burwood) — I support the Corrections and Sentencing Acts (Home Detention) Bill, which I believe is sensible and which introduces a limited home detention pilot scheme. It is a constructive approach to deal with certain types of offenders. As other speakers have done before me, I note that it is a three-year pilot project and is confined to some 80 non-violent, low-risk and low-security offenders. It is a program for dealing with offenders and diverting them from prison.

Like many other Victorians I am conscious that the population of our jails has been growing considerably in recent years. I think the increase is around 8 per cent per year. Although this should not be the sole deciding factor, I am conscious that the annual cost of having a person in an open prison is around $50 000. I am also told that the cost of the home detention scheme is about half this, depending on the arrangements made. I am also conscious of the dangers to the community in placing low-risk offenders in jails that are overcrowded and possibly turning a person into a more hardened criminal, let alone exposing them to a whole range of other long-term antisocial habits.

I see the home detention program as assisting prisoners with their rehabilitation and reintegration. Yes, we need to punish our prisoners and offenders, but another object is to rehabilitate and reintegrate them into our community. Home detention, for certain types of offenders, offers a good process and prognosis for achieving that rehabilitation and reintegration. While they are on home detention the offenders will be under strict control, but they will be able to undertake employment and community work, and therefore possibly make restitution to their victims.

I note that the bill has many provisions covering the management and organisation of home detention orders and the way they are to be implemented. For example, proposed section 60E in clause 13 sets out the necessary contents of a comprehensive assessment report. Prisoners must meet the comprehensive assessment criteria before they are released into home detention. Once they are on the scheme there is 24-hour, seven-day-a-week control using some form of electronic device. In addition, while they are on the program there are strict rules prohibiting alcohol and drugs. Also, they have to follow counselling programs. The bill contains many other provisions.

On the issue of community concern, certain categories of prisoner are excluded. The minister's second-reading speech outlined those categories. Under the strict conditions of home detention offenders will be supervised under the jurisdiction of the Adult Parole Board, which is an independent statutory body that performs its work in that particular context.

Home detention is not a new idea; it is internationally accepted. It has been done in other states and, as the honourable member for Keilor said, it has been the practice in Germany for about 20 years. The program will be continuously evaluated. Annual reports will be prepared, and the system will have extensive controls imposed on it. It has been well worked out, and I believe it is sensible legislation that is appropriate and socially constructive. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Corrections and Sentencing Acts (Home Detention) Bill. I support the reasoned amendment moved by the honourable member for Wantirna because honourable members need more time in which to consult the electorate on the bill. There is nothing to push us, as the bill will not change the world overnight.

The home detention program involves the use of electronic surveillance and monitoring equipment through the wearing of a transmitting device worn on the wrist or ankle. In the second-reading speech the minister states:

> This government believes that imprisonment should be used solely as a last resort and restricted to serious offenders.

I would have thought that any drug trafficking was a serious offence, but obviously the government does not share my view.

The minister goes on to state:

> Home detention will provide a means by which non-violent, low-risk, low-security offenders can serve a period of imprisonment in the community under highly restrictive and intensively supervised conditions.

One has only to look at the New South Wales saga to see that the program has not worked. One has to ask why this is being done. In the *Herald Sun* of 13 November the Minister for Corrections is quoted as saying:

> … legislation is being prepared for the computer-led changes. It is essentially a curfew … prison is a very expensive option and it is not a very good option for some people.

How much will the program cost? In an *Age* article of 1 May the minister is reported to have said:

> The arrangements would cost taxpayers between 40 and 60 per cent less than conventional imprisonment. It costs about $51 000 a year to keep a prisoner in a minimum-security jail.

How many would that cater for? An article in the *Australian* of 30 April states:

> Mr Haermeyer suggested as many as 300 criminals at a time — about 9 per cent of the present jail population — could eventually be placed in home detention.
>
> It will cost $20 000 to $30 000 a year for each offender, compared with $51 000 to keep a prisoner in a minimum security jail.

I have been approached by residents in my electorate who feel that the Labor Party is becoming soft on crime because the legislation sends a wrong message to the community and to would-be offenders. It is a soft option with no deterrent effects.

The public and victims of crime currently assume that offenders will serve at least their minimum sentences — that is, if a person is given a one-year sentence they should serve one year, and if they are given five years they should serve five years. However, all that is about to change because the government is soft on crime.

There are some concerns about the bill. Firstly, victims will not be notified when offenders are released on home detention. The back-end provisions will have bureaucrats and the Adult Parole Board making decisions about when to release prisoners before their minimum terms have been served, and there is concern about what type of offenders will be eligible for home detention.

In New South Wales 17 per cent of people on home detention were drug offenders, including suppliers of illicit drugs. The bill will allow those people back onto our streets. The New South Wales experience reveals that 27 per cent of offenders placed on home detention breached their orders, and the orders were revoked.

The bill sends the wrong message. The family members of an offender placed on home detention will have to accept the order, which could place enormous emotional strain on children and enormous economic and physical strain on other members of the family.

I urge the government to support the opposition's reasoned amendment because honourable members need more time to consult with and speak to the community before the bill is finally debated and passed.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr KOTSIRAS — As I was saying before the dinner break, I cannot understand why the government is trying to rush the bill through the house. The safety of members of the Victorian community is very important, and the best and most appropriate place for offenders is in a controlled prison environment where professional support services are available.

The community's safety must be paramount, and the government should not put the community at risk merely to save money. More discussion on the bill is needed, and I therefore support the shadow minister's motion to adjourn the debate to allow extensive public consultation to take place. I ask honourable members on the government benches to support the amendment.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! Before I call the honourable member for Ivanhoe, I ask other honourable members to desist from audible conversation.

Mr LANGDON (Ivanhoe) — I am sure my speech will help clear the house! I am pleased to speak on the Corrections and Sentencing Acts (Home Detention) Bill.

A Government Member — With an excellent set of notes.

Mr LANGDON — Yes, with an excellent set of notes.

The ACTING SPEAKER (Mrs Peulich) — Order! Members on the government benches are not being helpful to their colleague.

Mr LANGDON — I inform the house that I have an excellent set of copious notes. Although I have not been in the house to hear all the opposition's comments on the home detention bill, from what I can ascertain the opposition seems to be having a bet each way, which I might add is not unusual. It seems to be opposing the bill in principle yet wanting greater and longer public debate on the issue.

Mr Wynne — Another three months.

Mr LANGDON — It wants another three months. The honourable member for Richmond, who is Parliamentary Secretary for Justice — and a very good one — has reminded me that the bill was part of the Labor Party platform in the 1999 state election and has been in the public domain for at least nine months. The bill has been out there for public comment for at least nine months.

Mr Cameron — And we have a mandate.

Mr LANGDON — That is correct, we also have a mandate, as the Minister for Local Government has just reminded me.

I can recall times between 1996 and 1999 when the previous government would just steamroll bills through the Parliament with very little public comment or debate. Indeed, there was very little debate in this house at all. It therefore seems hypocritical of the opposition to now want an extended period to debate this bill.

The home detention bill is an exceptionally good measure. It is interesting to note that although the opposition is opposing the bill it also, as I said, wants to defer consideration of it. However, the bill proposes only a limited three-year home detention trial period. What could be better than having a trial, and if the opposition's concerns are correct, finding that out during that trial period? The opposition does not want to find out even that. It is just using rhetoric in opposing the bill when most other states and jurisdictions within Australia have gone along this path. The minister is endeavouring to take a sensible approach, but the opposition is not even prepared to accept the proposed trial period for the scheme.

Other speakers have spoken in detail on the bill and its merits. I will not go down that path because the bill's merits are self-evident. Yet, as I said, the opposition does not even want to trial the proposed scheme.

The opposition wants debate on the bill adjourned for three months so that there can be further discussion. But will it oppose a trial then? There is nothing better than to trial home detention. The results will speak for themselves at the end of the trial, and I hope by that stage the opposition will get behind it, as have other conservative governments around Australia in adopting such measures.

I quote words used by a former Leader of the Government, the Honourable Phil Gude, in describing the then opposition: he referred to the whingeing, harping, moaning natter of the opposition. I cannot remember the exact words, but 'whingeing' was always in the speech. The Honourable Phil Gude often used to taunt the then opposition in such a manner. The current opposition has gone down that path for too long, and it should listen to a sensible approach to a sensible bill. The government wants to trial home detention.

I refer to safe injecting rooms and the typical fear campaign that was spread by the opposition. I can remember a leaflet going out in the West Heidelberg area of my electorate describing the area as a typical spot for a safe injecting room. It was a shameful act. The opposition may go down that same path with this bill. It is nothing more than mischief making and trying to put the fear of God into the electorate. Let's have a sensible approach. Let's trial it and then analyse it. I commend the bill to the house.

Mr HAERMEYER (Minister for Corrections) — Firstly, I want to address some of the general issues that have been dealt with in the debate on the Corrections and Sentencing Acts (Home Detention) Bill. The purpose of introducing home detention in Victoria is to provide a step between community-based orders, as the lowest level of sentencing beside a suspended sentence, and a prison sentence, because there is something missing.

Many people commit relatively low-order non-violent crimes, whether it be shoplifting or some other form of property crime — it might be a fine default. I will refer later to the reference by the honourable member for Wantirna to people never being convicted on a first offence on that basis. However, when people commit relatively low-order crimes they will on the first or second offence sometimes be given a community-based order. What happens when they breach that community-based order? Often, because of the breach of the order, or because of the repetition of the offence, there is nowhere for the court to go but to impose a prison sentence.

The honourable member for Wantirna said that we do not put shoplifters and fine defaulters into jail. He should pay them a visit, because we do. They are put into jail either because they have carried out the offence in a manner that is repetitious and the court is tired of dealing with them in a more lenient way, or because the court has given them a community-based order which has been breached. What happens then? They are put into the prison system. A fine defaulter or a burglar — and I am not trying to mitigate such crimes, but they are not violent crimes and are at the low end of the scale — is put into the prison system.

What happens when they enter the prison system? They meet some wonderfully interesting people — for example, rapists and armed robbers. They then learn some interesting new skills and come out of the prison system multiskilled, having developed new networks and having learnt fascinating new skills. They may find that their wife or spouse has left them and the family does not want to know them. No-one will give them a job because they have a prison record. What do they do? They reoffend.

The reality is that 65 per cent of people who come out of prisons will reoffend. Around Australia and internationally the reoffending rate is 5 per cent for people who are given home detention orders. It is 13 times lower than the figure for those who were in the prison system.

The prison system is a TAFE college. Somebody who has committed a relatively low-order offence such as shoplifting turns out at the other end with a PhD in armed robbery. The government is introducing this legislation to put a step in the middle. Some space will be saved on prison beds, but that is not the primary motivation behind the legislation. The primary motivation behind it is to reduce the level of reoffending.

