PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

WEDNESDAY, 6 FEBRUARY 2019

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

Premier	The Hon. DM Andrews, MP
Deputy Premier and Minister for Education	The Hon. JA Merlino, MP
Treasurer, Minister for Economic Development and Minister for Industrial Relations	The Hon. TH Pallas, MP
Minister for Transport Infrastructure	The Hon. JM Allan, MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support	The Hon. BA Carroll, MP
Minister for Energy, Environment and Climate Change, and Minister for Solar Homes	The Hon. L D'Ambrosio, MP
Minister for Child Protection and Minister for Disability, Ageing and Carers	The Hon. LA Donnellan, MP
Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. MP Foley, MP
Attorney-General and Minister for Workplace Safety	The Hon. J Hennessy, MP
Minister for Public Transport and Minister for Ports and Freight	The Hon. MM Horne, MP
Special Minister of State, Minister for Priority Precincts and Minister for Aboriginal Affairs	The Hon. GW Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Suburban Development	The Hon. M Kairouz, MP
Minister for Health and Minister for Ambulance Services	The Hon. J Mikakos, MLC
Minister for Water and Minister for Police and Emergency Services	The Hon. LM Neville, MP
Minister for Jobs, Innovation and Trade, Minister for Tourism, Sport and Major Events, and Minister for Racing	The Hon. MP Pakula, MP
Minister for Roads, Minister for Road Safety and the TAC, and Minister for Fishing and Boating	The Hon. JL Pulford, MLC
Assistant Treasurer and Minister for Veterans	The Hon. RD Scott, MP
Minister for Local Government and Minister for Small Business	The Hon. A Somyurek, MLC
Minister for Regional Development, Minister for Agriculture and Minister for Resources	The Hon. J Symes, MLC
Minister for Training and Skills, and Minister for Higher Education	The Hon. GA Tierney, MLC
Minister for Prevention of Family Violence, Minister for Women and Minister for Youth	The Hon. G Williams, MP
Minister for Planning, Minister for Housing and Minister for Multicultural Affairs	The Hon. RW Wynne, MP
Cabinet Secretary	Ms M Thomas, MP

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT—FIRST SESSION

Speaker

The Hon. CW BROOKS

Deputy Speaker

Ms JM EDWARDS

Acting Speakers

Ms Blandthorn, Mr J Bull, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Kilkenny, Mr McGuire, Mr Richardson, Ms Spence, Ms Suleyman and Ms Ward

Leader of the Parliamentary Labor Party and Premier

The Hon. DM ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. JA MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. MA O'BRIEN

Deputy Leader of the Parliamentary Liberal Party

The Hon. LG McLEISH

Leader of The Nationals and Deputy Leader of the Opposition

The Hon. PL WALSH

Deputy Leader of The Nationals

Ms SM RYAN

Leader of the House

Ms JM ALLAN

Manager of Opposition Business

Mr KA WELLS

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

Parliamentary Services: Secretary: Mr P Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT—FIRST SESSION

Member	District	Party	Member	District	Party
Addison, Ms Juliana	Wendouree	ALP	Maas, Mr Gary	Narre Warren South	ALP
Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Morris, Mr David Charles	Mornington	LP
Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
Connolly, Ms Sarah	Tarneit	ALP	Richards, Ms Pauline	Cranbourne	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Crugnale, Ms Jordan Alessandra	Bass	ALP	Riordan, Mr Richard Vincent	Polwarth	LP
Cupper, Ms Ali	Mildura	Ind	Rowswell, Mr Brad	Sandringham	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Ryan, Stephanie Maureen	Euroa	Nats
Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	Melbourne	Greens
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Scott, Mr Robin David	Preston	ALP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Settle, Ms Michaela	Buninyong	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Sheed, Ms Suzanna	Shepparton	Ind
Eren, Mr John Hamdi	Lara	ALP	Smith, Mr Ryan	Warrandyte	LP
Foley, Mr Martin Peter	Albert Park	ALP	Smith, Mr Timothy Colin	Kew	LP
Fowles, Mr Will	Burwood	ALP	Southwick, Mr David James	Caulfield	LP
Fregon, Mr Matt	Mount Waverley	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Staikos, Mr Nicholas	Bentleigh	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staley, Ms Louise Eileen	Ripon	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
Horne, Ms Melissa Margaret	Williamstown	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Ward, Ms Vicki	Eltham	ALP
Kealy, Ms Emma Jayne	Lowan	Nats	Wells, Mr Kimberley Arthur	Rowville	LP
Kennedy, Mr John Ormond	Hawthorn	ALP	Williams, Ms Gabrielle	Dandenong	ALP
Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

PARTY ABBREVIATIONS

ALP—Labor Party; Greens—The Greens;
Ind—Independent; LP—Liberal Party; Nats—The Nationals.

Legislative Assembly committees

Economy and Infrastructure Standing Committee
Ms Addison, Mr Blackwood, Ms Connolly, Mr Eren, Mr Rowswell, Ms Ryan and Ms Theophanous.

Environment and Planning Standing Committee
Mr Cheeseman, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Mr Morris and Mr T Smith.

Legal and Social Issues Standing Committee
Ms Couzens, Ms Kealy, Mr Newbury, Ms Settle, Mr Southwick, Ms Suleyman and Mr Tak.

Privileges Committee
Ms Allan, Mr Guy, Ms Hennessy, Mr McGuire, Mr Morris, Ms Neville, Mr Pakula, Ms Ryan and Mr Wells.

Standing Orders Committee
The Speaker, Ms Allan, Ms Edwards, Ms Halfpenny, Ms McLeish, Ms Sheed, Mr Staikos, Ms Staley and Mr Walsh.

