

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**19 March 2002**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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The Hon. J. W. THWAITES

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

The Hon. D. V. NAPHTHINE

**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

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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
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Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



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**Tuesday, 19 March 2002**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.**

**QUESTIONS WITHOUT NOTICE**

**Minister for Finance: chief of staff**

**Dr NAPHTHINE (Leader of the Opposition)** — I refer the Premier to the pay-off appointment of Roland Lindell, Labor's chief fundraiser and the husband of the honourable member for Carrum, as the new chief of staff to the Minister for Finance and I ask: can the Premier inform the house of any other blatant examples of Labor mates receiving well-paid, taxpayer-funded jobs under his government?

**Mr BRACKS (Premier)** — I think that is typical of a negative, carping opposition — absolutely typical. We should realise what the question asked by the Leader of the Opposition is about. He asked about the chief of staff to the Minister for Finance; that is what he asked about. That is his ministerial office: he asked about his ministerial office! What he is questioning is whether the husband of a member of Parliament can be the chief of staff to a ministerial office. What a ridiculous question. Of course he can! Let me make it absolutely clear: these are political appointments, because they are in the minister's private office.

You would have to question an opposition leader and a party that refuses to even put their names to an advertisement. You have to question that and ask why the Leader of the Opposition would not put his name to or sign the Liberal Party's name to an advertisement?

**Dr Naphthine** — On a point of order, Mr Speaker, I am glad the Premier reads the advertisements — and the Liberal Party's name was on it. The point is about relevance.

**The SPEAKER** — Order! Clearly, that is not a point of order.

**Mr BRACKS** — Let me get back to the substance of the question. Is Roland Lindell employed as chief of staff? The answer is yes. Is he a political appointment? Yes. Are all advisers to political office political appointments? Yes. It is a remarkable question. Well done!

**Insurance: public liability**

**Mr RYAN (Leader of the National Party)** — My question is to the Minister for Finance. Given that this

morning I received a public assurance from Mr Raymond Jones, the president of the Insurance Council of Australia, that the measures proposed by the National Party to tackle the public liability insurance crisis would reduce premiums if implemented — —

*Honourable members interjecting.*

**Mr RYAN** — It might be a laughing matter in some parts of the Parliament, but it is not in those areas of the state that I represent.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask government benches to come to order.

**Mr RYAN** — Given that this morning I was given a public assurance from Mr Raymond Jones, the president of the Insurance Council of Australia, that the measures proposed by the National Party to tackle the public liability insurance crisis would reduce premiums if implemented, will the Minister for Finance now agree to support those proposals?

**Mr LENDERS (Minister for Finance)** — I thank the Leader of the National Party for his question and for his ongoing interest in the issue of public liability insurance. I commend him for it.

As I advised the house when we last sat, the proposals put by the Leader of the National Party are being taken on board with all other proposals from people in the community who have ideas on this issue. We are working through them systematically in a national context. Next Wednesday I will attend a forum conducted by Senator Coonan on behalf of the federal government with participation by all other state and territory governments. At the forum the issues raised by the Leader of the National Party and other issues will be on the table.

From the government's perspective, we have been meeting with the stakeholders in the area. It has been an ongoing issue. We are dealing with all of the issues concerning insurance and we are going for outcomes. We are dealing with not-for-profit organisations, as the Leader of the National Party is aware; we have been dealing with adventure tourism operators, as the Leader of the National Party is aware; and we have been dealing with builders warranty insurance, as the Leader of the National Party is aware. His views and ongoing interest are welcome. Unlike the Liberal Party that was asleep for five months on the matter of insurance, the government welcomes his views, will take them on board and will raise them next week at the summit.

**Police and prisons: government initiatives**

**Ms BARKER** (Oakleigh) — Will the Premier advise the house what action the government is taking to turn around the shameful state of our police force and prisons left by the Kennett government and to make Victoria an even safer place to live?

**Mr BRACKS** (Premier) — On behalf of the government and honourable members on this side of the house I thank the honourable member for Oakleigh for saving the Murrumbeena police station. Under the previous government it was to be closed! Congratulations to the honourable member for Oakleigh for putting her hand up, for saving it and for having it in the budget. Well done!

In relation to police numbers, new police stations and new prisons, this government has a great record of achievement over the past two and a half years. The Minister for Police and Emergency Services is in the house, and he constantly reminds honourable members of the 1992 period when the Kennett government sought election in Victoria and promised 1000 additional police officers. Do you know what it did? It cut back police numbers by 800! By October 1999, when the Labor Party came to government, there were something like 9286 full-time equivalent sworn police officers in the state — it had gone down to a low of 9286 officers!

Today I am pleased to report to the house that from that low of 9286 police officers we now have 10 000 police officers in Victoria — an increase of 700 over the past two and a half years. The government will easily meet its target of 800 new police officers by the end of this term, even allowing for attrition — and we have the lowest attrition rate in Australia because of the government's measures.

If you move to police stations — and I mentioned the honourable member for Oakleigh, who did a great job with her local police station — the government has committed to 51 new or replacement police stations at a total cost of \$100 million. That is \$100 million of new investment in 51 police stations in metropolitan Melbourne and in regional and country Victoria. If you move to prisons, the government has embarked on a \$334 million overhaul of the prison system in Victoria. That will include a new 600-bed remand prison for Melbourne, a new 300-bed medium security prison and a new 120-bed minimum security prison at Beechworth.

I put on record my congratulations to the Minister for Police and Emergency Services and the

Attorney-General, who work so well together in ensuring a safer and better Victoria with more police, more police stations and a better and improved prison system.

**Workcover: conciliation appointments**

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Premier to an advertisement in the *Age* of November 2000 advertising a small number of opportunities to join Workcover's conciliation service — a handful of jobs that attracted 300 applications.

Each of these jobs commands a salary package of about \$100 000 of taxpayers' funds. Can the Premier inform the house if the two successful applicants, Mr David McKenna and Ms Helen Casey, are the same David McKenna who was the national industrial officer of the Community and Public Sector Union and the same Helen Casey who was the president of the Australian Liquor Hospitality and Miscellaneous Workers Union — two more Labor mates with political appointments?

**Mr BRACKS** (Premier) — I was quick enough to write down the first name — David McKenna, but I could not remember the second name.

**Dr Naphtine** interjected.

**Mr BRACKS** — Helen Casey. I thank the Leader of the Opposition. My understanding of these positions is that the appointments come from a wide cross-section of the community, from employers and from unions, and what would you expect otherwise in Workcover conciliators except that they would have a background in industrial matters, in industry, as employers or in unions? So it is not a great surprise or shock to know that someone who might have a union background is employed. Does this mean that the opposition leader is effectively saying that if you have a union background you cannot be employed? Is that what the opposition leader is saying? Somehow you are proscribing people from being employed anywhere.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier to address the Chair.

**Mr BRACKS** — I assume the intent behind the question is something about that. It is a ridiculous proposition. These positions were dealt with, as you would expect, on merit, by application. The people involved come from a wide cross-section. I find it not surprising at all that people would have backgrounds in

the union movement and/or business in coming to those jobs.

**Courts: sentencing**

**Mr WYNNE** (Richmond) — Will the Attorney-General inform the house about the outcomes of the Freiberg report on sentencing and explain how this will contribute to the government's efforts to improve community safety in Victoria?

**Mr HULLS** (Attorney-General) — I thank the honourable member for Richmond for his question. The government is proud of the review on sentencing it commissioned to be undertaken by Professor Freiberg. It was one of the most substantial reviews on sentencing ever undertaken in this state. I am pleased to say that Professor Freiberg has now completed his review and has handed to me his final report, *Pathways to Justice*.

As honourable members would know, the purpose of the criminal law is to protect society from crime, and sentencing offenders is absolutely essential to community safety. This government strongly believes that judges and magistrates should retain judicial discretion, but also, obviously, that sentences should fit the crime. Professor Freiberg's report finds that public confidence is best addressed by improving the public's knowledge of sentencing and of the system and by making the process more transparent. To achieve this end one of the innovative recommendations of Professor Freiberg is to set up a sentencing advisory council, which would allow informed community views to be incorporated into the sentencing process without resorting to blunt and inflexible options such as mandatory sentencing which, as we know, reduces judicial discretion and often produces extremely unfair results.

As Attorney-General I certainly give in-principle support to the creation of a sentencing advisory council and will immediately commence work on developing the appropriate model for the introduction of a comprehensive legislative reform package in the spring sittings of Parliament this year.

Professor Freiberg also examined whether guideline judgments should be introduced in Victoria to promote consistency in sentencing and to guide other courts' sentencing penalties for particular crimes. The review states that guideline judgments can certainly provide a mechanism for broad community dialogue and about the purposes of sanctions, the range of appropriate sentences and their effectiveness.

In relation to guideline judgments the Court of Appeal, according to Professor Freiberg, would be assisted by the sentencing advisory council in its task of preparing guideline judgments, and this would significantly contribute to community safety by ensuring community input into the sentencing process.

The report states that there is some opposition to guideline judgments. Some sections of the legal profession and the judiciary do not support the proposal. I support in principle the creation of guideline judgments, and these too will be the subject of immediate work to establish the right mechanism by legislation for introduction in the spring sittings of Parliament.

Professor Freiberg's report also makes a series of recommendations which would alter the sentencing hierarchy by adding some new orders and refocusing existing ones, and all of those recommendations will be given serious consideration by the government.

The opposition has unfortunately been silent on the issue of sentencing despite the wide consultation by Professor Freiberg in relation to this issue. Not one submission — not one — was made by the opposition.

**The SPEAKER** — Order! I ask the Attorney-General to conclude his answer.

**Mr HULLS** — I conclude by reminding honourable members that the opposition members are divided, they are carping, they do not care, and I welcome Professor Freiberg's report. Not one submission!

**Dr Dean** — On a point of order, Mr Speaker, the Attorney-General is continuing to debate the question. You, Sir, have asked him to stop doing that and I would ask you to make sure that he either sits down or stops debating the question.

**The SPEAKER** — Order! I have already asked the Attorney-General to conclude his answer.

**Mr HULLS** — I welcome the report of Professor Freiberg. I thank him for his extensive work. We will continue to seek the views of the community in relation to sentencing, and there will be a further consultation period of eight weeks in which time I hope that the opposition, in particular the shadow Attorney-General, will actually put pen to paper and make a submission.

**Wonthaggi and District Hospital**

**Ms DAVIES** (Gippsland West) — I refer the Minister for Health to his acknowledgment in June 2001 that the waiting time for public dental treatment at

the Wonthaggi and District Hospital was 26 months and his announced measures to decrease that waiting time. By 16 January 2002 the waiting time for public dental treatment at Wonthaggi had blown out to an unacceptable 32 months. I ask the minister to give his assurance that waiting times for public dental services at Wonthaggi hospital will be significantly and effectively reduced within the next couple of months.

**Mr THWAITES** (Minister for Health) — I thank the honourable member for Gippsland West for her question and for her continuing concern about public dental patients in her electorate. Certainly there has been a major problem with dental waiting lists ever since the commonwealth government took away all funding for public dental — —

*Honourable members interjecting.*

**Mr THWAITES** — Instead of being negative and carping, opposition members should take the positive step of speaking to their coalition colleagues in Canberra and ensuring that they do in fact put adequate funds into — —

**Dr Napthine** — On a point of order, Mr Speaker, the Minister for Health is clearly debating the issue. Clearly public dental patients are losing under Labor in Wonthaggi.

**The SPEAKER** — Order! The latter part of that point of order is clearly out of order. The Minister for Health, answering the question.

**Mr THWAITES** — Unlike the Liberal Party and the federal coalition, we are boosting funding for public dental services, and in Wonthaggi there has been an increase in funding from \$273 400 in 1998–99 under the previous government to \$332 700 in this financial year. That is a 22 per cent increase. In relation to public dental funding in Gippsland generally, I advise the house that there has been a 37 per cent increase. However, Wonthaggi has had particular difficulties in relation to attracting dentists to Gippsland. Given those difficulties I am now proposing a rural incentive program that will encourage health professionals, including dental professionals, to areas such as Gippsland.

In addition I will be seeking the possibility of patients who are on the Wonthaggi waiting list, where there is a longer waiting period and where we have a shortage of dentists, having the opportunity to transfer to the lists of other dentists nearby, where there are shorter waiting periods. I will be very happy to discuss the details of that with the honourable member, who has shown a

strong and passionate interest in the needs of public dental patients in her electorate.

### **Workcover: conciliation appointments**

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Premier once again to the small number of Workcover conciliation jobs that were offered last year, and I ask: was another successful candidate selected from the almost 300 applications a Mr Chris Beattie, and is he the same Chris Beattie who is the husband of the honourable member for Tullamarine?

**Mr BRACKS** (Premier) — Mr Speaker, as I indicated previously, it comes as no surprise to me to know that the sort of people who are sought for this area included employers and unionists. I understand that Mr Chris Beattie has a union background also and that it is very appropriate that he is employed in this position.

Let me make a few points to the Leader of the Opposition. These positions were of course filled independently, on merit. Because someone happens to be related to a member of Parliament does not preclude them from applying on merit for a position and gaining that position on merit. That has happened in the past on all sides of the Parliament in all periods of government and in opposition, Mr Speaker. It is also useful to note that people in that unit and area also come from the Victorian Employers Chamber of Commerce and Industry and other areas which are also relevant backgrounds for those positions.

### **Police: numbers and building program**

**Ms LINDELL** (Carrum) — Will the Minister for Police and Emergency Services advise the house how the government is improving community safety by increasing the number of police and police stations and explain how this will turn around the appalling state of policing under the Kennett government?

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I congratulate the honourable member for Carrum on her question and her strong interest in policing and law and order issues in this state, and particularly in getting the Mordialloc police station built, which honourable members opposite, when they were in government, moved not one grain of sand or one brick for. So the honourable member for Carrum can take a great deal of credit for and satisfaction in that.

The Premier highlighted how the previous government came into office promising 1000 extra police, but it actually cut 800. It is worse than that: in the 1999

budget, under pressure from the public, it decided it had better promise 400 extra police. That is only half of what it took out, but it promised another 400 police. But what happened between the 1999 budget and when the Labor government came into office? They lost another 200 police. They promised 1000 and cut 800; they then promised 400 and cut 200. So there is a bit of a pattern emerging here!

Recently they have been bandying about this notion that the number of police under this government has gone down by 20. I have certified figures from Victoria Police that show that the increase in numbers from the day this government came to office to today is over 700. So these people have surrendered the right to be believed. Who would you believe, Mr Speaker — Victoria Police or them?

I do not believe one word from them because they have deceived the public three times already and will continue to do it. They have surrendered the right to be believed on police numbers and on any law-and-order issue. We are delivering and shortly we will be graduating through the academy the 800th police officer who has come into the force since the government came to office.

We have a crisis of believability. They are about as believable on police numbers as Senator Bill Heffernan is on judges; and when you take in the babies overboard scam, we have a pattern of deceit of the Australian electorate.

**The SPEAKER** — Order! I ask the Minister for Police and Emergency Services to come back to answering the question.

**Mr HAERMEYER** — On the issue of police stations — —

**Dr Napthine** interjected.

**Mr HAERMEYER** — You want to talk about Diamond Creek? We have a site in Main Street, Diamond Creek.

**The SPEAKER** — Order! I ask the Leader of the Opposition to cease interrupting.

**Mr HAERMEYER** — That was a dorky question, wasn't it?

**The SPEAKER** — Order! The Leader of the Opposition is not assisting proceedings. The minister should not respond to interjections.

**Mr HAERMEYER** — I will try not to, Mr Speaker, but I was enjoying myself. The other thing the previous government did was have a strategic facilities development plan which entailed the closure of 34 police stations across the state — at Drysdale, Portarlington, Monbulk, Olinda, Hurstbridge, Kew and Murrumbeena — but there was not a word from honourable members opposite! Those police stations will be either saved or replaced by police stations in the same locations by this government.

**Dr Napthine** — On a point of order, Mr Speaker, clearly the minister is in a mythical kingdom, and I ask you to bring him back to answering the question rather than debating the issue.

**The SPEAKER** — Order! I ask the minister to cease debating the question and to come back to answering it.

**Mr HAERMEYER** — I was simply referring to the strategic facilities development plan of the previous government for Victoria Police. This government is building 17 new 24-hour police stations, and Preston and Northcote police stations, the worst in the state, are being replaced — work that is long overdue on stations neglected by the previous government. Also on the list are the Bacchus Marsh and Gisborne stations — and I congratulate the honourable member for Gisborne — and the Seymour and Kilmore stations — and I congratulate the honourable member for Seymour.

It is happening not just in Labor electorates — the government is even building one in Bellarine — yet two weeks ago the honourable member for Evelyn got up in this house and said it is pork-barrelling! We are building a 24-hour police station — —

**Mr Perton** — On a point of order, Mr Speaker, the minister is in violation of your previous ruling in respect of debating the question, and is in violation of your guideline in respect of succinctness.

**The SPEAKER** — Order! I uphold the point of order that the minister is debating the question. I ask him to conclude his answer.

**Mr HAERMEYER** — With respect, Mr Speaker, I was referring to the building program of this government for police stations, which I was asked about. The Leader of the Opposition asked about Diamond Creek. Site construction there will be starting this year. The previous government was going to close Hurstbridge nearby, but this government will not do that.

What about Rowville in the electorate of the honourable member for Wantirna? He said that the police station was not needed, but the government will build it. What about Belgrave? We have heard not a word from the honourable member for Monbulk, but that police station will be built — no thanks to the honourable member for Monbulk!

I am also pleased to announce to the house that the government will proceed with the Endeavour Hills police station, despite the efforts of the honourable member for Berwick, who has opposed it actively at every point.

We are building 17 new 24-hour police stations, with 32 police stations in smaller country communities. It is the biggest building program of police stations in history. Unlike what the previous government did, and unlike the situation with the Dunolly police station, those we build will not be pubs with no beer!

### **Workcover: conciliation appointments**

**Dr NAPTHINE** (Leader of the Opposition) — I refer the Minister for Workcover to the small number of Workcover conciliation jobs that were offered last year, jobs that attracted almost 300 applications and were personally appointed by the minister. Was another successful application selected from almost 300 applications a Bruce Willey, and is this the same Bruce Willey who is the Premier's brother-in-law?

**Mr CAMERON** (Minister for Workcover) — The government seeks to appoint good and competent people to positions. Certainly that has been the case in Workcover. Why have we had to do that with Workcover? Because we inherited a scheme that was out of control. During the last term of the Kennett government every year we heard that the funding ratio would go up, but every year we had loss, loss, loss! We inherited from the Kennett government, and as a result of the Howard government, over \$1 billion in Liberal liabilities.

**Mr Rowe** — On a point of order, Mr Speaker, the minister is debating the question, which was in relation to the appointment of a member to Workcover, not the running of Workcover losses.

**The SPEAKER** — Order! I am not prepared to uphold the point of order. The minister had just commenced his answer.

**Mr CAMERON** — We have had to appoint good and competent people, whether in the dispute regulations area or on the board, with people like John Harvey and Paul Barker; and it has had to be the case in

senior management, with people like Bill Mountford and the senior management team. We appointed competent people as conciliators. I will tell the house how the process worked. There were over 250 applications, and 4 women and 4 men were appointed. They came from different and diverse backgrounds, but they all came from backgrounds where they knew the Workcover system. I do not know if Mr Willey has a relationship to the Premier, but I can tell the house that he came through the process because he was a good and competent person — as were the other people appointed — so we can improve the Workcover system, so we can continue to turn it around, so we can have a better dispute resolution system and, more generally, so we can continue to improve the funding position, because we have made a difference of half a billion dollars in the last year.

### **Prisons: beds**

**Mr ROBINSON** (Mitcham) — Will the Minister for Corrections inform the house of the government's latest action in addressing the inadequate number and standard of beds in Victorian prisons in helping turn around the inadequate prison system that was operating under the Kennett government?

**Mr HAERMEYER** (Minister for Corrections) — In the last years of the previous government the prison population in this state increased by about one-third. Do honourable members know how many net extra prison beds that government created over its term in government? The figure was 100! In the process, yes, it built three private prisons, but it also closed a number of prisons, including Sale, Morwell River, Pentridge, the Metropolitan Reception Prison and Fairlea. A net 100 additional prison beds! And people wonder why the prison system is overcrowded.

That government also cut funding to community corrections — and people wonder why more and more people are ending up with prison sentences.

They also neglected drug treatment and rehabilitation. Where do people end up if they cannot get community-based drug treatment and rehabilitation? I commend the Minister for Health for his alleviation of this problem, because the waiting lists have shrunk dramatically, but these people also end up in prison. So what we had was overcrowded prisons, and prisoners overflowing into police cells.

This government has undertaken a \$400 million revamp of our corrections system — the biggest ever undertaken — with 357 beds in the first budget, including additional beds at Barwon, Loddon, Fulham

and the Dame Phyllis Frost Centre. We have also increased the size of Ararat and Langi Kal Kal. We are building three new prisons: a 600-bed remand prison and a 300-bed programs prison to be built here in Melbourne as well as a 120-bed new prison to replace the old Beechworth facility. All of these prisons will be delivered on time by late 2004, with a net outcome of 1100 additional prison beds being provided in this state.

We are also providing a significant revamp of our once excellent community corrections system, which will relieve pressure on our prison system to the tune of some 600 beds. That is also good sense because what we are doing is taking the lower order offenders and dealing with them through community corrections. We are restoring the faith of magistrates in the community corrections system by increasing the level of supervision, which the previous lot allowed to languish. By not sending these people to prison we are actually increasing tenfold the likelihood of their successful rehabilitation. It also makes good economic sense. It costs \$55 000 a year to keep someone in the prison system, compared to about \$10 000 to \$20 000 a year — —

**Mr McArthur** — On a point of order, Mr Speaker, I draw to your attention sessional order 3, which refers to succinctness. It is clear the minister is now embarking on a ministerial statement. The government has already advised the opposition that it intends to make a ministerial statement on Thursday. If that is the one the minister is now making, we are happy to debate it right now, but in question time he should be succinct.

**The SPEAKER** — Order! I do not uphold the point of order. I do not believe the minister was infringing against sessional order 3. I will continue to hear him.

**Mr HAERMEYER** — As I was saying, it costs \$55 000 a year for a prison bed and \$10 000 to \$20 000 a year to keep somebody in and properly work them through community corrections, which makes good sense because they are less likely to reoffend. So it is good correctional policy, and I think it will ultimately bring about a lower crime rate, but what we are also talking about is good economic policy. Victoria is and remains the safest state in Australia by a country mile.

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

## PETITIONS

**The Clerk** — I have received the following petitions for presentation to Parliament:

### **Albury-Wodonga: council merger**

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth that the minority Labor government has moved to amalgamate Wodonga City Council (Victoria) and Albury City Council (New South Wales) without justification or proper inquiry, and without a referendum of the citizens of Wodonga.

Your petitioners therefore pray that the minority Labor government conduct a compulsory referendum of citizens of Wodonga enrolled on the state electoral roll, to vote on whether or not such amalgamation takes place, the government to be bound by the result of such referendum.

And your petitioners, as in duty bound, will ever pray.

**By Mr PLOWMAN (Benambra) (6751 signatures)**

### **Police: Leongatha station**

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria express their strong support for the urgent construction of a new and more appropriate police station, resources and facilities in the town of Leongatha.

Your petitioners therefore pray that the Victorian government will as a matter of urgency make sufficient funds, resources and support available to enable the Leongatha police station to be operational 24 hours per day, seven days per week.

And your petitioners, as in duty bound, will ever pray.

**By Mr RYAN (Gippsland South) (2519 signatures)**

### **Bena-Kongwak Road, Bena: safety**

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth that on the Bena-Kongwak Road in the locality of Bena there exists an unsafe road situation involving a timber road-over-rail bridge and a substandard road alignment on one of the bridge approaches. This alignment is such that there is restricted visibility for approaching traffic. The existing bridge is only a single lane in width, carries a relatively high volume of heavy vehicles, and is in need of repair.

Council has allocated a certain level of funding towards the realignment of the road and Victrack has offered to contribute some funds towards the project, however these committed funds fall short of the total needed to complete the required works.

Your petitioners therefore pray that sufficient funding be allocated to allow the construction of a new two-lane road-over-rail bridge on the Bena-Kongwak Road within the South Gippsland shire.

And your petitioners, as in duty bound, will ever pray.

By Ms DAVIES (Gippsland West) (380 signatures)

Laid on table.

Ordered that petition presented by honourable member for Benambra be considered next day on motion of Mr PLOWMAN (Benambra).

Ordered that petition presented by honourable member for Gippsland West be considered next day on motion of Ms DAVIES (Gippsland West).

Ordered that petition presented by the honourable member for Gippsland South be considered next day on motion of Mr RYAN (Gippsland South).

## ROAD SAFETY COMMITTEE

### Rural road safety and infrastructure

Mr LANGDON (Ivanhoe) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 2*

Ms GILLETT (Werribee) presented *Alert Digest No. 2* of 2002 on:

Constitution (Governor's Salary) Bill  
Corporations (Financial Services Reform Amendments) Bill  
Electricity Industry (Amendment) Bill  
Statute Law (Further Revision) Bill

together with appendices.

Laid on table.

Ordered to be printed.

### Statute Law (Further Revision) Bill

Ms GILLETT (Werribee) presented report, together with appendix.

Laid on table.

Ordered to be printed.

## Annual review

Ms GILLETT (Werribee) presented review for 2001, together with appendices.

Laid on table.

Ordered to be printed.

## Members privacy code

Mr CARLI (Coburg) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

## BLF CUSTODIAN

### 54th report

The SPEAKER presented report given to him pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.

Laid on table.

Ordered to be printed.

## COUNCIL OF MAGISTRATES

### Annual report

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2000–01.

Laid on table.

Ordered to be printed.

## PAPERS

Laid on table by Clerk:

East Grampians Health Service — Report for the year 2000–01 (two papers)

*Financial Management Act 1994* — Budget Sector — Mid Year Financial Report incorporating the Quarterly Financial Report for the period ended 31 December 2001

Municipal Association of Victoria and Civic Mutual Plus — Report for the year 2000–01 (two papers)

National Environment Protection Council — Report for the year 2000–01

*Planning and Environment Act 1987* — Notices of approval of amendments to the following planning schemes:

Cardinia Planning Scheme — No. C19  
 Delatite Planning Scheme — No. C17  
 Greater Geelong Planning Scheme — No. C39  
 Kingston Planning Scheme — No. C23  
 Loddon Planning Scheme — No. C7  
 Manningham Planning Scheme — Nos C4, C23  
 Maribymong Planning Scheme — No. C26  
 Mitchell Planning Scheme — Nos C21, C23  
 Monash Planning Scheme — No. C30  
 Moreland Planning Scheme — No. C5  
 Wyndham Planning Scheme — No. C33  
 Yarra Planning Scheme — No. C33

*Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Welfare of Horses at Horse Hire Establishments

Statutory Rules under the following Acts:

Cancer Act 1958 — SR No. 16  
 Evidence Act 1958 — SR No. 13  
 Health Services Act 1988 — SR No. 15  
 Reference Areas Act 1978 — SR No. 14  
 Road Safety Act 1986 — SR No. 12

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule No. 13

Ministers' exemption certificates in relation to Statutory Rule Nos 12, 14, 15, 16

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

*Health Records Act 2001* — Sections 7, 8, 13 to 17, 19, 85, 86 (except sub-section (1)), 93, 95 to 99, 103(1), 103(2) (except paragraphs (a) and (c)), 109, 111 (1) and Schedule 1 on 1 March 2002 (*Gazette G9, 28 February 2002*)

*Melbourne City Link (Miscellaneous Amendments) Act 2000* — Sections 4(2), 14, 22, 23, 33, 34, 38, 39 and 40 on 1 March 2002 (*Gazette S37, 26 February 2002*)

*Wildlife (Amendment) Act 1990* — Remaining provisions on 28 February 2002 (*Gazette G9, 28 February 2002*).

## APPROPRIATION MESSAGE

Message read recommending appropriation for Constitution (Governor's Salary) Bill.

## NATIONAL POPULATION SUMMIT

Mr BRACKS (Premier) — By leave, I move:

That so much of standing orders and sessional orders be suspended on Wednesday, 20 March 2002 so as to allow —

- (1) This house to invite Mr Steve Vizard, Dr John Schubert, Mr Michael Krockenberger and Cr Ann Cox to attend on the floor of the house on Wednesday, 20 March 2002 at 9.30 a.m. immediately after the prayer and address the house on the issues raised at the national population summit 2002 and to remain on the floor of the house, save in the event of a division, until the conclusion of all addresses.
- (2) Mr Steve Vizard to address the house for a maximum of 20 minutes and the remaining guest speakers for a maximum of 10 minutes each.
- (3) At the conclusion of all such addresses there shall be debate on the motion 'That this house takes note of the comments made by the expert panel'.
- (4) The Speaker to put the question at 12 noon (or sooner if there be no further debate) and the time limits for the lead speakers from the government, opposition and third party will be 15 minutes each and, for all other speakers, 5 minutes. No amendment to the motion to be accepted by the Speaker.
- (5) After such question has been resolved the house will proceed with business as set out in sessional orders, save that the debate will be in lieu of the time for discussion of a matter of public importance due to be proposed by the government under sessional order 9. The order of business will be formal business, statements by members, oral questions (at the set time provided by sessional orders) and government business as set down on the notice paper.

Motion agreed to.

## BUSINESS OF THE HOUSE

### Program

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 21 March 2002:

Forensic Health Legislation (Amendment) Bill

Country Fire Authority (Miscellaneous Amendments) Bill — Amendments of the Legislative Council

House Contracts Guarantee (HIH Further Amendment) Bill — Suggested amendment of the Legislative Council

Judicial Remuneration Tribunal (Amendment) Bill — Message from the Legislative Council

Water (Irrigation Farm Dams) Bill — Message from the Legislative Council.