I emphasise that we are taking a very cautious approach in that the legislation has a limit. This is a trial only and is not locked in forever. The legislation has a three-year sunset clause and is limited to only 80 prisoners. At the end of each year an evaluation of the trial will be made available to the Parliament. It will be a fully transparent and independent valuation. If at the end of three years we deem the trial to have failed, the legislation sunsets. If we want to continue home detention in Victoria, the legislation will have to be reintroduced. If we believe it needs some amendment, that will be done. This is about just being daring enough to try something a little different.

It is not really a radical concept. Conservative governments in Western Australia, South Australia, Queensland and New South Wales have introduced it. Even the soft-on-crime, civil libertarian Northern Territory has home detention. This is not something radical. Some of the most mouth-foaming, redneck, right-wing states in the United States of America run home detention programs, and find them quite successful.

During the course of the debate I found it interesting that some Liberal members said the bill was soft on crime and criminals and then quoted the Federation of Community Legal Centres, which has a philosophical opposition to home detention because it is too harsh. I am a bit perplexed about where they are coming from.

I will address some of the concerns that were expressed by the honourable member for Wantirna, echoed by the honourable member for Shepparton and then picked up by various opposition members during the course of the debate. The honourable member expressed concern about genuine program evaluation. The legislation sunsets after three years and the annual report to the Parliament will be transparent and independent. If at the end of the three years this house or the other house does not agree this has been a beneficial process the legislation will have to be renewed and the house will get another bite at the cherry. I do not see what the problem is with evaluation. This is a pilot program.

The honourable member raised some concerns about the frequency of electronic monitoring. The system is virtually an ongoing monitoring system. If the person being monitored is away, the monitoring system will pick it up. It enables the monitoring unit at home to be called as often as once every 5 minutes if need be. It may not be necessary but that will be determined on an individual case basis by the people administering the system. It needs to be borne in mind that the people who will be deemed eligible for the program are low-risk, non-violent offenders. If a person has any history at all of violence, family violence, family abuse or sexual offences they will not be eligible for the program. That distinction needs to be made.

The honourable member for Wantirna raised — and I do not know whether it was a genuine concern or an opportunity to express his misplaced concerns about police numbers — a concern about the availability of police to execute breach warrants. He asked who gets called if someone breaches their home detention? In the first instance, officers under the auspices of the Correctional Services Commissioner will take that responsibility, and as required the police may be called in.

The honourable member fails to acknowledge that because of the nature of their offence, if they were given a prison sentence most offenders would find themselves in an open-plan prison farm, a place that they could walk out of at any time, and unfortunately all too often do. The security at prison farms is probably somewhat less than would be available under home detention. I would imagine the police would be called on in far fewer circumstances than they would be called on in the environs around some of Victoria's open-plan, low-fenced, low-security prison farms.

The honourable member for Wantirna asked about the eligibility of drug traffickers. A lot of people come into the corrections system, and many of those who come in for drug offences are there because they have an addiction. Anybody who is a commercial trafficker would not be deemed eligible. However, some people sell a small amount of drugs simply to sustain their own habit and if you think you are going to reform them when they are put into the prison system you have got another think coming, because nothing — 20-foot high walls, razor ribbon, 24-hour monitoring, armed

guards — seems to stop drugs coming into prisons. They get in because of their pervasive nature.

Magistrates have indicated to the government that one of the reasons they are giving custodial sentences is that although they believe some offenders would be better served with community-based detoxification and rehabilitation, there are no beds or security available for them. Home detention offers that security. There is a better chance of rehabilitation if such people are in a community setting rather than in a prison setting where they will come into contact with hardened drug users. If you think they do not get heroin in prison you are kidding yourself, because if they cannot get heroin they go down to the lolly shop that is called the pharmacy.

The honourable member for Wantirna said that home detention would not be available for first-time offenders. It is not unusual for some people with no prior convictions to receive terms of imprisonment in the light of their offences.

The ACTING SPEAKER (Mrs Peulich) — Order! The minister has 2 minutes.

Mr HAERMEYER — Two minutes? Goodness, I am only up to the first page.

The ACTING SPEAKER (Mrs Peulich) — Order! The minister should condense.

Mr HAERMEYER — I will condense, Madam Acting Speaker. I want to address some of the issues that were raised about the family and the family home. There is nothing more disruptive to the family and the family home than taking somebody who has committed a relatively low-level offence, or even a series of them, out of the family home and putting them into the prison system.

We have women in the women's prisons — single mothers — who have custody of their children in there. What a great place for children to grow up! We have breadwinners, be they fathers or mothers, taken out of the family and put into the prison system. How disruptive to the family is that? The reality is that home detention enables offenders to continue to be part of and serve the family unit and continue to be breadwinners. It is less disruptive. Sure, it is onerous, but nowhere near as onerous as a prison sentence.

If any member of the family objects to the offender going on a home detention sentence the offender will be deemed ineligible. The honourable member for Wantirna raised the concern that if a wife, for example, objected to her offender husband going on home detention she might suffer some sort of retribution at the end of her husband's prison sentence. This is just not the case, because under section 99J(3) and (4) inserted by clause 6 there is a clear prohibition on the courts divulging that a family member has objected to the person going on home detention.

The ACTING SPEAKER (Mrs Peulich) — Order! The minister's time has expired.

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

Ayes, 45

Allan, Ms
Allen, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr (*Teller*)
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 39

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Amendment negatived.

House divided on motion:

Ayes, 45

Allan, Ms	Langdon, Mr (*Teller*)
Allen, Ms	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lenders, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Loney, Mr
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Maxfield, Mr (*Teller*)
Carli, Mr	Mildenhall, Mr
Davies, Ms	Nardella, Mr
Delahunty, Ms	Overington, Ms
Duncan, Ms	Pandazopoulos, Mr
Garbutt, Ms	Pike, Ms
Gillett, Ms	Robinson, Mr
Haermeyer, Mr	Savage, Mr
Hamilton, Mr	Seitz, Mr
Hardman, Mr	Stensholt, Mr
Helper, Mr	Thwaites, Mr
Holding, Mr	Trezise, Mr
Howard, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

Noes, 40

Asher, Ms	McIntosh, Mr
Ashley, Mr	Maclellan, Mr
Baillieu, Mr	Maughan, Mr (*Teller*)
Burke, Ms	Mulder, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Delahunty, Mr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr (*Teller*)
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr KILGOUR (Shepparton) — I move:

1. Clause 1, line 3, omit "— ".
2. Clause 1, line 4 and page 2, lines 1 to 27, omit paragraph (a).
3. Clause 1, page 2, line 28, omit "(b)".
4. Clause 1, page 2, line 29, omit "(i)" and insert "(a)".
5. Clause 1, page 3, line 1, omit "(ii)" and insert "(b)".
6. Clause 1, page 3, line 5, omit "(iii)" and insert "(c)".
7. Clause 1, page 3, line 8, omit "(iv)" and insert "(d)".
8. Clause 1, page 3, line 11, omit "(v)" and insert "(e)".
9. Clause 1, page 3, line 14, omit "(vi)" and insert "(f)".
10. Clause 1, page 3, line 19, omit "(vii)" and insert "(g)".

As I said during the second-reading debate, the National Party is not critically concerned about home detention and believes the home detention proposal can be part of the parole system. However, it does believe offenders should serve the minimum sentence imposed by the judge before home detention comes into effect. If a judge imposes a sentence of three years with a minimum period of two years, home detention can be part of the parole system after the two-year term of imprisonment has been served.

It is a simple issue. The National Party does not have a problem with the proposal that people on home detention have wrist or ankle bracelets or that they work or attend an education institution as would other people in the community. However, the National Party strongly believes home detention should not apply until the offender has served the minimum term of imprisonment imposed by the judge.

Mr WELLS (Wantirna) — If a judge gives an offender a minimum sentence, he must serve that minimum sentence, and for that reason the Liberal Party will support the amendments proposed by the honourable member for Shepparton.

Mr Steggall interjected.

Mr HAERMEYER (Minister for Corrections) — That was an interesting interjection by the honourable member for Swan Hill. He said the National and Liberal parties are a bit like the left and right wings of the Labor Party, so they are two factions of the one party. That is absolutely fascinating. I am glad that is on the record.

The government does not support the amendments for two reasons. No discussions took place about the amendments, so the government has not had time to work through them with the National Party, and the honourable member for Shepparton's proposals are about putting bracelets on parolees, but that is not what home detention is about.

The CHAIRMAN — Order! The question is that amendment 1 be agreed to.

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

Ayes, 44

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr (*Teller*)
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maxfield, Mr
Carli, Mr	Mildenhall, Mr
Davies, Ms	Nardella, Mr
Delahunty, Ms	Overington, Ms
Duncan, Ms	Pandazopoulos, Mr
Garbutt, Ms	Pike, Ms
Gillett, Ms	Robinson, Mr
Haermeyer, Mr	Savage, Mr
Hamilton, Mr	Seitz, Mr
Hardman, Mr	Stensholt, Mr
Helper, Mr (*Teller*)	Thwaites, Mr
Holding, Mr	Trezise, Mr
Howard, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr

Noes, 40

Asher, Ms	McIntosh, Mr
Ashley, Mr	Maclellan, Mr
Baillieu, Mr	Maughan, Mr (*Teller*)
Burke, Ms	Mulder, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Paterson, Mr
Dean, Dr	Perton, Mr
Delahunty, Mr	Peulich, Mrs
Dixon, Mr	Phillips, Mr
Doyle, Mr	Plowman, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr (*Teller*)
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr

Amendment 1 negatived.

The CHAIRMAN — Order! The next question is that amendment 2 moved by the honourable member for Shepparton be agreed to. I advise the committee that if amendment 2 is lost, proposed amendments 3 to 10 moved by the honourable member for Shepparton will fail, as they are consequential.

Amendment 2 negatived; clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Mr HAERMEYER (Minister for Corrections) — I move:

1. Clause 5, page 16, after line 26 insert —

   "(u) that the offender must comply with any order made under section 84 or 86(1) (whether before or after the making of the home detention order) in relation to the offence for which the home detention order is made;".

2. Clause 5, page 16, line 27, omit "(u)" and insert "(v)".

3. Clause 5, page 20, after line 25 insert —

   "(c) a breach that involves non-compliance with an order made under section 84 or 86(1); or".

4. Clause 5, page 20, line 26, omit "(c)" and insert "(d)".

5. Clause 5, page 22, after line 9 insert —

   "(5) The Adult Parole Board may be satisfied that an offender has breached a condition of a home detention order that involves non-compliance with an order made under section 84 or 86(1) whether or not a step has been taken to enforce the order made under section 84 or 86(1) in any way referred to in section 85 or 87, as the case requires.