Joint committees

Dispute Resolution Committee
Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula, Mr R Smith, Mr Walsh and Mr Wells.
Council: Mr Bourman, Mr Davis, Mr Jennings, Ms Symes and Ms Wooldridge.

Electoral Matters Committee
Assembly: Ms Blandthorn, Ms Hall, Dr Read and Ms Spence.
Council: Mr Atkinson, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell and Mr Quilty.

House Committee
Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.
Council: The President (*ex officio*), Mr Bourman, Mr Davis, Ms Lovell, Ms Pulford and Ms Stitt.

Integrity and Oversight Committee
Assembly: Mr Halse, Mr McGhie, Mr Rowswell, Mr Taylor and Mr Wells.
Council: Mr Grimley and Ms Shing.

Public Accounts and Estimates Committee
Assembly: Ms Blandthorn, Mr Hibbins, Mr Maas, Mr D O'Brien, Ms Richards, Mr Richardson, Mr Riordan and Ms Vallence.
Council: Ms Stitt.

Scrutiny of Acts and Regulations Committee
Assembly: Mr Burgess, Ms Connolly and Ms Kilkenny.
Council: Mr Gepp, Mrs McArthur, Ms Patten and Ms Taylor.

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Wednesday, 6 February 2019

The SPEAKER (Hon. Colin Brooks) took the chair at 9:33 a.m. and read the prayer.

Petitions

Following petition presented to house by Clerk:

PYRENEES HIGHWAY

To the Legislative Assembly of Victoria

The Petition of Newstead residents, residents of the electorate of Bendigo West, and Victorians affected by the proposed Vicroads Pyrenees Highway Project draws to the attention of the House VicRoads' proposed Pyrenees Highway Safety Improvements project to between Newstead and Muckleford South. The project proposes to install wire rope safety barriers and guard fences, seal some sections of road shoulders and parts of intersections and remove roadside vegetation including 126 mature trees from Swift Parrot habitat.

Work is scheduled to start on Tuesday 29 January. Community members have been questioning the modelling, data and evaluations (economic, social and environmental) behind the project since 2016.

The petitioners therefore request that the Legislative Assembly of Victoria halt any work to remove roadside trees and defer the commencement of the project until the concerns from the community regarding the project are fully addressed, including:

- assess accuracy and reliability of environmental evaluations, traffic counts/road incidents and modelling, using local knowledge
- review and share the cost:benefit analysis workings with the community
- reassess speed limits on this section of road, in line with other reductions put in place along the Pyrenees Highway locally
- look at other cost-effective options to minimise the loss of mature trees, including signage, edge improvements, line-marking and driver behaviour.

By Ms EDWARDS (Bendigo West) (453 signatures).

Tabled.

Ordered that petition be considered next day on motion of Ms EDWARDS (Bendigo West).

Members

ACTING SPEAKERS

The SPEAKER (09:35): Under standing order 20 I have tabled a warrant amending the panel of members to preside as Acting Speakers to include the following members: Lizzie Blandthorn, Christine Couzens, Sonya Kilkenny and Natalie Suleyman.

Documents

DOCUMENTS

Tabled by Clerk:

Judicial Entitlements Act 2015—Recommendation statement under s 34

Members of Parliament (Register of Interests) Act 1978—Summary of Primary Returns January 2019 and Summary of Variations notified between 24 September 2018 and 4 February 2019—Ordered to be published

Planning and Environment Act 1987—Notices of approval of amendments to the following Planning Schemes:

Banyule—C151

Bayside—C153

Greater Geelong—C376 Part 1

Hobsons Bay—C116 Part 1

Melbourne—C348

Mitchell—C120

Monash—C129 Part 2

Port Phillip—C157

Subordinate Legislation Act 1994—Documents under s 15 in relation to Statutory Rules 2, 3.

The Clerk tabled the following proclamations fixing operative dates in accordance with Sessional Order 16:

Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Act 2018—Sections 46 to 49, 54, 61 to 64 and Part 6 (except s 85)—15 October 2018 *(Gazette S466, 10 October 2018)*

Electricity Safety Amendment (Electrical Equipment Safety Scheme) Act 2018—Whole Act—1 April 2019 *(Gazette S517, 30 October 2018)*

Emergency Management Legislation Amendment Act 2018—ss 84 to 88, 90—17 October 2018 *(Gazette S480, 16 October 2018)*

Justice Legislation Amendment (Access to Justice) Act 2018—Division 4 of Part 6 and s 41—1 November 2018 *(Gazette S517, 30 October 2018)*; Part 2 and Divisions 1 to 3 of Part 10—7 December 2018; Part 5—14 December 2018 *(Gazette S497, 23 October 2018)*

Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018—Part 8—3 October 2018 *(Gazette S456, 2 October 2018)*

Justice Legislation Amendment (Terrorism) Act 2018—Remaining provisions—30 November 2018 *(Gazette S497, 23 October 2018)*

Justice Legislation Miscellaneous Amendment Act 2018—Part 2, ss 8, 9, 11, 12 and 14, Divisions 2 and 3 of Part 4, Divisions 3 to 7 of Part 5, Part 6, Division 2 of Part 7, Parts 8 to 13 and remaining provisions of Part 14—28 October 2018; Part 3 and Divisions 1 and 2 of Part 5—3 March 2019 *(Gazette S480, 16 October 2018)*

Liquor and Gambling Legislation Amendment Act 2018—Remaining provisions—11 October 2018 *(Gazette S466, 10 October 2018)*

Long Service Benefits Portability Act 2018—Parts 1, 5 and 8—1 November 2018 *(Gazette S497, 23 October 2018)*

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017—Part 2.3—29 October 2018 *(Gazette S480, 16 October 2018)*

Victims and Other Legislation Amendment Act 2018—Parts 1, 4 and 5—29 October 2018; Part 6—31 December 2018 *(Gazette S480, 16 October 2018).*

Business of the house

ADJOURNMENT

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (09:36): I move:

That the house, at its rising, adjourns until Tuesday, 19 February 2019.