This government business program highlights the deliberate frustration by the upper house of the government's legislative program. Here we have four bills that have been either opposed or amended in the upper house — by political parties which, when they were last in government, rubber-stamped every single bit of legislation for seven and a half years! Here they are now, when there is a new government, pretending to be a house of review, but what they really want to do is delay and frustrate programs. That is what we are dealing with this week.

We have the Water (Irrigation Farm Dams) Bill — a bill that was rejected and that the Liberal Party members could not even agree among themselves what to do with. When you are a divided political party, what do you do? You oppose things and you do not deal with the hard issues. They rejected it and it is back here, and there will be more debate about that bill this week.

We have the issue of the House Contracts Guarantee (HIH Further Amendment) Bill. HIH collapsed and we wanted to protect people building homes. It is important to get that bill through, but again the bill has been frustrated and delayed in the upper house and it has come back here. That is not providing the sort of protection that is needed.

We have the Country Fire Authority (Miscellaneous Amendments) Bill. We have seen the huge fires in Sydney and we have been lucky to have avoided major fires in Victoria, yet this bill — which is about improving fire protection — was again frustrated by the opposition parties in the upper house. It is a shame that this week we are having to deal with four bills that have already gone through this house, but nonetheless the government is determined and committed to pursuing these bills.

It is important to raise this issue so that the public understands why we are redebating these important issues. But let it be understood that with this pretence of a house of review, with all sorts of inquiries going on in the upper house, really all the opposition parties are doing is playing politics, frustrating government and trying to slow down the legislative program. They have no-one else to blame but themselves.

**Mr McARTHUR** (Monbulk) — Well, well, well, what a nice little series of lies from a nice little failure of a minister. The former Minister for Major Projects — —

**Mr Pandazopoulos** — On a point of order, Mr Speaker, I take offence at the honourable member for Monbulk calling me a liar, and I ask him to withdraw.

**The SPEAKER** — Order! The minister has taken offence at the remarks uttered by the honourable member for Monbulk. I ask him to cooperate by withdrawing the remarks and not proceeding down that track.

**Mr McARTHUR** — Mr Speaker, as you well know, I pay careful attention to the procedures in this place. I did not call the minister a liar; I said that is a series of lies. I invite you to look at the rulings from the Chair over a number of years. It would be unparliamentary to say 'You are a liar', which I did not do, but it is not unparliamentary to say 'That is a lie'. I will demonstrate, in fact, that what the minister said was a series of lies and on that basis, no, Sir, I will not withdraw it.

**The SPEAKER** — Order! The honourable member for Monbulk correctly points out that no direct accusation was made at the minister and perhaps the Chair was hasty in asking for a withdrawal. But I should point out to the house that the house should be very cognisant of my decision on all occasions when such incidents arise.

**Mr McARTHUR** — As I was saying, the minister has just trotted out a series of lies. First up, he said that the Liberal Party opposed the farm dams legislation. Not true! It is a lie! We did not vote against the farm dams legislation; we put a series of eight amendments to it, four of which the government agreed to, one of which it agreed to in the terms of the National Party, and two we are debating still and we will continue to do so. Isn't it a dreadful thing for Parliament to actually debate legislation! Isn't it terrible that the other place should consider legislation in detail and send it back if the government gets it wrong — which is what it has done.

Secondly, the minister said that the proposed amendment to the Country Fire Authority legislation was aimed at improving firefighting. That is a lie too, because it is aimed at giving the minister direct control over the CFA board so that he can appoint two new members of his own choosing to the board. Another lie, Minister. This is the minister who, as Minister for Major Projects and Tourism, never turned a shovelful of dirt — he has not even built a country outhouse — yet he comes in here and tells us about his marvellous government business program. What is on it? Four sets of amendments from the upper house and one new bill!

This is the laziest government since the Second World War. Victoria truly is losing under Labor, under this minister and under that Premier, if he were here. There is nothing on the agenda, there is nothing on the program, there is no vision, there is no action and there is no activity, Minister, and you should stir yourself because your laziness will catch you out.

**The SPEAKER** — Order! The honourable member is now transgressing in making his remarks across the table to the minister. He should do so in the third person and through the Chair.

**Mr McARTHUR** — I accept your admonition, Mr Speaker. The minister should watch his laziness and his government's laziness because it will catch them out. They have no legislative program. We are dealing with four sets of amendments this week, which will be easily done, and we have one second-reading debate to deal with — that is, the Forensic Health Legislation (Amendment) Bill. Next week we will have three bills. There are four on the notice paper, but the government has publicly stated to the employer organisations that it will not be debating the Crimes (Workplace Deaths and Serious Injuries) Bill next week, so we will be left with three new bills to discuss.

We have just seen the government give notice of another four bills. One of them makes changes to some references to dates in the farm dams legislation. Hold the front page — that is really important! It may be technically required, but legislatively it is hardly high stakes.

This is a government with no program, no agenda, no initiative, no drive and no future. It is in total disarray. The left-wing unions are deserting it in droves, and the Greens are taking over its safe local council seats in the inner city. The honourable member for Richmond is in trouble, the honourable member for Melbourne is in trouble, the Pledge unions are pulling their funding, and the government has nothing to do in here. No wonder we are running stunts around this place. No wonder we — —

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

**Mr MAUGHAN** (Rodney) — The National Party will not be opposing the business program proposed by the government, but I wish to support the remarks made by the honourable member for Monbulk. I think this is a very lightweight business program. As the honourable member for Monbulk pointed out in his remarks, essentially we have four pieces of legislation with amendments coming back from the upper house. If we

really wanted to we could dispose of those very quickly. We have one bill of substance this week — the forensic health legislation — and as the honourable member for Monbulk pointed out, three bills, and three bills only, next week. Where is the reform program of this government? Where is it actually doing things? This Parliament has been sitting for more than two years now, and there has been no legislation of any real substance that has changed the direction of this state and gone on and done things. We have had lots of bits-and-pieces, mickey mouse legislation.

We are spending tomorrow morning talking about the national population summit. What is the significance of that to the state of Victoria, given all the other things that we could and should be doing? Where are all these major projects that this government was going to do? Why can we not talk more about education? Why can we not talk about the important issues affecting the environment?

Why will the government not talk about the timber industry and the problems that have been caused to our smaller country towns, which are literally going to close because of this government's failure to address the issue of the adequate supply of sawlogs? What about the hundreds of people who were out there protesting a couple of weeks ago? What about addressing some of those issues? What about addressing some of the real issues to do with the environment, including environmental flows in our rivers — for example, the Campaspe River? There are a whole range of issues in education. I have three issues right now that we could be talking about. This government, while talking about doing great things for education, is in fact cutting back on many of those programs.

There is a range of things we could and should be dealing with rather than talking about a population summit, which we in this house can do very little other than talk about. We have had a summit on population policy, which was interesting. Why are we wasting the time of this house on that? I will tell you why — because the government has nothing of substance in terms of legislation.

Government members rail against the upper house and how it is frustrating their program. I would argue that the upper house serves a very useful purpose in stopping stupid legislation. Good legislation will always get through the upper house, whichever party is in control. Look back through the record: good, sound legislation always gets through the upper house, whoever controls it. This talk about the upper house frustrating the government's business program is

absolute codswallop. It is part of this government's agenda to build up this rationale about the upper house being of no use at all so it can say, 'Let's get rid of it'. You can see the build-up to try and abolish the upper house.

The government business program is very light. I look forward to dealing with the farm dams legislation, because that certainly is very important to farmers throughout the state — and no more so than in northern Victoria, where irrigation water is the lifeblood of most of the towns that I represent, such as Cohuna, Echuca, Kyabram and Nathalia. In fact, it applies to the whole of the Goulburn Valley, including Shepparton and Numurkah.

As I said, the National Party will not be opposing the government's business program. However, if we put our minds to it and deal with the legislation we could knock off by tomorrow night and go home early. I suggest that may not be a bad thing, particularly with Easter coming up next week.

Again, we have a very light program. Traditionally we never sit on the Thursday before Easter, but this year we are because the Bracks government is trying to build up a notion that it is working hard. We are sitting so many days and so many hours, but it is mickey mouse stuff. I suggest that we deal with the government's business program as quickly as we can so that next week we might get through it by Wednesday night, knock off and all go home on Thursday to enjoy the Easter break.

**Ms ASHER (Brighton)** — The government business program fundamentally reflects the style of this government — that is, it is inadequate and lazy. What we see before us is one bill; we have an entire week to debate just one bill! This is not even the first sitting week of the Legislative Assembly. Instead, the government has chosen to list for debate four items which are about amendments coming from the Legislative Council, and one bill of its own.

I wish to comment on the reflections by the Minister for Gaming on the Legislative Council. Firstly, if he wishes to claim that the council is recalcitrant and blocking legislation he had better look at the figures. He will note that for every single bill the government has brought before these chambers of Parliament the upper house has said no to five. Work that one out! You could not work out major projects, but you might be able to work out a number or two!

**The SPEAKER** — Order! I ask the honourable member for Brighton to address her remarks through the Chair.

**Ms ASHER** — Only five have been rejected and the rest have all gone through. Quite frankly, these four amended bills coming before the Legislative Assembly are about improvements made to the legislation by the Liberal and National parties.

Secondly, I make the point that if the Minister for Gaming — —

**Ms Lindell** interjected.

**Ms ASHER** — My husband is free to vote whatever way he wants to. Your domestic arrangements may well be different, but in our house we are independent!

I now move on to take up the point made by the Minister for Gaming about the upper house. On the one hand the Labor Party vigorously claims that the Legislative Council should be a house of review.

**Mr Pandazopoulos** interjected.

**Ms ASHER** — Absolutely. The Minister for Gaming has just endorsed that, yet only 5 minutes ago the minister complained about the upper house making amendments to government bills. He cannot have it both ways.

**Mr Pandazopoulos** interjected.

**Ms ASHER** — He has just said yes, he can. However, there are some fundamental points of logic to address. If on the one hand the Labor Party wants to argue that the Legislative Council should perform a legitimate function as a house of review, it should not complain when amended and improved bills come back for further, brief discussion by this chamber.

My fundamental point is that this scant business program reflects the laziness of the Bracks government. It reflects its style: this is a do-nothing government. We have no major projects, no investment and no economic activity, but we do have 700 reviews. The government's business program reflects its do-nothing attitude. This is a government that is still rejoicing in its election in 1999. This is a government still in celebratory mode; this is a government still partying about its success in 1999. However, it has forgotten that it was elected to govern. It was elected to ensure that we have jobs in Victoria, it was elected to secure investment for Victoria, and it was elected to develop some major programs for Victoria. It was elected to do a range of major things. In short, it was elected to

govern — and that is what it is not doing. It is occupying office, but we are seeing nothing but inertia.

We have an appalling government business program before the house — one new bill — that is completely reflective of a do-nothing government. Victoria is losing under Labor!

**Mr LANGDON** (Ivanhoe) — It is with reluctance that I join this debate, because there are such important bills to get on to. I have listened to the diatribe from the other side. The honourable member for Brighton has said the Bracks government is a no-investment, do-nothing government with no major projects. I invite her to come to my electorate, stand in front of the Austin hospital and tell the public that the Bracks government is a do-nothing government with no major projects. I do not know what \$325 million means to the opposition, but to the government and the electorate of Ivanhoe it means a lot of money with a lot of effort going into resources.

The honourable member for Brighton obviously does not know what is happening in Victoria. I do not like commenting on interjections, but I heard the honourable member for Carrum saying that if the honourable member for Brighton moved outside her electorate she might see what was happening. Clearly the honourable member for Carrum is correct in saying the honourable member for Brighton should get out and see what is happening in the real world. As I said, Ivanhoe is a prime example, with the Austin hospital being a major development.

I also wish to comment on the contribution of the honourable member for Rodney, who is not in the chamber at the moment. He was speaking about farm dams, which, if I recall correctly, took up an enormous amount of the house's time during the spring session. The Deputy Speaker, the honourable member for Essendon, is in the chamber, and she sat in the Chair endlessly hearing about farm dams. This week a whole day has been allocated to them. I am not sure if that is enough time for the honourable member for Benalla and others to get their thoughts out. The National and Liberal parties — —

**Mr Doyle** — Don't you mean Benambra, or did you mean Benalla? I agree with you — —

**The SPEAKER** — Order! The honourable member for Malvern!

**Mr LANGDON** — I take your point.

Clearly the National Party and the Liberal Party have been at complete and utter odds, and that is what has happened in the upper house.

The honourable member for Rodney said that the upper house has not been obstructionist or opposed bills. Why are the four bills back here if it has not opposed them? Why are they back in the Legislative Assembly? The government tried to protect people insured under HIH through the HIH Insurance bill, but that bill has been delayed by the upper house.

**Mrs Peulich** interjected.

**Mr LANGDON** — H-I-H. See, I got that one right! Clearly the opposition has been obstructive. I have heard all sorts of wails of woe about the upper house being a house of review. I can remember the seven years under the Kennett government — and I was not here for the whole seven of them — —

*Honourable members interjecting.*

**Mr LANGDON** — I certainly enjoyed 1996 onwards! I cannot recall one bill coming back from the upper house in that time — —

**An honourable member** interjected.

**Mr LANGDON** — Surely not! Surely the house of review would review bills of governments from both sides, not just the Bracks Labor government. This upper house likes being obstructionist. It is clearly the reason why we are spending time debating the bills it returns. If it had not rejected and returned them, the bills would now be legislation.

The government has had to bring in another farms dams bill — notice of that has been given today — to correct the delay in the passage of the farms dams legislation. This farce is happening because of the upper house and the practices of its members.

I commend and fully support the government's legislative program. I am certain government members will speak at length on those bills. I am sure opposition members will join us and again give their reasons for rejecting the bills rather than just letting the upper house do it. If they have the mettle to reject the bills, they should come into the house and tell us why.

**Mr INGRAM** (Gippsland East) — Like other honourable members I support the business agenda. This week we should nearly get through the program, and because of that I will nearly have enough time today to talk about what is coming up!

One bill is new, and the program will also give us the opportunity to discuss some of the bills that have come back from the upper house. It has been an interesting debate. While I was listening I cast my mind back to when the house debated the bill on reform of the upper house. I thought we were having the same debate, because the discussion has been about the house of review and how it operates. We could nearly allocate a bit more time to discussing that. That would be a good idea.

Like the spokesman for the National Party, I think we could allocate some time to discussing a number of matters such as the crippling impact of public liability insurance on country Victorians, community groups and small businesses. We could discuss why there has not been an agreement on the corporatisation of the Snowy River. We could almost discuss public liability insurance when the amendments to the HIH Insurance bill come on. We could also discuss what has happened with the irrigation of farm dams bill. I am sure that every honourable member would love to have a really good discussion about that, because — —

**Mr McArthur** interjected.

**Mr INGRAM** — I could talk about the Snowy River, yes. I should not take up interjections, but I think we can get through the agenda this week, so I support the program.

Maybe we should be discussing the sessional orders. We could debate them on Thursday morning to see what could be done. We could also discuss the motion that the honourable member for Monbulk has on the notice paper. We could also discuss notice of motion 27 in the name of the honourable member for Mildura. So there are a number of matters on the notice paper that could be discussed, and they would be good debates for this week.

**Mr DOYLE** (Malvern) — It is something of a pleasure to debate against the second XI over there. The Leader of the House is not even here to propose the government business program; instead the Minister for Tourism proposed it. Listening to him and the contribution since from the honourable member for Ivanhoe, I believe they must both be on some sort of trip.

They have complained that there are four bills that have come back with amendments by the upper house. Let's for a moment say that those bills were not in the house. If they were not here, what would honourable members debate? The answer is nothing. The only new bill on the government business program, which I look forward to

speaking on, is the Forensic Health Legislation (Amendment) Bill. We could not go on with that bill, because immediately preceding this debate the Minister for Health rose in his place and moved to give an instruction to the committee that he was making an addition to the bill. In other words he said that tomorrow he will move that it be an instruction to the committee that it has the power to consider amendments and new clauses to the Forensic Health Legislation (Amendment) Bill, which he went on to detail.

Under the rules of the house that means we cannot even debate the one new bill that the government has on the program until it circulates the amendments — which it has not yet done.

So the other side should thank the upper house for bringing in the only four matters which can now be gone on with. The government's own single bill, which it brought in this week, cannot be debated because the government has not circulated the amendments. Government members come in here and tell the house that it is so handwringingly awful that the upper house has provided the business program. But the government should thank the upper house, because without it the government would not have a program. We would not have to support this paucity of bills and debating the amendments from the upper house because the government would have nothing to go on with. That is a hallmark of the government, and it could almost be its motto — 'Nothing to go on with'. Isn't that sensational!

Government members come in here and cry crocodile tears about four bills from the upper house they are going to debate and say, 'We should be getting on with our program'. Even if we did not have those four bills the truth is that, given the forms of this house, they would not even be able to debate the single bill that is before the house. This is farcical. Of course the opposition will support this government business program but we will not sit and listen to that litany of excuses from the other side about the upper house and the business program and those po-faced excuses about the business of the house when the reality is the government has one bill which could not even proceed in debate.

The truth is that the minister proposing this government business program was the minister for no major projects; he now has a new title: he is the minister for no government business.

**Mr HARDMAN** (Seymour) — I support the agenda of the government for this week because I think the legislation coming before this house this week is very

important. The farm dams project, as the shadow Minister for Agriculture knows, is very important for the whole of the state. It is important for many major projects and developments to go on throughout this state, as the shadow Minister for Agriculture knows. There are many major projects within the Seymour electorate: \$7 million for divisional headquarters for the Seymour police station; \$4 million for a new 24-hour police station in Kilmore — they have not had one there before; and a new police station in Kinglake — only over half a million dollars, but a very important landmark decision by the Bracks government to put that station there. They are the kinds of major projects that are happening around my electorate.

I believe this government's agenda is a progressive reform agenda. We have changed many things. We are turning Victoria around. We are making education, health and police our major issues. Our major projects are moving forward. As for the HIH builders insurance, many contractors have come to me about the problems they were having with getting public liability insurance, which is a really important issue. Our government is getting on with the job, turning Victoria around. With the Country Fire Authority, obviously there has been just a little bit of political work by the Liberal Party in the upper house trying to make the mates thing carry on, but it is not true. I have spoken to CFA volunteers out there. They know the Liberal Party is just telling a lot of pork pies around the electorate about this piece of legislation.

**The SPEAKER** — Order! The honourable member's time has expired. The time set down for this debate has also expired.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Minister for Finance: leaflet

**Mr McARTHUR** (Monbulk) — I draw to the attention of the house the appalling sense of geography of the honourable member for Dandenong North, the Minister for Finance — John Lenders, MP. A friend of mine who lives just off Highbury Road in Mount Waverley received in the letterbox this week a piece of what I suppose you would call propaganda headed with the name of the Honourable John Lenders, MP, which says:

As your local state Labor member of Parliament, it's my job to provide you with the help you need.

It goes on to talk about the things that he offers help with and gives a contact number. As I pointed out, this was delivered to a letterbox in Mount Waverley, just near Highbury Road. The honourable member is the member for Dandenong North. The closest point that Dandenong North comes to that part of Mount Waverley is at the corner of Monash Freeway and Springvale Road — 6 kilometres as the crow flies from that area of Mount Waverley.

There are closer Labor members. The honourable member for Oakleigh is a bit closer; the honourable member for Burwood is a closer local Labor member, but it ain't the honourable member for Dandenong North! His electorate is nowhere near Mount Waverley. The leaflet has the parliamentary crest on it and it is coloured green, the lower house colour; but I suppose it is some indication of the honourable member's upper house aspirations. I think it might almost fall within the new boundaries of Waverley Province, which is something the honourable member for Dandenong North hopes to assume at the next election, and he is running around telling the punters in Mount Waverley that he is their local Labor member. Well, he is mistaken. He is either lost or dreadfully mistaken. It is a long, long way from Dandenong North, baby, to Mount Waverley, and you need to know it.

This is lunacy at its best, Mr Speaker. You can understand that the honourable member is shaken and confused because he has just had the heady rush of being appointed to cabinet and he is really wondering what he needs to do to fix up the mess left by his predecessor, but 6 kilometres away —

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

### *Threepence a Book and Other Stories from Moonee Valley*

**Mrs MADDIGAN** (Essendon) — I congratulate the Wingate Avenue Community Centre and the Wingate Avenue Over 50s Club for their contribution to their great publication *Threepence a Book and Other Stories from Moonee Valley*, which they produced as a centenary of Federation project. This book is a great record of some of the interesting historical stories in Essendon. It was organised by the staff and community who live at the Ascot Vale housing estate and was published also at the Royal Melbourne Showgrounds, so it is very strongly an Ascot Vale book.

Members of the committee who made a contribution to this project include Justin Chubb, Geraldine Rayner, Mia Trujillo, Sharon Beaumont, Nessie McKenzie,

Elaine Brogan, Jan Barrett, Barbara Chalkey, Reverend Peter Horman and Margaret Rutherford. There are some great stories in here, some of which have the most intriguing titles such as ‘The Lost Nickers Episode’, ‘Bargains are for Everyone’ and ‘After a Race is Run, the Work Continues’ — I put that in especially for the honourable member for Mitcham — they are great stories about life in Essendon.

The book also covers some of the things that the area almost lost. There is one story about the closure of the Ascot Vale library; we recall the commissioners under the previous Liberal government attempted to close that library, but strong action by the residents managed to save it. The book is a great read. It covers a whole range of people in the Essendon community who have made contributions to it, and the efforts of the people involved, particularly at Ascot Vale, are very much to be admired. It is on sale at the Ascot Vale Wingate Community Centre for \$15, a very cheap buy, and I recommend it to all members.

### **Police: Leongatha station**

**Mr RYAN** (Leader of the National Party) — During question time today we had the Minister for Police and Emergency Services chirping away about the 17 new 24-hour police stations to be built in Victoria over this next budgetary period. In fact we need 18, and the 18th is to be built at Leongatha. The purpose of my raising this issue is to support a petition which I tabled today in the name of 2500 people from the Leongatha region who made a plea to Parliament through the minister to enable a new police station to be built at Leongatha and to have that police stations operate on a 24-hour basis.

As you would know, Mr Speaker, Leongatha is one of the absolute powerhouse centres in the state. It is not only in its own right a very strong location but it attracts a lot of people to the area, particularly from a tourism perspective. It is the gateway from the west for those who want to go down to Wilsons Promontory. Over the holiday season, accordingly, there are many people in the region. That in turn inflates the numbers of those who usually live in the area as a matter of general course.

We need the minister to come to the police station and see the facility for himself and then decisions can be made about this very important issue. The local media are strongly supportive of it in the form of Richard Schmeiszl from the *South Gippsland Times* and Michael Giles of the Leongatha *Greater Southern Star*. We need this to happen and to happen soon because there is an urgent need for a new police station operating on a 24-hour basis in Leongatha.

### **Safiya Yakubu Hussaini**

**Mr LANGUILLER** (Sunshine) — Today I wish to put on record my support for Amnesty International’s public campaign to save the life of Safiya Yakubu Hussaini, who is only about 30 years of age. She is a resident of the city of Tungar-Tudu in Sokoto, Nigeria. This young woman happens to be a widow who subsequently became pregnant. It is my understanding that a sharia court in the city of Sokoto has found her guilty of adultery and has condemned her to death. It is further my understanding through Amnesty International campaigns that this young woman will be buried to her waist and subsequently stoned to death.

I urge all members to take serious action by way of writing to the Nigerian ambassador and to the Nigerian Parliament pleading that the life of this woman be saved. Nigeria was a signatory to the last agreement and United Nations convention on the use of torture and other methods of that type. It is put upon us as legislators of Australia, a country which has a very proud record in human rights, to play a very active role in saving the life of this woman.

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

### **Frankston Hospital**

**Ms McCALL** (Frankston) — I place on record my absolute astonishment at the receipt of a letter from the then part-time Minister for Health last December. I have never in my life received such a letter, and I hope most of us in this chamber would never receive a similar letter from a minister of the Crown, which I can only describe as puerile, petulant, patronising and pathetic. I will read a couple of sentences:

... I am extremely pleased that you are now interested in the health portfolio ... despite your attempts to denigrate the system they —

here the minister is referring to Frankston Hospital —

will continue to provide excellent patient care.

Although I am delighted that the government has now recognised that this is quite an important issue, I am astonished that the now full-time Minister for Health had no idea of the amount of times that the honourable member for Frankston — long may she continue! — had stood in this chamber and spoken about Frankston Hospital, lobbying extensively and gaining over \$35 million for Frankston Hospital during the previous government. So the minister’s turning around and saying ‘despite your attempts to denigrate the system’ shows that he needs to employ some more

bureaucrats in his office — and probably more than he already has!

I refer to a letter I received from the then chairman of the Peninsula Health Network:

Andrea has been a strong supporter of the Frankston Hospital and most helpful in — —

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

### **Mentone Track and Field Centre**

**Ms LINDELL** (Carrum) — I would like the house to take note of and join with me in congratulating the Mentone Track and Field Centre, and its committee of management, which has managed to realise the revitalisation of the athletics track at Dolamore Oval. This has been a wonderful example of a community rallying its forces with the local council and the state government to see a tremendous community result. The committee is made up of representatives of the Mentone Little Athletics Club, the Mentone Veterans Athletics Club and the Mentone Athletics Club.

The eight people on the committee — Andrew Farr, Garry Spencer, Duncan McKellar, Ted McCoy, Michael Johnston, Geoff Barrow, Marlene Gourlay and Justin Hanrahan — put in a tremendous effort that resulted in combined funding of \$365 000 for a new track at the Dolamore Oval, which is home to a world record set by Ron Clarke. It is a terrific result from my local community that will provide a training facility of excellent quality, and I congratulate the committee on its efforts.

### **Justice Michael Kirby**

**Dr DEAN** (Berwick) — I wrote these words last week, and this is the first opportunity I have had after the two-week adjournment to make this statement. I am greatly concerned by the use of Parliament made by Senator Heffernan to broadcast allegations already rejected by the proper authorities concerning Justice Kirby. I agree with Daryl Williams, the federal Attorney-General, that Justice Kirby is a brilliant lawyer and a courageous man. His courage is evidenced not only in his personal life but by his judgments, first in his capacity as President of the New South Wales Court of Appeal and then as a member of the High Court. He is a man of high integrity who has weathered unfounded attacks with dignity and strength. He has worked tirelessly to apply his considerable intellect and legal skills to the service of the Australian community — whether it be in foreign affairs, in law reform or in his judgments.

His judgments in the High Court exhibit a refreshing confidence born of his ability to see not only the present but the future, as well as his belief, which I share, that neither the vitality of common law nor equity is dead. He has always had and retains my confidence and respect. The use of parliamentary privilege is a privilege of last resort, necessary in cases where corruption or some other factor has caused a breakdown in the proper authorities. Save for access to the federal Ombudsman, ordinary citizens do not have recourse to pursue criminal allegations or vendettas already rejected by the appropriate authorities — nor do parliamentarians. How Senator Heffernan can go about undoing the damage to Justice Kirby, I do not know.

### **Emergency services: volunteers**

**Mr HARDMAN** (Seymour) — I rise to congratulate the more than 600 Country Fire Authority (CFA) volunteers, Department of Natural Resources and Environment (DNRE) firefighters, police and other emergency service personnel who joined with local services throughout last night to protect the townships of and properties between Puckapunyal, Tallarook, Seymour and Broadford. I believe the fire had burned up to 6100 hectares overnight, including a number of outbuildings and sheds. At least one house and 1000 sheep have been lost. Given the area that was burnt it is amazing that even more damage was not done. A lot of the credit for this must go to the professionalism of the services personnel, who banded together to prevent further loss and damage to property and stock.

The crews of the 100 CFA and DNRE vehicles and trucks worked all night on this fire. The last time I was informed — this morning — fresh crews were being deployed to take over in the area. As well as this, six aircraft were utilised to fight the fire up until dark last night, and then they came back again this morning to start again with the light. So once again, on behalf of the members of these communities I thank all those involved for their courage and selflessness and for attending to the protection of life and property in the Seymour area. It has been a great privilege to have them look after us, and it was a great thing to see them at work last night.

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

### **St Vincent's Hospital**

**Mr ROWE** (Cranbourne) — I place on the record my gratitude and that of my wife to the staff of St Vincent's Hospital for the safe arrival of my daughter, Denise Anne, who was born at St Vincent's

on Sunday, 10 March, at 9.07 a.m. after many hours of sleeplessness on my part. I survived the labour quite well, actually! I would also like to thank Dr Michael Gronow, who looked after Maria during her confinement, and also Dr Guy Skinner, who attended before the delivery on the night. I also thank the excellent midwifery staff at St Vincent's, who were kind, caring, understanding and compassionate towards me, providing me with sustenance so that I was not the one passing out on the floor.

Madam Acting Speaker, they certainly looked after Maria very well and provided great after-care service. Both the full-time staff and the excellent agency staff were a credit to their profession. All nurses in the state of Victoria, I am sure, give similar service and care to all of their patients. I once again thank St Vincent's, the nursing staff and the doctors.

**The ACTING SPEAKER (Ms Barker)** — Order! The honourable member for Ballarat East has approximately 20 seconds.

#### **State Revenue Office: Ballarat**

**Mr HOWARD** (Ballarat East) — I was going to talk about Sandy Gray of Ballarat, who recently won the national Clunies Ross science and technology awards, but I will leave that until a later date. Instead, recently it was fantastic to be at the opening of the State Revenue Office in Ballarat, when it was obvious that that the Bracks government is committed to supporting regional Victoria.

**The ACTING SPEAKER (Ms Barker)** — Order! The time set down for members statements has expired.

### **HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL**

#### *Council's suggested amendment*

#### **Message from Council relating to following suggested amendment considered:**

Clause 7, page 5, line 27 insert —

- “(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to a developer who lodged a claim with HGFL before 1 November 2001.
- (8) The exclusion by sub-section (1)(ba) of a loss indemnified under a HIH policy from an indemnity under section 37 does not apply to a loss a claim for which was lodged with HGFL before 1 November 2001.”.

**Mr LENDERS** (Minister for Finance) — I move:

That this house does not make the suggested amendment.