   (6) The revocation of a home detention order or the imposition of a sanction under this section in respect of a breach that involves non-compliance with an order made under section 84 or 86(1) has no effect on the enforcement of the order made under section 84 or 86(1) in any way referred to in section 85 or 87, as the case requires.".

In moving the amendments I point out that their purpose — —

The CHAIRMAN — Order! Government members will lower their voices.

Mr HAERMEYER — Very disrespectful! The purpose of the amendments is to ensure that restitution can be enforced on someone on a home detention order. A restitution order made by the court normally needs to be followed up through civil proceedings. Under this clause someone on a home detention order who also has a restitution order but fails to pay that restitution order will be deemed to be in serious breach of the home detention order. As such, they will be referred back to the Adult Parole Board, which will then determine whether it is a serious breach. If that is the case, individuals should have their home detention orders cancelled and their sentences should revert to custodial sentences.

I congratulate the honourable member for Mildura on suggesting this amendment. It is sensible, and it gives a

few more teeth to the notion of home detention being about making offenders pay restitution where the court so determines and enabling them to do so.

Amendments agreed to; amended clause agreed to; clauses 6 to 12 agreed to.

Clause 13

Mr HAERMEYER (Minister for Corrections) — I move:

6. Clause 13, page 45, after line 28 insert —

"(u) that the offender must comply with any order made under section 84 or 86(1) of the **Sentencing Act 1991** (whether before or after the making of the home detention order) in relation to the offence for which the home detention order is made;".

7. Clause 13, page 45, line 29, omit "(u)" and insert "(v)".

8. Clause 13, page 49, after line 9 insert —

"(c) a breach that involves non-compliance with an order made under section 84 or 86(1) of the **Sentencing Act 1991**; or".

9. Clause 13, page 49, line 10, omit "(c)" and insert "(d)".

10. Clause 13, page 50, after line 24 insert —

"(5) The Board may be satisfied that an offender has breached a condition of a home detention order that involves non-compliance with an order made under section 84 or 86(1) of the **Sentencing Act 1991** whether or not a step has been taken to enforce the order made under section 84 or 86(1) of that Act in any way referred to in section 85 or 87 of that Act, as the case requires.

(6) The revocation of a home detention order or the imposition of a sanction under this section in respect of a breach that involves non-compliance with an order made under section 84 or 86(1) of the **Sentencing Act 1991** has no effect on the enforcement of the order made under section 84 or 86(1) of that Act in any way referred to in section 85 or 87 of that Act, as the case requires.".

The amendments simply give effect to the restitution provisions I articulated in my contribution on clause 5.

Amendments agreed to; amended clause agreed to; clauses 14 to 21 agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

BUILDING (SINGLE DWELLINGS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Planning).

Mr CARLI (Coburg) — I am pleased to support the bill, which will amend the Building Act. The bill is particularly significant in the context of the introduction by the government of Rescode. The introduction of major changes to Victoria's planning scheme is an important milestone for the government in ensuring that it provides certainty for people who use the planning scheme and that it meets the needs of Victorians and their long-held concerns about the impact of the previous planning codes on neighbourhood character and amenity in residential areas.

One plank of Rescode deals with the issue of single dwellings on blocks that do not require planning permits. Issues relating to the siting and design of single dwellings on those allotments are being given over to the building surveyors and placed within the Building Act. It is an important location of that power to ensure that Victoria has a residential code and a practice that improves amenity and protects neighbourhood character.

The Minister for Planning announced the new Rescode, which will replace both Viccode 1 and the *Good Design Guide*. It meets the pre-election commitment of the Labor Party and follows the direct action announced by the Minister for Planning in December 1999 in *State Planning Agenda — A Sensible Balance*, in which the minister set out a new vision for planning that would provide a balance between the demands of local people and their desire to maintain their streetscape and amenity. He also recognised the importance of reaching a balance between protecting local demands and meeting the needs of development while providing transparency and a clear and comprehensive system.

That is an important change to what was previously the case. The introduction of this change took place after an expert panel consulted extensively, and that process of consultation identified a simple approval process for single dwellings to ensure they were subject to controls that would protect amenity, character and the environment. Rather than forcing all single dwellings to have a planning permit — to go through the planning process — those controls were met through the building process by the obtaining of a building permit. Regulations were put in place to support the appropriate controls over neighbourhood character, overshadowing and siting of buildings being met in the process of

gaining a building permit. In the process of that consultation, which was extensive and involved community groups, local government and the development industry, it was felt the appropriate location in which to accommodate this element of Rescode was within the building regulations.

Clause 6 of the bill inserts into schedule 1 of the Building Act an additional regulation-making power, and the regulations will be applied by the building surveyor. The additional issues that have to be considered before a building permit can be given include, for example, light and overshadowing. There is no longer the situation where people can build single dwelling houses that can in a major way interfere with the light available to neighbours or cause overshadowing problems. The government has taken on the issue of the siting of those developments.

The issues of privacy and overlooking, which were a problem that came up on many occasions, now have to be considered before a building permit can be given. The height of buildings and providing some control over that is an area of great contention. The matter of how much of an allotment can be covered by impermeable surfaces is an issue that has been of great concern and is another matter that has to be taken into account before the issuing of a building permit. The preservation of trees and architectural heritage features, and more broadly, neighbourhood character — important issues of aesthetics, amenity and the environment — are features that require prescriptive protection through the building regulation process.

The issue of car parking is covered in the bill. The effects of drainage, in particular from impermeable services, is another matter. Local amenity of neighbours and energy efficiency is yet another issue. Energy efficiency is a major feature of Rescode, a thoughtful addition to the way we plan our city and housing and a clear issue that has to be considered. More importantly, as a government we want a more sustainable city, with more sustainable, environmentally friendly and energy efficient architecture. Clearly that is now part of the regulation-making process and is within the regulation-making power introduced by the amendment.

Another issue is fences and walls. The bill ensures that there are adequate controls for the placement, type and size of walls and fences. Basically the bill provides a whole series of important issues as part of the planning process for multi-unit dwellings on small allotments. In the case of single dwellings on larger allotments this power now rests within the building regulations. It is an important feature, of which local government was very supportive.

Local councils, which have been under enormous stress and strain as a result of the boom in medium-density housing in particular, and also of redevelopments in inner Melbourne, made it clear they did not want more developments to have to go through the planning process. The building permit process was seen as the preferred way to ensure that single dwellings be considered in light of a whole raft of issues that previously did not have to be taken into consideration.

When a property developer wants to appeal, the appeal will go to the Building Appeals Board, as is the case now with refusal of planning permits. Anyone who has gone through the process knows it is a quick and efficient process. It is different from having to go through the planning system, where initial appeals go through the Victorian Civil and Administrative Tribunal (VCAT), and thereafter the parties may appeal further. That would not be the situation in this case.

There are no appeal rights for third parties because in the process of preparing the bill there has been an important emphasis on the need to involve people on adjoining properties, to have input and consent from them, and to have a reporting-back process. That is where the protection lies for third parties, not in going through the protracted dispute system of VCAT. There will be no appeal rights for third parties. Decision making by the building surveyor and reporting authority is restricted because we are dealing with prescriptive and non-discretionary standards. An important element of the bill is that we are dealing with prescriptive standards and things that are measurable by building surveyors.

There has also been a considerable amount of money set aside by the government to provide additional training for building surveyors to ensure they are up to speed with changes to the new building regulations to ensure an efficient process.

As I said, this is important legislation. It is one part of Rescode. As the minister has previously indicated to the house, Rescode has been greeted with universal support. It is seen as a great improvement on the *Good Design Guide* and Viccode 1. It is an important improvement, and a large section of the population, particularly people who have had concerns about developments and inappropriate developments, support Rescode. This is one plank of a much bigger platform whereby we can ensure that we have some definite controls and standards in place for single dwellings to improve amenity and ensure that we do not have

repeats of the abuses of the past and the problems of overlooking, overshadowing and loss of privacy.

Rescode is important. It has been developed through a process of enormous consultation. The government believes it meets the needs of a series of stakeholders. As the Minister for Planning has said, there will always be conflict with developments, but the government is trying to create a comprehensive system which will ensure neighbourhood character is a mandatory starting point for the assessment of development applications. It will reduce the complexity of factors to be taken into consideration in the assessment process and mean that we use a process which better informs neighbours and communities. It will also ensure that developments are sustainable and respond to both social and environmental needs. That is a demand of the future in planning for this city. I am pleased to support this important part of Rescode.

In the transition to Rescode we will see a major improvement in terms of the dynamics of development in our city. Most importantly we will now have very clear rules and standards to protect the amenities of neighbours and developers. Builders will know what they are doing and what is being demanded of them. This will dramatically improve relationships.

In conclusion, we are dealing with a very important piece of legislation which is part of a much bigger reform. Given the disaster that was the previous government's planning program and its ad hoc nature, we can only say that things are getting much better.

Mr HONEYWOOD (Warrandyte) — I will make a brief contribution to the debate on the Building (Single Dwellings) Bill. I must admit that I had high hopes for this Minister for Planning, particularly when I read a newspaper article written by some starry-eyed journalist who had apparently had no exposure to the planning portfolio. It was a breathless article about how the Minister for Planning seemed to be able to overcome all opposition and how everyone was in universal agreement with his wonderful Rescode initiative. One could not help but think that perhaps this was the perfect panacea to our planning woes. However, without my even naming the newspaper involved members on this side of the house could guess both the newspaper and the starry-eyed journalist who wrote the piece.

Of course, the reality is far different from the rhetoric, as is usual for this minister. We discover that, if anything, this proposal actually takes away the rights of local residents to put forward genuine appeals against planning decisions. If a neighbour has a genuine concern or beef with a building permit that has been approved by council and will allow a Taj Mahal or a complete monstrosity to be built alongside them, their only right of appeal will be to the local council. I have said it before and I will say it again: this minister seems to have a total trust in what councils will do in the so-called interests of their ratepayers. Time and again this minister seems to wash his hands of the overall responsibility and leave it to the councils.

Where does one go if a council decides to reject an appeal by an affected neighbour to a Taj Mahal being built alongside them? Under Rescode and this legislation any further avenue of appeal is denied to them. Before at least there was the second avenue of appeal to the Victorian Civil and Administrative Tribunal. This minister is washing his hands of the matter and leaving it to the local councils, which are to be totally trusted. We all know about certain Labor councils that have been trusted in the past, particularly in the western suburbs of Melbourne, but then the mayors there are usually electorate officers of certain members of this chamber. The councils are to be fully trusted and no other rights of appeal are to be granted.