Motion agreed to.

Members statements

AUSTRALIA DAY AWARDS

Mr WAKELING (Ferntree Gully) (09:36): I firstly place on record my congratulations to those Knox residents who have been recognised with Australia Day honours: the citizens of the year Andrea Cobern, who has done fantastic work with singing throughout the Knox community, and Johann Poppenbeck, who is a fantastic president at the Knox Churches Soccer Club; also Joel Porter, the young citizen of the year; Lyn Shepherd, the volunteer of the year, who has done fantastic work at the Mountain District Netball Association; George and Pat Hetrel, who were acknowledged as elder citizens of the year; and Shameela Essop, who was the local hero.

I would also like to recognise Dr Neil Spike, who was awarded a national Australia Day honour for his service to medical education, particularly to general practitioner standards and training. I congratulate him on that recognition.

ELECTION COMMITMENTS

Mr WAKELING: Yesterday in the house the Minister for Education made a very important point about the need to match election commitments. At the last state election the Labor Party made no commitment to upgrade any school in the Ferntree Gully electorate. However, the Liberal Party had committed to provide $5 million to upgrade Scoresby Secondary College, $9 million for Fairhills High School and $1.5 million to build a new gymnasium at Wantirna South Primary School. I look forward to the Minister for Education confirming to those schools that he will match those election commitments of the Liberal Party and provide the necessary funding— *(Time expired)*

CAMPBELL JORDAN

Ms KILKENNY (Carrum) (09:38): The Bonbeach community lost a special person in Campbell Jordan on 17 January 2019. Campbell was a past president and a more than 30-year member of Bonbeach Life Saving Club. By investing and believing in our young people, Campbell was key in building the club's positive can-do culture. Campbell's dedication to his club, his loyalty to lifesaving and keeping the community safe, and his commitment to volunteering and to helping others, particularly the next generation, made the club and the Bonbeach community a much more inclusive and caring one.

Campbell's work with refugees and new migrants, helping them take on the challenges of not just learning to swim but achieving their bronze medallion so they too could become lifesavers themselves, was literally life changing. In Campbell's own words, 'The Aussie traditions of volunteering and helping others—embodied in surf lifesaving—should be passed onto migrant communities'. These young men and women, many of whom fled their own country, can now volunteer their time to protect the wider community that they are proud to be part of, so soon after arriving.

My deepest sympathies to Campbell's family: his wife, Debra; children, Scott and Ursula; Brooke and Pat and all of their grandchildren; and his broader family at the Bonbeach Lifesaving Club. And now, appropriately, the new Bonbeach lifesaving club rooms will be renamed the Campbell Jordan Club Rooms. Thank you, Campbell, for your lifetime of service to this wonderful club and the Bonbeach community. We are all the better for your lifetime of service.

WATER PRICES

Mr McCURDY (Ovens Valley) (09:39): Temporary irrigation water prices in northern Victoria are extremely high. I urge the Minister for Water to review the way water infrastructure is paid for by the farming community. Farmers are telling me that the current system is not fair or sustainable and that unless things change there will be no such thing as an irrigated family farm.

The Ovens Valley communities of Tarrawingee, Everton and Everton Upper were hit extremely hard by a flash flooding event on 13 December last year. Farmers are facing a massive clean-up bill and fencing bills. Last week I visited the property of John and June Bennett and their families at Everton Upper along with the shadow Minister for Agriculture. Kilometres of fencing have to be replaced, and it is a significant cost to bear. I again ask the Andrews Labor government to justify its claim that they govern for all Victorians. We are yet to see this in Tarrawingee.

JESSICA LEWIS

Mr McCURDY: Congratulations to Jessica Lewis on being named the Rural City of Wangaratta's Young Citizen of the Year. Jess is an active and enthusiastic member of the local community, and I have got to know her and her parents very well over the last couple of years. She has done work experience here at Parliament and she is a highly deserving recipient of this award. Jess is a former

youth counsellor for Wangaratta and is involved in the girl guides and the Lions Club. She is a bright and inspiring young person. The future of Wangaratta looks bright with young leaders such as Jess, and I wish her all the very best with her upcoming tertiary studies.

JACYE SYMES

Mr McCURDY: I also want to congratulate Yarrawonga's Jacye Symes, who received an Order of Australia medal for her contribution to community history. Mrs Symes is a life member of the Yarrawonga Mulwala Historical Society and has been the society's research officer since 1994. She has also served as treasurer, secretary and on the history book committee, as well as volunteering for the Yarrawonga Mulwala Pioneer Museum and Friends of St Cuthbert's bric-a-brac shop.

WESTERN SUBURBS HEALTH SERVICES

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (09:41): I rise to update the house on substantial investments the Andrews Labor government has made towards world-class health care in my electorate of Werribee in Melbourne's western suburbs. Late last year I had the pleasure of joining the then Minister for Health, the member for Altona, to open the $85 million Werribee Mercy Hospital upgrade, providing the Wyndham community with the modern facilities that they both need and deserve. The local hospital is now home to Wyndham's first critical care unit and eight critical care beds, six new operating theatres and 64 extra inpatient beds. This was soon followed by the opening of 54 additional mental health beds.

The Andrews Labor government is delivering first-class health care, not only in my electorate of Werribee but right across Melbourne's west. Our investments include $200 million for Western Health Sunshine and a further $29.6 million for a new emergency department, $1.5 billion to reconstruct Footscray Hospital, $2.3 million to plan for a new hospital in Melton, along with the construction of 10 new community hospitals, including one in Wyndham. I look forward to these commitments coming to fruition to ensure our young and growing community has access to world-class care facilities close to home.