The original bill was intended to assist home owners stranded by the HIH collapse. This bill has now passed between the two chambers over a period of months. It is worth pausing at this stage to reflect on the process and on the role of the Legislative Council in the two and a half years since the formation of the Bracks Labor government. It is appropriate for upper houses to review legislation, which is why the legislation has come back to this place. It is worth reflecting that in the seven years preceding the election of the Bracks Labor government the upper house did not review legislation. It acted as a rubber stamp for the actions of an executive government that had no checks and balances and acted as it liked, and during that time it seldom sat.

In the context of the House Contracts Guarantee (HIH Further Amendment) Bill and the amendment suggested by the Legislative Council, we need first and foremost to put them into context of where they sit and in the context of what the upper house is doing. The upper house is, firstly, basically taking great delight in frustrating the legislative program of the Bracks government, and secondly, doing it in an ad hoc fashion that does not deal with the crisis caused by the collapse of HIH but also does not deal with the meaningful package put together by my predecessor as Minister for Finance, the Honourable Lynne Kosky, to deal with that crisis. In saying it is done in an ad hoc and arbitrary fashion by the upper house I do not use those terms lightly.

The legislation received support in this chamber from the government, as you would expect because it was a government bill; from the Independents; and from the National Party. At every single juncture and every division as the bill passed between the houses it has had that tripartisan support, or whatever the term is if you count three individual Independents — perhaps it should be the Latin expression for five! It has had the support of three Independents and two political parties, but it has been blocked by a single party — that is, the Liberal Party — using its numbers in the Legislative Council.

The reason amendments were required was that when the legislation originally came forward the bill was prepared quickly. That criticism was levelled by the opposition against the government in both chambers. I am the first to acknowledge that the bill was prepared quickly, but that was because of the situation in the Victorian economy where HIH had collapsed, building work had stopped and projects had stopped midstream

and it was the responsibility of this government, as with other governments around the country, to deal promptly and speedily to put in place economic certainty for builders and consumers who were exposed to the issues. Subsequent to the bill being drafted, and as part of that process of its being drafted quickly, the people drafting it did not have access to the HIH policies that were out and about and held by HIH and the claim files, so the government drafted the legislation promptly so it could deal with the situation.

In the meantime the commonwealth government has acknowledged the gravity of the HIH collapse and has set up a royal commission into it. One of the issues the commonwealth is examining is make sure the books are open — that the royal commission and others can look at HIH policies to try to get a profile of what happened and what was there, so that governments and the community can make informed decisions on this critical part of the insurance industry. As honourable members know, the insurance industry is under a lot of stress in the community, part of it being the collapse of HIH, and part of that collapse being due to HIH undercutting on its policies for a consistent period so it could get market share, and that the rest of the insurance industry followed it.

So when the bill was prepared, it was prepared quickly. Following on from that, and subsequent to it, unusual clauses in some of the HIH policies have come to light, which means the legislation does not operate as was intended. These are issues that the former Minister for Finance alluded to in this house on 29 November, during her summing up on the legislation the last time it was in this place. The problem clauses relate to policies issued before 1999, as a new ministerial order came into effect in late 1998. The principal problems relate to developers being entitled to claim as owners — and honourable members should remember that the 1998 ministerial order allowed insurers to exclude non-completion claims by developers — clauses denying any HIH liability if HIH ceased to trade, which happened when they went into liquidation on 28 August 2001, and that the builder, not the owner, being the insured the owner had no indemnity from the state because he or she had no claim against HIH.

These are particularly important matters because in the end the amending bill that my predecessor introduced to deal with those aspects had fundamentally to come to the distinction between whether this legislation was aimed at dealing with home owners who were stranded by the HIH collapse or whether it was meant to also encompass developers. The differences I have covered are pertinent and germane because they essentially affect that issue.

The original intent of the bill, as was outlined by the previous Minister for Finance, was that it not be an all-encompassing life raft for developers. We do not wish developers ill at all, we wish them well, but the legislation was designed to look after home owners — an issue that has been understood by the government, the Independents and the National Party, but to date not by the Liberal Party. On the face of it, if the Liberal Party wishes to pursue amendments in the Legislative Council and in this place to deal with looking after a developer, including one in particular with a very large claim, it is entitled to do so. I, for one, certainly do not begrudge it wishing to look after a developer. But we must understand that the legislation was designed and intended to assist home owners stranded by the HIH collapse and not to be a catch-all for anybody else who wants to get in on the act.

That is particularly so in a climate where with difficulties in the insurance industry with builders warranty insurance, public liability insurance and other areas the tools available to a government to offer relief to the community are severely restricted if payments of \$8 million to \$10 million are being made to developers as a way to solve the issue when the original intent of the act was to deal with home owners.

We could easily accede to the amendments and get the legislation passed, but the cost to the state and to the Victorian building industry would be millions of dollars through having to assist people when there was no intention of assisting them when this legislation was originally proposed.

Getting back to my earlier comments about the original legislation, a general requirement is still in operation that claims are deemed accepted if an insurer does not respond within 90 days. While this generally works as intended to stop insurers sitting on claims indefinitely, it causes problems for the rescue scheme. An unscrupulous claimant could lodge a claim with HIH which, because it is in liquidation, would probably do nothing with it. After 90 days the claimant could then lodge a claim with the Housing Guarantee Fund Limited and say that because HIH is deemed to have accepted the claim, the HGFL must also accept the claim. In such a case HGFL could still argue about the amount of the claim but could not reject the claim outright.

There is also a concern that some HIH builders warranty policies may have included cover for things other than builders warranty — and I use the example of public liability, again a very topical issue. Such additional cover was not intended to be included in the

state's rescue package, because claims for these types of cover can be made against the commonwealth.

When this amending bill came before Parliament last year the opposition agreed with all the provisions except for the exclusion of the developer claims. I will be listening with interest when the lead speaker for the opposition speaks to hear whether that is still the intention of the opposition. As I said before, on these issues the National Party supported the government. The opposition in the Legislative Council has pressed for amendments to allow for developer claims made before the date of the second-reading speech. This again comes exactly to the point about what priorities this government must have, or this Parliament must have, on funding. I will argue that this is not an entitlement of the developers. This is a particular issue that the opposition wishes to make an entitlement of the developers. We as a government, or we as a Parliament, are under no moral obligation to pay these million-dollar sums to developers.

The opposition's most recent message from the Council is before the Assembly, and that is what we are debating today. Some 150 claims from owners with cease-to-trade or builder-as-the-insured clauses in their covering policies cannot be proceeded with until the bill is passed. So 150 claims from owners are on hold while this debate continues between the two chambers as to the appropriate course for dealing with this legislation and with these amendments pursued by the Legislative Council, which would essentially skew the compensation package to a very narrow class of developer, and one in particular.

The bill that we have been debating amends the House Contracts Guarantee Act, which is the act under which the state HIH indemnity scheme operates. The rescue package is funded by a combination of levies on the building industry and by recourse to consolidated revenue. It came into operation on 8 June 2001, the date the indemnity scheme started — that is, it is retrospective — and advice from the Victorian Government Solicitor supports this approach.

It corrects the problems with some HIH policies, and it provides that the principal place of residence of an owner is not counted in the number of homes that determine whether or not an owner is a developer. It inserts a new section indicating that the act is intended to affect the rights of parties to proceedings that are currently before any court or tribunal. This ensures that there is no doubt that a particular property developer with a current case — as I said before, worth \$7.6 million, or 23 per cent of the fund — is intended to be excluded from claiming under section 36A.

It overcomes the effect of a cease-to-trade clause in an HIH policy. If nothing were done, hundreds of home owners would have no claim against the fund, contrary to the original intentions of proposed section 37(2). The cost of these claims was factored into the original costing.

The legislation that is bouncing between the chambers also inserts new subjects into section 38 that exclude developers from the state indemnity, exclude claims relating to insurance other than builders warranty insurance from the state indemnity, provide that a state indemnity does not exist simply because more than 90 days have passed since a claim under an HIH policy was received by HIH, and provide a state indemnity to a home owner despite the fact that under the HIH policy it was the builder, not the home owner, who was the insured. Finally, it provides explicitly that excluding developers from claiming under the scheme does not affect a subsequent owner's right to claim.

In summary, we have a disagreement between the houses and between the parties that revolves around the issue of whether the original intent of the legislation was to cover a class of developer — in particular, a single one with a \$7.6 million claim on a very limited fund — or whether it was to apply simply to home owners, the consumers that were mentioned in every dispatch by the previous minister and in every discussion in this house and the Legislative Council when the original legislation was passed. It was never contemplated that this amount go to developers. As I said, we in the government wish the developers no ill will. They are trading and doing their business as you would expect. But this package was never designed to assist them.

By repeatedly insisting that these amendments go into the legislation the Legislative Council is skewing the original intention of the bill as evidenced in the second-reading speeches. It is skewing the intention out there in the marketplace and among consumers, and it is slowing down the payment of important recompense to a number of small home owners who have been severely disadvantaged in the first instance by the collapse of HIH. As we know, that is an issue before a royal commission that is separate to all of this, but clearly it is one of the most significant collapses in the commercial history of this country and one that needs investigation so it does not happen again.

We are now caught up in a debate between the houses at a time when the government is under pressure from the opposition, from the National Party, from the Independents and from businesses across this state to consider relief to community groups and small

businesses that are struggling with the problems that public liability insurance involves. We have amendments before this house that are, with one sweep of a pen, meant to give millions of dollars to developers because the opposition and the Legislative Council have somehow or other read that entitlement into this legislation. It was never there in a second-reading speech, it was never there in a public presentation and it was never talked about in the rescue packages. But out of the blue, out of the fine print, there is an argument being put that this class of people should be protected above all other classes of people.

Much as we in the government dislike legislation bouncing backwards and forwards between the chambers, and much as we dislike going through this process and delaying the legislation, we find it incredibly difficult as a government to surrender that amount of taxpayers money for a single class of people, when it was never the intention of the bill to look after them in the first instance.

For these reasons, we as a government are arguing that this house do not make the amendment suggested by the Legislative Council.

**Mr CLARK** (Box Hill) — In one sense it is tempting to feel sorry for the Minister for Finance, because this is a very grave situation that is not of his making. It is one of the legacies he has inherited from his predecessor as Minister for Finance, along with the failure of the government to come to grips with the public liability insurance issue. He is now belatedly starting to realise that he might need to go about turning rhetoric into action. We have also seen the situation where, very late in the piece, he has had to make drastic cuts to home warranty insurance because of the failure of his predecessor, the Minister for Planning and the Minister for Consumer Affairs to get onto some of the fundamental issues in terms of regulating the building industry, which, it became apparent, needed attention following the collapse of HIH Insurance.

So in that sense one might be tempted to have some sympathy for the Minister for Finance. But the reasons he has given this chamber for continuing to oppose the amendments suggested by the Legislative Council cause one's sympathy to start to fade away rapidly, because he has used arguments to justify the government's position that would inflict a great deal of harm on many small home buyers who have been unable, due to the government's actions, to obtain relief from the consequences of both the HIH collapse and the drafting and other errors that were made in the original June legislation. We also see the minister and his government continuing to be willing to tear up

people's rights with retrospective amendments to legislation and then have the gall to say to this house that it is simply a question of priorities.

If this question were being decided afresh, it may well be one about priorities. The question of priorities was one that the minister's predecessor should have been turning her mind to when the original package was brought in. But the fundamental objection that the opposition has to some of the provisions in this bill relates to their retrospective operation. If the minister looks, as I presume he has, at the amendments that have been suggested by the other place, he will see it is clear that those amendments relate solely to the question of retrospectivity.

The opposition says that if the government makes a policy decision that henceforth, from the date of the second-reading speech, it wants to change the extent to which the state-established system grants relief to various people, then so be it. We have no objection to the government making these changes prospectively. But we do object when the government wants to pull the rug out from under people's feet. These are people who, as far as we know, come from a wide range of different circumstances and different backgrounds but who share the common factor that they have relied on the legislation that the government itself introduced into this Parliament in June.

The minister has referred to a whole range of amendments in this bill, and by enumerating all of them he has tried to create the impression that the amendment that is at issue between the government and opposition arises out of technicalities and what he referred to as unusual clauses in various insurance policies.

That is not in fact the case. When we go to the provision that the minister is now telling the house was not intended to include a certain class of people who have had domestic premises constructed for them, we see it is absolutely crystal clear in terms of what it does. I refer the house to section 37, which was inserted into the House Contracts Guarantee Act 1987 by virtue of the bill that was introduced into this Parliament in June last year. That section reads as follows:

#### 37. Indemnity

Subject to this Part, the State must indemnify any person who is entitled to an indemnity under a HIH policy to the extent of the indemnity under that policy.

No ifs, no buts, no maybes. If the person concerned is entitled to an indemnity under an HIH policy, the state

is to indemnify that person to the extent of that indemnity.

Let's have a look at the definition of 'HIH policy', which is contained in what is now section 35 of the House Contracts Guarantee Act. That says that 'HIH policy' means a contract of insurance:

- (a) which was underwritten by HIH (otherwise than as a reinsurer) before the relevant date; and
- (b) which at the time it was underwritten by HIH was —
  - (i) insurance required by order under section 135(1)(a) and (c) of the Building Act 1993 in relation to the carrying out of domestic building work or managing or arranging the carrying out of domestic building work; or
  - (ii) insurance required by order under section 135(1)(b) and (c) of the Building Act 1993; and
- (c) which relates to building work for which a building permit was issued under the Building Act 1993 before the relevant date;

So if you distil all that down you see that 'HIH policy' means a contract of insurance which was required to be issued by a ministerial order under the Building Act and was issued before the relevant date, which is defined as 30 April 2001. It is a pretty straightforward definition. Yet the minister wants to argue that certain people who have had domestic building work undertaken on their behalf should have realised that despite what the government said it meant something different — that is, it meant only to indemnify a subset of people who had had domestic building work conducted on their behalf.

The central point, which the opposition makes over and over again, is that it is not a question of what was in the government's mind, because believe it or not the public of Victoria cannot be expected to read the government's mind. We are not back in the days of ancient Rome, when Caligula could nail to the top of one of the pillars in the forum a decree that became law without the citizens knowing about it.

Under the rule of law the government has to state its intention in legislation. Once that legislation has been enacted, it is up to the reasonable reader of that legislation — and ultimately, if there is a dispute it is up to the court — to decide what that legislation means.

The point the opposition has been making over and over again is that on any fair, open, honest and reasonable reading, the legislation the government brought to this house in June covered the full gamut of people who were entitled to an indemnity under an HIH policy.

The government has suggested that this was an oversight due to the drafting of various ministerial orders under the Building Act. A suggestion was made at some point that the claims that have been lodged go back prior to the making of a revised ministerial order in late 1998 and that therefore it was reasonable for the government to have overlooked what the earlier ministerial order said and to have drafted its legislation in the way it did.

In part that goes to a plea of mitigation or exoneration by the government in response to an accusation of incompetence, but that is not what is fundamentally at issue here. The government did draft the legislation in a hurry, and although the opposition has not been attempting to pass judgment on the correctness, competence or otherwise of how the legislation came to the house, I have expressed previously and I repeat today that I am rather surprised that this particular point was overlooked.

I will put some new material in relation to that on the record. Despite some suggestions to the contrary, when you look at the ministerial order that was made in late 1998 and published in the *Government Gazette* of 30 October 1998 you see that that ministerial order is not in line with the amendment that the government is putting before the house. The government was at one stage trying to argue that there is nothing more in this legislation than a reflection of the position that was incorporated in the ministerial order gazetted on 30 October 1998. But in fact there are two significant differences between the ministerial order and the amending legislation that has been brought before the house. Even more importantly, the position that prevailed at the time this legislation came before the house was that even under the ministerial order applying at that time a number of people who can be excluded by this bill were being required to have an indemnity policy in order to comply with the order.

The government is in no position to say that this problem has arisen because of a hangover from the previous ministerial order. The fact is that the ministerial order that was current at the time this legislation came before the house required that coverage be given to some of the people in some of the circumstances that the government is now trying to exclude. That reinforces, as a subsidiary matter, the view that it is most surprising that the government now says it overlooked this point. Even more importantly, it undermines the argument that it was not perfectly reasonable for people who read it to legitimately assume that they were covered by the June legislation.

I will refer to the most important of the provisions to which I have alluded. Clause 5 of the ministerial order includes a range of provisions that enable coverage to be excluded in various circumstances. One of the circumstances in which cover is entitled to be excluded is where a developer has made a claim pursuant to clause 5.1.3 of the gazetted order. The excluding provision is contained in clause 5.5, the relevant portions of which read:

Subject to clause 5.2, the policy may exclude or limit claims under the policy:

... where the building owner is a developer and a claim is made pursuant to clause 5.1.3, provided however that any exclusion or limitation made in the policy with respect to the developer shall be without prejudice to any rights under the policy of any subsequent owner for the time being of the building or land in respect of which the domestic building work was being carried out.

I turn to clause 5.1.3 and to the introductory words of clause 5, which read:

A policy to be issued pursuant to clause 4.1 of this order shall contain terms and conditions, which have the following effect:

- 5.1 The policy shall indemnify the building owner (“insured”) in respect of loss or damage, which results from:
- ...
- 5.1.3 non-completion of the domestic building work due to the:
- (a) death or legal incapacity of the builder;
  - (b) disappearance of the builder;
  - (c) builder becoming insolvent;
  - (d) builder becoming insolvent under administration;
  - (e) builder becoming an externally administered corporation;
  - (f) cancellation or suspension of the builder’s registration as a building practitioner under the Building Act 1993 without reinstatement of such registration within 30 days; or
  - (g) early termination of the major domestic building contract by the building owner as a result of the builder’s wrongful failure or refusal to complete the domestic building work ...

What does all that mean? It means that it was permissible from the commencement of this new ministerial order for coverage to be partially excluded where the person benefiting from the policy was defined as a developer within the meaning of the

ministerial order. But the absolutely critical factor for the purposes of the current debate is that the provision of the ministerial order which allowed limitations on the cover given to a building owner who was a developer was a limited exclusion only — it applied only in the case of non-completion — whereas the amendments the government is now seeking to make provision for a total exclusion in all circumstances of people that the bill defines as developers.

The bottom line is that, as I indicated earlier, the government is in no position to say that what it is doing in this bill simply reflects the provisions of the ministerial order that was in force at the time the original bill was introduced back in June. Therefore it is in no position to argue that people reading the June legislation should have realised that the government did not intend to cover them. They were perfectly entitled to take the wording of the legislation at face value, and there is nothing in the ministerial order that would lead them to a contrary conclusion.

Indeed the fact that the ministerial order had provisions of the sort I described while the June legislation was silent would, if anything, confirm them in their view that the June legislation was intended to cover them. It would also confirm them in the view that the government had looked at the drafting of various ministerial orders under the Building Act, because if the persons who had prepared the legislation had gone to the current ministerial order they would have realised that that order had, as the minister himself now says, come into effect in late 1998, that it was very likely that there was a prior ministerial order which had different provisions, and that the legislation would need to address those different provisions.

For all those reasons the opposition remains of the view that a fair and honest reading of the government’s June legislation is that all the people who had an indemnity under an HIH policy were being covered by the state and that they were entitled to act accordingly.

As I have previously described to the house, people would have done things such as prepared financial reports, undertaken borrowings, decided on investment programs, made employment decisions and made decisions on signing up other contracts — that is, made a whole range of perfectly legitimate or valid decisions in their everyday lives, relying on the fact that the government’s legislation covered them — yet the government came along a few months later and said, ‘Sorry, we made a mistake, and you will have to pay the price for it’.

The government does not seem to realise the concern about sovereign risk, the undermining of confidence about investment in this state that follows from this sort of action. As I said on an earlier occasion, we have the Treasurer and Minister for State and Regional Development — whose parliamentary secretary is interjecting at the moment — trying to attract investment into this state, yet they seem to think that when it suits them they can tear up their legislation and totally reverse the legal position that prevailed previously and that that is not going to worry people for the future.

Unfortunately for all Victorians, this does worry people who would otherwise consider investing in this state. They are going to say if the government can do it once, what is to stop it doing it again? How can I ever take this government at its word when it offers me an incentive package or tells me that a planning permit or other support will be given for some project, when it tells me that the rule of law prevails in Victoria? The government shows that when it suits it to get itself out of a mess that it has created, it is quite willing to tear up those rights.

The honourable member for Mitcham referred to another group of home buyers who have been caught up in the government's action. Those are the people who were excluded by drafting errors in the June legislation. The government is quite appropriately coming back to Parliament to seek to have this situation remedied, but it is not prepared to do anything to help those people unless it can also get this Parliament to agree to impose retrospective legislation on another group of home owners. The government and its instrumentality, the Housing Guarantee Fund, have been telling people that the Liberal Party blocked this legislation and that is why they cannot get their money.

When people who raise that issue with us are told that the Liberal Party fully supports the provisions that will enable these people to have their money and that the government is holding them hostage to try to ram the whole of this legislation through this Parliament, their attitude changes very rapidly. They are decidedly angry at not only having been denied their money, but having been misled by the government. Their dissatisfaction with the government increases when it is pointed out to them that it is perfectly open to the government to give them now the money to which they are entitled. It could have given the people concerned the money to which they were entitled before Christmas and avoided all of this angst. But no, the government was not prepared to lift a finger to help these people. Rather, it was going to make them suffer — to try to force the whole of this legislation through the Parliament.

It would be perfectly open to the government to give the people concerned an ex gratia payment funded out of Treasurer's advance, and if the government wants it put on the record, the opposition has always been willing to agree that the government could add a provision into this legislation to validate the ex gratia payments that were made. There is absolutely no difference amongst any honourable members in this chamber or in the other house as to the two measures that should go through in order to correct those drafting defects in the June legislation that have raised doubts about the entitlement of two classes of home buyer to obtain relief under this fund. But no, the government has not been prepared to help. The government would rather make these people suffer to try to put pressure on the opposition. It is most disgraceful and regrettable that the new Minister for Finance is continuing the tactic that was adopted by his predecessor.

This legislation has not gone anywhere over summer. What has the government attempted to do to resolve this issue over summer? Has the government met with any of the nine people that the former minister referred to that the government has identified as being affected by the provision in dispute? Has the government been prepared to listen to their argument; to hear from them what consequences this retrospective removal of their rights would have?

The minister certainly has not told us anything about that today. There is no evidence whatsoever that the government is prepared to allow these people to put their case, let alone try to find a way to resolve the issue. Has the government tried to reach a commercial settlement over these claims? Has it tried to negotiate some sort of reasonable outcome with these people? There is not the slightest skerrick of evidence that it has attempted to do either of these things. So far as one can tell, over summer the government has simply sat on the legislation and done nothing.

The minister has alluded to large claims, and we have had interjections about developers. I am sure there is a fair chance that as the debate continues speaker after speaker on the other side will demonise developers by suggesting — as indeed the minister suggested — that in some way they were trying to obtain some form of unjust enrichment from this legislation and take advantage of some sort of loophole. I have made the point time and again that on any fair, open, honest and reasonable reading of the June legislation these people were covered and that that right is now being retrospectively taken away from them.

Lest we become caught up with the mental image of a large corporation being denied the benefit of the

entitlement given to it by the June legislation, it has been said to me over the past few days that two of the nine people who will now be denied coverage are, in fact, people who are undertaking small multi-house developments for family members. These are two people who already have cases pending at the Victorian Civil and Administrative Tribunal (VCAT) and who will have their rights taken away by this legislation.

It is worth reiterating that the scope of this amendment excludes from entitlement to coverage building owners or other persons for whom three or more homes are being built or proposed to be built on any one building site or under a single major building contract. In calculating the number of homes being built or proposed to be built, a home which is being built as the principal place of residence is to be disregarded.

This is not exactly a giant multinational, million-dollar corporation being affected. It can be people who for the purposes of their family, their extended family or their relations are building three or more homes — or four or more if you count one of them as the principal residence.

**Mr Nardella** — Cut it out.

**Mr CLARK** — Or it can be someone who has potentially invested their life savings in a very modest suburban residential development. They are the people who will have their rights taken away just as much as will the claimant who the minister said is claiming \$7.6 million.

The honourable member for Melton said, 'Cut it out'. He might think such people are dispensable, but I do not think a reasonable person would regard anyone as being dispensable. They certainly would have a great deal of sympathy for people in the category that I have referred to, particularly when such persons have acted in good faith on the legislation that came to the Parliament back in June. As I have said time and again, that is the essential test that needs to be applied here.

The legislation concerned did not involve a loophole; it was absolutely plain and clear. The government now says it has done something it did not intend to do, which is fine for future change, but you cannot pull the rug from underneath people's feet retrospectively. That is a concern expressed by the opposition time and again. It is a position that in the debate so far today the government has done nothing to counteract. I had hoped that in taking over the portfolio the new minister might have been willing to look at the issue with fresh eyes or make some effort to resolve the situation. Instead he and other honourable members opposite

seem determined to try to use this matter as a means of attacking the Legislative Council.

Certainly the Premier's arguments and those used by the minister need only be applied in the context of the Senate for one to realise how absurd they are. I think it is universally recognised around this country — it is not something that necessarily pleases the government of the day — that the Senate has a legitimate role as a house of review, just as, in the same way, there is a legitimate role for the Legislative Council.

If anybody were to suggest imposing on the Senate the sort of gerrymander that the present government is trying to impose on the Legislative Council, there would certainly be uproar. If anybody were to suggest that senators should serve only three-year terms like members of the House of Representatives, there would be uproar. That is the sort of nonsense the government would have us believe.

**Mr Haermeyer** interjected.

**Mr CLARK** — To respond to the interjection of the Minister for Police and Emergency Services, if anybody were to suggest that the Senate system could be improved by dividing each state into zones and insisting on a quota of 16 per cent before anybody could be elected, that also would be regarded as an outrage.

As the Deputy Leader of the Opposition in this place and the Leader of the Opposition in the other place and numerous others have said, the Legislative Council is exercising a valuable and appropriate right of review. The government is not in a position to try to have it both ways, on the one hand complaining when the Legislative Council exercises that function and on the other hand arguing that it does not exercise that function.

Let's judge each issue on its merits. That is ultimately what the public will do and ultimately what this house should do. Let's debate the issue of whether or not the suggested amendments are correct and not use this as a form of collateral attack on another place. Nothing that has been said in the debate today persuades the opposition to depart from the view that it has taken to date, and we urge the house to support the amendments suggested by the other place.

**Mr RYAN** (Leader of the National Party) — These matters have been the subject of considerable comment on previous occasions, and indeed in November 2001 when I spoke to the legislation I went through it fulsomely. We are now in a position of having to consider the Liberal Party's amendments, and in this

instance the National Party is at odds with the Liberal Party and in support of the government. We do not accept the amendments which have been proposed.

The starting point is that we are talking about taxpayers' money, and that is a crucial issue for consideration. What was proposed by the legislation in June was that after the HIH debacle the government would step into the shoes of the insurer and ensure that people who were otherwise subject to cover through HIH would be able to achieve that coverage. But in this instance, by virtue of the government being the place of last resort, taxpayers' money was used to fill the gap left by the HIH disaster. I think that is a compelling issue with regard to the discussion.

The second issue that is also of great significance is that in December 2001, during the course of debate in the other place, the Honourable Roger Hallam made available to the house a letter dated 3 December 2001. It had been sent to a senior officer in the Department of Treasury and Finance and was signed by Michael Stokes, the chief executive of the Housing Guarantee Fund. The letter states that in the history of the HGF there had never been a claim by a developer upon the HIH insurer. The letter states:

... we have checked all claim payments made by HGF to HIH claimants and confirm that, as at today's date, we have not made any payments to developers.

While the matters mentioned by the honourable member for Box Hill are valid taken in a vacuum, it must also be said that the way in which the legislation has historically operated should be a matter for the consideration of the house in terms of its treatment of the Liberal Party's proposals. The fact is, as the correspondence confirms, that the HGF has not paid out to developers who have made claims upon it. I do not know whether developers have ever attempted to make a claim, but I must say — and I stand to be corrected — that I do not think as a matter of logic such would have been the case. That is so because nowhere in the material — and this is the third point — does the term 'developer' appear.

The Housing Guarantee Fund was set up as a final means of protection for people who were building their own homes — the true Australian dream, to use the colloquialism, of people who wanted to build and own their own homes. The HGF was established to stand behind them and to accommodate their needs in the event that circumstances arose which were the subject of indemnity through the HIH policy. I do not think it was ever contemplated that the scheme would be extended to developers. The definitions contained within the relevant legislation make no reference to

developers and the operation of the scheme has never entailed a payment to developers.

For those reasons the National Party believes that when one looks at the totality of the circumstances there must surely have been an understanding among the developer community that claims by them would not be accommodated by the terms of the government stepping into the place of HIH after its collapse. The original scheme did not operate that way and I do not believe it can be said, when you look at the original legislation, the second-reading speech and the debates that occurred at the time, that it can be justifiably argued that the legislation in its original form was ever intended to extend to developers. In so saying I well appreciate that these issues involve hardship. The honourable member for Box Hill has pointed out that two of the claimants are at what might be termed the smaller end of the debate; they are not makers of the multimillion dollar form of claims that have otherwise been spoken about. For those people I accept that what I now say is difficult.

It is in that context that I make this further comment. I urge the government to meet with these people. If it is the case — I in turn accept the statement of the honourable member for Box Hill that the government has not met the people who comprise the nine who are now to miss out if the amendment of the opposition is not accepted — then at least the government can meet the people and talk to them across the table to explain the position to them, as bad as the news may be.

While the National Party supports the government in this instance on this matter it is not good enough on the part of the government that it is not prepared to meet with the people who will bear the brunt of this, and I urge the minister to convene a meeting or meetings with those who will be impacted upon, so that albeit that the news will not be good those people will at least have the opportunity of being able to address the minister as to the matters which they say comprise their argument, and to in turn hear from the minister the bases upon which the government says that those arguments cannot be accepted.