In my electorate of Warrandyte we have a proud record of local residents, individually or in groups, standing up and ensuring that the incredibly environmentally sensitive area which I am proud to represent is preserved for future generations. It worries me that, for example, there is no mention in this legislation about the colour of homes. In Warrandyte the vast majority of residents prefer to hide their homes and camouflage them behind the bushland setting. Occasionally an unusual building permit comes to council whereby somebody wants their home to be painted in a mottled orange or pink. While that might suit the politics of certain individuals, it stands in stark contrast to the rest of the landscape. I am worried that while this Minister for Planning purports to have a panacea to our planning woes, no mention is made in this bill of the issue of the colour of homes, residences or single dwellings. So an affected neighbour who may well exercise a right of appeal might have no further claim once the council has decided it is a frivolous claim. That really worries me. The minister may care to explain why he has neglected to put his rhetoric into action in the proposed legislation.

Another key concern for my constituents in particular — and, I am sure, for the constituents of other honourable members — is the definition of 'special neighbourhood'. Honourable members have heard about heritage overlays and recognition of environmental characteristics. My request is simply for a definition of what is deemed to be a special

neighbourhood. What does a municipality have to consider when defining 'special'? The legislation could cause great confusion in local councils on that issue. The minister, however, in his usual ambivalent manner and his desire to appeal to the largest number of people without being held to account by individuals, has not chosen to go down that path in the bill. If someone wants to build a single dwelling that departs from Rescode standards, what right does a neighbour have to object? If the council knocks back the neighbour's initial appeal, that person has nowhere else to go. That is an indictment of the ways successive governments have tried to ensure that democracy is not just seen to be done but is actually put into practice the way it should be in this so-called advanced society.

In my brief contribution I have highlighted to the house the fact that the bill is not the panacea it was held out to be. There are still flaws in it. It is up to the minister — I hope while the bill is between houses — to expand upon it and perhaps redefine some of the major provisions that are areas of concern particularly for people in areas like Warrandyte which is, I believe, a very special neighbourhood.

Ms OVERINGTON (Ballarat West) — I am pleased to contribute to debate on the Building (Single Dwellings) Bill. The amendments proposed in the bill and the demise of the *Good Design Guide*, which was extensively flawed, will give back some credibility to planning procedures. The *Good Design Guide* allowed unscrupulous developers the opportunity to exploit loopholes in order to introduce unnatural and unsavoury elements into neighbourhoods — buildings that were totally out of character with the area.

The proposed legislation gives back to councils the rightful role of planning control over local areas. The previous speaker asked honourable members whether they should trust their local councils and whether the state government should return planning powers to local government. I argue that we should because local government is the level of government closest to the people. Local councillors know their areas. Most councillors were frustrated in the past by having to observe the *Good Design Guide*, which restricted their ability to assist their residents to obtain the best character possible for their streets and neighbourhoods.

Ballarat City Council recognised that the *Good Design Guide* was extremely flawed. It applied for a heritage overlay as an amendment to its planning scheme, and that amendment has recently being gazetted, which has made the councillors extremely pleased. One aspect of beautiful Ballarat is the heritage character of its streetscapes. Some of the older areas contain heritage houses that are or have been the homes of older people, some of whom may have passed away or moved into nursing homes. The developers have been snapping up those fine old houses and, before anyone can object, demolishing them and replacing them with extremely inappropriate single-storey dwellings — or even double-storey dwellings in some cases, thereby causing problems such as overshadowing.

The changes within Rescode, and particularly the protections generated by heritage overlays, will be of benefit. Some honourable members opposite have suggested in debate that heritage overlays are not needed. I argue strongly that they are needed, particularly in certain areas. They will give local councils some control over the character of their neighbourhoods. It makes one sad to drive up a street that is particular to a certain period and find something added that is totally inappropriate and out of character. A previous speaker suggested local councils should not be trusted with the power to administer the proposed legislation. Of course they should! Administration should be handed back to councils.

Rescode has been developed after a lot of consultation, including discussions with all local councils, and the councils have supported it wholeheartedly. They recognise that they are the guardians of their communities. I fully endorse the bill and wish it a speedy passage.

Mr MACLELLAN (Pakenham) — I support the bill and welcome its appearance in the Parliament. It represents another step in the long process undertaken by not only this government but the former coalition government and before that the Labor government. I probably should remind the house that Viccode 1, as it was called, was developed by the former Cain–Kirner government. It was introduced when I was the responsible minister under the coalition government. It produced some problems and difficulties. It was reviewed by an independent panel, which went through an entire consultation process. It then developed into the *Good Design Guide* with emphasis on design, although the previous speaker, the honourable member for Ballarat West, would say that that was quite inadequate in Ballarat, for instance. One of the difficulties that a community such as Ballarat had was that it had not carried out a heritage study to identify heritage areas and put appropriate restrictions on them.

Other communities had done that. For instance, it had been done in the Gascoigne estate in East Malvern, which once upon a time was a golf course. It had been done in Christowel Street, Camberwell, another area which after careful study and with the support of the

community had been chosen for protection under that general heritage banner.

There are some problematic issues, and as the minister rightly said in answer to a dorothy dixer, Rescode is not going to be the answer to all planning problems. I would certainly agree with that. I believe we are still going to have arguments about planning, because a development involves somebody proposing it and not only others who are concerned about it but also people who are so concerned about it that they are unlikely to be able to reach a compromise with those who wish to proceed with the development. It is always a matter of striking a balance, which is not easy, and a beautiful balance cannot be struck naturally.

In some respects I quake, not only for the councils that have to discover what the character of an area is but also for the members of the Victorian Civil and Administrative Tribunal (VCAT) who will have to hear the appeals.

Turning my attention to Acland Street, St Kilda, for instance, and trying to describe the character as I see it — this is just a personal response and we all have to be very careful that our personal response is not 'the' response, as if that were the only response — I point out that the diversity of architectural style is the character of the area. I can stand in the street with two or three other people and say, 'I would take out that, that and that building because I like the rest' — that is, there are three buildings I do not warm to. But, as I said, the character of the street is the diversity of the nature of styles. If one had to try to define the character of that area, one would not say it is a Federation, reproduction Federation, Georgian, modern — or whatever — style but that it is a diversity of styles.

Mr Seitz interjected.

Mr MACLELLAN — That represents one extreme. At the other extreme, the honourable member for Keilor will be able to name some new estate in his area where the houses have an amazing architectural uniformity because often people building in a contemporary estate are doing so to a similar style. One of the characteristics of his area that I noticed just as a passing visitor is the length of balustrade that is so obvious on some of the more prominent houses.

I said there are problematic areas in this bill. It has the potential to turn the building approval system into a pale imitation of the planning appeals system in that some of the appeals provided for under this legislation will not be to VCAT. They will go through the building appeals process to be heard by people who, I must say — and I do so without any unkindness to them — have perhaps limited training and experience in design issues. They might be the full bottle on safety issues — that is, on how to construct a building safely.

Since 1945 the building regulations in Victoria have served us well, as has the modification system. We have cost-effective housing and construction work and safe and quality construction. We have a safety system by which we can make sure that the beams are capable of bearing the loads, that the buildings are built safely, that they are occupied safely. We do not have the sorts of tragedy we have recently observed in television broadcasts from Israel. Fortunately we have been spared such tragedies because we have had in place a good and honest system. After the system in which we are asking people to make decisions about some of the more complex planning issues that come in their direction by way of appeal has been in operation for some time, perhaps it ought to be looked at and reviewed.

The bill does not seem to contain any provision for people to be able to get relief if a building inspector makes a bona fide mistake, believing the building to be within the rules and then when the building's construction is started the neighbours decide that what is being built is not in accordance with the rules. In other words, there does not seem to be any provision for stopping such a construction. Even if a mistake is made, one will run the risk that the building will proceed even though it does have an effect upon the sunshine or the other aspects said to be the main weight in favour of this legislation.

Another problematic issue is the uncertainty about what rights neighbours will have. The expectations have been raised very high. The honourable member for Ballarat illustrated that perfectly. People have extraordinarily high expectations that, as the neighbours of the land on which a single dwelling is about to be built, they will have some new right of input that will give them relief from the things about which they may complain. That is extremely problematic, because the councils have only to ask for the participation of the neighbours if they believe a new building will have an impact. That is the first hurdle: the council must decide that a neighbour is an appropriate person to be brought into the process.

Many councils with responsibility for town planning issues have failed to give notice to nearby owners. For example, the Mornington Peninsula Shire Council managed to demolish a heritage railway house because it did not give notice of its intention to anyone. Councils are capable of doing that sort of thing, and

under this bill we are entrusting them with a new discretion to decide whether a single dwelling will have an impact on the neighbours. If the neighbours want to have some input in the matter but a council makes a mistake by not alerting them, their rights are extremely problematic. The shadow Minister for Planning, the honourable member for Box Hill, was quite right in raising that as a cautionary matter for the government, and the government should look at it, because I do not know whether one can rely on improving building standards as the way forward in addressing the sensitive issues dealt with by the bill.

The protection of sunshine for neighbouring properties has been a part of the development of planning in Victoria during the terms of at least three or four governments. It is a welcome process that is getting more and more recognition as each step is taken.

If on paper we give councils the right to set local standards, that measure will be an advantage if it is used well. I do not think anyone will have a problem with that statement. However, when councils were given a similar discretion relating to heritage issues they put a straitjacket around the inner city suburbs of central Melbourne. The heritage classifications were A, B, C and D, so there were A-heritage houses, B-heritage houses and so on. There may have been an E level as well. Practically no building in inner Melbourne could be demolished or altered without the need to go through the whole process. The councils went overboard, because it meant that the redevelopment went out into the next range of suburbs. There was a political element in that, but never mind! The redevelopment headed towards the Stonnington and Boroondara council areas and the next range of suburbs — the green and leafy suburbs, if I can refer to them that way, which then became the areas of greatest dissent.

If this bill is used well it will advance planning amazingly well and will provide a great and useful process. However, if in the hands of some councils it is used badly it will be a menace.

The Deputy Speaker is giving me a reminder by tapping her watch to indicate that I should conclude my remarks. As she will understand, hints like that to me often merely trigger momentary amnesia, which leads me to repeat everything I have already said! I am sure that she would not want me to do that and that she is only too willing to withdraw the gesture in favour of my terminating my remarks in my own good time. As it happens, the Deputy Speaker did not need to tap her watch or anything else, because I was finished. All it did was allow her rudeness to show.

Mr SEITZ (Keilor) — I am pleased to speak in the debate on the Building (Single Dwellings) Bill. It is interesting that debates about changes to the planning of dwellings and buildings have been continual in Victoria. When people first started to erect buildings and dwellings they were not controlled, but in later years as we became a civilised society controls were put in place.