AUSTRALIA DAY AWARDS

Mr PALLAS: On a final and different point I would like to put a big shout-out to beneficiaries of the Order of Australia Vern Fettke, Trish Vejby— *(Time expired)*

AUSTRALIA DAY AWARDS

Ms McLEISH (Eildon) (09:42): Australians celebrate it in many different ways, but no matter where you are Australia Day is a time when we acknowledge and reward volunteers for the work they do in the community. I would like to take this opportunity to congratulate my constituents across the electorate who were presented with Australia Day awards. For the first time in Mansfield Shire we saw multiple citizen of the year awards, with Andrew Setchell and Luke and Tanya Purcell recognised for their community work. Val Kirley, a great bush poet, was made Senior Citizen of the Year, whilst Hayley Wilson was made Young Citizen of the Year, following in the footsteps of her brother Liam, who held the award in 2016, and their parents, James and Catriona, who were citizens of the year in 2014.

I was fortunate to be on hand in Alexandra at the Murrindindi Australia Day ceremony this year to congratulate Senior Citizen of the Year Norma Hodson. Other citizens of the year in Murrindindi were Matthew Noonan and a young citizen, Tamara Wilson. In the Yarra Ranges, Lesley Porter at the Good Life Farm was the Citizen of the Year for her work to improve the lives of vulnerable and at-risk people. Suyin Chan was also recognised for her work towards many, many community projects in the Upper Yarra.

Local recipients of the Australia Day honours include Bill Healy of St Andrews, being made an AM for his service to the areas of forensic mental health and education; Ailsa Fox of Merton, who was made an OAM for her services to community and primary industry; Mark Squirrel of Arthurs Creek,

who was made an OAM for international communities for human aid; and Jane Hayward, AM, principal of Strathewen Primary School who received a Public Service Medal.

MORDIALLOC ELECTORATE EMERGENCY SERVICES

Mr RICHARDSON (Mordialloc) (09:44): I want to rise and pay tribute to emergency services workers who supported our community and our state over the summer months. Victoria Police over the course of the summer period were busy with the hundreds of thousands of people coming down to the Mordialloc electorate and Port Phillip Bay region. It is a beautiful place where families gather and enjoy those summer months, but at times it can be challenging for our emergency services when it comes to community safety and protecting people in the water. I want to pay tribute to those women and men who serve in Victoria Police and keep our community safe. I also want to put on record my thanks to the Edithvale CFA. Not only do they keep our community and those dedicated volunteers safe, they have been servicing the Grantville area—just recently over the weekend for a significant period of time, with a lot of those members doing 48 hours straight. I want to put on record our thanks. It is not just the bayside community that they protect; when they are called upon, they provide support all across our state.

Finally, I want to place on record as well my thanks to and appreciation of the volunteers at Aspendale Life Saving Club. We had a tragic incident out at Aspendale with a loss of life. That has had a significant impact on the CFA who attended on site and also the Aspendale Life Saving Club members. We thank you for your service in difficult times. You do a wonderful job, and we appreciate all the work that you do. I thank Chad Henry at the Aspendale Life Saving Club and also Graham Fountain at the CFA.

KUOL DENG

Mr BLACKWOOD (Narracan) (09:45): Last Saturday I attended the graduation celebration of Kuol Deng. Kuol is a Sudanese refugee who arrived with his family in Australia in 2005 after surviving 20 years in refugee camps across three African countries. They fled their homeland after being persecuted for their Christian beliefs. Kuol completed his law degree in November last year, supported by his wife, Nyapa Deng, and children Jina, John, Paul, Victoria, Vincent, Elizabeth, David, Suzen and Catherine. Kuol and his family have settled in Warragul and have become active members of the St Joseph's Catholic Church community. Kuol is also a member of the African task force here in Melbourne, already making a significant contribution to our community.

The example Kuol has set for his family is extremely positive and is being used by the broader Sudanese community to encourage all of their young people to get a good education. Around 100 members of the Melbourne Sudanese community travelled to Warragul for the graduation celebration on Saturday night. Around 20 of them provided words of encouragement for Kuol and his family and others in attendance.

Every speaker pleaded—indeed demanded—that the teenagers present respect and build on the opportunity they have been given by their parents to live in Australia. I have nothing but admiration for Kuol and his family and members of the broader Sudanese community, who are trying desperately hard to assimilate and ensure their children respect and appreciate our wonderful country, study hard and become active, valuable contributors to Australian society and go on to raise their own families in a peaceful and law-abiding environment.

AUSTRALIAN BROADCASTING CORPORATION

Ms GREEN (Yan Yean) (09:47): Today I rise on the eve of the 10th anniversary of Black Saturday to thank a much-loved family member who was with me and my fire-affected community on that day and has been ever since. The ABC, and especially ABC radio, has been so much more than an emergency broadcaster. I was reminded of this today on hearing the breakfast program broadcasting from Marysville. Through the sadness I laughed, hearing kookaburras in stereo through the radio in

Marysville and from over the fence at my place in Diamond Creek. Jon Faine choked up at being in Strathewen and when mentioning the name of my dear friend and mentor, David McGahy. It makes it so much easier to know that if he does that, I can do that too.

Kinglake was supported for months by their own broadcasting ABC station, which helped them communicate, because they had very little means to communicate. I want to thank Simon Rogers and all the other ABC staff who did that for so long. A message to both side of politics: do not cut our Aunty. Please support her. She is there for us every step of the way. A commercial operator can never do it. At this federal election, commit. Those here in the coalition, tell your people to commit. We need the ABC. While we are at it, let us have a once-in-a-generation commitment to get rid of every mobile black spot in this state to keep Victorians safe. I call on Scott Morrison and Bill Shorten to commit to this at the federal election.