**Mr ROBINSON** (Mitcham) — I am pleased to join the debate on the suggested amendment to the House Contracts Guarantee (HIH Further Amendment) Bill. It is always good to start a contribution in the house with an analogy — and a sporting analogy at that! For those people who might one day read *Hansard* and wonder why we had a protracted debate on a Tuesday afternoon on this issue, let me draw the following analogy. The situation is between the two houses, where the government wants to pass legislation in one form and

one of the two parties in the upper house insists that an amendment be made. We have now for some considerable time been involved in a baseline rally, if I can use the tennis analogy, where the government indicates repeatedly it does not wish to accept the amendment and the Liberal Party continues to insist that the amendment should be added to the principal bill.

However, if you are in the position of the Liberal Party insisting on this non-baseline rally it is important to remember that its doubles partner does not share its enthusiasm for the cause. If the Liberal Party looked at what its doubles partner has done, it would see that it left the court some time ago. The National Party in this case has given repeated indications, as clear as daylight, that it does not support the Liberal Party position on this matter, and it has given the most succinct reasoning for that. To paraphrase the most succinct argument put forward by the Honourable Roger Hallam, a member for Western Province in another place, the amendments proposed by the Liberal Party in another place would effectively create two classes of developers. The honourable member went further. He said not only would it create two classes of developers but that the intention of the bill when first presented to that house in June last year was always clear. He said further that the intention of the bill was never to bail out commercial developers.

If it is clear to the honourable member for Western Province in another place, if it is clear to all government members in both houses and if it is clear to the National Party leader in this place, I struggle to understand why it is not clear to the Liberal Party, but perhaps I am not the first person to be confounded by the pig-headed stubbornness that seems to be characterising the Liberal Party's policies today.

The government will continue to oppose the amendments put forward by the Liberal Party. It was interesting that in his contribution the honourable member for Box Hill effectively asked the government to adopt a double standard. Only three weeks ago we had a situation in which the Liberal Party in particular was extremely critical of the Bracks government for providing some financial assistance to the transport franchisees whose financial state of health has deteriorated due to continued and repeated failures of the ticketing machines. At that point the Liberal Party was strident in its criticism that we had been too soft on these commercial companies and that we should not have provided financial assistance. Yet here we are, only a few days later, and the Liberal Party has changed its tune entirely and now says we should in fact be much softer in this instance and provide financial

assistance and coverage for commercial developers even though their own conservative partners on the other side have said the intention of the legislation was never to do that. They cannot have it both ways. They cannot claim on the one hand that we are too soft on commercial interests and on the other hand that we should be much harder.

The Liberal Party's insistence on forcing these amendments onto this piece of legislation is in my opinion an abuse of its majority in the upper house. The Westminster system of Parliament, as all honourable members would understand, in bicameral parliaments at least is that government is a product of this chamber. It is a product of whichever party or series of parties can form a numerical superiority in this chamber, and that is the case here. The government has proposed legislation and on the numbers here it has been passed and transmitted to the upper house on no fewer than two occasions and may well be transmitted again this time. We have had a circumstance in which the Liberal Party continues to dig in its heels and say, 'We do not care under what circumstances; we are going to reject those amendments'. They are in minutiae at least denying this government the opportunity to govern, which is a ruthless exploitation of its numerical strength in this house.

I make the point that it does not always have to be that way. We had a situation not so long ago when the government introduced the Regional Infrastructure Development Fund legislation — a very progressive piece of legislation that has proved to be of enormous popularity and benefit to people outside the metropolitan area. As I recall, the National Party proposed some amendments to that legislation which the government rejected. It went off to the upper house and I think the National Party again proposed the amendments. In that case they were carried by the Liberal Party. They came back here and were rejected for a second time by the lower house, which is where governments are made and broken. At that point the National Party relented. Its members understood the principle that the government has a prerogative to govern in the way that it sees fit. They had made their point. The amendments were not thereafter insisted upon by the upper house, and we have had the passage of a fantastically successful piece of legislation that has delivered real benefits.

I do not understand why, if the junior conservative party can see the wisdom of making a stand in this case but then relents in the public interest, the more established, so-called, allegedly senior partner in the conservative ranks cannot do the same. This is clearly an abuse of the Liberal Party's numerical strength in the

upper house. The amendments have come to represent that, and the government should not be forced into accepting this situation. If the government accepted the amendments as they were proposed and the tactics behind them it would be at the beck and call of the Liberal Party on every single piece of legislation because the opposition would reserve its right due to its numerical superiority in the upper house to reject or to tack on amendments every single time.

I understand that there is a sentiment that runs deep within the Liberal ranks opposite that they would love to block supply. They would love to bring this government down by illegitimate means. They have done it in the past; they would love to do it again. We are just getting a taste of it with this piece of legislation. Well, they ought to be more courageous and come out and do it. They ought to come out and say that they have never, at least in the upper house, accepted this government's legitimacy. They are prepared to put their heads in the sand and not recognise the verdict of people in a time-honoured tradition that has served the community in this state well for the past 150-plus years; they do not accept the government's legitimacy, and this is just their very immature way of demonstrating that.

The situation created by the insistence of the Liberal Party on having the bill amended is that we have some 150 home owners in the state who have now for up to the best part of a year been at their wit's end as to how their dreams and aspirations in the form of a family home are ever going to be realised, because those 150 individuals, couples and families were denied insurance coverage as a result of the calamitous collapse of HIH. We will not go into the reasons for the HIH collapse except to say that a royal commission is being conducted into it — a not very well funded royal commission when we look at the proportionately much greater resourcing going into the building industry royal commission, but nevertheless there is a royal commission going on into that matter. But those 150 home owners have homes in various states of completion.

Through heading a task force on the security of payment matter, which will materialise in a bill to be presented to the house later this week, I had the opportunity in those deliberations to become familiar with the collapse of Avonwood Homes two years ago. Avonwood collapsed and left a very large number of home owners in a similar situation where their homes could not be completed because the building company in that case rather than the insurer had gone into liquidation. It is a sober reflection upon the experience of those people that for as long as it took the individual

circumstances of each person affected by that collapse to be addressed, their homes in various stages of completion were left to rot. That is what happens in these circumstances. Let us not forget the human misery and tragedy that goes with that. You have paid your money, you have a dream home under way, an insurance company collapses or, in the case of Avonwood, goes into liquidation, and you are left on a limb because your circumstances cannot be covered by insurance in this case and the project just stalls in the wind and rain and is not touched.

In the case of Avonwood I remind the house that a fair number of the people caught up in that matter had houses that had to be demolished because they stood out in the wind and rain for a protracted period of time, and wind and rain will do that to houses that have not been completed, as I am sure you, Acting Speaker, are aware. I want to make the point to the honourable member for Box Hill and his colleagues in the Liberal Party that for as long as they want to frustrate the government and insist upon this amendment being added, it is their action that is denying those 150 people.

They ought to have the courage to go out and look them in the eye and say, 'I am sorry that your house will rot and that your dreams will vanish. I am sorry that your house might have to be demolished and you will be left in the lurch. We are sorry about that, but there is a point of principle here. We have the numbers in the upper house, we have never accepted the legitimacy of the Bracks government, and we are going to make a point of this'.

I hope this does not come down to a stark choice, but that seems to be the state of play. I hope it does not come down to a simple choice between whether the government of the day wants to back commercial developers or whether it wants to back home owners who find themselves in the most terrible of circumstances. But that is the clear, simple choice that this is all boiling down to. That is the equation. I have no problem on behalf of the people I represent in Mitcham in saying that I stand four-square with the home owners who are going through this terrible experience. They deserve relief. They were offered relief in this bill from the earliest point. That was the clear intention — that they could get on with their lives.

**Mr Clark** interjected.

**Mr ROBINSON** — The honourable member for Box Hill interjects, saying they were drafting amendments. Well, golly heck, there are drafting amendments in every bill. The difference is that this

government is far less precious about introducing house amendments to its own legislation than was its predecessor, and it is far less concerned to aggregate bills and force them through the Parliament in the last few days, which leads to technical amendments having to be introduced at some later stage. I remember that on the last day of one parliamentary sittings under the former government we had to deal with eight bills that were whacked together in an omnibus bill. They had nothing in common except the time of the week — they had to get through. So of course there were technical issues. At the time the bill was introduced it was said that there would be some problems, because that is the nature of the bills. But the essence of the government's response was the need for speed.

These home owners are the people who, as I have described, are in the most pressing of circumstances. We would hope and pray that none of us finds ourselves in the circumstance where everything we have worked for, saved for, planned for and dreamed of comes to a crashing halt, left standing in a paddock, rotting away. That is effectively what is happening, but the essence of the government's response was the need for speed to try and deal with these people. Since May last year we have had problems because the Liberal Party has chosen, on a point of stubborn, pig-headed principle, to have these amendments added to the bill. I do not understand why the Liberal Party cannot take the National Party's strategy on this and make its point and get on with life, because it would make the lives of the people we are trying to assist a lot easier.

I will go over the basics of this bill in summary one more time. I do not often pay this compliment, but they were clearly presented to the house by the Leader of the National Party and, earlier, to the upper house by the Honourable Roger Hallam. The intention of the government's legislation was always clear: it was certainly always clear to the National Party, and it was clear to us. It was clear to the Liberal Party as well when it was introduced. We do not want to create two classes of developers, as the Honourable Roger Hallam has said, and we do not want to bail out commercial developers. That was never the intention of the bill. We want to try and help those people who are finding themselves in the most dire circumstances as a result of a commercial collapse that they had nothing to do with. They are, after all, the innocent victims in all of this.

For as long as Liberal Party members stand up in this place and say 'No, no, we must look after commercial developers', the Liberal Party will be betrayed by its own rhetoric on special interests. We had a session this morning when honourable members opposite made a number of claims about the government looking after

sectional interests. This is an example of the boot being on the other foot. Here we have commercial developers getting on the phone when they realise that they are not covered but that they might be covered if they could only get the amendment. And who are they ringing? If they ring the National Party, they are told by the Honourable Roger Hallam, 'This bill was not designed for you, so do not try us'. If they ring the government, they find that the government has the same view. If they ring the Liberal Party, the people they talk to cannot put the phone down quickly enough to draw up amendments.

If you want to talk about special interests, look at the Liberal Party's position. It is trying to do a special deal with developers who were never considered as needing coverage in the original legislation. If you want to talk about special interests and doing deals with people, let's consider that. We will not have time to consider the special deals that Ray Williams, the man who caused the problem, is getting. Let's not forget about him. He is effectively getting a special deal from the federal government, because they seem to be going extraordinarily soft on him in the royal commission. But we will leave that for another day.

With its insistence upon these amendments the Liberal Party's position is nothing more than an exploitation of its numerical strength in the Legislative Council, however it is dressed up in an expedient argument. I will give the honourable member for Box Hill credit for this: he can present a very technical argument with greater enthusiasm and concentration than most people. He could talk the leg off a chair when it comes to the technical background to this bill, but in so doing he misses the fundamental point — that we did not propose this legislation to try and perfect the technical aspects of the insurance industry as they apply to commercial developers and their undertakings. That was never the government's intention. He needs to try and un-complicate this issue and recognise who it is we are trying to help.

For every minute that we play this protracted game of tennis, toing-and-froing between the two houses of Parliament, I want the Liberal Party to remember this: every day the wind and the rain are just rotting away those half-completed houses, and the misery being inflicted by the Liberal Party's failure to allow this bill to pass is just multiplying. I do not believe that stance does the Liberal Party any credit whatsoever. The amendments deserve to be rejected, so I hope we can get to the end of this protracted and ultimately very unsatisfactory matter.

**Mr SAVAGE** (Mildura) — I do not support the Liberal Party's amendment and I endorse some of the remarks made by the honourable member for Mitcham. The Housing Guarantee Fund was designed for home owners, not developers. I understand that \$7.5 million, which is a large amount of taxpayers' money, is involved in this issue. I address the issue of liability insurance in general terms because it is a pressing issue that the house has to face. It is having a great impact on many avenues of public resort and will continue to be a pressing problem not just for regional areas but in metropolitan areas of Victoria.

Prior to its collapse HIH was the second-largest insurer in Australia. Its collapse has had a grave impact on the future of the insurance industry. It was reported in the *Australian* in February last that in 2000 insurers collected \$883 million in premiums for public and product liability, but paid out \$1.18 billion, which amounts to a \$299 million loss before taking into account the industry's expenses. We can expect to see considerable changes flow to premiums for liability insurance and other insurances.

A good example of why this is happening is the decision in a case in the New South Wales Supreme Court on a Thursday in February when 27-year-old Lisa Denise Palmer won a \$16 million payout for a 1997 accident that left her paralysed and reliant on a respirator to breathe. When you have claims and payouts of that amount it is no wonder significant impacts are felt in the insurance industry.

The Australian Prudential Regulation Authority chief executive, Graeme Thompson, who oversees the legislation, says that could result in 1 in 10 of Australia's 142 insurers being closed down or sold by 30 June. The problems are significant.

The rate of economic return in 2000 for the insurance industry was 2.5 per cent, which is extremely low. Professional indemnity insurance is one of the categories hardest hit — for example, in Mildura no general practitioners who have obstetrics and gynaecological qualifications perform deliveries of babies because of the high cost of indemnity insurance. I am sure some honourable members would be aware of that situation through their own personal liabilities. I recall my wife was paying \$150 in insurance per delivery, which is not sustainable.

The issues of public resort have been diminished since the impact of the insurance crisis. An article in the *Age* of 17 March listed the huge number of communities scorched by the cost of insuring for risk. The list includes the Broadford amateur country show, the

Thorpdale potato festival, the Hampton Street festival and the Campbells Bridge bonfire. In my electorate the Patchewollock races, a meeting which has been held every Easter Saturday for 94 years, will not be held this year. Once such events are cancelled rarely are they held again. A huge number of events or issues may be impacted on by these disastrous insurance outcomes.

What can be done? I guess the government is responding in one way to the collapse of HIH and is trying to help home owners, which is a commendable, prompt and appropriate action, but the insurance problem extends far past the HIH collapse and the Housing Guarantee Fund. This issue is something that must be addressed with some urgency. The Insurance Council of Australia (ICA) has set out some of the issues that we can address.

I am pleased that the Leader of the National Party has suggested some positive and proactive ways of solving some of the problems. I hope that will be a significant consideration of the government in its deliberations over the next few weeks on how the issues can be resolved.

I am sure all honourable members have copies of what the ICA has suggested. The list includes better risk management; better advice and use of insurance brokers; local councils having an umbrella liability cover, although I am sure it will not be long before the cost of their insurance premiums will become impossible to achieve; and the pooling of groups of associations who can collectively insure.

In the longer term some measures could include tort reform and perhaps uniform rules across Australia to limit statutes of limitation. The ICA asks whether it is appropriate that we have levels of claim, so that claims could not be made until a threshold were crossed. Perhaps Parliament could become involved in debating that suggestion. Another suggestion is the exemption of volunteers from liability. At the moment, with huge increases of up to 124 per cent for some forms of insurance, maybe we need look at the stamp duty levied on premiums. If the increases on premiums are 124 per cent, a huge slab of GST and stamp duty would have been placed on those premiums.

Education is another issue. We need to change some of our attitudes so that people do not expect the returns similar to the amounts involved in winning Tattsлото or having a poker machine payout. We should aim to get rid of the mentality of no fee, no win. Although it may be a dubious issue, when people feel they may be able to get money through insurance claims it sometimes removes their good judgment.

I do not endorse the suggested amendment. I wish the legislation a speedy passage so that the unfortunate victims of the HIH collapse can get on with their lives and have some certainty before them.

**Mr STENSHOLT** (Burwood) — I support the House Contracts Guarantee (HIH Further Amendment) Bill as originally passed by this house. I note that the honourable member for Mildura has given the house a sobering account of some of the impacts of the problems we have with insurance and the collapse of HIH. In my electorate I have been able to help some local builders who had problems getting insurance coverage following the collapse of HIH. They were grateful for that. The question of liability insurance has now come to the fore and the Minister for Finance is active in that regard.

Insurance premiums can affect the staging of street festivals and other activities. Recently a successful street festival was held in Ashburton. All the people with stalls at the festival had to ensure they had public liability insurance. Also, I was relieved to find out from members of the House Committee that members of Parliament have extensive insurance coverage — so much so that some of the traders at the street festival said to me, ‘All the action should happen outside your stall, such is the coverage you have’. Jokes aside, the issue of insurance has become serious and requires action.

Today the house has received a message from the Legislative Council transmitting an amendment suggested on the consideration and report of the committee of the whole of that house. It basically asks this house to include in the bill developers who lodged claims with the Housing Guarantee Fund before 1 November 2001. I remind the house it is the Housing Guarantee Fund, not a developer guarantee fund. That is very much the point and why the amendment moved by the honourable member for Box Hill in this place last November was rejected. The amendment proposed by the honourable member for Box Hill did not have legs. The house will recall that the Chairman of Committees ruled it inadmissible because it had financial considerations. Indeed there was a discussion of standing order 170, which states:

No proposal for the appropriation of any public moneys shall be made unless the purpose of the appropriation has been recommended to the house in the same session by a message from the Governor ...

Standing order 171 states:

No amendment of such proposal shall be moved which would increase or extend the objectives and purposes or alter the

destination of the appropriation so recommended unless a further message is received.

On that particular occasion no message was received, and therefore the Chairman of Committees ruled it out. But here we have the obstreperous Council putting forward this proposal and asking us to consider it again. Of course it would involve a further appropriation of public moneys, and putting it as an amendment would obviously require a message from the Governor. There is no such message, and the government, together with the National Party and the three Independents, is not in favour of extending the provisions of the original bill to make large payments to developers.

The Minister for Finance has already talked of a figure of about \$8 million that may be claimed by the developers. Certainly, as other speakers have said, and was said last year when this was discussed in this chamber, and as has already been mentioned by the Honourable Roger Hallam in the Legislative Council, it was not the intention of this particular bill to support developers. This is a bill which was intended to clear up some matters, because we all agree that we needed to do things in a hurry given the emergency circumstances brought about by the collapse of HIH in May and June last year.

The Housing Guarantee Fund, as I said, is not a developers guarantee fund. The intention is to support the little people — those people who have the dream of having their own home and having a builder realise it for them. Those particular dreams, in the case of 150 people, have evaporated with the demise of HIH.

This is typical of the Liberal Party. The leopards really do not change their spots, do they? It is trying, yet again, to cry crocodile tears in the house about proper process, fairness and honesty, when all it is doing is supporting the big end of town — the large-scale developers, with a benefit of \$8 million. As a home owner, you would have to build a pretty big house to have a claim of \$8 million! Clearly large-scale developers who are building many houses in the form of a multi-unit developments are trying to seek redress from the public purse.

Commercial developers enter into commercial contracts with builders. They are not home owners building dream homes, looking, in an emergency with no-one else to turn to, to seek *ex gratia* support from the state government. Here we have a new brand of upper-class welfare — indeed, it is a brand of commercial welfare. It is not a matter of promoting business; it is a matter of charity for large-scale developers.

It is big business putting its hands into the pocket of the government rather than joining the normal process of creditors in an insolvency process. This is very much showing the true colours of the Liberal Party and who it is supporting. It is not supporting the little people. It is not supporting the ordinary home owner. It is supporting the large-scale developers.

We have the spectre of the upper house in this situation. What is it seeking to achieve? What is an honourable member for East Yarra Province in the other place, the Honourable David Davis, seeking to achieve in leading his party in the Legislative Council in sending this message to our chamber? What they have achieved is a delay now of a further three months affecting the claims of these 150 home owners with a cease-to-trade or a builder-as-the-insured clause in their contracts.

The honourable member for Mitcham portrayed the plight of these 150 home owners quite directly and graphically as basically having their lives ruined. They have been sitting there, possibly since May last year, looking at half-finished houses or blocks that are empty or with maybe just the footings there, and of course they do not have the money to find redress in those circumstances but are seeking support from the Housing Guarantee Fund. These are small people who cannot get loans. They are not commercial, they do not have big lines of credit with the banks, and they are put under duress and continual suffering because of the action of the Liberal Party.

I see the National Party has had the very good sense to support the bill in its original intent. It understands that 'housing guarantee' means housing guarantee for the little people, for ordinary people. It is not a developer guarantee fund. That seems to have completely escaped the Liberal Party — a member for East Yarra Province in the upper house and the honourable member for Box Hill. However, it has not escaped the notice of other jurisdictions. The salvage schemes operated by other states or even by the federal government, which ironically is a coalition of the Liberal Party and the National Party, as I understand it do not include developers in their schemes. Only the Liberal Party in Victoria is completely out of step.

**Mr Clark** interjected.

**Mr STENSHOLT** — Yes, completely out of step with the ordinary people. It is led in the upper house by one of the honourable members for East Yarra Province, but he was not even elected at the last election. That is how remote he is from — —

**Mr Nardella** — When was he elected — 1996?

**Mr STENSHOLT** — Something like that — so far away that he has forgotten to look after ordinary people. You have to be out there looking after people in your electorate — and I acknowledge that the honourable member for Box Hill does look after the people in his electorate; he is very often around because he is in the electorate next to mine — but certainly the absent member for East Yarra Province was not even elected at the last election. They are so far away from a normal relationship with their electors they do not even understand the hurt that these 150 people are going through.

This is the message that we have. It is a message of delay. It is a message of obstruction. It is a message of not caring. This is the Liberal Party. It is out of touch and does not care, it is so far from the reality of normal people. It is obstructionist and is using the powers that it has in the Legislative Council to obstruct rather than to help redefine the lives of 150 families who have suffered because of the collapse of HIH. It is a message that reinforces the image of the Legislative Council as an opportunistic body which is out of touch with the day-to-day realities of electorates.

This Liberal Party is a sad shadow of a party that does not understand what is going on here in Victoria at the moment. It is in thrall of the big developers in this particular case. How obvious and patent can it be in this particular case? The Minister for Finance mentioned a figure of up to \$8 million. It is outrageous that the Liberal Party is seeking to have the public purse provide a guarantee for possibly such large sums for developers. If this message is the best effort of the Liberal members of the Legislative Council it is a sad message, and it is time that body was well and truly reformed. Certainly 150 people out there are looking for some type of reform. They are looking for members of Parliament who will support them, not oppose them, delay or be obstructionist, as the Council is in this particular case.

I commend the National Party. Obviously out there in the country there is some commonsense being applied, and I commend commonsense. The National Party well and truly understands what is going on with this particular bill. It understands that it is out there looking after the little people. I commend it to continue to do that because that is exactly what the Labor Party does — it looks after ordinary workers and it looks after the ordinary people. It looks after all Victorians because that is what it set itself to do and what it is out to do. In this particular case it is looking out for housing guarantees, not for large-scale development guarantees.

I wish the Liberal Party would reflect upon this exercise of sending such messages to our house, reflect upon their effect on people's lives and reflect on how close they are to the electorate. Indeed we have the spectre, as was mentioned in the house earlier today, of their sending out messages to the electorate where they are even too scared to mention their own names. That is how far they are away from the electorate. They fear losing so much that they cannot even be seen or have a brave enough face to mention themselves. I hope they would reflect on this exercise, stop being so stubborn and really understand the issues here.

Here we have an impact on 150 home owners who have been waiting since last May. It was in the Liberal Party's hands last November to provide relief. Indeed what I find quite disturbing is that after a ruling from the Chairman of Committees in regard to the proposal put by the honourable member for Box Hill the Liberals still went ahead in the Council and put it forward — that is, in spite of the very clear ruling in regard to bills under standing order 170 that we really need a message from the Governor if there is going to be appropriation, or indeed further appropriation of public moneys. It shows what scant regard the Council has for proper procedures in financial and fiscal matters. Indeed it is very much thumbing its nose at proper procedures.

I hope the Liberal Party will reflect on this one, look at the lives of the 150 families who have been affected, stop being so stubborn and join with the Labor Party, and indeed with the National Party and the Independents, in understanding that we have here the clear intent of looking after the houses of ordinary people — the workers and the general population of Victoria — rather than providing special relief and possibly giving huge handouts to developers under a scheme that is clearly not intended for them.

I very much commend the bill in its original form, and I join with others in rejecting the message from the Legislative Council.

**Mr McIntosh** (Kew) — I rise to support the bill and the amendment proposed by the Legislative Council. It is regrettable that I follow the honourable member for Burwood, who clearly does not understand the nature of this amendment — that is, the power of the government to perhaps cure some ill that has been caused by other parties — and who made a raw attempt at deriding the upper house and indeed my colleague, an honourable member for East Yarra Province in another place, whose electorate overlaps mine.

I am also a neighbouring member to the honourable member for Burwood in the corridor of East Yarra

Province, and I too see the Liberal Party members getting out among their communities. Indeed, I am very grateful that the honourable member for Burwood was able to visit one of my local schools — the Belle Vue Primary School — and I will be talking to him about what he can do by talking to the government about rectifying the problems of his government's creation caused by inappropriate and low revenue moneys.

But back to the bill. It is in the power of this government to make what is effectively an *ex gratia* payment. No-one is suggesting the government is responsible for the HIH collapse, and no-one is suggesting it has a legal responsibility in relation to that collapse; it has a moral obligation, perhaps. Of course the opposition supports that moral obligation to deal with the 150 people who are still to have their applications processed and who fall within the definition of what the government originally intended. It is in the government's power to do that and to cure those ills now. It can make that *ex gratia* payment now, and the shadow Treasurer has guaranteed that the opposition would endorse that *ex gratia* payment.

What the honourable member for Burwood, the honourable member for Mitcham and the minister clearly do not understand — and I know the minister has inherited this appalling piece of legislation — is that, with all the power of government, this government drafted the original legislation that created rights under it. They stand condemned because in appropriate circumstances — in the most dire of circumstances, as was alluded to in the original second-reading speech — retrospectivity can be introduced to the legislation. But the government got it wrong in its drafting. Now it stands up here and says, 'We are terribly sorry, but we got it wrong. The original legislation was wrong, and we want to now amend it'. The trouble is they have created rights as a result of that original piece of legislation.

What is appalling — the honourable member for Burwood and the honourable member for Mitcham do not understand this, and clearly the new Minister for Finance does not understand it either — is that it is an appalling step for the government to take away those rights retrospectively. The government created those rights and got it wrong in the first place, and it should be standing by what it originally did.

That is not the most appalling part of this legislation for which the government stands condemned. To blame everybody else — to blame an honourable member for East Yarra Province and to blame the upper house — is just a disgrace. It is typical of this government that it does not know what it does and is prepared to spray

blame around the room. I understand why the government wants to correct the problems it created with the original drafting, and the opposition necessarily supports that — except when it deals with people who have had rights created by that original legislation.

I do not see the necessity to make the changes retrospective. Under the Liberal Party amendments proposed in this house and under the amendment proposed by the upper house the legislation will operate from 1 November, and the relevant applications would have to be made by 1 November. A defined class of people may be included under the original legislation; nobody else can be included. The government now has the power to solve the problem — it could be solved today — by understanding what it has done. I could invoke the old adage, ‘Forgive them for they know not what they do’, but I think they do know what they have done. I think they are prepared to stand there and say, ‘All we are interested in is big developers and the big end of town’.

I can tell the government that I have not received one phone call, one letter or one piece of substantial correspondence about these amendments. Nobody has asked me to stand in this house and speak on this bill. I am standing here on a matter of principle. That is precisely what the honourable member for Mitcham said — the Liberal Party is standing on a matter of principle — and I am proud that I am standing on a matter of principle. What galls me above everything else is that, even if the government is going to make this retrospective, there are two parties who already have applications before the Victorian Civil and Administrative Tribunal (VCAT), and the government is going to change the rules on them.

There is no doubt that that is what the government intends to do. The original second-reading speech says that those people who have issued proceedings in VCAT will have their rights changed. The implication of trampling on those people’s rights is perhaps one of the most appalling precedents in the administration of justice that we could ever see in this state. It means the government feels it can correct and interpret people’s rights and deprive a court of the opportunity to interpret those rights, which is the classic tenet of the independence of the judiciary.

We do not hear the Attorney-General spraying it across our side here that we are not standing up for the independence of the judiciary. The Parliament will actually be passing a piece of legislation that will direct a court as to how it is to interpret a piece of legislation, and that is disgraceful. The holding up of a court

proceeding while this legislation is passed is also disgraceful. Justice delayed is justice denied, and that is disgraceful.

On top of that, the government is going against a fundamental principle. Not only is the government talking about retrospectivity in a fairly draconian circumstance — I do not think this is a draconian circumstance — the government is also going against its own precedent, and a precedent that has been a golden thread running through the common law since parliaments first came into operation — that is that once somebody has gone to a court and asked that court to determine and enunciate their rights, the game rules cannot be changed.

Towards the end of 2000 in this house the State Taxation Acts (Further Miscellaneous Amendments) Bill was introduced, and that bill proposed a number of amendments to legislation. One of those amendments was actually going to affect people who were undertaking legal proceedings against the state of Victoria. Indeed, it was those proceedings in relation to stamp duty and a rebate that necessitated the bill coming into the house. It was ultimately held over and passed by the Parliament in March 2001 with the opposition’s support.

I will quote from a document from the State Revenue Office relating to those amendments and those legal proceedings, and this issue encapsulates the golden thread of principle that has run through the common law for ages. The document refers to the government’s own bill relating to stamp duty that was passed by this Parliament in March of last year. It reads:

The entitlements of taxpayers that have already commenced legal proceedings against the commissioner will not be curtailed by the proposed amendments.

I say to the government: you have set the precedent. Indeed, all you have done is adopted a golden rule, a golden thread and a precedent. I think it is absolutely disgraceful that for two of the nine people that claim under the legislation — claiming rights that you gave them because you could not get it right in the first place — you are actually going to wind back the clock and change their rights, notwithstanding that they have issued proceedings in the Victorian Civil and Administrative Tribunal. I think that is disgraceful and the government should stand condemned for what it is doing today.

**Mr NARDELLA** (Melton) — We have just had an absolutely appalling speech, to use the words of the honourable member for Kew. What he is supporting and what the Liberal Party is supporting in the

amendments it rammed through the upper house are rights for developers. They are rights for privileged people in our society and within our community. If anybody should be condemned, it should be the extremely lazy opposition members, because instead of coming in here and putting together a set of amendments to our legislation, what they should have done at the briefing and in the work they should have been doing in opposition was to pick the original flaw within the legislation. They should have brought that to the attention of this house and made sure that the rights that this Parliament gave in the original legislation, inadvertently and by mistake — I grant the honourable member for Kew that — did not go through in the original legislation in May.