This bill marks an appropriate time for changes to take place. The bill will make changes to the nature of single dwellings being built. As the honourable member for Berwick said, the standard home has changed totally from the triple-fronted brick veneer home to an architect-designed dwelling. I can drive through my electorate and virtually identify the country of origin of the owners. They are building architect-designed houses in the style of their country of origin. You can just about tell from the street frontage whether the owners come from a Macedonian, Croatian or Middle Eastern background — —

An honourable member interjected.

Mr SEITZ — Yes, you can even identify which part of Italy they have come from, because every part of Italy has a different building style and frontage, such as balconies, balustrades and so on.

The bill is important, particularly for protecting neighbours' amenity. In my electorate where double-storey houses are built on empty blocks next to single-storey dwellings it takes away the neighbours' sunlight and privacy and affects the amenity of the street.

It could be only a simple matter of not having enough car parking. Perhaps you have lived in the street for a time, planted a tree or two on your nature strip and nurtured them so they have grown and provide lovely shade. Along come the people across the road and park in front of your house under the shade of your trees. They have built their house but do not have convenient car parking because they do not have an open driveway, so neither you nor your visitors are able to park in the shade. A simple matter such as that can these days develop and change the streetscape. There is also the issue of how far buildings have to be set back from the street. The rules are changing and the street scene and real estate values can be affected.

All of these items will continue to change as society changes and evolves. As architecture becomes more involved and building materials change so too does the ability of builders and architects to build homes using the new techniques and materials that have become

available. One has only to look at postwar homes — 10 or 11-square weatherboard buildings on red gum stumps — to see they are no longer sufficient for anybody.

The issue of energy use has also become important. In older areas where there has been redevelopment, electrical wires and cables may not be heavy enough for the requirements of modern houses, which include airconditioners and a lot of other electronic and electric equipment. This can cause the electricity supply to fluctuate in the neighbouring older houses because it may not be strong enough. There is a need to look at changes in respect of those single-dwelling developments, and the code is moving towards that.

Another issue is how much concrete people have around their homes. Some may like to have concrete for a front lawn as well as in the backyard, and consequently miss out on having an adequate area of permeable soil to enhance effective and proper drainage.

It is appropriate that this bill is before the house because society has to learn to go with what people demand from the building and development industry in their desire to live as they see fit. Many people can afford to build such places now. Recently I came across a building in my street providing warehouse-style accommodation. I assumed that the owners had bought an old warehouse and were converting it, but instead they had built it on an infill block of land. This is going to be a new trend — warehouse-style buildings but with old machinery and equipment in their foyers! Again I have learnt something completely new. This new code that we are talking about for single dwellings is the future.

Having made those few comments and observations I commend the bill to the house. However, if I survive another 10 or 20 years in this house I dare say I will see more changes to the building regulations. I commend the bill's speedy passage through the house.

Mr BAILLIEU (Hawthorn) — There is perhaps nothing like a bill on design to arouse the passions. The previous speaker talked about the range of housing and architecture in his electorate and the architects involved. Let me declare my interest for those who may not know: I am an architect and have been a practitioner.

Sadly, when it comes to single dwellings architects are responsible for fewer than 5 per cent of buildings, and that is perhaps part of the problem that our community faces — that there are not enough architects, although there is a fair bit of design going on. It was interesting to hear the comments of the minister, in particular, and of a variety of public commentators that this bill is about certainty. Our goal should not just be about certainty, it should be about good design. We need to remind ourselves of that.

Speaking from the viewpoint of architectural practitioners, we have endured a cavalcade of change for the past 25 years. There have been the Uniform Building Regulations, the Victorian Building Regulations, the National Building Regulations, the National Code, Viccode 1, Viccode 2, the *Good Design Guide*, Rescodes 1 and 2, overlays and various planning schemes and heritage orders. The government keeps changing the structures but the design goes on.

Most sensible practitioners operate on the basis that they will design what is appropriate for a site and then compare it to the regulations. It is very easy to design something that is designed purely by the regulations — to set the envelope and design something within it. Within the envelope it is easy to design something that is extraordinarily bad; beyond the envelope it is possible to design something that is extraordinarily good. Simply delivering certainty by restrictive envelopes is something I caution against.

The move through the 1980s and 1990s was into qualitative not quantitative standards, a move I think the industry would support. Those who sought to hang on to quantitative standards ended up being responsible for what became the disasters in the 1980s and early 1990s, where the heritage police made it almost impossible to do anything in any reasonable sense, particularly in inner Melbourne.

Regulation in the design field can be extremely heavy handed, and if it is it becomes a dead hand and we all suffer. Disputes are inevitable in that situation, because design will continue and disputes will continue as a consequence. A result of those disputes was that we ended up with no-sayers in the design field. During the 1980s and 1990s they were the decision-makers in councils, which found that the easiest way to deal with a design issue was to punt on a 'no' and get somebody else to make the decision. That became more a cause of grief than anything else — the fact that the no-sayers said no and would not embrace the issues meant it was left for somebody else to consider the issues, and too often it was 'yes', and those who had their expectations aroused by the original 'no' may have become disappointed by the subsequent 'yes'.

The no-sayers were fuelled by genuine concerns and the poor designs used by some people — and I would

suggest that if there were more architects involved in design, that would be the case less often. They were also fuelled by political issues, and when the government was in opposition it was no stranger to whipping up a storm on those issues. They were fuelled by commercial issues also, and it is not unknown for neighbours to seek commercial advantage over their proponent neighbours on the basis of design issues.

The number of disputes has increased. The amazing thing about increases in disputes is that they seem to correlate with increases in building activity. Design disputes literally parallel building booms, and part of the problem we experienced in the late 1990s was that there was a building boom, and an extraordinary one at that.

Many of the problems stem just from bad design. They are not a function of regulations; they are just the result of crook, ordinary design. Those who spend a lot of time in the inner city will have seen placards on houses saying 'Save our Suburbs' or 'We will oppose inappropriate development'. It is interesting to walk around the inner city and look at some examples. The properties on which those placards are placed are often properties that would never have passed muster under any of the current codes and are historical examples of properties built wall to wall and to front boundaries, yet they have assumed a heritage status of their own and therefore the owners have become the opponents of any development around them.

There are risks in overregulating. It can create disputes, freeze housing stock, dumb down design and aspirations and block cultural change, and we should be wary of it.

There are great doubts in my mind about these regulations and their application. Little things such as fence heights worry me. The 3-metre boundary wall average is almost unachievable with normal ceiling heights against a boundary. It is a minor thing, but it is almost unachievable. Therefore we will have more, not fewer, disputes, because many buildings near boundaries will be unable to meet the standards. The setback provisions do not take account of sloping sites, nor does the 9-metre overall height stipulation.

Rescode 1 was an absolute disaster and should be acknowledged as such. It was an embarrassment that it ever saw the light of day. Those who attended the various seminars around the traps will know what a disaster it was. Thank God Chris Wren and his panel saw fit basically to chuck it out and start again. They have rebadged in every respect, and I agree with the honourable member for Pakenham that the package left has the potential to be useful, provided it is in good hands.

However, I fear that the package will not be in good hands. It will not satisfy those who have concerns about any neighbourly development, nor will it satisfy the building industry. I fear that the government's goal will be met only as a consequence of its lack of energy. The fact that we will have fewer disputes will be more about a downturn in the industry than about anything achieved by the bill.

In particular, neighbourhood character will be very difficult to determine, and I look forward with interest to watching those matters. I note also the suggestion that appeals should go to the Building Appeals Board. As a consequence we are setting up a quasi-planning appeals board, and there are reservations about which we should be greatly concerned.

At the end of the day if we want good design it will come when people are genuinely informed, where there is commonsense and where there is mutual respect. Therefore, I hope that when the bill passes and is in the hands of the responsible authorities it will be applied gently rather than vigorously.

Mrs MADDIGAN (Essendon) — I am pleased to support the bill. It is part of the government's program in planning, particularly in relation to Rescode. Some of the debate on neighbourhood character has been interesting. I think people misunderstand what neighbourhood character is. Certainly it does not mean that if you have a street with Californian bungalows in it you therefore have to build pseudo-Californian bungalows as the only development that might take place in that street.

The single-dwelling provisions of the bill mean that, within neighbourhood character, you can have buildings that are of quite innovative and modern design, but they must fit within the streetscape, which goes to the issues that have been of concern to residents over the previous life of the *Good Design Guide* and relate to things such as the setback and height of buildings and distances from the side fences.

It is interesting that although multi-unit developments have received so much publicity, in many cases the intrusion on neighbourhoods by single dwellings has been just as extensive, if not more so. I am particularly reminded of residents who lived in Kalimna Street, Essendon. They invited me over one day to have a look at a single dwelling that was built behind them. When those poor residents walked out into their backyard — and they had a particularly nice garden and backyard —

they were confronted with a grey wall that extended from one side boundary to the other, almost on the back fence. The bulk of the wall was greater than some multi-unit developments, but because it was one single construction no rights existed for anyone to object to it. It was like having a prison wall at the end of your backyard. We discussed for some time what sort of tree treatment they could possibly use across the backyard to block it out and break the bulk of the construction, but that was quite impossible. The residential amenity of their backyard was destroyed, to say nothing of the effect on the value of their property. Obviously the resale value would be significantly decreased because of the single dwelling at the back of their house.

The problem of single dwellings is important. The extensive consultation process this bill and Rescode underwent raised a number of concerns about the costs of planning permits for single dwellings. While residential groups were keen to have quite strict guidelines and to require planning permits for single dwellings, councils had a real concern that it would add substantially to their costs and their workload if every single dwelling to be built required a planning permit. The use of building permits is a sensible way of overcoming that problem while at the same time imposing proper controls over single dwellings.

Clause 6 inserts additional regulation-making powers relating to the issues that have been of great concern to residents in Essendon, in particular over the past few years. They are:

(a) matters relating to the availability of light to, and the overshadowing of, nearby buildings and allotments;

(b) matters relating to privacy and overlooking in relation to nearby buildings and allotments;

(c) matters relating to the height of a building and the distances from buildings to the boundaries of an allotment or to nearby buildings;

(d) matters relating to how much of an allotment may be used for buildings, how much of an allotment may be covered by impermeable surfaces and the provision of open spaces on an allotment;

(e) matters relating to the preservation of trees and of architectural or heritage features;

(f) matters relating to the provision of car parking in relation to an allotment;

(g) matters relating to the use of impermeable surface materials on an allotment and their effect on drainage and runoff;

(h) matters relating to the amenity of nearby buildings and allotments;

(i) matters relating to the energy efficiency of buildings;

(j) matters relating to associated fences and boundary walls.

Those are the sorts of concerns that have been raised constantly by residents in my electorate. The Building (Single Dwellings) Bill and Rescode have been welcomed very warmly in the Essendon area and in all those other well-developed and older suburbs that have very little spare land left.