WARRANDYTE ELECTORATE ROADS

Mr R SMITH (Warrandyte) (09:48): I rise today to bring to this house the concerns my residents have raised with me about the government's inaction around dealing with the growing population in the electorate of Warrandyte. This inaction is having a huge effect on local road infrastructure in my community, particularly at the northern end of Springvale Road.

Springvale Road is a major arterial and links a number of communities in my electorate, but there appears to have been very little planning to cater for the increased traffic that comes as our population grows. At present motorists travelling north must come to a complete stop as the six-lane road narrows to a two-lane road between Mitcham Road and Old Warrandyte Road before returning to a four-lane road, with a similar situation for motorists travelling south-bound towards the Eastern Freeway. If this government was serious about 'Delivering for all Victorians', it would turn its attention to these major arterial roads to Melbourne's eastern suburbs in order to deal with the increasing traffic and congestion that comes as a result of the rapid population growth we are experiencing.

My community is asking the government to have VicRoads examine the need to widen Springvale Road so as to save residents around the eastern suburbs the frustration of having to be constantly stuck in a gridlock.

HAKEEM AL-ARAIBI

Ms BLANDTHORN (Pascoe Vale) (09:49): I rise to support the plight of Pascoe Vale soccer player Hakeem al-Araibi. Hakeem is a talented soccer player, a loving husband and a valued member of our Pascoe Vale community. He has fully embraced his new life in Australia, contributing to the strong sense of multiculturalism and diversity we value in our community. Hakeem's enjoyment and appreciation for a life of freedom, justice and a fair go in Australia has been stripped from him. He has now been detained in Thailand for more than 60 days after a deemed erroneous Interpol red notice was enforced on him, risking extradition to Bahrain where he could well be exposed to the dangers of torture and a breach of his inalienable human rights. The detainment of Hakeem is linked to Bahrain charges which spuriously allege him to have vandalised a police station at the very time he was playing in a live televised football match. Hakeem has been a peaceful advocate for and supporter of democracy and justice in Bahrain and a strong voice against torture and violent acts.

It is clear that he is suffering immensely in detention, away from his wife and community supports and detached from his rights as a resident of Australia. I urge Hakeem and his wife not to lose hope. There is surely more to be done. On behalf of our community I call on the Australian government and I call on Prime Minister Scott Morrison to use every power possible to have Hakeem returned to Australia. On Monday when Hakeem arrived in court, shackled and barefoot, fighting for justice, supporters are said to have called out 'Australia is with you', and I concur. Australia is with you and Pascoe Vale is with you. As the Premier said recently, we look forward to having you back on the pitch in Pascoe Vale.

SANDRINGHAM ELECTORATE SCHOOLS

Mr ROWSWELL (Sandringham) (09:51): I rise to draw the attention of the house to the urgent funding needs of both Sandringham College and Mentone Girls Secondary College in my electorate. During the course of the 2018 election campaign I was pleased to make financial commitments to both schools on behalf of the coalition—$9 million to Sandringham College and $7.5 million to Mentone Girls Secondary College.

These great schools provide educational excellence within the Sandringham district. With $7.5 million at Mentone Girls, that funding would have gone towards the construction of a much-needed science, technology, engineering, arts and mathematics centre. At Sandringham College that funding would have gone towards the urgent removal of asbestos-riddled classrooms. Sandringham College are currently requesting that the Victorian School Building Authority conduct an urgent rolling facilities audit. They have had verbal confirmation that that will be undertaken in February but no formal confirmation as yet, so they are seeking that outcome at the current time. It is important that the educational outcomes and cultures of both of these secondary schools in the Sandringham district are matched with equally good school infrastructure. If we had had the opportunity to deliver such infrastructure, it would have been the largest cash injection of funds that those schools had had in infrastructure in 30 years.

SYDENHAM VOLUNTEERS

Ms HUTCHINS (Sydenham) (09:52): Volunteering plays a crucial role in building inclusive communities and empowering individuals. I rise today to thank the organisers of fantastic community events in my electorate that do that. On 28 October last year the Taylors Lakes Lions Club held their third annual community market day. The event was a smash-hit, featuring 72 market sites and a central stage packed with a program of performers. Thanks to the hard work of Phil, Neil and the rest of the Taylors Lakes Lions $3000 was raised for Diabetes Victoria and local Lions projects.

Another fantastic event was the eighth Sydenham Kite Festival held on 2 December. The festival offered a very diverse and fun line-up of entertainment, including the YMCA early learning centre, Australian Air League, the Kealba School of Music, Roxx Mixx Duo, Sash Entertainment, the Bosnian cultural group and the Vietnamese Happy Life group. Thank you Annie and Matthew and all the fantastic volunteers for your hard work—eight years now of putting this event on and making sure that kids get access to a bit of fun and 300 free kites.

Finally I wish to welcome the Training Employment Accommodation Mentoring shed to Taylors Hill. It was a privilege to help celebrate the official opening of this great program, which will use previously idle Melbourne Water land to deliver training and employment services to people with special needs and disabilities and people facing disadvantage. Through these programs— *(Time expired)*

AUSTRALIA DAY AWARDS

Mr NORTHE (Morwell) (09:54): Australia Day is always a wonderful time to pause and appreciate the life and freedoms we enjoy in this fine nation that we are privileged to call home. In the Morwell electorate I was pleased to attend a number of local events where the Aussie spirit was on display and the sausage sizzles were first class. Very warm congratulations to all new citizens and Australia Day award nominees and winners across the region. Their contributions and stories are the backbone of our community, and I thank them for their commitment and service in their respective domains.