But no, the Liberal opposition members are too bone lazy to do any of their work and to pick up the flaws in the legislation because it is too hard for them. It is too much physical and mental work to actually read and understand the bills before the house and then make the appropriate amendments when they are introduced within the house. If anybody should be condemned it should be the honourable member for Kew, a learned lawyer and senior barrister within our community before he came into Parliament, a member of the legal profession who should have understood the bill before the house. Yet he comes in here and wants to talk about principles. He wants to talk about these poor nine people within our society who are being affected by this legislation and by this amendment.

These poor nine people have in the vicinity of \$8 million of work amongst them. That is who they are protecting. If you do the sums it is about \$900 000 of development. Residents in my electorate — in Melton and Bacchus Marsh, Diggers Rest, Rockbank and Toolern Vale — would not know what \$900 000 looked like. The only time they ever see \$900 000 worth of property is when they go down the freeway past Toorak, past Hawthorn, past the leafy suburb of South Yarra. They have never seen and they will never in their lives develop any house, any block of units, any land worth anywhere in the vicinity of \$900 000.

This is the privilege, these are the rights that the Liberal Party want to protect. The constituents and residents in Sunbury represented by the honourable member for Tullamarine would have nowhere close to \$900 000 worth of development. Yet we have this cry by the Liberals — by the honourable members for Box Hill and for Kew — about principles, about how poorly done by are these developers who are knocking down old houses on large blocks of land and developing an average of \$900 000 worth of units on them so that they can line their own pockets.

The type of principle understood by the Liberal Party is how to help your mates line their pockets. They come in here and bleat about principles; they had no principles for seven years. I was in the upper house for seven years where not one opposition amendment, not one motion and not one resolution was adopted by the former Kennett coalition government — none.

**Ms Beattie** — A house of review!

**Mr NARDELLA** — It is certainly not a house of review. It never was under the former government. Regardless of the arguments put, regardless of the logic, and regardless of the substantive matters placed before the former Kennett coalition government by the opposition, not once did it allow any amendment even when it was wrong.

I will give you examples at a later stage where the Labor Party forced the Kennett government to put changes in place. A prime example was the Workcover legislation. The honourable member for Kew spoke about flawed legislation; the Workcover legislation was flawed. He should talk to injured workers about flawed legislation that took away people's rights; not just ordinary people and their families but injured workers, their families and the people they supported. Honourable members opposite come into this place and bleat about \$800 000 or \$900 000 developers who they think the Labor Party should support. What an absolute nonsense!

As I have said before, I give credit to the National Party for understanding the matters and issues and putting a reasoned position before the house. I take on board the position of the Leader of the National Party.

Let me speak about John Lenders, the Minister for Finance. If those nine developers contacted his office I am more than certain that he would listen to them and try to work through some of the issues, although they would need to understand that the legislation, as was the intent back in May last year, is not there to protect developers. It is not there to protect the privileged who were protected by the former Kennett government for seven long, dark years. The Liberal Party continues down that path today, which is its real shame. It cannot understand the grief, hurt and anger of the 150 families and households caused by the delay of this legislation.

Let me give you a personal story of a constituent of mine. Since May last year she has undergone two tragedies. One is the collapse of Avonwood Homes and the other is the collapse of HIH. Unfortunately her family got the daily double. Avonwood Homes collapsed. There were flaws in the house and she went

to HIH to try to have them fixed. HIH collapsed and the Bracks government put a rescue package in place which we have been trying to deal with ever since. It is an extremely complex situation. It is complex because Avonwood were a pack of grubs and could not build a quality home to save themselves. Then there was Adler and the rest of them in HIH.

This family is making two payments every month. One is their rent and the other is their mortgage. They have a couple of lovely kids and it has been extremely difficult for them. That is on a personal level. I know these people and know they are really struggling. I have been on the phone constantly advocating on their behalf. The Liberal Party is heartless. It is not concerned about people like my constituents who are making double payments each month.

Undoubtedly the bill is about — and I will explain it to the Liberal Party in simple terms — people building a house which is not complete and has flaws in it. The owners may not be able to shift in so while they are paying a mortgage they are also paying rent. That is the difficulty causing those families to hurt. They are hurting as a direct result of the honourable member for Box Hill who comes into this house bleating about \$900 000 developers.

These are the people who in their seven years in office helped their mates — the Ron Walkers and the Lloyd Williamsses of the world — in their quest to line their pockets. They come in here today not caring about the 150 little people. They don't give a stuff about them. They are irrelevant to this legislation and irrelevant to their lives. They are on a good wicket. Some members of the opposition have been senior counsel, like the honourable member for Kew; another is the honourable member for Box Hill. They have been earning big bucks and have been looked after by their families. Yet when you talk about the people whom this amendment will look after, they do not care. They are heartless. They come into the house and continue to be heartless, and that is why they are on that side of the house.

Regarding the upper house and the amendments, I have talked before about the seven long, dark years of the Kennett government. I remind members on the opposition benches that the legislative program of a government should be determined in the Legislative Assembly. We have a unique situation in that there are checks and balances in this house, with the Independents and the rigours that they place upon us as a government.

It is appropriate that the upper house debate bills, suggest changes and put changes in place as it sees

fit — but not in these types of circumstances, where members opposite knew at the end of November or early December that they would go out and destroy the lives of 150 households by delaying the bill, because the amendments in the upper house meant the bill would be laid over until today.

The legislation will be further delayed by this process. The government will get the bill through the lower house this time around, but I call on honourable members from the Liberal Party to seriously consider their position and to seriously consider the feelings, the thoughts and the tribulations of and the emotional and financial hardship suffered by the 150 families. On this side of the house that is who we care about — whether it is the honourable members for Tullamarine, Seymour or Geelong or the minister, the honourable member for Pascoe Vale, who is at the table. We care about the 150 families that the legislation is about, not the nine developers — not the Collins Street farmers and the tax avoiders who are trying to increase their wealth. It is about salvaging the livelihoods of the real people in our society, as well as their homes. That is what we are talking about — people's homes — —

**Ms Beattie** interjected.

**Mr NARDELLA** — As the honourable member for Tullamarine has said, it is about the dreams and the whole lifestyles of these people. That is why it is important that these people are looked after.

In his speech the honourable member for Box Hill referred to examples where these poor people that he supports are developing three or more units on a block of land. What nonsense! Three or more units to look after their families? If there are genuine people undertaking that, I strongly suggest he urge them to contact the Minister for Finance quickly. None of my constituents can afford to build three units. The vast majority, especially low-income people, have great difficulty building any units or buying any house in my electorate. So it is just nonsense for the honourable member for Box Hill to come into this house and talk about how hard-done-by, small-business operators wanting to develop three or more units on a block of land should be looked after. These are the Monomeath Avenue amendments. The honourable members from the Liberal Party are the developers' friends.

In my office I have dealt with developers who have gone into residential areas such as John Paul Drive in Hillside, where there are clear covenants saying that only one dwelling can be constructed on a block of land. Yet they go in there regardless of the covenant and develop two units because they will make money

out of it. They sell one house on one block and make \$300 000, but if they sell two houses they make \$600 000 and pocket a very substantial profit. These are the types of people whom the Liberal Party is supporting with its amendments from the upper house.

One of the final things I want to say is that it is a tragedy that no members from the Liberal Party other than the honourable member for Kew have supported the honourable member for Box Hill. It is a tragedy that this house has opposition members other than the honourable member for Kew — I disagree with what he said but at least he had the guts to say it — who are not prepared to come in here and put on the record their views on why they should support \$900 000 developers in this chamber over and above the 150 families, ordinary working people who want to build and complete their houses in the metropolitan and country areas of Victoria. That is the tragedy. They will not stand up like the shadow minister, the honourable member for Box Hill, because they know they have to toe the party line, which they know is indefensible. They know it is not right that they should support the \$900 000 developers above and beyond the 150 families that are in desperate straits.

**Mr Hardman** interjected.

**Mr NARDELLA** — Absolutely. As the honourable member for Seymour said, that is another strategy. I do not support the amendments brought before the house through the upper house process. It is an illegitimate process, one that the Liberal Party is now absolutely abusing, and I urge honourable members not to support these amendments.

**Ms BEATTIE** (Tullamarine) — I join the debate on the amendments to the House Contracts Guarantee (HIH Further Amendment) Bill. I do not support the amendments either, and I commend the honourable member for Melton for his rousing speech in support of his constituents. He is a true champion of his constituents because he knows them well, unlike those on the other side of the house.

I note there are no National Party members in the house at this time. I read with interest the debate on the bill in the upper house. The Honourable Roger Hallam said he was embarrassed to be caught in the crossfire and that he could not possibly support the Liberal Party's amendments. Obviously the National Party members of this house are so embarrassed that they are not present in the house, and most of the Liberal Party members are also embarrassed because they are not in the house either. The Liberal Party has run out of speakers on this bill so it has no-one prepared to get up and speak in

favour of the amendments that it has proposed. What a cowardly act that is!

The honourable member for Melton talked about nine developers and \$8 million. I want to talk about some of those issues. Last year some people in the area that has been redistributed into my new seat of Yuroke — a couple living in Greenvale — came into my office and the woman said, 'We are very fortunate. My husband has lost his job with HIH but at least I have a good job at Ansett that we can fall back on'. We have seen Liberal Party members in this house desert Ansett workers by backing the comments of John Anderson about Ansett being a carcass swinging in the breeze. Last week I led a delegation of local people up to Canberra to talk about some local responses for those Ansett workers.

As I said, some of those people were caught up in HIH too. As I drive through what will be my new electorate in Roxburgh Park, I see — like the honourable member for Melton said about Avonwood Homes — people caught in this black hole. Again like the honourable member for Melton I am not talking about people who are millionaires; I am talking about some of the most affordable housing in this state, blocks worth \$80 000 or \$90 000 bought by young couples building their dream homes. They have scrimped and saved for months, sometimes years; sometimes they are newly arrived migrants. What the Liberal Party wants to do is hand a bucket of money — \$8 million — to nine developers. Some 150 people have been caught up in this black hole since last May because those on that side of the house continue to support their rich mates and will leave working-class people in the lurch.

We will see the Liberal Party condemned at the next election for its non-caring attitude not only towards the 150 people caught up in this mess but also towards the Ansett workers. There is a litany of examples of its non-caring attitude towards workers. When councils amalgamated and people were caught up in compulsory competitive tendering, hundreds of people were put out of work — and again the Liberal Party did not care. I could give numerous examples about its non-caring attitude. I could go on and on, and I probably will for about another 15 minutes!

This bill was intended to assist home owners or potential home owners stranded by the HIH collapse. Again the problem is with those on the other side of the house. I should make a distinction here: it is not all on the other side of the house, because the National Party and the Independents have the good sense to see what is right in this bill. The amendments before the house today are a disgraceful example of the way the Liberal

Party wants to shatter the dreams of 150 people and line the pockets of nine developers — people who set out on a business venture to make money and were caught up in this, but that is the risk they took. They went on an expedition to make money and now when it has not come true they want to put their hands in the bucket as well. I would rather the 150 ordinary working men and women see their problems solved than the nine developers. As I said, the Liberal Party could not care less about those 150 people. To the Liberal Party they are just factory fodder, or something like that. They treat them as less than human.

There were some unusual clauses in the HIH policy and some of those things should have been corrected, but the opposition did not do its work and the bill is back here. The opposition did not do the work. It was lazy. And it is now whingeing and carping and whining like we have seen so often.

This scheme should not be open to unscrupulous claimants — and that is what these people are — to lodge a claim with HIH. I have friends who live in Elwood where one deceased estate house was knocked down to make way for five units on a corner block. Those units will go for \$800 000 or so each. I do not feel like rewarding these nine developers. They took a gamble, they made a business decision and unfortunately they got caught. But the 150 people did not make a business decision; they made a decision to build a home for themselves, for their children and for their future.

I am not talking about people who are going to build a home and then move on and update to a \$400 000 home and sell that to buy a \$800 000 home. I am talking about people who perhaps pay \$150 000 for a house and land package, like the constituents of the honourable member for Melton, to build their dream home, make a place for their family and their future. It is their suburban dream. Honourable members on the other side of the house might sneer at that suburban dream because it is not in Kew or Toorak or Doncaster. Nevertheless it is the dream of many people and they do not deserve to have those dreams stripped away from them because HIH could not get it right.

I will touch on the attitude of the Legislative Council. All of a sudden the Council has seen fit to start reviewing and amending bills. I heard on the radio this morning that the Council wants to start acting like a Senate. If it wants to act like a Senate, it should start behaving like a Senate instead of being the obstreperous, obstructionist house that it is. It should come with us into the brave new world and forget about the wigs, the red velvet and whatever. It should come

with us and be close to where the people are, because if the Council were to do that it would know that it is doing the wrong thing by putting forward these amendments.

As I say, even the National Party, typically a conservative party, can see the good sense in this bill. The Independents, the free spirits, the free-minded people who judge every issue and scrutinise every piece of legislation as it comes to them, can see the sense in this bill. It is only the obstructionist upper house that cannot see the sense in it. I commend the National Party and the Independents for their foresight on this bill.

I know there are others wishing to speak on this bill — the honourable member for Coburg and the honourable member for Werribee — so I shall end my contribution here. But just the fact that the honourable member for Coburg will follow me and that the honourable member for Werribee will follow him indicates what the Liberal Party thinks of this bill. I do not see anybody at the table defending their position. Where are they? They are not here. They are not even interested. Look at them, talking amongst themselves while this important piece of legislation is debated. I oppose the amendments and I will now let the honourable member for Coburg talk about what it is like for his constituents. He might correct me, but I do not think they are in Monomeith Avenue or Lansell Road nor are they dipping their fingers in for \$8 million.

I oppose the amendments. In conclusion, I wish to praise the National Party for seeing the light this time around and I praise the Independents again for seeing the light, as they always do. It is a shameful and disgraceful exercise the way that the obstructionist upper house, which has no relevance in this century, has sent this bill back.

**Mr CARLI (Coburg)** — I rise in support of my colleagues and to emphasise the important point that the House Contracts Guarantee (HIH Further Amendment) Bill was very much intended to pick up home owners, ordinary people who were buying and building homes and who got kicked by the HIH collapse. That is where the intent was. It is unfortunate that in the haste to put the bill together there were some unforeseen consequences. Part of what we are attempting to do now is to rectify those consequences.

One of the cases before us is of developers utilising, if you like, a loophole or unintended element of the bill to take a large proportion of the fund that was set up specifically for those 150 people left stranded by the collapse of HIH. There is a current attempt by a developer to claim \$7.6 million — 23 per cent of the

fund that was established — and clearly that was never the intent. The government amended the bill to ensure that it excluded developers from being able to claim and take the mass of the money out of the fund and that it does what it was intended to do — that is, to assist those home owners that have been stranded by the HIH collapse.

As we know, HIH was one of the major corporate collapses in Australian history, one of two major ones that occurred last year, along with Ansett. The royal commission will no doubt come out with findings demonstrating exactly why it collapsed, but already there is evidence of mismanagement and overpayment for the various parts that came together to form HIH. As a result of a corporate collapse we have a lot of people who were hurt and a huge impact right through the economy that we are still feeling at the moment in all parts of the insurance industry.

One of those consequences was clearly that of home owners' insurance that was taken out on the construction of buildings by the builders, but essentially what was being insured was the home of the individual owner. We as a government saw fit to intervene quickly in terms of the HIH collapse recognising that there were individuals and families who were obviously struggling to purchase their homes, who had put everything into those buildings and who were going to be hurt by the fact that there were cases where builders had gone bust and insurance was unable to cover them. That was the intention, to come in as a government to demonstrate that it is seeking to protect working people.

The problem that has arisen as a result of this bill and the ministerial order that came into effect was to give developers an ability to claim from the fund because they were entitled as owners and to basically allow them to make claims in cases of non-completion by developers. This was never the intention of the bill. It certainly was not the intention of the government for developers to find loopholes to take money out of the fund. It is a question now of amending the bill to ensure that we do not have unscrupulous people claiming money that clearly is not part of their entitlement. That was not the intention of our public policy. What was essentially a rescue package, in many ways hastily put together by the government, has obviously got flaws that need to be corrected.

The government is very pleased to have had the support of the National Party right through on this bill. We have seen from some previous attempts and demonstrations by the upper house that it is far from helpful in terms of these important cases.

Dare I say it, it is all about defending the rights of ordinary working people. It would seem that in every piece of legislation that goes through this house an attitude of causing as much mischief as possible and blocking legislation is adopted by the upper house. I endorse the comments of the honourable member for Tullamarine, that we are now seeing a period of hostility from the upper house even on legislation that is clearly in the best interests of Victorians, and particularly working Victorians.

Numerous pieces of legislation have been returned to this house with amendments from the other place, but they amount to purely intransigent resistance to the government. That emphasises for us, as it emphasises for many in the community, the real need to reform the upper house; that opportunity should be taken. We need an upper house that is a house of review which demonstrates the various political positions and opinions in the state but which does not simply become a forum where the opposition can express hostility to the government. While the bill is a clear demonstration of fixing up things that were done in haste, the amendment emphasises the difficulties we are now having with the upper house and its attitude to resisting commonsense.

I am pleased to be able to speak on the amendment. The bill demonstrates a genuine attempt by the government to intervene in a period of great difficulty for the home owners left stranded by the HIH collapse, the ramifications of which will be witnessed for a number of years. It has been an enormous corporate collapse. I hope the royal commission leads to an improvement in and the regulation of the corporate sector to ensure similar incidents do not occur, not only because of the economic damage they cause but also because this collapse has hurt people. I am pleased that the honourable member for Werribee, whose electorate covers more of a growth area where insurance for home builders is crucial, will contribute to debate on the amendment.

**Ms GILLETT** (Werribee) — I am pleased to contribute to debate on the Legislative Council's suggested amendment to the House Contracts Guarantee (HIH Further Amendment) Bill. As the honourable member for Coburg said, it is my privilege to represent one of Victoria's most dynamic growth corridors. The collapse of HIH caused enormous disruption, hurt, harm and fear to many people in the electorate of Werribee.

The HIH bill seeks to remedy some of that distress, some of that uncertainty and some of that awful fear that was created when HIH fell apart. The original bill

was intended to assist just these sorts of people, people like the good people of Werribee and Wyndham Vale and Hoppers Crossing and Tarneit who had been severely damaged or felt that they would be damaged or threatened by the collapse of HIH. Given the government's commitment to governing for all Victorians and for taking care of people who are caught, not through their own actions, in difficult situations such as this, the bill was prepared quickly. People had to be given some sense of certainty, some safety net, some safeguard, some feeling that their government was going to take timely steps to look after them. The bill having to be prepared quickly did not allow for much detailed research to be conducted on HIH's policies and claim files. That could not be done in the short time available, as the more important time frame the government was operating under was to quickly provide some safety, some security and some certainty for first home and other home builders.

Subsequent to its initial action the government undertook that research and did its homework. It found many unusual clauses in some of HIH's policies. Those discoveries meant that some of the legislation did not operate as it was intended to operate. The problem clauses specifically relate to policies issued before 1999. It needs to be remembered that a new ministerial order came into effect late in 1998. The principal problems relate to the following matters. For developers, they include being entitled to claim as owners. The 1998 ministerial order allowed insurers to exclude non-completion claims by developers. Another difficulty was clauses that denied any HIH liability if HIH ceased to trade, which is what happened when it went into liquidation on 28 August 2001.

Another area of difficulty was that if the builder, not the owner, was the insured person, the owner had no indemnity from the state because he or she had no claim against HIH. There is also a general requirement, which is still in operation, that claims are deemed accepted if an insurer does not respond within 90 days. While this generally works as it was intended to work — that is, to stop insurers sitting on claims indefinitely — it causes problems for the rescue scheme that the government developed and put into place. This is because any unscrupulous claimant could lodge a claim with HIH, which, because it is in liquidation, would probably do nothing with it. That claim could be sat on for 90 days. The claimant could then lodge a claim with the rescue scheme and say that because HIH is deemed to have accepted the claim the Housing Guarantee Fund Ltd (HGFL) must also accept it. In such a case HGFL could still argue about the amount of the claim, but it could not reject the claim outright.

The government was also concerned that some HIH builders warranty policies may have included cover for things other than builders warranty — for instance, public liability. Such additional cover was not intended to be included in the state's rescue package. Claims for those types of cover can be made against the commonwealth, as is appropriate.

When this amending bill came before Parliament last year the opposition agreed with all the provisions of the bill except the exclusion of developer claims. The National Party supported the government on the bill, and I take this opportunity to congratulate the National Party on its support. In the Legislative Council — that most unrepresentative of all upper house chambers in this country — —

**Mr Robinson** interjected.

**Ms GILLETT** — As the honourable member for Mitcham says, possibly the most unrepresentative chamber in the entire known universe! The upper house has pressed proposed amendments to allow developer claims made before the date of the second-reading speech of the bill. The opposition's most recent message from the Legislative Council is now before this house for debate.

Some 150 claims from owners with cease-to-trade or builder-as-insured clauses in the covering policies cannot be proceeded with until the bill passes. That is a lot of people, a lot of families, who are uncertain and fearful about the prospects of vulnerability that that would leave them open for.

As I said, it being my privilege to represent a growth corridor in the state seat of Werribee, I have strongly lobbied and argued for this action to be taken quickly while not giving the opportunity for large developers to offset their liabilities at the expense of families who are undertaking the building of a family home, many of them for the first and only time.

In detail, this bill amends the House Contracts Guarantee Act, under which the state HIH indemnity scheme operates. It retrospectively came into operation on 8 June 2001, the date on which the indemnity scheme started. This is appropriate retrospectivity, because otherwise we would end up with a gap through which significant numbers of people would fall. Advice from the Victorian Government Solicitor also supports this approach, and it was found to be an appropriate use of retrospectivity by the Scrutiny of Acts and Regulations Committee, which I have the privilege to chair.

It also corrects some of the problems with HIH policies. It provides that the principal place of residence of an owner is not counted in the number of homes that determines whether that owner is a developer. It inserts a new section indicating that the act is intended to affect the rights of parties to proceedings that are currently before any court or tribunal. This ensures there is no doubt that a particular property developer with a current case worth some \$7.6 million, or 23 per cent of the entire fund, is intended to be excluded from claiming under proposed section 36A. The bill also overcomes the effect of a cease-to-trade clause in an HIH policy. If nothing were done, as in proposed section 37(2), hundreds of home owners would have no claim against the fund, contrary to the original intention of the legislation. The cost of these claims was factored into the original costing.

It inserts new subsections in section 38 that exclude developers from the state indemnity, exclude claims relating to insurance other than builder's warranty insurance from the state indemnity, provide that state indemnity does not simply exist because more than 90 days have passed since a claim under an HIH policy was received by HIH, and provide a state indemnity to a home owner despite the fact that under the HIH policy it was the builder, not the home owner, who was insured. It provides explicitly that excluding developers from claiming under the scheme does not affect the subsequent home owner's right to claim.

In conclusion, this is a fine piece of legislation produced by a fine government of which I am proud to be a member, because it is looking after the people of Werribee as they should be looked after — and that is thoroughly and in a timely fashion.

**Motion agreed to.**

**Ordered to be returned to Council with message intimating decision of house.**

**Sitting suspended 6.26 p.m. until 8.03 p.m.**

## COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

### *Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 11, line 15, omit "*section 115*" and insert "*sections 115 and 116*".
2. Clause 11, line 17, after this line insert —

**“115. Transitional provision — Country Fire Authority (Miscellaneous Amendments) Act 2001 — Membership of Authority**

- (1) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, the Authority as constituted on and after that commencement is deemed to be the same body as the Authority as constituted before that commencement.
  - (2) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, a person who is a member of that Authority under section 7 as in force immediately before that commencement, continues, subject to this Act, to be a member until the expiry of that person's term of office.
3. Clause 11, line 18, omit “**115**” and insert “**116**”.
  4. Clause 11, line 23, omit “9” and insert “10”.
  5. Clause 11, line 28, omit “9” and insert “10”.

#### NEW CLAUSE

6. Insert the following new clause to follow clause 2 —

**‘A. Constitution of Authority**

In section 7(1) of the **Country Fire Authority Act 1958**, for paragraphs (d), (e) and (f) **substitute** —

- “(d) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Farmers Federation;
- (e) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Employers Chamber of Commerce and Industry;
- (f) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —
- (i) wholly or partly within the country area of Victoria; and
  - (ii) within an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne;
- (g) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is —
- (i) wholly or partly within the country area of Victoria; and

- (ii) outside an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne.’.

**Ms PIKE** (Minister for Housing) — I move:

That the amendments be disagreed with.

**Mr WELLS** (Wantirna) — We will be vigorously opposing the proposition that has been put forward to the Parliament by the government. Let me make it very clear what the government is asking us to do in regard to this Country Fire Authority (CFA) bill with its amendment. The government wants us to oppose our own amendments that we put forward in the upper house. To vote against them does not make any sense at all.

The original bill is a shifty, underhanded piece of work by this minister. It is designed purely and simply to stack the CFA board. The government has always denied that that is the point — to stack the CFA board. The opposition does not trust him and neither do the 63 000 volunteers. Let me read what this minister tried to do in the original bill. Clause 3 states:

Constitution of Authority

In section 7(1) of the Country Fire Authority Act 1958, for paragraphs (d), (e) and (f) substitute —

- (d) 2 are to be appointed by the Governor in Council on the nomination of the Minister;

In other words, when the Insurance Council of Australia did not want to put in its two nominations, what it led to was a default mechanism which had been there during the Kennett years, which meant that if the insurance council did not want to put anyone up, this minister was able to appoint two people to the board. But he wanted to go one step further and to put it into legislation, to protect him, his union mates and the Labor Party hacks that he can put on the CFA board. He is running out of friends with the United Firefighters Union (UFU), and I would be interested to know who he had in mind to put at the top of the CFA board — whether it was going to be Peter Marshall or another one of the Labor Party hacks — because this would be the first time ever that a minister or a government had control of the CFA board.

I explained about the default mechanism. That was there, as I mentioned quite clearly, in the Kennett years, but what makes this so important is that the minister has indicated his clear intention that he would stack the board, and he has actually tried to put it in legislation.

What has this minister tried to do? He told the CFA board and his mates at the CFA that I welshed on a deal.

**Mr Haermeyer** — Did I?

**Mr WELLS** — That is what you and your advisers told the CFA — that I welshed on a deal.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member will speak through the Chair.

**Mr WELLS** — The minister and/or his advisers told the CFA that I welshed on a deal.

Let’s look at the sequence of events of what happened with this bill. The minister brought it in on 19 September 2001. We wrote to the key stakeholders on 24 September and were given an excellent briefing by the minister, and we thanked him and his staff for that. We had serious concerns so we contacted the parliamentary counsel and looked at those amendments and what we wanted to do. On 27 November — a very important point — the bill went to the Liberal Party room and we decided not to oppose the bill but to move amendments. At the conclusion of that Liberal Party meeting, at 11.40 a.m. on 27 November, my office phoned Minister Haermeyer’s office. The person we wanted to talk was unavailable, but we left a message, ‘Urgent re CFA bill’. That is what we said to the minister’s office. This was urgent. Can you believe when we received correspondence back?

**An honourable member** interjected.

**Mr WELLS** — Two years later! We had never received any correspondence back. We rang the minister’s office to tell him we wanted to talk to him about this bill and that it was urgent. Never, ever did we receive a phone call back. No matter how much we complained, we did not ever receive one piece of correspondence back after contacting him at 11.40 a.m. saying this was urgent and, ‘We need to talk about this to try and have the matter resolved’. Never did we receive a piece of correspondence back.

The bill was debated in the Legislative Assembly, and on 29 November it was voted on. It then went to the Legislative Council, where its second reading was moved by the Minister for Sport and Recreation, the Honourable Justin Madden, and the amendments were moved on 5 December.

Isn’t it interesting that after we tried to contact the office of the Minister for Police and Emergency Services to talk about this bill, the minister said to himself, ‘Let’s play politics with this’, and he put out a

press release on 28 November headed ‘Playing politics with CFA: Haermeyer’ — this is his own press release! It states:

The opposition has played cheap politics with changes to a crucial firefighting service on the eve of the summer fire season, the Minister for Police and Emergency Services André Haermeyer said today.

‘As the Country Fire Authority and thousands of volunteers prepare for the upcoming season, the Liberal and National parties want to score cheap political points in an irresponsible campaign in misinformation’, Mr Haermeyer said.

Let’s have a look at this. He has put this out on the eve of the firefighting season. He brought the bill into this place on 19 September. Why in blue blazes would he want to wait two months to have it debated? If he was serious about bringing the bill on, he would have had it debated in late September or early October. He could not get his act together; he waited until the eve of the fire season, and then he started running around putting out this sort of stuff, which fortunately did not get much coverage.

On 6 December he started saying — —

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member will address the minister appropriately in the third person, through the Chair.

**Mr WELLS** — On 6 December the minister put out another press release, in another stage of desperation, headed ‘Opposition delays important reforms on eve of fire season’. Again I make the point that the minister brought the bill in on 19 September and waited two months before he wanted it debated in the lower house. The media release states:

‘Because the lower house has already risen this means these important enhancements to fire safety, prior to yet another high-risk summer, cannot take effect until after the fire season’, Mr Haermeyer said.

Whose fault is this? It is the minister’s fault. We stated very strongly throughout this whole debate that we support the minister’s ban on the use of gas-fired scatterguns, we support the minister on the strengthening of municipal fire prevention plans and we support the minister very strongly on the clarification of the availability of compensation to all volunteers. We said in the spring session that on these three matters we have no problems and we support the minister strongly.

It gets back to the issue of the intent of this bill. Clearly an intent of this bill on the part of this minister was to ensure that he had the right to appoint two members to the board.