I welcome the bill. Its consultation process has been almost excessive; no-one could claim they did not have the chance to have some input into the bill, which will dramatically improve planning for residential allotments in Victoria.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Building (Single Dwellings) Bill. It is always good when government reviews legislation and makes suitable changes to ensure it is relevant and appropriate to the times. Coming from a Greek background, I find it interesting to note that in days gone by in Victoria some people used to build homes that looked like monuments or the Parthenon, but things have changed and it is important that we look after our neighbourhoods.

Many residents in the electorate of Bulleen are concerned about the large number of developments taking place in the area that are having a detrimental effect on the neighbourhood character. It is pleasing that the government is attempting to do something about that. The bill allows the minister to issue guidelines for the design and siting of single dwellings, and it allows regulations under the Building Act to cover issues such as overlooking, overshadowing, site coverage, car parking, energy efficiency and amenity.

Where an applicant seeks an exemption from Building Act requirements from a council, if the council considers the application may cause detriment to a nearby allotment, the bill requires the council to give the owner of the nearby allotment an opportunity to make a submission in respect of the possible detriment.

The government has taken nearly two years to come up with a plan. It has been in limbo during that time. While in opposition Labor was full of rhetoric, but in government it has done very little to secure neighbourhood character in the electorate of Bulleen.

The new residential code will replace the previous government's *Good Design Guide* and Viccode 1, which served us well at the time. However, as I said earlier, things change, and the government needs to look at new legislation. Rescode was first released by

the government in June 2000. Unfortunately, the consultation process was a farce, and it neglected the electorate of Bulleen.

There are residents in my area who are unhappy with the fact that a dissatisfied neighbour has no right of appeal against a council decision to approve a departure from the Building Act requirements. The bill contains no procedures to deal with cases where a building surveyor incorrectly decides that a proposed single dwelling complies with the single-dwelling standards in the building regulations and issues a building permit. This will make detection and enforcement very difficult indeed. I ask that the minister take note of the issues that have been raised by the opposition and really look at them.

Clause 3 inserts proposed section 188A into the act to enable the minister to issue guidelines relating to the design and siting of single dwellings. Matters that can be dealt with in the guidelines include the neighbourhood character, overshadowing, privacy and overlooking, height and setback of buildings, the preservation of trees, car parking, energy efficiency, fences and boundary walls. Those guidelines will be good, but the minister needs to look at what was said by the honourable member for Box Hill in his fine contribution to the debate.

The bill also inserts additional regulation-making powers into part 1 of schedule 1 of the act relating to the design and siting of single dwellings, including:

(a) matters relating to the availability of light to, and the overshadowing of, nearby buildings and allotments;

(b) matters relating to privacy and overlooking, in relation to nearby buildings and allotments;

(c) matters relating to the height of a building, and the distance from buildings to the boundaries of an allotment or to nearby buildings.

I ask the minister to look at the opposition's concerns about this bill.

Mr STENSHOLT (Burwood) — It is with great delight that I rise in support of the Building (Single Dwellings) Bill, because one of the reasons I sought election to Parliament and was elected was the need to reform planning in our suburbs. I campaigned on bringing democracy back to Burwood, and this bill brings democracy back to the people in the streets. In virtually every street in my electorate the issue of planning for both single dwellings under the old Viccode 1 and multi-use development under the so-called *Good Design Guide* was raised.

Clause 3 inserts in the principal act proposed section 188A, which brings in a whole range of new standards for single dwellings. Many people in my electorate — all of whom are in the cities of Boroondara, Monash or Whitehorse, and it is interesting to note that recently at the City of Boroondara, which I helped in consultations with the minister on Rescode, 8000 people expressed their views — are very concerned about neighbourhood character.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Savage) — Order! Under sessional orders the time has arrived to interrupt government business. The question is that the house do now adjourn.

Boat Brokers

Mr LEIGH (Mordialloc) — I raise for the attention of the Minister for Transport a serious matter about the misuse of Mr Geoff Scott's motor boat. Mr Scott left his boat with Boat Brokers of Boundary Road, Mordialloc. I am prepared to provide the minister with the details of what took place, but Boat Brokers later sold the boat for $18 000.

Mr Holding interjected.

Mr LEIGH — I want an investigation, you idiot, and if you were in the least interested — —

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Mordialloc will cease responding to interjections across the table.

Mr LEIGH — Mr Scott's boat was stolen by the Boat Brokers company, which legally registered the boat through Vicroads and then transferred ownership of the boat to itself. It used the Vicroads registration to gain possession of it and on-sell it to another gentleman, Mr Steve Allen, who has subsequently disappeared. It is my understanding that this gentleman has at the very least misappropriated between $100 000 and $200 000 worth of boats. He has done so through the misuse of Vicroads registration arrangements and the transfer of licences.

I am prepared to provide the minister with copies of the licence registration that has been transferred without the agreement of the owner. It has created a problem for Mr John Goodrich, who honestly bought the boat. He has a certificate that says he is the boat's licensed

owner, yet in reality it was stolen, along with many others.

Tonight I call on the Minister for Transport to investigate whether we can trust Vicroads and how it is possible for it, as the licensing authority, to transfer boat registrations without the approval of the owners. This is very worrying for a person seeking to sell a commodity such as a boat. The police are not interested. Indeed, Mr Scott is continually being told it is a civil matter. I call on the Minister for Transport to instigate inquiries into Vicroads to determine how this can possibly happen and to determine how many boats are involved, because it seems that they are falling through the system. I call on the minister to launch an inquiry into Vicroads on how it is able to transfer — —

The ACTING SPEAKER (Mr Savage) — Order! The honourable member's time has expired.

Bridges: Murray River

Mr STEGGALL (Swan Hill) — I refer the Minister for Transport to ongoing concerns and problems with River Murray crossings. I acknowledge that in the budget money was allocated for the continuation of work on the Corowa, Echuca, Robinvale and Cobram–Barooga bridges. There has been much discussion since the budget, and we have all clarified our positions. I acknowledge that the money is there, and I also acknowledge that yesterday the New South Wales budget allocated $5.7 million for the Robinvale bridge, but I do not know how much has been allocated for the other bridges.

The process the Victorian and New South Wales governments, our local councils and our communities have been through has been terrible. The state needs to develop a better process to achieve the construction of the bridges. Although I expect the bridges that are listed in the budget will continue to completion on a time scale that might vary considerably, there are three more bridges in the Swan Hill electorate which are all around 100 and 110 years old — at Swan Hill, Tooleybuc and Barham — and which will soon need replacement. I ask the minister to approach the Premier to have future work on the river crossings put on the agenda of the Border Anomalies Committee so that planning for the next group can begin soon.

It is taking about five years to get a planning process through and that is not a good situation. The planning processes for the new bridges built and operating in Melbourne together with the new road structures went through very quickly. The Murray River bridges are a long way from Sydney and Melbourne. The Victorian government has a strong role to play, because we have a lot of difficulty getting the New South Wales government to focus on those crossings. As members representing electorates along the Murray — —

Mr Carli — The federal government?

Mr STEGGALL — No, not the federal government, the state government. All honourable members with electorates along the Murray have worked hard to try to achieve these crossings. If the premiers, through the Border Anomalies Committee, work with their departments we could make sure that we get a planning process in place for future bridges. Everybody will benefit and we will not go on with the nonsense of the last three or four years trying to get these bridges built.

Neighbourhood houses: Geelong

Mr TREZISE (Geelong) — I raise an issue for the Minister for Community Services relating to the need for a neighbourhood house in the Belmont–Highton area of Geelong. An examination of the areas served by neighbourhood houses in Geelong will highlight the fact that there is currently a void in the area south of the Barwon River. I seek action from the minister to assist in the establishment of a neighbourhood house in that area.

As a new member of Parliament in September 1999 I came into contact with many excellent community organisations. I noted that the various neighbourhood houses were providing a terrific service to members of their local communities, especially in the areas of education, leisure and, importantly, support groups. Early in my parliamentary career I quickly became a major supporter of the neighbourhood house networks in the Geelong region because they provide services such as classes for personal and skill development, self-help groups and discussion and support groups. The support groups provide vital links to people in their hour of need — for example, family crises such as break-ups and gambling problems. Even informal coffee mornings are a great link to the community.

The neighbourhood houses also provide services such as child care. Overall they provide an important link for Geelong people to their community. There is a major void in the distribution of neighbourhood houses in the Geelong region and an obvious need for such a service in the Belmont–Highton area. Importantly, the provision of a neighbourhood house in that area has the support of the City of Greater Geelong and good community organisations such as Geelong Adult Training and Education, known as GATE. I seek from

the minister assistance and action to rectify the void in the South Barwon area.

Tucker Road, Bentleigh: traffic signals

Mrs PEULICH (Bentleigh) — I raise with the Minister for Transport a matter pertaining to the need for more effective traffic signalling along Tucker Road in Bentleigh. I point out that although I live in Tucker Road these matters have nothing whatsoever to do with where I live. The issue relates to conditions further down the road.

Firstly, the lights at the intersection of Tucker and Centre roads have not had the turn-arrow works completed because of additional costs as a result of their hitting Telstra lines. I ask the Minister for Transport to see what he can do to expedite and complete those works, which have been stalled for some time.

Secondly, and further on the theme of more effective traffic signals, I ask Vicroads to investigate the need for lights near or at the intersection of Tucker and Patterson roads. The matter was raised with me recently in a letter by Mrs Cathy Tipton of Mortimore Street, Bentleigh. It has also been raised on numerous occasions by many parents, in particular those whose children attend Tucker Road Primary School, and store owners in the Patterson Road shopping strip.

A number of petitions have been presented to the City of Glen Eira and the council has conducted a number of traffic counts. Unfortunately, one traffic count did not quite meet the requirements. It produced a count of 58 pedestrian crossings an hour and 100 are needed, although I still consider that figure to be substantial. There certainly does seem to be a need given the number of schoolchildren who cross in that area.

I ask the Minister for Transport to see what can be done to resolve these traffic issues along Tucker Road, a very wide road with high-speed traffic. There have been a number of accidents along the carriageway: children have been knocked over; and at times elderly and disabled people have been unable to cross the road. Given the need for the matters to be resolved promptly, I ask the minister to see what he can do.

Preschools: funding

Ms DAVIES (Gippsland West) — I ask the Premier to work quickly to ensure that kindergarten teachers achieve an equitable salary and conditions package as soon as possible. It is obvious to anybody who works with kindergartens that they are still under stress, particularly in rural areas. The issue is not just salary. It goes to the survival of kindergartens as a whole.