In particular Latrobe City Council award winners included Rosanna Colli, Citizen of the Year, and Tessa Jenkins, Young Citizen of the Year. Community Event of the Year went to the 2018 Latrobe Valley Maltese Festa. Bruce McMaster won the Community Service of the Year Award. Citizen recognition awards went to Alarna Bell and Dr Carol Broxham. Event recognition awards went to the United Muslim Sisters of Latrobe Valley for their 2018 Eid Festival; the Lifeline Gippsland 2018

Good Vibes Festival; and the Traralgon Chamber of Commerce 2018 Summer Nights Festival. Community service recognition awards went to the Gippsland Ethnic Communities Council; Jeff and Carmel Gniel; Lifeline Gippsland; and Our Kinda Country.

Sporting Hall of Fame inductees included John Black and Clyde Cumming. Sporting Hall of Fame Legends included Phillip Blunt, Don Coupe, Garry Silvester and Valerie Crane.

Also, Ross Salathiel was awarded the Australia Day Ambulance Service Medal; Helen Hoppner, Toongabbie Citizen of the Year; John Harris, Yinnar Senior Citizen of the Year; Ally McGown and Bridget Cains, Yinnar Young Citizens of the Year; Annette O'Dowd, Moe Senior Citizen of the Year; and Veronica Cervi, Moe Junior Citizen of the Year. Congratulations to all.

YUROKE ELECTORATE SPORTING EVENTS

Ms SPENCE (Yuroke) (09:56): I had a couple of really exciting events occur in my electorate over January that I would like to share with the house. The Indigenous Netball Championships were held in Victoria for the very first time at the Craigieburn Sports Stadium from 9 to 13 January. Thirty-eight teams travelled from all across Australia, many from remote areas, including one team that travelled for 6 hours by bus just to get to Darwin before the flight to Melbourne. The championships also included trials for the national Australian team, the Budgies, and activities such as a war cry dance-off between the competing states. Congratulations to all participants and in particular to Victorian Seven Sisters Indigenous Netball on their work in making this event happen.

Our second event was the Wheelchair Tennis Open that was held from 15 to 19 January at the Hume Tennis and Community Centre for the fourth year running. The tournament attracted top elite competitors from right across the globe, including world number one Shingo Kunieda and Australian gold medal Paralympian Heath Davidson, who following the event competed with Dylan Alcott at the Australian Open, where they successfully defended their quad doubles title. The event in Craigieburn also included an international junior camp, and for many seniors it was the beginning of the journey to the Tokyo 2020 Paralympics. I am delighted that the Labor government helped to make this even happen with a $20 000 grant from the Significant Sporting Events Fund. I would like to particularly note the hard work of Tim Connelly and the entire team at the Hume Community and Tennis Centre, in particular Kale Nairn, who took a leadership role for the first time and did a great job.

LUNAR NEW YEAR

Mr ANGUS (Forest Hill) (09:57): I congratulate the Asian Business Association of Whitehorse (ABAW) for organising another fantastic Lunar New Year celebration at Box Hill last Saturday. Despite the extreme heat it was once again a very spectacular event, with large crowds in attendance to watch the festival, especially the lion dancing. I congratulate ABAW president Tom Zheng, committee members and all involved in putting on this great celebration. I also wish all Forest Hill residents of Chinese descent a happy new year in the year of the pig.

I congratulate the Springvale Asian Business Association (SABA) for organising the tremendous Lunar New Year celebration at Springvale last Sunday. Despite the very hot conditions it was a terrific event, with large crowds in attendance to watch the festival. I congratulate SABA president Daniel Cheng, committee members and all involved in putting on this important celebration. I wish all Victorians of Asian descent a happy new year in the year of the pig.

ELECTRICITY SUPPLY

Mr ANGUS: The recent blackouts in Victoria clearly show how the state government has completely mismanaged the power supply issue here in Victoria. On a recent very hot day I had people contacting my office letting me know that they were sitting at home in the extreme heat in the dark without any cooling. What a shambles this is for a so-called advanced state like Victoria—to be unable to reliably supply enough electricity to power homes, businesses and industry on a very hot day. The

minister should admit the failure of her government's policies, act urgently to remedy this very serious situation and protect all Victorians and Victorian businesses.

BLACK SATURDAY

Mr ANGUS: I was honoured to attend the recent commemoration service for the 10-year anniversary of the 2009 Victorian bushfires. It was a poignant time to remember the tragic bushfire events of 2009 and hear from some of those directly affected. This important anniversary is a time when all Victorians can reflect on this tragedy and support the individuals and communities impacted as they continue their journey of recovery.

FOREST HILL ELECTORATE SCHOOLS

Mr ANGUS: I take this opportunity to wish all the students— *(Time expired)*

AFLW OPENING ROUND

Mr EREN (Lara) (09:59): The third season of AFLW kicked off on Saturday night with the new Geelong Cats hosting Collingwood at GMHBA Stadium. There was bad news for the Cats on Thursday night, as captain Mel Hickey was ruled out after she failed to recover from knee surgery in time. However, Bec Goring stepped in as skipper for Geelong in her first AFLW game. It was a thrilling match, with Maddie Boyd kicking the first-ever goal for the Cats as Geelong made history by claiming its first victory in the competition with a 1-point margin. The Cats' number one draft pick, Nina Morrison, had a lot of hype surrounding her over the preseason. She certainly lived up to that expectation. She had a stellar game for her debut night, finishing with 22 possessions, 14 of those being contested.