**Mr Haermeyer** — On a point of order, Mr Acting Speaker, I refer the honourable member for Wantirna to the bill before the house. The bill before the house does not relate to any changes to the composition of the CFA board other than the amendments that have been proposed by the opposition.

**Mr WELLS** — On the point of order, Mr Acting Speaker, that is no point of order. We know what the amendments are about. I am talking to the amendments and to the bill.

**The ACTING SPEAKER (Mr Jasper)** — Order! At this stage I do not uphold the point of order, but I remind the honourable member for Wantirna of the details of the legislation and the amendments that are before the house.

**Mr WELLS** — Let me make this very clear, because the minister must have misunderstood what I said at the very start.

**Ms Duncan** — It was misunderstood by everyone else.

**Mr WELLS** — Yes, I understand the minister is misunderstood. I agree with the honourable member for Gisborne that the minister is misunderstood in many places.

What the government is trying to do with the amendments is to take out the part where the minister has the ability to nominate the two people for appointment to the board. What would happen in that case is that there would be a default mechanism, which may not be known to the backbenchers on the Labor side, and the minister would still have the ability to appoint two members to the board. So I am talking about the bill and the minister’s amendments, which we are opposing.

A couple of weeks ago the honourable member for Benambra invited me up to Wodonga to meet with some of the CFA volunteers there, and we had an excellent response to that meeting. When we sat down to talk about CFA issues, the no. 1 issue that they wanted to make sure we knew about was that they did not want this bill to proceed with the minister’s amendments. The no. 1 request they raised with me and the honourable member for Benambra was to make it very clear that we, as the Liberal Party, should stick to our guns and not allow the amendments to be passed that would allow that default mechanism to be put in place.

There has been a suggestion by the minister and his crew saying, ‘Let’s leave this part of the bill out, and

we will come back to it in the spring sittings and address the issue of the board then'. The point is that we do not trust the minister! We do not trust the minister, the volunteers in Wodonga do not trust the minister, and the volunteers in Gippsland, Warrnambool and Horsham do not trust the minister! Let me tell you: this minister has no credibility with those 63 000 volunteers. They do not believe him!

The minister has no credibility, and the reason for that is that he tried a slimy, sleazy, underhanded method of stacking the board in the first place, and the volunteers woke up to it. That is why we have both the urban association and the rural association writing to us, and both organisations have said clearly, 'We cannot have a position where the minister is allowed to appoint the board members'.

When you look at the composition of the board you see that there is the Environment Protection Authority representative, the Department of Natural Resources and Environment representative, the deputy chair and the chairman, a total of four people; these two people that the minister wanted to appoint would make it six; and the chairman having the casting vote would for the first time create a majority and enable the Minister for Police and Emergency Services to control the board.

The opposition proposed an amendment in the upper house which would get the minister out of an awkward spot and allow him to gain some credibility with the volunteers. If he had agreed to it he probably would have been seen as a hero among the volunteers. But no, he could not, because of his mates at the United Firefighters Union. This minister is hamstrung and handcuffed to the UFU, and he could not make that decision. The amendment we moved — and I notice the National Party had the same amendment — was going to save this minister's skin by saying, 'If you are going to appoint someone to the board, let's get some real skill. Let's get one person from the Victorian Farmers Federation — the farmers — and let's get one person from the Victorian Employers Chamber of Commerce and Industry'. With that you would have two people going onto the board with whom we were happy as a Liberal opposition, with whom the volunteers were happy with — the whole 63 000 — and the only person — —

**Ms Duncan** — All of them?

**Mr WELLS** — The honourable member for Gisborne interjects and asks if it had total support. I can tell the honourable member for Gisborne that the debate on this bill has been going on for six months and I have not received one letter or one phone call or met one

CFA volunteer who disagreed with our amendment. I would be interested to hear the honourable member for Gisborne announce in her contribution which brigades in her electorate were actually opposed to what we were saying. Maybe she will be good enough to name them in the house, and then we could follow it up and contact those volunteer brigades in her electorate and clarify why they were opposed to our amendment, because they certainly did not contact us and they certainly did not contact the National Party. They did not contact any members of Parliament on this side of the house.

So we had a proposal designed to get the minister out of a sticky situation which we were happy with, the volunteers were happy with, and I suspect the CFA was happy with. The only people who were not happy would have been the United Firefighters Union and Peter Marshall. I am not sure whether Mr Marshall was one of the people that the minister had designed would go onto the board. Maybe that was the case, because he is a highly intelligent man and he has a very good knowledge of the CFA. However, my concern would be whether he would look after the interests of those 63 000 volunteers rather than the 200 UFU members.

The other point which we designed as an amendment in the upper house was to save this minister's botching of the original bill, where it had two appointments from the Municipal Association of Victoria. What this minister wanted to do, and what could have happened the way the bill was written, was that a person from Springvale and a person from Boronia could have been on the CFA board.

**Mr Haermeyer** interjected.

**Mr WELLS** — That is right. The minister has just mentioned that the Warrnambool person is the urban representative. That is what the CFA people wanted, but the way this was written under the minister's scheme — the one he botched — you could have someone from Springvale and someone from Boronia. That is not what people in country Victoria wanted; they wanted someone from rural Victoria. So what we designed was to have someone from within 80 kilometres of the CBD and someone from outside 80 kilometres of the CBD. It was a reasonable amendment that was accepted by the urban and rural associations, but for some reason the government did not take it up. When I spoke to one of the minister's staff I told him we were happy to move on this particular one, not the other one. We are still waiting for the phone call back to us. We sincerely believed that this was going to make it easier for the minister to appoint two people, because it was a ridiculous situation hypothetically speaking to appoint someone

from Bayswater or Springvale or Boronia. To me at the time that was totally unrealistic.

It is very disappointing that this bill has come back, because I believe that with our amendments it represented the will of the CFA volunteers. They put that in writing to us. If they have written something different — —

**Mr Haermeyer** interjected.

**Mr WELLS** — Absolutely! I am happy to produce a letter from the urban and rural associations in which they say they want us to make sure that there is proper representation on the CFA board and not to allow the minister — —

**Mr Haermeyer** — They supported your amendments, did they? Is that what they said in the letter?

**Mr WELLS** — The minister does not listen. Let me make this very clear for the minister, through you, Acting Speaker: the urban and rural associations did not want the minister to appoint his own nominees to the board.

**Mr Haermeyer** interjected.

**Mr WELLS** — That is what they said? Is the minister acknowledging that point? Are you acknowledging that point?

**Mr Haermeyer** interjected.

**Mr WELLS** — I think he is. I think he is going to acknowledge that point.

**Mr Haermeyer** interjected.

**Mr WELLS** — He asks now, ‘Were they supporting our amendments?’. When we phoned the urban and rural associations we said, ‘This is an idea that has come to us from a number of the CFA volunteers and regions. What do you think of this idea?’. One of the brigades said, ‘We would prefer that the board be reduced by two’. We said, ‘Okay; but if the minister is not going to reduce the board then surely a better situation would be that you had two people appointed, one from the Victorian Farmers Federation (VFA) and one from Victorian Employers Chamber of Commerce and Industry (VECCI)’. They said, ‘Yes, that would be better than the ministerial nominations’.

As I said, we are sincerely disappointed that the bill has come back into the house. On the second amendment I believe we could have worked together in a bipartisan way to make sure that the Municipal Association of

Victoria appointments would come one from the rural and one from the urban areas. On the first amendment, as we have said all along, we will not allow the minister to stack the board. I give fair warning that if the government, through the Independents, knocks the amendments out they will be put back in the upper house.

**Mr Wynne** — This is ridiculous.

**Mr WELLS** — I agree, it is ridiculous.

**Mr Wynne** — It is ridiculous grandstanding.

**Mr WELLS** — I make the point very clearly, and this is the disappointing part about it, that on 7 February 2002 the opposition in good faith again contacted the minister’s office requesting the status of the bill. I am happy to give the minister a copy of the emails sent to his office. The matter was passed on to a particular person for him to get back to us. On 7 February we contacted the minister’s office to try and work something out and to get the status of the bill. When do you think we got a response?

**Mr Lupton** — You never got one.

**Mr Plowman** — A month?

**Mr WELLS** — On 26 February I had no choice but to take the matter to the party room because no correspondence had been received from the minister’s office. The decision was made to stick to our guns and maintain the position held in the upper house. Can you believe that at 10 past 3 my office received a telephone call advising that the CFA bill was coming on and we needed to sit down and talk about it.

**Ms Pike** — You must have a leak in your party room.

**Mr WELLS** — No, we contacted the minister’s office; we were happy to do it. On 7 February we contacted the minister’s office in good faith to try and work something out. We did not hear for three weeks. It came back and went to the party room, where we voted on it, in the same way the Labor Party does. At 10 past 3 that afternoon — and only because the minister’s office heard it was coming up because the minister’s adviser was listening to the box, maybe in the minister’s office — we were contacted and asked what we could do about working something out.

Have we been unfair about this, Minister, in trying to contact your office to work something out?

**Mr Haermeyer** — How long do you need — a year?

**Mr WELLS** — We contacted the minister's office twice last year to work something out. We did it again this year in good faith. What more can the minister's office expect from the opposition? He told the CFA that we welsed on the deal, although we had not. We tried to contact the minister's office, were ignored, and then he got upset because we wanted to oppose his amendments.

I hope that while the bill is between the houses we can work on some of the amendments. The minister may not get what he wants regarding the nomination of people to the CFA board. We do not want that in legislation or through the default mechanism. I know that the minister will claim it occurred under the former government as well, and I accept that and have no problems with it, but had he not made his intentions clear in the original bill that he wanted to nominate these two people we may have had a different approach to his nominations to the board.

With those few words, we do not support the minister's amendments and will be sticking to our guns. We are a party that will very strongly back the CFA volunteers. We give fair warning that we will bring back our amendments in the upper house if the minister's office is not prepared to sit down and talk.

**Mr KILGOUR** (Shepparton) — I support the honourable member for Wantirna on this issue. The National Party strongly supports the Liberal Party's points, which involve amendments also put by the National Party. We have not changed our minds on the issue, and it has been a ridiculous situation that we have had to wait until now for the minister to comment on it.

I note with interest the comment of the honourable member for Richmond that this is ridiculous grandstanding. The honourable member for Richmond, who obviously is a city-based politician, would never have sat down with the urban or rural associations to talk with them about how they feel about these amendments and hear their concerns that the minister will appoint members of the United Firefighters Union (UFU) to the Country Fire Authority (CFA) board.

Let's think about how long ago this matter was first brought before the house. I think it was the first week of the spring sitting. That was the very time that the honourable member for Wantirna and I made it quite clear to the government that we were not happy with some of the issues contained in the bill. We were happy enough with what might be called the mechanical part

of the bill, where we talked about municipal fire prevention plans and some issues regarding gas-fired scatterguns and so on, and we now find there will be an amendment to allow regulations to be made for the safe usage of these appliances. These are hardly big-deal issues so far as the fire authority is concerned, but they were raised with the minister and they wanted them put through.

It is interesting that over the Christmas period the minister issued a press release criticising the Liberal and National parties because they were affecting the effectiveness of the CFA. It was hardly something that the volunteers could support, considering that the minister was not interested in talking to us about those CFA appointments.

When I sat down with the members of the executive of the urban association and we talked to the rural association members, they clearly said they did not want to see a continuation of what has been happening, where the minister has appointed people in place of the insurance council.

I want to report what the urban association members said to me. Their first preference was to have two representatives from the insurance council on the CFA board. I absolutely support that; we all support that. However, if the insurance council says it does not want to be represented on the board, it comes back to the minister to nominate somebody. This is where the problem is, because this is where the rural association and the urban association quite clearly say, 'We do not trust the minister. We do not trust the government not to put members of the UFU on the board, which would be a red rag to a bull to the 60 000 volunteer firefighters in Victoria'.

The other proposal they raised with me was that if we cannot have the members of the insurance council then we should decrease the board membership by two. They were quite clear about that. They clearly put the suggestion that there should be two fewer members on the board rather than having two members appointed by the minister.

A further proposal was that if the minister was not prepared to deal with that we could have an additional representative from each of the urban association and the rural association if he wanted to keep the board at the 12 members as we have at the moment.

Then there were the two important proposals which were suggested by rural Victoria and which we put forward as opposition and National Party together. The first was that there should be a member of the Victorian

Farmers Federation (VFF), whose members represent the massive amount of farmland covered by the various brigades of the CFA. The other was to have a representative from the Victorian Employers Chamber of Commerce and Industry (VECCI), which represents business people whose businesses and buildings in country towns and the outer metropolitan area also need to be protected by the CFA. I thought they were excellent suggestions. I thought we had a situation where the minister would surely sit down and talk to us about them. But no, he just bludgeoned ahead and did not bother to talk to us.

We put forward these amendments in the last week of the spring session. The minister had all the time he needed over the summer break. He had an opportunity to sit down with us and work this out, because we were prepared to talk to the minister about it. We were prepared to say, 'Well, if you do not accept the VFF and VECCI, who do you accept?'

One of the minister's staff suggested to me that in looking at a skills-based board the minister might say, for instance, that one member of the board must be a certified practising accountant or a member of the legal profession. I would be very happy to talk to the minister about that, because that is what happens on other boards. We also see what happens on other boards where the Labor Party puts in union representation. Here we were — —

**Ms Allan** interjected.

**Mr KILGOUR** — The honourable member for Bendigo East obviously does not have a clue about what has happened in the past when Labor governments have placed union representatives on boards. I wonder whether the honourable member for Bendigo East has bothered to talk to the volunteers of the CFA to see how they feel about the issue. They feel very strongly about it, and we strongly believe we should not continue to have these two representatives appointed by the minister.

The minister has had plenty of time to change this. When I said to the minister's staff member, 'What is going on here? You knew about this issue in the first week of the spring session, and we still haven't got any change. We still haven't sat down with the minister and talked about it', the suggestion was, 'Oh well, if it's to be a skills-based board, we need to put this past a whole lot of people'.

The government has had six months to do this and it has done nothing about it. The volunteers from the rural and urban associations are saying, 'We know what's

behind this. They want to put one or two UFU members on the board, and we're not going to have a bar of it'. Yet here they have said to the minister, 'We would accept the possibility of two coming off the board; we would accept the insurance council, if the council would accept it again; and we would accept two more representatives, one from each association'. They will also accept a representative from the VFF and a representative from VECCI. But what does the minister do? He continues to go ahead, saying, 'No, I want to put this through and continue to appoint the board members'.

So we have a situation where we have been told by the minister's staff, 'If you withdraw this as far as the board representation is concerned, maybe later this year we will make this change before the next board appointment'. We are being asked to believe that this mob would put this through, and that is why we are now saying that we will continue to support the amendments.

Let's get this fixed up right now in a manner that the volunteers of the CFA will accept. We support the amendments, and we will put them back again in the upper house if necessary. So when we are looking at one representative from the VFF and one from VECCI, in regard to the Municipal Association of Victoria all we are trying to do is ensure we have a representative from the country areas of Victoria — —

**Ms Allan** interjected.

**Mr KILGOUR** — The honourable member for Bendigo East could hardly vote against that. We are saying we could have a representative from the outer metropolitan area. So we could have one representative from within an 80-kilometre radius and one representative from outside that. That is fair and equitable. It would give the real rural brigades and the more urban brigades a chance to be represented. I do not see a problem with that. We have had no response from the minister's office to say where we are wrong, but we have the full support of both the associations representing all those firefighters in rural Victoria.

We in the National Party have no doubt that we are doing the right thing by those people whom we represent, because we have sat down, talked to them and listened to them. Not only that, we have taken their advice. They were the people who brought forward the issue about VECCI and the VFF, not us. They came to us and said, 'We think these two groups would be the people who would have a very good command of the situation' — and of course it is their property that needs to be protected by the CFA brigades right throughout

Victoria. So I am very happy to continue to support the amendments that were made in the upper house.

I would be very happy to ensure that the National Party supports these amendments if they go back to the upper house. But we are happy to talk to the minister about whether he has any other ideas about replacing those two with somebody else who he thinks we might be able to get through to — except the union, because that is certainly not what the volunteers want. We would have been happy to talk about another demographic as far as the municipal association is concerned, but after six months we still have not had the opportunity to discuss with the minister the possibility of some changes. So we are faced with the situation of saying yes, we will support the people we represent in rural Victoria, and yes, we will continue to try to put forward these amendments to make sure there is fairness and equity for the people who make up the magnificent body of men and women who are the Country Fire Authority of Victoria.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — When this bill was introduced to this house it came with a number of changes from the Country Fire Authority (CFA) to significantly enhance its capacity to provide for the safety of Victorians, to prevent fires from occurring and to make municipal fire prevention arrangements more enforceable. It was about prescribing or imposing restrictions on certain devices like scatterguns in times of high fire danger, and it was also about ensuring certifications for days of total fire ban. In the past prosecutions for lighting fires on days of total fire ban had failed because of the unavailability of the original certificate. Very importantly it was about enshrining in legislation the right of CFA volunteers to compensation.

At the time the Office of the Emergency Services Commissioner thought it might be appropriate to use this bill to formalise the arrangements that had been in place under two governments and under three ministers regarding appointments to the CFA board, because the Insurance Council of Australia (ICA) had made it clear that it wanted to extract itself from its responsibility of funding the fire services. I find it interesting that the National Party is tangoing with the council on that particular proposal, because if the council were ever to get away with it, the fire services in this state would be destroyed. To let the insurance council off the hook for funding the fire services would be an outrage. It has been done in other states, and all it did was pocket the fire services levy to obtain a windfall gain. It is something this government will not entertain, because it would devastate the CFA in particular.

However, because the insurance council was not nominating its representatives on the CFA board, the government decided that this was something it had to formalise. The ICA had written to the government indicating that it wished to be relieved of its responsibility to make those appointments. The Municipal Association of Victoria (MAV) wrote to us indicating that it had a difficulty with the way the distinction between rural and urban representatives was codified and that it would like that distinction removed, but it said it would at the same time ensure that its rural members were represented given the two appointments it is able to nominate.

We thought, ‘Okay, the first point has been existing practice, and commonsense will prevail on the second’. At the moment we have the rather bizarre situation where the urban MAV representative on the CFA board is a person from Warrnambool — although I must say he is an excellent representative for whom I have the highest regard.

As I said, the ICA provisions dealing with the appointment of the CFA board have been in place under two governments and three ministers, and I have already appointed or reappointed ICA representatives to the board. No members of the United Firefighters Union (UFU) are on it, as was suggested by the honourable members for Wantirna and Shepparton. No criticisms of appointments were made; they were regarded as good and decent. I was simply carrying on the tradition that has been carried on by the previous government, and it was a suggestion of the Emergency Services Commissioner’s office that these practises be reflected in legislation. So we thought, ‘Okay, this should be non-controversial. We will simply add this on to the CFA bill’.

As soon as the opposition and the National Party were briefed on it they made it fairly clear that they were going to play politics with the provisions. They were going to run out and say, ‘Oh look, the government is trying to stack the CFA board with UFU reps’. We had that suggestion coming from the honourable member for Wantirna, yet the Leader of the Opposition has been out there today speaking almost in praise of the United Firefighters Union over comments that have been made in the last few days. It is a rather incongruous position, but the point is that the opposition has tried to play politics with this.

This is an important piece of fire safety legislation, which we made very clear when we introduced it. We withdrew the provisions that related to the CFA board. We made it clear to the opposition and to the National Party that we would be prepared to treat with the issues

relating to the composition of the CFA board and the MAV issues relating to urban and rural representatives, but we did not want the important fire safety and volunteer compensation provisions to which I have referred to be caught up in a political bunfight. So we said, 'Let's have that debate at another time. Let's talk about the composition of the board in good faith. We will talk about it sensibly, but let these important safety provisions be dealt with in isolation. Let's not put the safety of Victorians at risk'.

The opposition and the National Party proceeded with their amendments prior to the summer fire season. They then misused their majority in Jurassic Park across the hallway, and they misused the — —

**The ACTING SPEAKER (Mr Jasper)** — Order! I assume the minister means the Legislative Council?

**Mr HAERMEYER** — You assume correctly, Mr Acting Speaker. They misused that majority on the last parliamentary sitting day before Christmas. They moved these amendments knowing full well that the lower house had already risen and that the bill would sit over the entire summer period, a very high-risk fire season, waiting to come back into this house so we could again consider their amendments. The fire danger period is still not over. We are saying, 'Let's deal with these amendments, and let's have a separate debate about the composition of the CFA board at another time'.

That is what we are saying. These are important fire safety amendments and the opposition is trying to use them as a vehicle to get through changes to the CFA board. Make no mistake about it, Mr Acting Speaker, in the bill before the house at the moment the only provisions proposing changes to the CFA board are those being proposed by the Liberal Party and the National Party. They are the only ones in this house tonight trying to change the composition of the CFA board, no-one else. Let's take that away. Let's deal with the fire safety provisions and the provision of compensation to the volunteers, and let's have the political bunfight at another time. That is what we are saying.

The honourable member for Wantirna has tried to build up a case of how this is all about the government and the minister trying to take control of the CFA board. I remind the honourable member for Wantirna that he sat on this side of the house when the previous government introduced — —

**Mr McArthur** interjected.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member for Monbulk has made his contribution.

**Mr HAERMEYER** — He says we wanted to put it into legislation. The government withdrew that, but that is not good enough for him. He still wants to make his changes to the CFA board. He sat on this side of the house when the previous government introduced an unqualified general power for the minister to direct the CFA board. The reality is that I do not need control of the CFA board because the opposition when in government already gave it to the minister. So what an irrational, nonsensical and absolutely stupid argument. I do not need to control the CFA board because the former government gave me the unqualified, absolute general power to direct the CFA board. The former government moved that amendment, but has it been used once? No.

**Mr Wells** interjected.

**Mr HAERMEYER** — The honourable member for Wantirna says, 'Look, the only reason they are moving these amendments is that we tried to put the existing practice into legislation', and other than that they would not have bothered with them. That really shows that this is an opposition full of dorks.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member for Wantirna has made his contribution. The minister, without any assistance!

**Mr HAERMEYER** — Mr Acting Speaker, they did not!

These provisions in relation to the appointment of the CFA board operated under three ministers of two governments. The opposition parties did not see fit to make any changes but because we simply tried to reflect the existing practice in legislation suddenly they think it is so important to make these changes that they have to hold up and frustrate important provisions in relation to fire safety, fire prevention and the right of volunteers to compensation.

The honourable member for Wantirna and the honourable member for Shepparton both raised the matter of the volunteer associations of the CFA. Those associations have written to me, and I have seen the correspondence of the honourable member for Wantirna. They have made it clear that they support the status quo.

**Mr Wells** — On a point of order, Mr Acting Speaker, the minister is clearly being misleading about the views of the volunteers. They did not support the status quo. They want a reduction in the board or the Insurance Council of Australia back on. I find it offensive on behalf of the volunteers for the minister to be misrepresenting them.

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

**Mr HAERMMEYER** — I would be happy for the honourable member for Wantirna to table the letter that he showed me over the table just before, because it reflects very similar sentiments to those expressed in a letter to me from the same organisation, which says it supports the status quo because it does not want to let the Insurance Council of Australia off the hook in relation to its responsibility for funding the fire brigades. I have to say there is some merit in its argument so I am quite happy to accept the status quo. However, I am also quite happy to talk about the composition of the CFA board with the opposition and the National Party, but let them not misrepresent the views of the volunteer associations. The opposition and the National Party have been running around implying that somehow the volunteer associations are supporting their position. That is not supported in the letters those associations have written to these gentlemen opposite.

I am very proud to stand here tonight as the minister who actually signed off on a charter with the volunteers and the volunteer associations, because the previous government did absolutely nothing about it. It just took them for granted and let the CFA's funding rot away — its real funding declined after seven years of the previous government. The honourable member for Wantirna sat over here for seven years and never mentioned the CFA once. Despite his having an electorate entirely within the CFA's coverage not once did he mention the CFA.

As I say, this is absolute pigheadedness on the part of the opposition parties. They are compromising the safety of Victorians and the entitlements of volunteers to compensation. These are fairly sensible, commonsense amendments the government is proposing. Let's take all of the histrionics and the bunfights about the composition of the board and talk about them at another time, but let's not hold a gun to the heads of Victorians over fire safety simply because of the political agendas of these people who for seven years ran down the CFA, did nothing for it and took the volunteers for granted. The honourable member for Wantirna never even once mentioned them in the house — never even knew the CFA existed!

I call on the opposition and the National Party to withdraw their amendments. I am prepared to talk with them and with the volunteer associations in good faith about the construction of the CFA board. But I say to the opposition: let these fire safety amendments through without trying to use them as some sort of blackmail or leverage to try to get changes made to the CFA board. Opposition members, not the government, are the only ones proposing changes to the board.

**Mr LUPTON (Knox)** — My understanding of the Country Fire Authority (Miscellaneous Amendments) Bill is that both the Liberal Party and the National Party support it in every aspect relating to fire safety provisions. The only concerns the opposition parties have are in relation to the Country Fire Authority (CFA) board. For the minister to say we are trying to compromise the fire safety aspects of the bill is totally incorrect. It is the government's bill; if it wants to have words dropped, let it do so and see if there is agreement.

The National Party and the Liberal Party are purely and simply concerned about the make-up of the CFA board. That is what it is all about. We should also be looking at why the Insurance Council of Australia backed away from having its members on the board. More than 77 per cent of the CFA board's expenditure comes from the ICA, yet it does not want any part of the CFA board. The amendments moved by the Liberal Party refer to the make-up of the board. With two members of the ICA withdrawing their willingness to be members of the board, under the existing legislation the minister can appoint a couple of people. Although the minister says he and previous ministers have not attempted to take control of the board, who is to say that Victoria will not have a minister in the future who may want to take control?

While the legislation gives the minister that right, the amendments would remove the ability of any minister in the future to control the CFA board because the amendments propose that one of the representatives would be chosen from two names submitted by the Victorian Farmers Federation (VFF); another would be chosen from two names submitted by the Victorian Employers Chamber of Commerce and Industry (VECCI).

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! The CWA meeting on the back seat is making it a little hard to hear, so could I ask those members to keep their voices down.

**Mr LUPTON** — As I was attempting to say before the CWA got involved in this discussion, the VFF and VECCI would be involved in providing representatives for the board. If we go down the path of using the Municipal Association of Victoria (MAV), it would nominate four councillors, two of whom would become members of the board. The honourable members for Shepparton and Wantirna made good points when they said the suggested amendments provided that two of the four MAV nominees would be appointed, one from outside and one from inside an 80-kilometre radius of the central business district.

The honourable member for Wantirna indicated quite clearly that an example could be where one member may be appointed from Springvale and another from Boronia. That would be totally ludicrous. I imagine that some of the members of the Country Women's Association who are chatting up in the back corner have probably got fire brigades in their areas which are entitled to representation on the board. The board is a very important aspect of the Country Fire Authority. We should do everything possible for it to be constructed in such a way that the present minister, or any future minister, will be able to take control. Purely and simply, that is what this legislation is about.

I accept the fact that the current minister and former ministers have not attempted to do it — that is, not take control of the board by appointing their own representatives. However, the fact remains that under the legislation proposed by the minority Labor government the minister has the right to appoint members who will give him total and utter control of the board.

The Liberal Party and the National Party are not trying to compromise fire safety within the state of Victoria. We are happy with the other amendments to the bill which were put through. However we have expressed strong concern about the make-up of the CFA board and we are endeavouring to ensure that the board's membership is constructed in such a way that no minister will ever be able to take control of it.

**Mr Wynne** interjected.

**Mr LUPTON** — The honourable member for Richmond has turned around and interjected, but I am not aware of any CFA station within a bull's roar of the town of Richmond, and I bet the same member has not even discussed the legislation with any members of the CFA. I have three CFA stations within my electorate and I have discussed the legislation with their members. They are upset about the fact that the minister is proceeding down the lines he has indicated. I believe

the amendments provided by the Liberal Party in this matter will make sound and sensible legislation. It will be the Labor Party's fault — the government's fault — if it turns around and delays this legislation by procrastinating. The government will be responsible for compromising the safety of CFA volunteers.

**Mr WYNNE** (Richmond) — With the support of my colleagues behind me, I rise to support the government's position on the Country Fire Authority (Miscellaneous Amendments) Bill. As was rightly identified by honourable members in their previous contributions, this bill came before this house in last year's spring sittings and provided for a number of operational changes and improvements to the Country Fire Authority which, for all intents and purposes, were broadly supported by both sides of the house. As honourable members would recall, those improvements to the areas of enhanced public safety, volunteer compensation and improved safety regulations were designed to simplify and facilitate the operations of the CFA. Broadly speaking, from the point of view of both sides of the house, there has been no debate about that question. It has been generally conceded and that is appropriate.

Although I have come under attack from the other side of the house in relation to my credentials vis-a-vis the CFA, I would have thought that all of us in this house hold the Country Fire Authority in the highest regard. CFA volunteers have made extraordinary efforts over the summer months in relation to the most extraordinary and devastating fires not only in rural New South Wales but, as some colleagues who were living in Sydney at the time have told me, right up into the metropolitan area of Sydney. The Victorian CFA brigades went there willingly to support their New South Wales colleagues in fighting those fires. Only yesterday fires were raging at Puckapunyal, which burnt out a large area of land and caused significant loss of livestock — even a house — and yet again the CFA was called upon. Although Victoria has been blessed with a mild summer which has not wreaked the devastation of bushfires upon the community, some rural areas have been affected strongly.

The opposition parties can seek to make cheap political points about city-based electorates such as mine, but we as a government hold in high regard and respect the volunteers of the Country Fire Authority. This bill went to the very question of trying to streamline the efficiency of the CFA and assist municipal councils in the preparation of their fire plans.

This bill essentially gets down to one fundamental point, which has been debated at some length. The

honourable member for Wantirna, in his contribution, attempted to do some grandstanding around this question of the representation on the board of the Country Fire Authority. Now the accusation that is put forward in defence of the position that has been taken by the Liberal and National parties is that this is some crude attempt by the government to stack the board of the Country Fire Authority. As we are well aware, the Insurance Council of Australia in the past provided nominations for two positions on the board, and it is well recognised, I think by both sides of the house, that it was indicated very publicly by the ICA — and in fact it was its stated policy position — that it no longer wished to participate on the board of the CFA, and that is entirely reasonable.