I know that extra funding has been provided to kindergartens to make them more affordable. I know that effort and funding have gone into improving the proportion of four-year-olds who are able to attend kindergarten. Some changes have been made to overcome issues arising from the administrative nightmare the Kennett government created for the volunteer committees, which have made strong attempts to keep their kindergartens going. But the federal government's GST and business activity statements have resulted in kindergartens taking another significant step backwards.

Despite the government's efforts, there is still a long way to go to ensure the long-term viability of our kindergartens. An important part of that process is to recognise that if kindergarten teachers do not receive equitable pay we will not have any kindergarten teachers. They should not be subsidising the running of their kindergartens, yet they cannot afford to teach just out of love for the job. To ensure that our kindergartens can survive and that their teachers do not have to go on for too much longer with the level of uncertainty that they have faced for a long time, I ask the Premier to act quickly to ensure that the salary package and conditions in kindergartens are improved.

Employment: government policy

Ms LINDELL (Carrum) — I refer the Minister for Post Compulsory Education, Training and Employment to a significant issue of unemployment. As honourable members would know, the Bracks government has done a fantastic job. Victoria has enjoyed record employment growth with more than 66 100 new jobs over the past 12 months, and it has outstripped every other state. I am proud to be a member of a government that places growth in employment in such a wonderful position. Coupled with that, Victoria has the second lowest unemployment rate of all states. Members of the government should also congratulate themselves on that performance.

However, as honourable members know, some people in the community, including people in my electorate of Carrum, must overcome significant obstacles to secure employment. Statistics on unemployment in Kingston South show that the average unemployment level dropped by 22 per cent in the 12 months to September 2000. At that stage 1264 people in the southern part of Kingston were unemployed.

Gaining employment can be difficult for many people who have been out of the work force for some time. The effect of unemployment is debilitating as people lose confidence and their self-esteem plummets. Some young people have never had a job and many employers are unwilling to employ young people without experience. Older workers and people who have lost jobs through industry restructuring may require assistance to gain new skills and experience.

I ask the minister to outline to the house what action the government is taking to provide opportunities for people to gain employment and training through her department.

Sherbourne Road–Karingal Drive intersection: traffic lights

Mr PHILLIPS (Eltham) — I refer the Minister for Transport to the intersection of Karingal Drive and Sherbourne Road, Montmorency. I seek some additional funding for traffic lights at that intersection, which has become a bottleneck, especially during peak periods. Traffic lights are a priority of both the Banyule City Council and the Shire of Nillumbik. The request has been made before, and the intersection has now become even more dangerous during peak times.

The area would almost qualify as a black spot. I have the misfortune to need to travel through the intersection both morning and night. Formerly the number of cars banked back at the intersection was 20, 30 or 40, but that number has now increased significantly. At times it now takes 10 or 20 minutes to travel through the intersection, with hundreds of cars banking back for long periods. The intersection has become very dangerous, especially on a wet day, as people seek to cross the road.

As a matter of urgency I ask the minister for additional funding for the installation of those traffic lights.

Andrews House, Trafalgar

Mr MAXFIELD (Narracan) — I request the assistance of the Minister for Aged Care in obtaining federal funding for nursing home beds in Trafalgar. During the last election campaign, as the Labor Party candidate for the seat of Narracan I developed a strong interest in aged care needs in the electorate and the Labor Party made a commitment to assist in the provision of aged care beds.

Andrews House in Trafalgar is a hostel of which I am proud. It receives strong community support and funding. It now requires nursing home beds, of which there is a shortage in the Gippsland region. Trafalgar has been listed as the town with probably the greatest need. The community was disappointed that when the vicious and uncaring federal government last made an allocation of beds it chose to neglect the town with the greatest need in Gippsland — that is, Trafalgar. Beds were promised to private operators in areas where they were not required, but in the area of greatest need not one bed was allocated.

The community of Trafalgar is upset about the decision. As part of its election commitment to aged care in the region, the Bracks government is prepared to allocate $2 million to build the facility.

All we want from the federal government is a few beds. It is tragic that it cannot join with the state government, which has committed some funding, to build some beds in Trafalgar. Hospital beds are being clogged up by aged care patients. People looking for nursing home care who cannot get that care are now filling up hospital beds, affecting the waiting list. That is affecting the people in my electorate who want to get hospital beds. It is a great disappointment that the federal government is more interested in looking after its rich mates, the wealthy owners of private institutions, than in providing aged care beds where they are required.

Andrews House is a great facility that is supported by the community through fundraising. It is an extreme disappointment to me as the local member that we cannot get additional nursing home beds when the area has been identified as having the greatest need in Gippsland. It is typical of the federal government's attitude to aged care.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member's time has expired.

Kew Primary School

Mr McINTOSH (Kew) — I raise for the attention of the Minister for Education the matter of a master plan for Kew Primary School. Recently the government announced the development of the Kew Cottages site, where it is suggested there will be an additional 250 residential houses as part of the redevelopment. That will mean additional families and young children and increased pressure on the enrolment of Kew Primary School, whose catchment includes the whole Kew Gardens area.

Significant matters such as public transport, traffic issues and the provision of public open space will now be tested by the development. Although we all welcome the redevelopment of the Kew residential cottages, one of the most cogent ways the government can demonstrate its commitment to the project is to

ensure the whole amenity in the Kew area is maintained.

The government was faced with the decision of purchasing extra land next to Kew Primary School last year. Despite substantial representations from me, the local council, the school community and the entire community to purchase the land, the government decided it would not proceed with the purchase. The government's attitude may have changed because the school community recently met with Mr Ross Kimber from the eastern regional office of the Department of Education, Employment and Training, who gave a commitment to pursue the purchase of the land. Regrettably the land was sold to a private developer for $1.7 million, so the plan did not proceed.

A master plan is a crucial factor in the development of appropriate education facilities for the Kew Primary School, because it will look at the existing facilities and, most importantly, what can be done to enhance those facilities on the existing land. I ask the minister to consider the provision of a master plan.

Sunshine Avenue, Keilor Downs: duplication

Mr SEITZ (Keilor) — I raise a good-news story for the attention of the Minister for Transport. Honourable members opposite can relax because I refer to the duplication of Sunshine Avenue, Keilor Downs. The minister allocated funds for construction work on the Sunshine Avenue duplication from Green Gully Road to the Melton Highway, and it has been a long time coming.

The former Cain Labor government made a commitment to proceed with the duplication of the road, but with the change of government that decision was deferred. I am especially pleased that the minister allocated the money for the development, that the work has been carried out and that community consultation has taken place regarding the design and development of the road. It is a major connector road to the Calder Highway and to the Western Ring Road leading on to the West Gate Bridge.

Many people use the road as a short cut from Sunbury to the city. I am extra pleased that the minister has carried out the construction, because I remember well that before the last election the signs were put up by the previous government for the construction but no work had commenced. Once again we had to have a Labor minister initiate the works on that section of road, which is tremendous progress, as it is also in another section of road in my electorate, the Keilor–Melton highway.

Some people have expressed concern about safety and noise because the road has been such a long time coming and houses have been built up virtually to the edge of the road. I ask that the necessary landscaping works be carried out and, if needed around the Apollo Road intersection, noise-abating fences be installed. I am sure the minister will see fit to have the work carried out so the project he has initiated in my electorate of Keilor will come to fruition to the satisfaction of the people involved in the planning. They have been waiting for many years to have that part of the road duplicated and completed for the safety of the commuters along that section. I ask that the action be carried out before the official opening ceremony.

Eastern Freeway: Greensborough link

Mr KOTSIRAS (Bulleen) — I raise for the attention of the Minister for Transport the current Yarra freeway proposal which will pass through my electorate of Bulleen. I have been approached by a number of residents whose homes back onto Bulleen Road and who fear that a ring-freeway through Bulleen and Heidelberg will become a reality. The project goes back many years. According to a leaflet prepared by the Public Transport Users Association:

> Consultants were hired to evaluate the supposed economic benefits … They showed the two options as the Eltham/Warrandyte route from the late 1970s, and a revived F18 route slightly relocated through Bulleen …

I ask that the minister investigate those claims and advise whether such a proposal is planned.

Lakeside Anglers Club

Ms OVERINGTON (Ballarat West) — I raise with the Minister for Sport and Recreation in another place through the Minister for Housing a matter of importance to the Lakeside Anglers Club in Ballarat, and I seek financial assistance for the club.

Late last year the Wendouree Bowling Club premises burnt to the ground. The bowling club housed a number of other clubs that used the meeting room to conduct their business, and one of those clubs was the Lakeside Anglers Club. In the fire the club lost its perpetual trophies and its honour boards — which was a disaster for the club. Unfortunately, the insurance for the bowling club did not continue through to the other clubs that used the committee rooms.

I have been able to access the emergency fund before for jumpers for the Wendouree Football Club, so I

know money is available, and I urge the minister to favourably consider my application.

Mount Waverley Secondary College

Mr WILSON (Bennettswood) — I raise a matter for the Minister for Transport, and the action I seek is that he immediately instruct Vicroads to assess and approve a black spot application for indented bus bays outside the Mount Waverley Secondary College on Stephensons Road.

The safety of 650 Mount Waverley students is at risk and the continued delay of Vicroads could end in a disaster. The Department of Education, Employment and Training has agreed to contribute half the cost of the indented bus bays up to a maximum of $100 000, which is double the department's previous commitment. In addition, the City of Monash has applied for the urgently needed bus bays to be funded under the separate traffic and road use management program. However, the Bracks government has previously rejected that application.

The City of Monash will not hear whether it is to receive those funds for quite some time, and therefore the danger to the students at Mount Waverley Secondary College continues.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member's time has expired.

Responses

Ms PIKE (Minister for Aged Care) — The honourable member for Narracan raised with me the future of Andrews House at Trafalgar, a service for older people in his community that is desperately in need of additional nursing home beds. He asked me what action I can take in that regard.

The honourable member clearly identified that Gippsland is a region of enormous need in aged care. The Gippsland region has one of the lowest numbers of residential aged care beds for the population 70 years and older, and one would have anticipated that in the recent allocations by the federal government of both nursing home and hostel beds Gippsland would have been given a high priority. However, we know that that was not the case and that many existing services that required additional nursing home beds for their ongoing viability missed out. Andrews House in Trafalgar is one of those services. The people in Trafalgar are rightly disappointed that, rather than being made available to them in that area of great need, the allocation for beds has now been promised to another provider.

It is important to be clear about what the promise really is: the federal government has given the yet unnamed provider permission to go ahead and purchase the land and acquire the funds necessary to build the facility. Once that has happened and the facility has been certified, residents will be identified and placed in the facility. It is known that the time frame for that to occur is on average two years, during which time not only will the existing needs of the Gippsland region not be met but with the ageing of the population the needs will escalate.