Players such as Danielle Orr, Maddy McMahon and Olivia Purcell are also a few of the many great players who stood out on the night and will be ones to watch as the season progresses. I have been a proud member of the Geelong Cats women's team since it was formed last year, and it was an absolute joy to be there for the first match ever. The crowd of 18 429 was full of excitement and enthusiasm and had a great supportive vibe throughout the night. Congratulations to the players and club as a whole for a great first game and a history-making win.

The introduction of a women's league into the AFL and many other elite sporting codes, along with the extra funding our government has committed to women's facilities in local clubs, are showing young women across the state that they are as valued as their male counterparts. We recognise the importance of this and the value it has for our state. I cannot wait for the season to continue. Go Cats!

SRI LANKA INDEPENDENCE DAY

Mr J BULL (Sunbury) (10:00): It was wonderful to represent the Premier and the Minister for Multicultural Affairs at a 71st anniversary celebration of the independence of Sri Lanka on Monday night. Sri Lanka's independence day is celebrated on 4 February and commemorates its political independence from British rule on that same day in 1948. The day is a national holiday in Sri Lanka and is celebrated all over the country through a flag-hoisting ceremony, dances, parades and performances. Our government is committed to supporting all Victorians and their cultural heritage and identity, including through the celebration of national days such as the one that our Sri Lankan community celebrated on Monday night. I am thrilled to be the Parliamentary Secretary for Multicultural Affairs.

AUSTRALIA DAY

Mr J BULL: It was terrific to attend the Hume City Council citizenship ceremony on Australia Day to welcome our newest citizens and recognise some outstanding contributors in our local community. I was thrilled to see the Sunbury Agricultural Society Sunbury Show awarded the Hume Community Event of the Year award. As many of you know, this wonderful local event at Clarke Oval, Sunbury, brings together the best of the local community and industry.

In more great news, Stephanie Challis of Sunbury was awarded the Hume Young Citizen of the Year award and Val Price of Craigieburn was awarded the Hume Citizen of the Year award. You should both be very proud and hold your heads up high.

I would also like to very quickly mention Drew Jessop, who received an OAM for his 22 years of service— *(Time expired)*

WATERWATCH VICTORIA

Ms HALFPENNY (Thomastown) (10:02): I had the great pleasure of joining an event to celebrate the 25th anniversary of Waterwatch, a program that has been monitoring and overlooking the health of the waterways in the northern suburbs for, of course, 25 years. It was with great pleasure that I joined City of Whittlesea mayor Lawrie Cox and also the federal member for Scullin, Andrew Giles, in this celebration and presentation of awards to the volunteers that do such a fantastic job in monitoring the water and determining the health of the waterways of the north. They are of course the great champions, defenders and protectors of the wildlife, plants and vegetation that rely on the health of the waterways in the northern suburbs. It is so important that the waterways survive for the sake of biodiversity and also our enjoyment.

Julia Cirillo from the Merri Creek Management Committee organised the event and is also the coordinator for Waterwatch. The president of the Merri Creek Management Committee is Angela Foley. We also presented awards and certificates to many of the volunteers that monitor our waterways so that we know their condition. Congratulations to Irene Baker on 15 years of service to Waterwatch.

LES HEIMANN

Mr STAIKOS (Bentleigh) (10:03): I rise to pay tribute to the late Les Heimann, OAM. I had the privilege of speaking at his memorial service recently at the Beth Weizmann Jewish Community Centre. It is usually not kosher to talk politics at a memorial, but that is exactly what I did, and unapologetically so because Les was a political animal. Les was a proud Labor man. Indeed he was awarded his life membership to the Labor Party just a few years ago. His presentation of life membership to the party coincided with him receiving the Medal of the Order of Australia. I think it is fitting that both accolades coincided because it was a recognition of a life's work of service in both the Labor Party but also his local community. He was involved in almost everything in the Moorabbin and Highett areas—Highett Community Bank, Highett neighbourhood house, B'nai B'rith, Kingston village committee, Bayside Glen Eira Kingston Local Learning and Employment Network to name a few. Les was also a proud trade unionist. For many years he worked with one of my staff at the Australian Taxation Office's Cheltenham office, and he was the union delegate at that workplace. Later he was elevated to the position of Deputy Commissioner of Taxation but wanted to remain the union delegate, such was his commitment to the movement and never forgetting his strong Labor values.

AUSTRALIA DAY AWARDS

Mr FOWLES (Burwood) (10:05): I rise to acknowledge some of the Australia Day awards recipients in my electorate of Burwood. Professor Jennifer McIntosh, AM, has been made a Member of the Order of Australia for significant service to medicine, especially in child development psychology. She is a professor of attachment studies at Deakin University right in the heart of my electorate. She was the founding director and honorary fellow at the Australian Temperament Project at the Murdoch Children's Research Institute and is a leading expert in the very important area of divorce and family trauma. Her research is renowned for making complex theories approachable in clinical settings and helping parents, carers and professionals to better understand the experiences of children.

Other recipients of awards from Burwood include Dr Craig Hassed, OAM, for service to medicine, and Gavin Blue, OAM, in Ashburton for service to the community. Also honoured was the former member for Chisholm, Anna Burke, for distinguished service to the Parliament of Australia particularly as Speaker of the House of Representatives. Anna Burke is greatly missed by her

community, not least since her successor wandered off the reservation due to the cultural problems and climate denialism infecting the federal government. I thank Anna for her contribution to our community and her personal support for my journey into public life. She is a most worthy winner of this honour.

Announcements

DISTINGUISHED VISITORS

The SPEAKER (10:06): There being no further members statements and before moving on, I would like to acknowledge in the gallery the presence of former members Janice Munt, Telmo Languiller and Theo Theophanous.

Business of the house

NOTICES OF MOTION

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:06): I advise that the government does not wish to proceed with the notice of motion today and requests that it remains on the notice paper.