Some debate occurred about the representation of metropolitan and non-metropolitan representatives through the Municipal Association of Victoria, but my understanding is that that issue has been resolved. As the Minister for Police and Emergency Services said in his contribution earlier, the ICA stopped making nominations in the mid-1990s. Since that time the minister of the day has made direct nominations under the default provisions within section 7(2) of the current act.

It seems to me to be a fairly extraordinary proposition that here we have a piece of legislation that we do not seek to amend — we simply seek to get in place a number of mechanisms that the CFA has called for, which will streamline the operation of the CFA and will assist municipal councils in their planning in relation to fires. We seek to do nothing more about the board of the CFA than to maintain the status quo — the status quo that was in fact the operational *raison d'être* of the former government. This was the mode of operation proposed and in fact enacted by the former government under its own default provisions. So if it was good enough for the opposition when it was in government, why is it not good enough now for this government to maintain the status quo?

The crude accusation that this will be some sort of attempt to stack the CFA board could have been made of the former government. This is a responsible government, a government that has actually stood up and said, 'We support the CFA'. But we do not support them by just seeking to verbalise this level of support; we have actually supported the CFA in practice, with resources and with money. So when tankers are needed, or when there is a need to upgrade facilities, this government has had a clear track record in relation to the Country Fire Authority. What we propose in this amendment is to assist the streamlining of the

operations of the CFA. Both sides of the house support that.

We make no further claims about the structure of the CFA board except for maintaining the status quo that operated under the previous government. What is wrong with that? If the opposition seeks to take this game-playing exercise back into the upper house, and seeks to assert its numbers in the upper house, it will be judged by the CFA and by those thousands of volunteers for what it is — hypocritical, absolutely hypocritical — and that would be an absolute disgrace.

Let this legislation go through. Let the mechanistic amendments proposed by the bill go through. They will assist the Country Fire Authority and municipal councils in preparing their fire prevention plans. We seek to do nothing further to the board of the CFA than to maintain the status quo, a status quo that we inherited from the former government.

**Mr COOPER** (Mornington) — The honourable member for Richmond not only suffers from being a city-based member of Parliament, he also does not have a sense of the history of the relationship between a Labor government and the Country Fire Authority (CFA) volunteers. Perhaps the honourable member for Richmond would do well to talk to a previous Labor Minister for Police and Emergency Services, the Honourable Race Matthews. He might find out from Race Matthews the reasons why CFA volunteers do not trust Labor governments.

Between 1985 and 1988 the then Minister for Police and Emergency Services, Race Matthews, tried very hard to amalgamate the Country Fire Authority and the Metropolitan Fire Brigade. Meetings of volunteers who resented this and resisted it very strongly were held across the state. I went to many of those meetings around Victoria. The volunteers were angry and aware that they were being betrayed by that minister and that government.

Since that time volunteers have believed that unless they stand up and protect themselves and distrust whatever is said by ministers of a Labor government they are likely to be sold out — and that is exactly what we have now. This government is trying, under the cover of the words of the minister, to sell out the volunteers. The volunteers are not prepared to accept this.

The honourable member for Richmond, who has unfortunately left the chamber, does not have and never has had a close connection with the Country Fire Authority, but I have. I have had a very close

connection. There are eight CFA brigades — and I welcome back the honourable member for Richmond — in my electorate: Somerville, Tyabb, Hastings, Bittern, Crib Point, Moorooduc, Mount Martha and Mornington. In addition, the Mount Eliza brigade will be coming into the Mornington electorate after the next election. I am a life member of that brigade and served for 20 years as both a fireman and an officer. I have had a long and close connection with the Country Fire Authority as a volunteer firefighter and as an officer, and I have maintained my connections and my close relationship with the authority since I ceased being an active fireman back in the mid-1980s.

I believe I know what the volunteers of my brigades want, and I know what the volunteers of many other fire brigades around this state want, because I see them at demonstrations, at dinners, at all sorts of functions. I know what they want out of this. I know what they feel and what they believe is the attitude of this government. The reality is that the volunteer firefighters do not trust this government or the minister, and they want to see the board of the Country Fire Authority protected from stacking. That is what it is all about. They want to see the board of the authority protected from this minister's very overt attempt to stack the board with a couple of his mates. I have no doubt he would want to put United Firefighters Union (UFU) members on the board.

The opposition's amendments are about ensuring that the board maintains some reasonable degree of independence and that it will be a board that reflects in its decisions and discussions the best interests of the volunteer firefighters who protect communities throughout rural and regional Victoria as well as a substantial part of metropolitan Melbourne.

I simply cannot understand why this minister will stand here and say that he is not prepared to accept those amendments. He is prepared to say, 'Pass the bill and we will talk about it'. He is prepared to say anything to try to get us to buckle and give up, but he is not prepared to give us the assurance that he will do what the Country Fire Authority volunteers want — and that is to protect the board from political interference.

If the minister is genuine in what he has said to the house today and in the remarks he has made publicly over the past few months, why would he not accept these amendments? After all, it is not revolutionary. We are not talking out of the ballpark. We are talking about a situation where instead of coming from the Insurance Council of Australia (ICA) two members of this board can come from a panel of names submitted by the Victorian Employers Chamber of Commerce and

Industry (VECCI), by the Victorian Farmers Federation (VFF) and by the Municipal Association of Victoria (MAV). What is wrong with that? What is wrong with ensuring by legislation in this bill that these two vacancies that will occur because the ICA does not want to continue those positions will be taken up by people who truly represent the interests of regional and rural Victorians or outer suburban Victorians who are protected by Country Fire Authority brigades?

What is wrong with that? Why is the minister ducking and weaving? Why is he manoeuvring around? Why is he coming up with extraordinary responses such as, 'This all occurred on the last sitting day of the Parliament. Then it went up to the upper house and they made the amendments, and now it has had to linger over the summer fire period'. What was wrong with the minister or this government calling this house back before Christmas last year to deal with the amendments? Why would they not bring the house back if it was as important as the minister has us believe? Why was he not prepared to do that? Why did he just say that the opposition by moving these amendments and insisting upon them was putting the state at risk?

What he has advanced as an argument is just a load of absolute rubbish, and the whole house knows it to be such. This minister has twisted and turned. He has distorted, he has misrepresented and he has tried very hard to wriggle out from the dilemma in which he has placed himself. This is a minister who has been caught out because the opposition has moved an amendment which is palpably acceptable, palpably reasonable and, very importantly, strongly supported by volunteer firefighters around Victoria.

That is what this minister now cannot come to grips with. He is saying to this house and to the volunteer firefighters of Victoria that he does not want to have two places on this board reserved for people who will be selected from a panel of names submitted by VECCI, by the VFF and the MAV — people who would truly represent the best interests of rural and regional Victorians, and people who would be acceptable to the Country Fire Authority volunteers as individuals who would represent their best interests as well. Why is the minister walking away from that?

**Mr Honeywood** — He hates volunteers.

**Mr COOPER** — Why doesn't he accept that these amendments are reasonable? My colleague the honourable member for Warrandyte says the minister hates volunteers. I am not too sure that the minister hates volunteers. I do not think that he really knows

what the volunteers want. The trouble with the minister is that he only listens to those he wants to listen to. He has not gone around and listened to the volunteers as I have and as other members of the opposition have — as you yourself, Mr Acting Speaker, have in the brigades in your electorate. This is the very big difference. We go out and listen to these people, and we are part of them.

**Ms Duncan** interjected.

**Mr COOPER** — The honourable member for Gisborne scoffs. She scoffs at the fact that we talk to volunteer firefighters. She scoffs at the fact and obviously does not believe volunteer firefighters have any place in her life or in her electorate. She might like to stand and tell us who among the brigades in her electorate — —

**Ms Duncan** — On a point of order, Mr Acting Speaker, the honourable member is knowingly misleading the house by misquoting me. I ask him to withdraw those comments.

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

**Mr COOPER** — The honourable member for Gisborne not only makes no point of order — —

**Ms Duncan** — On a further point of order, Mr Acting Speaker, I take offence at the statements the honourable member made which misrepresented me. I find them offensive, and I ask him to withdraw.

**The ACTING SPEAKER (Mr Kilgour)** — Order! Would the honourable member for Mornington like to withdraw those comments?

**Mr COOPER** — Mr Acting Speaker, I do not know what I have misrepresented. She has not spoken. How can I misrepresent someone who has not contributed to the debate?

**The ACTING SPEAKER (Mr Kilgour)** — Order! If the honourable member feels she has been misrepresented she has an opportunity to make a personal statement at a later time.

**Mr COOPER** — This sensitive flower from Gisborne — —

**Mr Hulls** — On a further point of order, Mr Acting Speaker, it is my understanding that the honourable member has taken offence at certain comments made and asked for a withdrawal. It is my understanding that

your ruling was that the honourable member should withdraw. I ask you to adhere to that ruling.

**Mr Honeywood** — On the point of order, Mr Acting Speaker, the honourable member for Mornington had hardly got to his feet and just made reference to the honourable member for Gisborne without uttering a single extra word when the honourable member for Gisborne hopped to her feet and took offence. There was no word uttered by the honourable member for Mornington that could be taken offence at because he had not even uttered a sentence before the honourable member jumped to her feet yet again. I put it to you, Mr Acting Speaker, that there is no cause for anything to be withdrawn given that nothing was said.

**The ACTING SPEAKER (Mr Kilgour)** — Order! I have heard enough on the point of order. I asked the honourable member for Mornington if he wanted to withdraw any remarks that he thought the honourable member for Gisborne may have found offensive. There were no unparliamentary remarks. Therefore the honourable member for Mornington is quite at liberty to continue, and as I mentioned, if the honourable member for Gisborne has further concerns she should make that statement either in debate or as a personal explanation.

**Mr COOPER** — The honourable member for Gisborne can stand when it is her time to speak in this debate. She can tell us the names of the brigades in her electorate that support the government's approach to this issue. We will be very interested to hear her name those brigades and individuals if she wishes, and we will follow up on that. We know all the brigades in her electorate. We will go and ask whether or not the honourable member for Gisborne has told the house the truth.

That is what we want to know, because we know full well that the Minister for Police and Emergency Services has not told the house the truth tonight. We know that by the way he has approached this issue: by obfuscation, by ducking and weaving, by misrepresentation and by distorting the facts. The reality is, as I have said before and as bears being repeated again, the opposition is saying the two vacancies on the board that have been created by the fact that the Insurance Council of Australia does not want to take up those positions should be filled by a panel of names submitted by the Victorian Employers Chamber of Commerce and Industry, the Victorian Farmers Federation and the Municipal Association of Victoria.

Why is the minister not prepared to do that? He has asked us to accept his point that we should pass this bill and then discuss the issue; then he will perhaps come to a conclusion that is the same as ours. The facts are that neither the volunteer firefighters nor the opposition trusts this minister or this government. We simply do not trust them.

**Mr Honeywood** interjected.

**Mr COOPER** — And their track record, as the honourable member for Warrandyte says, is appalling.

When it comes to jobs for the boys, as we heard at question time today and as we have seen with the Reeves affair, they cannot be trusted. We know full well that the UFU will occupy at least one if not both of these positions if this minister gets his way. We know full well that that is the way it will happen and that if we back down the volunteer firefighters of this state will believe — and quite rightly believe — that we have sold them out. We are not going to sell them out. We will stand up for their right to believe that the board of the CFA should be an independent — or as near as possible to independent — body that has the best interests of country and rural Victoria and the best interests of volunteer firefighters at heart.

These are amendments that we have moved and that we are going to stick by. We will not be withdrawing these amendments and we will not be blackmailed or bludgeoned by this minister or this government into withdrawing our amendments and allowing this minister to get away with what he wants to get away with. Either the minister and the government will accept these amendments or this bill will sit on the notice paper for a long, long time.

**Mr TREZISE** (Geelong) — I am very proud to be supporting the Country Fire Authority (Miscellaneous Amendments) Bill. I am pleased to be supporting this bill because it is all about providing more effective work procedures for the CFA to operate under within Victoria. This bill is not about stacking boards, this bill is not about selling out volunteers and this bill is not about selling out workers, because in fact it was the Kennett government which for seven years sold out the CFA, sold out volunteers and sold out workers. That is why they are on that side of the house and why this government is on this side of the house.

The purpose of the bill is to ensure that the CFA continually improves its operations to ensure the safekeeping of this state for the benefit of all Victorians, and as I said, I am more than happy and more than proud to be supporting this bill in front of us tonight.

I am also pleased to be speaking on the bill because as a regional member of this Parliament I fully appreciate the importance of the CFA and its work. The brigades within my electorate — the Geelong City brigade and the Geelong West brigade — are very proud brigades and they do the community of Geelong very proud indeed.

I am not the only member of Parliament who has this appreciation of our firefighters, because I firmly believe all Victorians hold in high esteem the work done not only by volunteer firefighters but also by the full-time firefighters who are employed within this state by this government. Perhaps only the nurses within our state are held in such high esteem as our firefighters.

As a regional member, as I said, I truly appreciate the importance of the CFA and of this bill. I am concerned that the conservative parties within the upper house of this Parliament have delayed this bill over a long, hot summer. One has only to look at the weather we have experienced over the past two to three days and at what happened near Puckapunyal yesterday to appreciate the importance of this bill and the need to ensure that we pass the important parts of it. This fire season is far from over and it is important that this house — both sides of the Parliament — support this bill.

In attempting to get the important amendments through, the government and the minister have compromised on the make-up of the CFA board. I commend the minister for the position he has taken in genuinely trying to get the important parts of this bill through the Parliament.

I stress that this bill has absolutely nothing to do with the composition of the CFA board, despite what the opposition has had to say tonight. This bill has everything to do with issues such as the banning of gas-fired scatterguns, it has all to do with strengthening the enforceability of council fire plans and it has all to do with clarifying the availability of compensation to volunteer firefighters who are injured during the course of their work.

In talking to volunteers, as I have done on numerous occasions in the past couple of months, I have found that they are not particularly interested in the make-up of the board. They are interested in the practicality of their job and in issues such as the banning of gas-fired scatterguns in regional Victoria.

I am proud to say that many of my close friends are firefighters, some being full-time firefighters and many others, volunteers. When talking about the Country Fire Authority one must always commend the work of its volunteers. As we all appreciate, these people give up

many, many hours of their own time for the good of their community. One family that comes to my mind is the O'Toole family, which consists of Chris, Paul and Danny O'Toole. They are friends of mine, and I know the hours they put in and the contribution they make to the Geelong City fire brigade. There are thousands of families and individuals like the O'Tooles in Geelong.

I am pleased to support this bill. In supporting it I appreciate the fact that the life of a volunteer or full-time firefighter is far from easy. It is certainly not all beer and skittles. The life of a firefighter consists of managing risks. The risks have been highlighted over many decades in the Geelong region and probably throughout the history of Geelong as a community. I can recall the Lara bushfires in the 1960s, and I clearly remember the Ash Wednesday fires above Lorne and throughout the Otways in 1983. Close friends of mine were involved in the Ash Wednesday bushfires, and I know they took considerable risks in protecting the community of Geelong and the communities scattered throughout the Otway region above the township of Lorne.

Then there was the tragedy of Linton on 12 December 1998. The Linton bushfire of 1998 will remain firmly etched in the history of Geelong as a tragedy that took the lives of five volunteer firefighters from the Geelong West fire brigade, which is located within 500 metres of my electorate office in Pakington Street, Geelong West. As I have said on numerous occasions, the five men who lost their lives on December 8 — firemen Armstrong, Davidson, Evans, Thomas and Vredevelde — will never be forgotten by the community of Geelong, and I dare say they will never be forgotten by the township of Linton, the community they were fighting to protect.

Since that time I have established a close working relationship with the Geelong West fire brigade. Unfortunately in November last year the fire brigade lost its headquarters when they were partially destroyed by fire. Much memorabilia and history were lost in that fire. I raised this issue in an adjournment debate in December last year, when I asked the Minister for Police and Emergency Services to take action to ensure that the Geelong West fire brigade's headquarters were re-established as quickly as possible. I am pleased to report that the minister has taken swift action and that that work is being done.

I raise this point because I believe it is a practical example of this government's commitment to the Country Fire Authority and this bill. As I said at the outset, I am pleased to support the bill, because it seeks to provide a more effective CFA. It is not, as the

opposition would have us believe, about stacking boards. It is not about selling out volunteers, because if that were the case I would not be standing here tonight in support of the bill, I can assure you of that.

This bill provides some practical amendments for the CFA to work with. As I said before, it will ban the use of gas-fired scatterguns on days of high fire danger. Another practical example of this bill is that it assists not only the CFA but also regional and rural Victorians, particularly the amendments relating to council responsibilities with regard to municipal fire prevention plans. Importantly the bill requires the municipal fire prevention plans drawn up by councils to comply with new guidelines as set down by the CFA in 2001.

Under the amendments made by the bill it will be the responsibility of the regional or rural council to continually maintain its fire plan and to formally approve that plan in line with the CFA guidelines that have been set down. The bottom line for those amendments is to ensure that community safety with regard to fire is maximised through councils' fire plans. These amendments are practical steps being taken by the Bracks government, and therefore I will be supporting the bill. This is an important bill, and the minister has taken steps to ensure that it is passed by this Parliament by compromising on such contentious issues as the CFA board, an issue that was debated in the upper house late last year. As I said, it is an important bill, and it needs to be passed by this house. As such the bill has my support, and I commend it to the house.

**Mr PLOWMAN** (Benambra) — Clearly the honourable member for Geelong does not recognise that we are not only debating the bill, we are debating the amendments. This is all about the composition of the board of the Country Fire Authority, the CFA.

**An honourable member** interjected.

**Mr PLOWMAN** — I am not going to speak for any length of time because this whole issue has been debated before. What I want to concentrate on is that one specific situation where the volunteers are concerned about the representation on that board. The shadow Minister for Police and Emergency Services recently visited my area, and we met with three groups of volunteers. All of those groups were concerned about the composition of the board. Why? Because this is the biggest and the best volunteer organisation in Australia.

**Mr Maxfield** interjected.

**Mr PLOWMAN** — It is the best volunteer organisation for firefighting in the world, and it is

important to ensure that the composition of the board will mean that this volunteer organisation remains the great organisation it is. The volunteers would not be concerned about it unless they thought the United Firefighters Union (UFU) had an agenda in trying to change not only the way the CFA is administered but also the way it is manned.

**Mr Maxfield** interjected.

**Mr PLOWMAN** — When the shadow minister said we would put our amendments in the upper house, the honourable member for Richmond said that our concerns about the membership of the board were ridiculous. That is not what the volunteers think. The volunteers are clearly concerned. The honourable member for Richmond said that we do not want to seek an amendment to the legislation, we want to retain the status quo. The status quo under the current minister means that there will be two UFU members on the board, and the volunteers know what that means.

**Mr Maxfield** interjected.

**Mr PLOWMAN** — The honourable member for Richmond is not associated with the CFA. I was a member for 30 years before I entered Parliament. In my electorate I know every CFA unit — and I have about 30 of them. The CFA is the heart of each of those districts. The local school and the CFA and the footy club, if you have a footy club, are the nucleus of what those small communities are all about. They are all volunteers. They are an essential part of those communities. If we change the whole make-up of the CFA by changing the board, that is the first step in changing this from the great volunteer organisation it is to being an organisation that is influenced by, run by, and then overcome by, the United Firefighters Union of Victoria. I suggest that that is certainly not in the best interests of what I see as the greatest volunteer organisation in Victoria.

As I said, I do not want to talk about the legislation because we have already — —

**Ms Duncan** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Gisborne is out of her place and disorderly.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Benambra, without assistance!

**Mr PLOWMAN** — Thank you, I was enjoying the assistance. I do not wish to debate the bill because the opposition agrees with the content of it, but the opposition cannot have it both ways. If it wants to introduce change — —

**Mr Wynne** — You're the opposition!

**Mr PLOWMAN** — Sorry, my apologies! The government cannot have it both ways. If it wishes to introduce a drastic change in the composition of the board by way of its membership, it cannot expect the opposition to let the bill go through without amendments to ensure that does not happen.

I will not go any further except to say that I am disappointed that the Insurance Council of Australia has decided not to continue its role on the board. The next best alternative is that put by the shadow minister, and that is that we have a representative from the Victorian Farmers Federation and a representative from the Victorian Employers Chamber of Commerce and Industry on the board. I pose this question to government members, particularly the honourable member for Richmond: why would you want to oppose that?

**Mr MAXFIELD (Narracan)** — I rise to speak on the Country Fire Authority (Miscellaneous Amendments) Bill. As a member of the Country Fire Authority, I note with interest the opposition members who claim to be authorities and claim that as they travel around their electorates their brigades and volunteers are up in arms over the evil state government and what it wants to do. That is really surprising, because as I go around the brigades that I keep in touch with, and as a member of my own brigade — —

**Ms Duncan** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Narracan should ignore interjections close by from people who are out of their place and disorderly. The honourable member for Narracan, without assistance!

**Mr MAXFIELD** — As I travel around, not once has a volunteer rushed up to me and said, 'You are changing the board, what are you doing?'

**Mr Honeywood** — They think you are irrelevant!

**Mr MAXFIELD** — The reality is that it is not an issue. The volunteers in my area are interested in — —

**Mr Honeywood** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Warrandyte should not be interjecting across the table.

**Mr MAXFIELD** — They are interested in putting out fires and in fire prevention. That is what the brigades are really on about. They are not interested in the opposition's attempt to play political games and blackmail the community, rural constituents and this government into accepting changes that they want to ram down our throats because of their ideological position.

The opposition parties were in power for seven years but did they introduce these changes or come forward with these proposals? No, but when a Labor government puts up some sensible proposals for protecting the community, the opposition wants to block them and hold the community to ransom. The opposition does not give a stuff what happens in rural Victoria or whether somebody's farm burns down or their crops are damaged. Opposition members want to play political games because it will give them a political thrill. The opposition wants to make problems. It wants to run around a few brigades and scare them. It will say, 'This evil government is doing terrible things'. But is that what the volunteers are interested in? Of course not!

There is the situation with the urban association. Does it want to change the current make-up of the board? No, it does not. Has the rural association come out in support of the Liberal Party on this issue? No, it has not. So where is the groundswell of support? The people out in the country are not mentioning it. The only chance they can get any support is if they rush out to a brigade, lie through their teeth and hope they get the right response. What a pathetically low act from a group of people who clearly do not know how to represent rural Victoria or the interests of Victorians at large.

Clearly the behaviour of opposition members on this bill, in trying to block it before Christmas, right through the fire season, knowing the Parliament would not be back until February, shows that the political game was more important than other issues that would enhance public safety. People in the fire brigade are interested in issues such as the banning of the use of gas-fired scatterguns at times of high risk, the strengthening of the enforcement of municipal fire prevention plans and the clarified availability of compensation for volunteers injured while firefighting. These are the sorts of issues that strike home with the volunteers. The issue of compensation is another. They are pretty important for those out there on the fire grounds, for those who are putting their lives at risk.

The volunteers give a huge amount of their personal time. Yesterday, for example, as I was out in my mobile office, I dropped in to fill up my gas bottle because we are getting ready for Farmworld and it will be used there over a number of days. As I was getting the gas bottle filled one of the members of our local fire brigade, Captain Graeme Higgs, stepped out of his car in his fire outfit. It was 4 o'clock and Graeme should have been at home milking his cows. I said, 'Graeme, what are you up to?' and Graeme said, 'Well, I've just been to one fire and I'm heading off to another'.

A dairy farmer who should have been at home milking his cows! What was he interested in yesterday when it was windy and 35 degrees? He was interested in looking after his community. He was interested in the issues — —

**Mr Honeywood** interjected.

**Mr MAXFIELD** — I was out there in my mobile office.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Narracan should ignore interjections.

**Mr MAXFIELD** — I apologise, Mr Acting Speaker, for getting sidetracked by that interjection. I am happy to fulfil my role as a member of the CFA. Unfortunately as a member of Parliament I do not attend as many CFA activities as I used to. A few years ago at the Dandenong fires that I fought in — they were pretty horrendous times with the strong winds and high temperatures — there was a huge number of rural CFA volunteers who, like myself, headed off in our trucks to the edge of rural Melbourne, to the fringes of the hills, to protect the lives and buildings of those at risk. That is what the CFA is all about. The CFA is not interested in playing political games. The volunteers know that they are fulfilling a wonderful duty to their communities.

I place on record my admiration of those who recently went to Sydney. Locally, we have had a chance to thank those who travelled to Sydney at a time when a lot of people were on holidays. For a lot of volunteers that was their holidays. While a lot of members of the house were relaxing on the beach or having a quiet drink and taking it easy, there were many volunteers from this state who headed up to Sydney. They did not head up there for a fun time or because they thought the weather might be nice. They went up there to put their lives at risk. They were up there and were fighting fires, protecting the community.

*Honourable members interjecting.*

**Mr MAXFIELD** — I shall ignore the interjections. Obviously not all CFA volunteers went to Sydney. I acknowledge the fact that the way the CFA split its resources ensured that at no time were the people of Victoria exposed to risk because it ensured there was enough coverage in Victoria at all times, and I congratulate the management of the CFA for offering that support. This is what volunteerism is all about. Last year we — —

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable members for Bendigo East and Richmond should not be conducting conversations across the chamber. The honourable member for Narracan, without assistance.

**Mr MAXFIELD** — It is certainly disappointing that honourable members opposite seem to regard this issue as frivolous and amusing, but the issue of exposing our community — —

**Mr Smith** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Glen Waverley is out of his place and is disorderly.

**Mr MAXFIELD** — The opposition's saying that the community is at risk disappoints me. When I came to this place two and a half years ago I thought that members of this place would at all times be acting in an honourable and decent manner regarding legislative requirements. They should certainly be about the utmost interests of our community. I did not think that honourable members would be stooping to the level they are now. It is sad that a bill that involves fire protection measures happens to be twisted, tampered with and distorted so as to somehow include the make-up of a board. What is the relationship between fire prevention and the make-up of a board?

Opposition members are playing politics because they know they stand for nothing, that they are completely and utterly irrelevant. Because they have that unrepresentative body in the other place they know that through undemocratic means they have been able to block the government and damage its ability to go through the proper legislative processes. The only thing the other place is interested in is blocking legislation and having a Star Chamber, where it conducts ridiculous investigations into people, madly meeting a few weeks before the federal election and then forgetting about the issue afterwards. They are the priorities under which the other place operates. It should provide sensible legislation that the rural communities not only need but, importantly, require.

I suppose it wants to prove that it really does not deserve to exist in its current form! It wants to show how totally unrepresentative it is, and how it can manipulate, twist and distort to deny the will of the people! We are in government for several reasons. Obviously one is because the opposition when in government not only did not listen to rural communities, but it is also because the majority of Victorians decided that they wanted us to be here. We received the majority of the two-party preferred vote.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Narracan, on the amendments before the house.

**Mr MAXFIELD** — The amendment will allow the chief executive officer of the Country Fire Authority to sign a certificate certifying that a total fire ban day was declared on a particular day. A certificate will be taken as evidence in court that there was a total fire ban day as recorded on that certificate. The bill is about the simple mechanics of total fire ban days. These are the issues in the bill we are trying to have passed. It should not have any resemblance to an issue of who the opposition does or does not want to put on a board. If opposition members were genuine and credible about it, why didn't they introduce a bill on this issue in the seven years they were in power? Why have they waited two and a half years into the term of this government before seeing the light? They are saying that they were wrong for seven years but now they have seen the light.

The sad thing is that tonight the opposition is playing a political game in a desperate attempt to show that it is somehow relevant to the community. It will send its members out to speak to some CFA people and make up fanciful stories about how the government is doing evil things to the board, which we are not. It will scare people a little by lying to them and then say, 'We will rush back to the house and say that there is a problem, the rural people are revolting'. It is revolting behaviour by those opposite, who have deliberately misled the community.

**Mr Plowman** — On a point of order, Mr Acting Speaker, I believe the honourable member for Narracan is boring and repetitious.

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

**Mr MAXFIELD** — We also need to look at issues to clarify the fire protection responsibilities between fire councils and the Department of Natural Resources and Environment. The issue here is clearly that we need to ensure that the powers of the councils and the

responsibility of DNRE for land management are given importance. We have a variety of government and local government bodies which effectively have different responsibilities for fire control and risk management — ensuring we do not have too much of a dangerous situation out there. The reduction of fuel and the risk of fires taking off and getting away from us is pretty important.

I stand here disappointed in the opposition's position but very confident that this government is switched on to the needs of the rural community. This government is fair dinkum about making our environment a secure and safe one for all members of our community.

**Mr VOGELS** (Warrnambool) — I will make a small contribution to the Country Fire Authority (Miscellaneous Amendments) Bill. The minister let the cat out of the bag when he stated that it was bizarre that the urban fire brigade representative comes from Warrnambool. The Warrnambool fire brigade is part of the urban fire brigade and representatives are elected by their peers, so why should the urban fire brigade representative not come from Warrnambool? Obviously for the minister to say that it is bizarre that he comes from Warrnambool is absolutely outrageous.

The Country Fire Authority (CFA) is the largest emergency organisation in Australia and is also unique. Most of its operations are carried out by the organisation's 64 000 volunteers; there are only 1000 paid employees. Twelve hundred brigades make up the urban and rural CFA throughout Victoria. CFA unpaid firefighters and emergency service personnel are fully committed to their brigades and to their communities. They put their lives at risk to serve and protect us. Our CFA volunteers are deserving of the highest accolades that we can bestow upon them in recognition not only of their dedication and commitment to serve but also of their willingness to gain additional lifesaving skills by attending training drills in their own time. We must remember always to value the importance of the power of volunteering and that our state would grind to a halt without their massive contribution.

**Debate interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! Under sessional orders the time for the adjournment of the house has now expired.