In my role as Minister for Aged Care in the state of Victoria I will continue to advocate vigorously for the additional nursing home beds we require. It is known that Victoria is now 5000 nursing home beds short of the commonwealth's own benchmark and many more thousand short of the national average. Clearly Victoria is being discriminated against and people in the Gippsland region, in the western suburbs of Melbourne and in the south are particularly feeling this discrimination. Anyone trying to get an elderly person into a nursing home knows from bitter experience that it is a hard and soul-destroying process.

Mr BATCHELOR (Minister for Transport) — The honourable member for Mordialloc raised the important issue of problems related to the transfer of boats and vessels and asked me to investigate the matter. The issue covers a number of jurisdictions, but I will take it up. It may be that the matter should be directed to the attention of the Minister for Ports if it is covered by the Marine Act. However, it is true that on behalf of the Minister for Ports Vicroads is carrying out the registration process under the Marine Act.

The honourable member for Mordialloc offered to make the documents available to me, which I would appreciate. He indicated that that will be done tomorrow, which would be soon enough to have this followed through. Irrespective of whether it is an issue for me as the minister responsible for Vicroads or another minister, it will certainly be taken up. He essentially wants to know how property, in this case boats, can be transferred without the owner's permission. If the facts are as he set out in his adjournment contribution, on the production of the material I shall have them investigated, and the responsible minister will get back to the honourable member for Mordialloc.

The honourable member for Swan Hill raised with me the issue of River Murray crossings, and in doing so acknowledged that money was made available in the Victorian budget to contribute towards the Federation bridges and the Cobram–Barooga bridge. We are

currently involved in the construction with New South Wales of the Howlong bridge, but the honourable member rightly acknowledges that there are many other bridges across the Murray — some 25 bridges and two ferries. He identified a number in his electorate that will need upgrading or replacement at some time in the future and sought a better process. I could not agree more that there needs to be a better process.

It is a pity the federal government essentially spoilt a good idea with the replacement of bridges as a Federation project by underfunding those bridges. I am pleased to hear the honourable member for Swan Hill's observation about the New South Wales budget containing money for the Robinvale bridge, as there was money in the Victorian budget. We may soon be able to resolve the tripartite funding issues between the three governments for the existing bridges, particularly once the planning process that is currently under way for those bridges — three Federation bridges and the Cobram–Barooga bridge — is completed. Then we would be able to move on to the construction phase.

The point the honourable member raises is appropriate, in that there needs to be a transparent and understandable process for assessing the refurbishment of bridges along the Murray and when or if replacement needs to be undertaken. People along the Murray should not be subject to the sort of intensive campaign that was undertaken in Cobram and Barooga to have the bridge replaced. They need to know there is system in place that recognises and understands from an evaluation perspective when and how replacement of those bridges will be undertaken.

The honourable member for Swan Hill suggested this should be taken up with the Border Anomalies Committee by the respective premiers. I will have a look at that process, and I will also look at how the two road authorities can work together to provide the proper, long-term process the honourable member is looking for. I thank him for that suggestion.

The honourable member for Bentleigh raised traffic light issues concerning two points in Tucker Road. The first is in relation to works that are under way at Centre Road but have not been completed. I will try to find out what has happened. The second relates to the possible need for lights at or near the Patterson and Tucker road intersection.

The honourable member indicated that traffic counts had been carried out at the intersection and that the number of pedestrians crossing the road did not meet the existing warrants. To justify the need for traffic lights at that intersection the honourable member referred to the needs of schoolchildren from Moorabbin Primary School. If my memory serves me well — I could be wrong, but I know the area — there is already a set of traffic lights further to the south, in fact on the boundary of the primary school, which might be the reason children use those traffic lights rather than crossing further to the north near Patterson Road.

Notwithstanding that, I will see what can be done to expedite the construction issues at Centre Road and ask Vicroads to recheck what has happened with the traffic counts. Superficially it might appear that the existing traffic lights at the school provide sufficient protection for people crossing Patterson Road and there are more urgent priorities elsewhere. We will look at that. If the Patterson Road precinct traffic lights are not considered a high priority, the honourable member could put the project forward as a nomination under the black spot program.

The honourable member for Eltham also raised an issue of funding for traffic lights, this time at the intersection of Sherbourne Road and Karingal Drive, Montmorency. He indicated there is traffic congestion there, particularly in the morning peaks, with hundreds of cars banking up. I will have Vicroads investigate that. I will also check the attitude of the Nillumbik Shire Council to see where it has placed this intersection on its priority list for funding from Vicroads. I will advise the honourable member accordingly.

The honourable member for Keilor raised with me the successful completion by the Labor government of the Sunshine Avenue duplication between Green Gully Road and the Calder Highway at Keilor Downs. He was thankful for both the project and the community consultation the government undertook. I thank the honourable member for Keilor for his participation in this and for his assistance to his community and the government in resolving a number of issues. The honourable member went on to detail some additional works that he would like carried out in the vicinity of Apollo Road, particularly in relation to safety and noise. I know there are also some issues with drainage and the height of the alignment. I will have those matters investigated and his representations taken up with Vicroads. I am sure we can work through those issues with the honourable member for Keilor and his community to ensure that there is a satisfactory outcome.

The honourable member for Bulleen raised with me some story that the Public Transport Users Association has been pushing in relation to turning Bulleen Road

into a freeway. I will have those claims investigated as he has requested.

Mr Leigh interjected.

Mr BATCHELOR — I see the shadow Minister for Transport sticking up for the president of the Public Transport Users Association, Paul Mees. I understand they are very close these days; Paul Mees is seen as an adviser to the honourable member for Mordialloc and the Liberal Party. Be that as it may, I will have these matters taken up for the honourable member for Bulleen and get back to him.

The honourable member for Bennettswood raised a request for Vicroads to fund some indented parking bays on Stephensons Road, Mount Waverley, to provide protection and assistance and enhance safety for children attending the Mount Waverley Secondary College. He has raised this matter with me previously. I will take it up with the council, the Department of Education, Employment and Training and Vicroads to see what solutions might be available.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Carrum raised with me the important matter of employment opportunities in her electorate. She noted that fantastic employment growth has occurred in the state — indeed double that of the nearest jobs growth rival, New South Wales. Victoria's unemployment rate is the second-lowest in the country.

Some groups in particular geographical areas and in certain populations, however, are still missing out on employment opportunities and the benefits of economic growth in Victoria. The first Bracks government budget invested $156 million in a range of different targeted public, private and community-based employment programs to really tackle those groups missing out on the opportunities. Through the community jobs program, which is based on the idea of communities coming up with initiatives about employment opportunities in their areas, the government has invested more than $50 million over a three-year period to create 6900 jobs. Tonight I am pleased to announce details of 3 of the 53 projects announced by the Premier last week, and I know the honourable member for Carrum will be pleased to hear about them. The three projects represent part of the current round of community jobs programs around the state.

Each project will target eligible participants in the electorate of Carrum and will provide unique combinations of real work, real wages and real training. The first of the projects in Carrum that will receive funding is an environment enhancement program covering two sites, Bald Hill Reserve and Roy Dore Reserve, both within the City of Kingston. The grant is for $97 920 and will create 12 jobs over 16 weeks. The training will be in horticulture with the Holmesglen Institute of TAFE. The second project is the Next Step Inc. program, which places 14 participants in a number of adult, community and further education (ACFE) centres and neighbourhood houses in the Chelsea and surrounding areas over a period of 16 weeks. The project will focus on the development of administrative and technology skills of the participants as well as improving service delivery from the ACFE centres and neighbourhood houses. The grant approved is for $114 240, and the project is a model the government would like to see replicated around the state for neighbourhood houses and ACFE centres.

The third project was developed with Bayside City Council and focuses on better customer services and better information on available community services for all people in that municipality. The grant approved is for $79 560 and will provide 12 jobs over 13 weeks. Skills developed will include customer service, information management and administrative skills.

Those projects are an indication of the sorts of projects the government is providing across the state. The government is working in conjunction with local government, community organisations and community participants to meet community needs as well as to provide real jobs, real wages and real training for the participants. The projects already initiated around the state are very successful, and those in country Victoria represent a first for the state.

I thank the honourable member for Carrum for her interest and look forward to the results coming out of the different community jobs programs in Carrum as well as in other parts of the state.

The honourable member for Geelong raised an issue, and the Minister for Community Services is here now, so I will deal with the other issues that have been raised.

The honourable member for Gippsland West raised a matter for the attention of the Premier in regard to kindergarten teachers. I will pass that matter on to him.

The honourable member for Kew raised a matter about education and the Kew Cottages site. I notice that he raised concerns about the redevelopment and the need for the local community to be looked after. It is a shame that his support is not as strong as the support of many

other people throughout Victoria, but I will pass that matter on to the Minister for Education.

The honourable member for Ballarat West raised a matter for the attention of the Minister for Sport and Recreation in another place. I will pass that matter on to him.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Geelong for raising the very important topic of neighbourhood houses, particularly those south of the Barwon River.

The Bracks government has led this state in terms of investment in neighbourhood houses. I know the Minister for Post Compulsory Education and Training has just spoken about the fabulous work that is going on in a cross-portfolio manner in supporting neighbourhood houses. Her portfolio has supported neighbourhood houses, as has mine.

The Bracks government is committed to neighbourhood houses — in fact in the budget a couple of weeks ago we allocated $2 million to them. That was a considerable improvement on the neighbourhood house funding that languished under the Kennett government. We are very proud of neighbourhood houses and the community-building work they do.

The honourable member for Geelong has pointed out that there is a need for a neighbourhood house south of the Barwon River. I endorse his comments on the value of that proposal for the local community, be it in the way of education, leisure, support groups or personal and skill development. It is a shame that there has been a void south of the Barwon region up until now, but I am pleased to inform the honourable member for Geelong that as a result of work done by the City of Greater Geelong and the Barwon network of neighbourhood houses, along with the Geelong adult training and education group, a community-based steering committee has been established and it will soon be incorporated as an independent entity. I am pleased to inform the honourable member that in June $2000 will be allocated to assist that neighbourhood house, and in the next financial year, thanks to the wonderful work of the local community — —

The ACTING SPEAKER (Mr Savage) — Order! If the honourable member for Mordialloc wishes to have a conversation, will he have it outside the chamber.

Ms CAMPBELL — As a result of the work that has been progressed by the honourable member for Geelong, an honourable member for Geelong Province in another place, the Honourable Elaine Carbines, and also the local community, in the next financial year $19 000 has been approved for the South Barwon community centre, and I congratulate the honourable member for Geelong and his upper house colleague, the Honourable Elaine Carbines.

The ACTING SPEAKER (Mr Savage) — Order! The house stands adjourned until next day.

House adjourned 10.54 p.m.