## Gas: North Bellarine supply

**Mr SPRY** (Bellarine) — I raise for the attention of the Minister for State and Regional Development the matter of the reticulation of gas to residents of North Bellarine. Expectations were raised by the Labor Party prior to the 1999 election with promises of gas within the first 12 months of a Labor government. Constituents have been very patient in the intervening two and a half years. Expectations were further raised by press releases late last year stating that gas would be available to all Portarlington residents in 2002.

Last weekend I was approached by a number of very concerned residents who have delayed buying appliances in the expectation of getting gas this year. They said the project staging has now been changed and they will not get gas until next year, 2003, nearly four years after being promised it by this Labor government. For St Leonards residents the delay will be even longer and they will not get gas until nearly five years after they were originally promised.

I ask for an assurance from the minister that the new TXU gas timetables will not be altered yet again for residents of these townships. I further ask for an assurance that pockets of residents in areas such as the bay end of Sproat Street in Portarlington, Turner Court, Franzel Avenue, the bottom end of Grassy Point Road in Portarlington, Church Street, Indented Head, and properties on the south end of Bluff Road and in fact the entire lower bluff region of St Leonards, which are not currently included in any plans for gas reticulation for North Bellarine, will not miss out altogether.

## Members: government facility visits

**Mr SEITZ** (Keilor) — I ask the Minister for Police and Emergency Services what action he has taken and will take to look at the protocols for members of Parliament visiting police stations, fire stations and correctional services in view of claims in the media by opposition members that they have been precluded from entering those facilities unless the minister has given personal approval.

I ask the minister what action he will take to review that situation, which was really what happened under the old Kennett regime. Government members then in opposition, including the minister, who was the shadow minister at the time, were locked out of and could not get access to those facilities. Staff and public servants were told that they were not allowed to let members of Parliament, particularly from the opposition, onto premises unless they had strict instructions and protocols from the relevant minister. That order even

applied to educational and community services facilities at the time. It was basically a blanket approach by the Kennett government.

In view of Liberal Party members of Parliament claiming that they have been locked out from having access to the facilities I referred to, I ask that the minister take action to look at and review the situation. I am sure the situation was remedied a long time ago, but some public service officers in those facilities may still not have received the message about giving access to members of Parliament.

Opposition members may be coming up with these sorts of statements for their regional papers to make mischief because they do not have positive stories to raise in their electorates because of the improved services the government has provided to country Victoria. I am sure the minister will take action if necessary on those matters.

### **Tertiary education and training: rural student offers**

**Mr DELAHUNTY** (Wimmera) — The matter I raise for the attention of the Minister for Education and Training concerns a major inequity involving the early release of Victorian Tertiary Admissions Centre (VTAC) offers and country students.

I ask the minister to examine the matter and address this major inequity, which disadvantages our country students. I highlight that by saying that I have been contacted by parents, teachers and career advisers right across the Wimmera.

As the minister is well aware, the first round of VTAC university and TAFE offers was released via special editions of the *Herald Sun* and the *Age* in Melbourne at 8.00 p.m. on Monday, 21 January this year. However, country students had to wait until the next day to learn of their offers either by mail, newspapers or the VTAC web site. I hope the honourable member for Bendigo East knows this, because she is a country person too.

**Ms Allan** interjected.

**An Honourable Member** — She will support this!

**Mr DELAHUNTY** — I am hoping she will support this. The offers to country students were made available at 9.00 a.m. on Tuesday, 22 January — 13 hours after city-based students had access to theirs.

I will use an example. I know one set of parents who were down in Melbourne on business and had their student daughter with them. At 8.00 p.m., when they

were about to leave, they thought it would be a great idea to pick up the paper. Unfortunately the student had clicked on the web page to say that she did not want the information to appear in the paper. After a bit of panic they realised what had happened, and they had to wait until 9.00 a.m. the next day to get into the VTAC web site, but it took at least 2 hours before they were able to access the information. Great anxiety was suffered by the student and the parents, and importantly this student was put at great disadvantage.

I strongly believe that our country communities are greatly disadvantaged by this process, which allows metropolitan students early access to accommodation on campus or in the costly — as we all know — private market. Accommodation at many of the universities can be applied for early, but it is typical to then incur a \$30 non-refundable administration fee. The demand for on-campus accommodation is much greater than the supply, even though I believe regional students are treated reasonably fairly. A number of universities, including RMIT and Victoria University, do not have on-campus accommodation, and therefore students have to go to the high-rental accommodation in Melbourne.

It is important that the minister look at this, because education and training is vital for the continuing development of students from the Wimmera and country Victoria in general.

Our young people are our investment in our future. With the modern technology we have today geographic locations should not cause disadvantage. I request that the minister address this major inequity and put in place a fairer system for VTAC offers in 2003.

Please let's use the information technology we have available. There is no reason why it cannot be put on the web site the night before, at the same time as it is put in the city newspapers, to give our country students a go.

### **Frankston Senior Citizens Club**

**Mr VINEY** (Frankston East) — I draw the attention of the Minister for Senior Victorians to an article on page 3 in last week's *Frankston Standard*, headed 'Seniors protest club demolition'. The action I seek from the minister is for her to investigate the matters relating to this article and to take them up with the Frankston City Council. The article reports:

Elderly people have threatened a sit-in at their Frankston clubrooms to defy workmen clearing out their centre for demolition in four months' time.

The Frankston City Council has proposed that the rooms of the Frankston Senior Citizens Club be demolished for a new restaurant on the foreshore. The difficulty for the senior citizens is that their premises are located in a place that the council now sees as commercially viable and providing a commercial opportunity.

**Mr Seitz** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Keilor!

**Mr VINEY** — I visited the club last week and talked with the executive, and to say that the members of the club are distressed would be an understatement. They were given undertakings by the council that premises of a similar or better standard would be found for the club and its members, but the council has so far not been able to offer the club any such facilities. It has been proposing second-rate — even third-rate — facilities well outside the Frankston central business district. Of course, one of the attractions of these clubrooms is that senior citizens can get to them by normal public transport. To relocate them to the outer areas of Frankston would not be suitable for the club members and would breach the agreement they had with the council.

The club members are happy to share their facilities. They have joint arrangements with other clubs and organisations, and their requests are modest. But this comes from a council that is currently considering new \$15 million municipal offices for the glory of the councillors and its management. It is a council that is considering multimillion-dollar marinas and now wishes to demolish the senior citizens' club rooms because of what it sees as commercially valuable property. I for one express my support for the Frankston senior citizens.

### **West Wimmera: waste management**

**Mr PERTON** (Doncaster) — I raise a matter on behalf of the ratepayers of the West Wimmera Shire relating to rural and regional waste management issues. These ratepayers are now facing enormous expense in meeting the requirements of the Environment Protection Authority and the Bracks government's waste management strategies. The Shire of West Wimmera has itself attempted to implement best practice, and following the waste management policy of the Desert Fringe Management Group it seeks the closure of existing landfill sites and the subsequent establishment of transfer stations to be serviced by a central landfill to be located at Lemon Springs.

Sadly the cost analysis undertaken by the consultants to the council, Meinhardts, has shown the initial cost of construction to be \$464 000, with an ongoing annual cost of \$329 000. These are excessive costs, and it has therefore been decided to construct a transfer station at Lemon Springs, where the contractor will deposit waste into a semitrailer for transfer to the Dooen or Naracoorte landfill.

In other words, the cost is excessive for this remote council and others like it. It does not matter whether it is Mildura, West Wimmera or any of the councils in this geographical situation — these costs are unaffordable. This was taken up at the rural and regional mayors summit that was held at Parliament House on 11 September 2001, where the council of the mayors agreed to meet to form a collective view to put to the state government.

By a letter dated 10 December 2001 they wrote to the Minister for Environment and Conservation seeking to have talks with the Environment Protection Authority and trying to get solutions to the excessive landfill costs to regional councils. They have not received a response, and on their behalf I seek a response. These people are not unreasonable. They want the best possible waste management practice, but the cost structures of those councils are completely different from those in the city. It is quite clear that the government is incapable of dealing with the environmental needs of rural people.

**The DEPUTY SPEAKER** — Order! The honourable member did not say to which minister he was addressing his matter.

**Mr PERTON** — To the Minister for Environment and Conservation.

### **Timber industry: Warragul**

**Mr MAXFIELD** (Narracan) — I direct an issue to the Minister for Environment and Conservation. I wish to discuss the issue of the gross failure by the Department of Natural Resources and Environment to make an assessment of timber resources within my area. The results of that total gross failure by DNRE and seven years of Kennett government neglect is that we are now staring at a 50 per cent reduction in take from the forests in the central Gippsland area. This gross failure by the opposition when in government means that the government has to deal with the issue and arrive at a solution that fixes the problem.

As to the failure by DNRE, it is clear that that failure goes through the organisation. It is not the people on the ground, but higher up in DNRE there is clearly gross failure. I applaud the government's decision to

introduce a solution to the problem through Vicforests. Rural Victoria desperately needs Vicforests, and the harvesting of our timber in the forests certainly needs Vicforests. I congratulate the minister on the decision to move in the direction of Vicforests.

Already the State Revenue Office has been moved to Ballarat, which is clearly an outstanding example of the government creating jobs in rural Victoria. I strongly support the decision to place Vicforests — the new body that will oversee the harvesting of our timber — in rural Victoria.

I urge the minister to consider Warragul as a site for Vicforests. It is a good, central location for the timber industry. It is close to the industry and its workers. Warragul is quite central to a large part of the Victorian timber industry. I would strongly support the placement of Vicforests in Warragul because clearly it is a good location for the industry. It is important to ensure that the people who will make or are making the decisions are close to the industry. The problem is that the city-centric previous government members based everything in Melbourne; they sat in their offices so many storeys up and completely disregarded rural Victoria.

The Labor Party is in government in Victoria because it is responding to the needs of Victoria, an example of which is placing Vicforests into rural Victoria. It is responding to the needs of rural Victoria and of the timber industry. It will not fail rural Victoria nor those in the timber industry who need a proper sustainable industry. The government will ensure the industry is placed on a good footing. I call on the minister to investigate whether it is possible to have Vicforests placed in Warragul. It is a fine town in a fine electorate that I am very proud to represent.

### **Police: Sandringham**

**Mr THOMPSON** (Sandringham) — I direct a matter to the attention of the Minister for Police and Emergency Services on behalf of Mr Ian Armstrong and other residents of Station Street, Sandringham.

Mr Armstrong wrote to the Chief Commissioner of Police. His letter states, in part, that in the early hours of last Saturday morning:

... 50 drunken hoons, male and female, exited the Sandringham Hotel disco night and disturbed the peace between 3.00 a.m. and 4.00 a.m. in the morning.

They smashed beer pots into shop windows, urinated in streets, fell drunk in front of cars, yelled, screamed and fought and threw bottles and rocks at the parked trains.

Mr Armstrong wrote that he rang the licensee of the hotel, who I understand has been very cooperative in trying to develop a good outcome for both the management of the discotheque and local residents in an area which is marked for increased residential density. The hotel's publican-manager advised Mr Armstrong that he rang the police three times but they did not attend. Mr Armstrong subsequently rang 000 to report the same incident at 3.40 a.m. but did not witness any police presence. When he called the police later on he was told they only had one van and had other problems in the area.

I raise this matter in the context of a matter raised in the house earlier today about additional police stations in the area. I ask the minister to see whether something further can be done to ensure there is an appropriate and proper police presence so that the neighbourhood can be enjoyed by local residents.

### **Housing: seniors**

**Ms BARKER** (Oakleigh) — I notice the honourable member for Bulleen standing in the chamber. I am proud to be the no. 1 ticket-holder for the Oakleigh Soccer Club!

I raise a matter for the attention of the Minister for Housing and seek her assistance for older people, particularly those in my electorate, who find themselves in private rental properties and in quite difficult situations. I am working with several older people — some single and some couples. I do not wish to submit their names, but I will happily give them to the minister. There are a number of reasons why these older people are in these difficult situations — for example, one older couple who came to Australia some years ago with a reasonably grown-up family has worked very hard to give their family a good start and a good life in Australia.

At that time they were unable to purchase a property, so they live in a rental situation. They lived in the Elwood–St Kilda area for many years, but with the change in demographics in that area and the rapid rise in rents, they had to move further out. This happens to a lot of people around the Elwood, St Kilda, Carnegie and Murrumbeena areas. Many blocks of flats have been turned into apartments for young professional people who wish to live in the inner and middle suburbs.

I have been working with another gentleman who, for business reasons, lost his home and has been living in a rental property. Due to further problems with illness he is unable to supplement his income, so he is finding life

extremely difficult. As well as these people I am working with in my electorate, I am aware that the Victorian homeless strategy final report, which was recently published, indicates there are some 30 000 older Victorians living in private rental accommodation, some 20 000 of whom are pensioners who receive commonwealth rent assistance. Again, a considerable number of these people receive rental assistance, but they still spend more than 30 per cent of their income in rent.

This is becoming an increasing problem in the inner and middle suburbs where changes in demographics and a change in the type of people who live in these areas — for example, the Carnegie and Murrumbeena area has large, older blocks of flats. With the current emphasis on apartment living for younger people, and also for young couples, entire blocks of flats have been taken over and people are being pushed out further into the suburbs. When these people move into outer suburbs they have to enter the private rental market or even caravan parks. Because of this they lose the support mechanisms that are available in areas where they have lived and worked for many years.

These trends are pushing people further out. In Oakleigh the rents are constantly rising and the area is changing, which is the case with most inner and middle suburbs. I ask the minister if she could please give urgent attention to these older people in particular who find themselves in tenuous private rental accommodation.

### **Hastings: boat pens**

**Mr COOPER** (Mornington) — I raise a matter for the attention of the Minister for Environment and Conservation. I seek action from her in regard to the rent her department proposes to charge for a small boat berthing facility at Hastings. Many years ago 30 boat pens were created by the then Port of Melbourne Authority on a wing of the Hastings Pier. In 1991 the Labor government of the day commenced proceedings to sell the facility. As most of the berths were occupied by boats belonging to members of the Hastings Yacht Club, their owners banded together with a few non-club members and formed a non-profit body to tender for the sale of the facility. They created a body called Hayman Pacific Pty Ltd and in 1994 that company's tender was successful and it took over the facility. The price of the tender was \$84 000. I would like to emphasise that Hayman Pacific Pty Ltd is a non-profit cooperative that operates the facility on behalf of all the pen holders.

In July 2001 Hayman Pacific Pty Ltd was advised by the Department of Natural Resources and Environment

that DNRE was of the opinion that it was a commercial body and that, therefore, the rent would be lifted from \$2400 per annum to \$4800 per annum.

It is the view of the pen holders and the Hastings Yacht Club that Hayman Pacific Pty Ltd is, as I said, a non-profit organisation that simply operates the facility on behalf of the users of the facility and that it should therefore be considered as a community use tenancy. Under that designation, the annual rent should be \$104 per annum. I ask the minister whether she will address this issue before it gets out of hand.

### **Insurance: public liability**

**Ms ALLAN** (Bendigo East) — I raise a matter for the attention of the Minister for Finance, and as I have not had the opportunity to do so, may I start by congratulating the minister on his appointment to that position.

I am seeking the minister's urgent action on the issue of public liability insurance and the massive increase in premiums. I am requesting that the minister take action to investigate these massive increases in two specific cases in my electorate.

The first one is to do with the Bendigo Easter Fair, which I am sure many members of the house are aware is held at Easter time every year. It is a fantastic community event held over the four days of Easter which really does bring many visitors to Bendigo. Many families come for the weekend because there are a range of activities, many of them free, which they can attend. A volunteer committee oversees the four-day event, and the event itself is run by many volunteers. It culminates in a wonderful parade — the street parade on Easter Monday — which has many entrants, again all community-based people.

This Easter fair is very important to Bendigo tourism. As I said, it brings many visitors to our region, and clearly the spin-offs for the local economy are huge. However, the Bendigo Easter Fair has been faced with some massive public liability insurance increases, with a \$20 000 increase in its public liability bill over the last two years, which quite clearly is difficult to manage for a volunteer organisation.

The second organisation is the Bendigo Speedway, which operates from October to May every year, with 10 events held every season. Motor sports have a very strong following around the state, and again, these events bring many visitors to Bendigo — specifically at night. The public liability increases, matched by some insurance problems it is having at the track in Bendigo,

will unfortunately result in the closure of the Bendigo Speedway as of the end of the season in May this year.

These events have been run by Mr Dave Roberts, who has done a wonderful job over the last few years in keeping the Bendigo Speedway alive for the many people who follow motor sports and who come to Bendigo specifically for those 10 events and to participate in these motor sports. So it will be quite sad for the Bendigo Speedway to no longer be in existence following the final session in May this year.

I am asking the minister to investigate the impact these public liability increases are having on these two organisations in Bendigo.

### **Kingston: former mayor**

**Mr LEIGH** (Mordialloc) — I raise a matter with the Minister for Local Government that concerns an adjournment speech that I made on 21 November about the former mayor of the City of Kingston, the ALP mayor Mr Arthur Athanopoulos, who in my view behaved in a corrupt manner and gained a benefit.

The papers I have here today are available to the house without any difficulties. On 9 April 1999 former Mayor Athanopoulos purchased some land for \$115 000. After gaining a planning permit he sold it for \$195 000. In answer to my claims at the time he made a statement, with which I have no problem, saying he had done nothing inappropriately.

I make available to the house tonight the handwritten sketches the mayor provided the city with so he could get his planning permit that night. His development was approved by the council on 26 June 2000 on the strength of a handwritten sketch. The formal plans for the revised single-storey development were not lodged with the council until 7 July 2000. Effectively no member of the public, council staff or councillors had the opportunity to view the drawings until 11 days after his development had been approved. I also have in my possession a copy of those plans.

I challenged the councillor to provide documentary evidence of any other unit development being approved by the Kingston Labor council without the applicant providing formal drawings prior to the approval of the proposed development.

I am seeking from the Minister for Local Government an investigation into what is happening here, because the councillor also claimed he was not a developer. But the statement contradicts public statements made by the councillor when he said he was not a developer in the

true sense of the word. He either lied to the Parliament or to all Kingston residents.

His statement also states in respect of the draft report arrangements for his area, for which he was a ward councillor, that he had nothing to do with gaining any benefit, yet the dual occupancy development proposed by the council in January 2000 for a double-storey development — it in no way resembled a single-storey development — was approved sight unseen by the council. The councillor was appointed chairperson of the Clayton South residential study steering committee in March, and it seems quite apparent that he was —

**Mr Haermeyer** — On a point of order, Madam Deputy Speaker — —

**Mr LEIGH** — You are corrupt. You are trying to cover up for one of your crooked mates!

**The DEPUTY SPEAKER** — Order! I remind the honourable member for Mordialloc of standing order 108.

**Mr LEIGH** — I am not talking to you. I am saying he is covering for one of his buddies. Here are the plans; look what you did! Go and investigate that!

**Mr Haermeyer** — Go and chew on your bone!

**The DEPUTY SPEAKER** — Order! The minister, on a point of order.

**Mr Leigh** interjected.

**The DEPUTY SPEAKER** — Order! I ask the honourable member for Mordialloc to be quiet.

**Mr Haermeyer** — On a point of order, the honourable member for Mordialloc has made some very serious allegations. Within the last week we have had an instance of a federal member of Parliament in Senator Heffernan misusing the privilege of the Parliament and waving around falsified documents. The honourable member for Mordialloc has quite a history in this place of using the privilege of the Parliament to defame innocent civilians.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask the house to come to order. I ask the honourable member for Mordialloc to cease interjecting.

**Mr Leigh** — You are letting him get away with it.

**The DEPUTY SPEAKER** — Order! I ask the honourable member for Mordialloc to behave himself. I

ask the minister to tell the house what the point of order is and to stop debating the issue.

**Mr Haermeyer** — Madam Deputy Speaker, I am seeking an investigation by you or the Speaker of the authenticity of the documents used by the honourable member for Mordialloc, who is fast going down the track of becoming the Heffernan of this chamber.

**Mr Perton** — On a point of order, Madam Deputy Speaker, the Speaker has indicated on a number of occasions that honourable members who raise spurious points of order, particularly those who do so with the intention of diminishing the speaking time of other honourable members, will be dealt with harshly.

I put it to you, Madam Deputy Speaker, that your duty on this occasion is to call the Speaker into the house to suspend the Minister for Police and Emergency Services from the service of the house, because the only reason he raised that completely spurious point of order was to prevent the honourable member from raising the full matter that he seeks to have investigated by the minister. It is an abuse of this Parliament, it is an abuse of the standing orders, and I ask you, as you have in the past threatened this side of the house, to bring the Speaker in and have him deal with this minister.

**The DEPUTY SPEAKER** — Order! The minister has asked me to refer a matter to the Speaker, which I will do. The honourable member for Doncaster has raised a point of order. I do not uphold the point of order.

**Mr Perton** — That is a rubbish ruling.

**Mr Leigh** — On a point of order, Madam Deputy Speaker, firstly, I have provided all my notes to Hansard. The concern I have is that I have copies of the plans from the city, which bear the date stamp of the city. I will hand them to you — you will note that I have no other documentation here — so that you can provide them to the Speaker.

**The DEPUTY SPEAKER** — Order! If the honourable member would give them to the Clerks, we will make sure they get to the Speaker.

**Mr Haermeyer** — On a further point of order, Madam Deputy Speaker, before the honourable member for Mordialloc got up to raise his point of order, the honourable member for Doncaster said by interjection towards you, ‘That is a rubbish ruling’. This shows complete disrespect for the Chair, and I ask you to deal with him appropriately.

**Mr Perton** — On the point of order, Madam Deputy Speaker, the minister has jackbooted his way to that spot in the house and given a Nazi salute to a Speaker. This is not a man who has any respect for the Chair. For him to raise again another spurious point of order shows the disrespect in which he holds the traditions of this house.

**The DEPUTY SPEAKER** — Order! I ask the house to settle down. I do not uphold the point of order raised by the minister.

**Mr Leigh** — On a further point of order, Madam Deputy Speaker, do you accept the fact that I have provided all the documents?

**The DEPUTY SPEAKER** — Order! I have accepted that point. The time has now ceased for raising matters during the adjournment debate.

### Responses

**Mr HAERMAYER** (Minister for Police and Emergency Services) — The honourable member for Keilor raised a number of articles or reports in a local papers in the Wodonga region, including the *Border Mail*, about a visit by the opposition spokesman on police and emergency services, the honourable member for Wantirna. In one of those articles on 7 March the honourable member for Wantirna is reported as saying basically that he had been banned from visiting the Wodonga fire station. He was not banned from visiting the station. In fact honourable members and spokespeople from political parties have generally been pretty free to go and visit Country Fire Authority stations. I remind him, and he acknowledged this in an email he sent to me this week, that it was in fact his government in 1993 that put in place a protocol that honourable members should first seek permission of the minister to visit CFA stations.

Whatever that protocol was, it is not one that I have upheld. What I have sought from both honourable members opposite and other honourable members, apart from when they are visiting CFA stations in their own electorates, which they are free to do at any time, is that if spokesmen or leaders are going to fire stations or police stations they in the case of fire stations do the CFA the courtesy first of ringing and letting them know they are coming — giving them a bit of notice so they can properly facilitate the visit and an area manager or somebody appropriate may be there. That is what was sought of the honourable member for Wantirna, and his visit to the Wodonga fire station was facilitated.

The other thing was that he had asked for the area manager in Wodonga to call a meeting or gathering of

CFA brigade officials in the whole region so he could conduct a political rally. That was totally inappropriate and was certainly never going to be agreed to, but the visit to that fire station was facilitated. He got up tonight and I think somewhat misrepresented the views of the members at that particular fire station, but he did talk about his visit to that fire station. This report is mischievous and deceptive.

The next day, Friday, he and the honourable member for Benambra were photographed for the *Border Mail* outside the site of the Wodonga police station and courthouse complex complaining that he was not granted access. When I was in opposition I remember an email or memo coming from the then Minister for Police and Emergency Services, the Honourable Pat McNamara, saying in effect that in future Labor members — it was not targeted at all members of Parliament — wishing to visit police stations had first of all to seek his approval. When I visited my own local police station in Epping I was instructed to get the minister's approval to walk in as a local resident and local member.

We have relaxed those protocols. Local members are entitled to visit their police stations whenever they wish. If they wish to have briefings or to be accompanied by members from other areas or by shadow ministers or leaders of parties they are welcome to do that, but we request that in those circumstances they do us the courtesy of advising us so we can ensure that police are able to provide the appropriate senior personnel to make the visit fruitful. The situation is a lot more relaxed than it was before, but it has never been the case that people could freely wander around building sites. The police indicated that they had some concern about people wandering around the construction site and that is the basis on which the visit to the construction site was not facilitated.

There is an open day coming up in a couple of weeks. The honourable members for Benambra and Wantirna are both welcome, as is any member of the public, to turn up on that day. That is the day I will be going to inspect the police station and I am happy for the honourable members for Benambra and Wantirna to come and have a look at it with me. I note, however, that the honourable member for Benambra claims that he should have been let in because 'Our government planned and funded the new police courthouse but I have not being given access'.

Madam Deputy Speaker, this is a bit like the promise of additional police: 'We planned it, we funded it but we never saw any of it'. They talked about it but not one grain of sand was moved. I am happy for the

honourable members for Benambra and Wantirna to come through the police station on open day, but let it be understood that they did absolutely nothing to deliver this police station. This government has delivered it. There was not one single grain of sand shifted under their government.

The honourable member for Sandringham raised the issue of drunken hooliganism in Station Street, Sandringham. I am sorry I have forgotten the date but I will get the details from Mr Armstrong. The honourable member says there was some difficulty in getting police attendance there. If it is as the honourable member for Sandringham indicates it is a totally unacceptable situation. I will seek a report from Victoria Police as to why that has happened. We have provided the police and restored the resources that were taken away from them, so there is no excuse for this type of non-response. I will seek a police report on the particular incident for the honourable member for Sandringham and advise him accordingly.

**Mr LENDERS** (Minister for Finance) — The honourable member for Bendigo East raised for me the issue of public liability premiums regarding the Bendigo Easter Fair and the Bendigo Speedway.

Firstly, I have absolutely no doubt that the honourable member for Bendigo East would be an enthusiastic participant in the Bendigo Easter Fair and at the Bendigo Speedway. She is a very active local member and I have no doubt that it would be from the heart that she expresses this because she reads what happens in her community and is the living soul of regional Victoria. She raises this issue with sincerity and I take it seriously.

The issues she raises about these worthy community organisations finding it difficult to get public liability insurance are key issues before this government and every other government in this country, because the public liability insurance area is in some difficulty, particularly for not-for-profit organisations.

As the house would be aware following the HIH Insurance collapse last year and the events of 11 September, there is enormous pressure on insurance organisations across the planet, and as that affects us here in Australia reinsurers are reluctant to underwrite some of the long-tailed schemes, which most public liability insurance is about.

The honourable member for Bendigo East asked what action we as a government can take to restore public liability insurance options for organisations like the Bendigo Easter Fair and the Bendigo Speedway. There

are no simple solutions to this problem, but what this government has been doing over the past several months includes, firstly, sitting down with the community organisations — whether they be not-for-profit organisations or small businesses and others — and going through the options for an enduring solution to their problems.

I can certainly inform the honourable member for Bendigo East that this government is working very closely with the Our Community group and the Municipal Association of Victoria and that in the near future we hope to have in place schemes that will deal with the Bendigo Easter Fair issue and provide affordable insurance for community organisations and not-for-profit organisations. That is something we are working very hard towards, as we are on general schemes for insurance.

I thank the honourable member for Bendigo East for raising the issue. We will work as expeditiously as possible to deal with the problems she raised.

**Ms KOSKY** (Minister for Education and Training) — The honourable member for Wimmera raised a matter relating to students from rural and regional Victoria not gaining access to information about Victorian tertiary admission offers at the same time as metropolitan students. While I think the honourable member is aware that the timing does not alter the results that students receive, because they are determined at the same time, his concern is that students in country Victoria receive the information at a later stage than their metropolitan counterparts.

I am happy to write to the Victorian Tertiary Admissions Committee to raise this issue. It is, of course, an independent body, but I am happy to draw this matter to its attention and see what it might be able to do to ensure that students in country Victoria gain access to the same information at or close to the same time as their metropolitan counterparts, understanding that the results will still be the same whether they are available 1 hour or 24 hours later. However, I am happy to do so to make sure that that information is provided to rural students at the same time as metropolitan students.

**Ms CAMPBELL** (Minister for Senior Victorians) — The first matter directed to my attention was raised by the honourable member for Frankston East and related to the Frankston City Council's plans to demolish a senior citizens club. I am happy to take up that matter with the Frankston council.

I note that the honourable member has stated that while the council promised to provide the senior citizens with equal or better facilities they do not appear to be forthcoming, in spite of the fact that the council plans to build a \$15 million council office block. I am happy to take that up with the council, and I am sure the Frankston senior citizens club would have a very strong view on where it would like ratepayers' funds spent.

The honourable member for Bellarine raised for the Minister for State and Regional Development a matter relating to the availability of reticulated gas in his electorate. I note that under the former government no promises were made about reticulated gas in Bellarine. It was our government that put in a promise — and we will be following that up — in relation to the citizens of Portarlington and other sites in Bellarine.

The honourable member for Doncaster raised a matter for the Minister for Environment and Conservation about waste management costs in the West Wimmera shire. I will refer that to the minister.

The honourable member for Narracan raised a matter for the Minister for Environment and Conservation about what he sees as an admirable site for Vicforests in Warragul. He made the point that Warragul is a fine town with a fine council in a fine electorate. I am sure the people down there say with a fine member of Parliament representing them strongly in this house.

The honourable member for Mornington raised a matter for the Minister for Environment and Conservation about rental costs for small boat berths in and around Hastings. I will refer that matter to the minister for her attention.

The honourable member for Oakleigh raised a matter for the Minister for Housing about older couples requiring affordable accommodation given that they are being moved out from what are now becoming more affluent areas with a change of demographics in Elwood and St Kilda. I will refer that to the minister.

I am sure the Minister for Local Government will give the honourable member for Mordialloc's claims all the attention they rightly deserve.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.49 p.m.**