Bills

JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2019

Statement of compatibility

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services) (10:09): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a Statement of Compatibility in relation to the Justice Legislation Amendment (Police and Other Matters) Bill 2019.

In my opinion, the Bill, as introduced in the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill seeks to amend a range of Acts, including to

- create new streamlined powers in the *Crimes Act 1958* for police to take a DNA sample from certain suspects and offenders without a court order;
- introduce new criminal offences and sanctions in the Crimes Act, *Sentencing Act 1991* and *Bail Act 1977* for acts that harm or threaten harm to police officers, protective services officers (PSOs) and police custody officers (PCOs);
- amend the *Second-Hand Dealers and Pawnbrokers Act 1989* to enable the interim and long-term closure of second-hand dealers operating without the required registration or who police suspect are engaging in serious criminal activity;
- amend the commercial and large commercial quantities under the *Drugs, Poisons and Controlled Substances Act 1981* with respect to the trafficking in certain drugs of dependence and introduce a new offence of trafficking in a commercial quantity for the benefit, or at the direction, of a criminal organisation;
- amend the *Victoria Police Act 2013 and Protected Disclosure Act 2012* to facilitate the establishment of a standalone restorative engagement process to support Victoria Police employees who have been victims of sexual harassment or discrimination by another Victoria Police employee, and exempt such victims from any sanction if they do not report the conduct;
- amend the *Firearms Act 1996* to reclassify lever action shotguns, apply offences of trafficking firearms to all stolen firearms and remove the requirement that hard copy firearm licenses contain the residential address of the license holder;
- amend the *Sex Offenders Registration Act 2004* to permit the disclosure of personal information on the Sex Offenders Register to government departments, public statutory authorities or a court for the purpose of the performance of a function of a law enforcement agency;

- insert a range of additional offences into Schedules 1 and 2 to the *Confiscation Act 1997*;
- make other technical amendments to a range of Acts, including to ensure that maternity leave is treated the same as other forms of parental leave under the Victoria Police Act.

Human rights issues

Streamlined police DNA powers

Part 8 of the Bill amends the DNA sampling regime in Subdivision (30A) of the Crimes Act to streamline processes and reduce the administrative burden on police and the courts. New section 464SE provides that a senior police officer may authorise the taking of a DNA profile sample where a suspect, including specified 15 to 17 year olds, has not consented and the procedure is justified in all of the circumstances ('suspect DNA sampling'). A DNA profile sample is defined to mean the taking of a sample from a person that is a blood sample, hair sample, saliva sample or a scraping taken from the mouth. The Bill also provides that a senior police officer may authorise the taking of a DNA profile sample from an adult who has been found guilty or not guilty by mental impairment of a DNA offence ('offender DNA sampling').

To complement these reforms, clause 76 of the Bill creates new oversight mechanisms that will be performed by the Independent Broad-based Anti-corruption Commission (IBAC) to monitor compliance with provisions governing the authorising, taking, use, retention and destruction of DNA profile samples. Streamlining DNA sampling processes will assist police to effectively investigate and solve serious crimes. It will also remove an unnecessary burden on the courts. In 2015–16, the Magistrates' Court of Victoria alone dealt with more than 5,800 applications for a forensic procedure. This represents a five-fold increase in the number of court orders for forensic procedures sought in 2011–12.

Under the new scheme, suspects will still be given the opportunity to provide informed consent to give a DNA profile sample, which may assist with the elimination of an innocent suspect and free up police resources to focus on other suspects. However, where appropriate, the Bill will assist police in obtaining samples where a person has refused to give consent and it is justified in all the circumstances to take a sample without consent. Existing mechanisms will continue to apply for the conduct of other forensic procedures.

Rights to privacy (section 13(a)) and not to be subject to medical treatment without consent (section 10(c))

The taking and use of a DNA sample, as well as the retention of records on the DNA database, engages the right to privacy in section 13(a) of the Charter. Section 13(a) of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. To the extent that the right to privacy is engaged by the new DNA powers provided in the Bill, I consider it is justified because any interference will not be unlawful or arbitrary.

A senior police officer must be satisfied of particular criteria before authorising the taking of a DNA profile sample from a suspect or an offender. In relation to adult suspects, the senior police officer must be satisfied that the person is in lawful custody, the person is not incapable of giving informed consent and has refused to consent, the person is believed to have committed a particular indictable offence, and taking the sample without the consent of the person is justified in all the circumstances. When the suspect is aged 15 to 17 years old, the senior police officer must believe on reasonable grounds that the child has committed a DNA sample offence, which is defined in clause 52 and includes a number of serious indictable offences listed in clause 78.

The new power does not require that material reasonably believed to be from the body of a person who committed the offence has been found before DNA can be taken from a suspect (that is, there is no requirement that the taking of a sample from a suspect will be forensically relevant to the offence for which they are a suspect). While it will usually be the case that the suspect's DNA is needed so that it can be analysed against another sample taken from the crime scene, this requirement can be difficult to satisfy, particularly where a suspect is in police custody but will be released prior to the completion of crime scene analysis. As already explained, new section 464SE requires the suspect to be in lawful custody and, if a forensic relevance requirement remained, this difficulty would continue to arise. I note that police in other jurisdictions are not required to meet this additional threshold—it is unique to Victoria.

I consider that allowing police to take DNA samples from suspects without a further threshold test (that the taking of the sample without consent is 'justified in all the circumstances'—the 'justified test'), as is the case in for charged suspects in Western Australia and Tasmania and suspects in Queensland for which proceedings have commenced, could lead to the charging of suspects before an investigation is complete in order to take their DNA at a much earlier stage in an investigation. This could lead to unfair outcomes. Accordingly, the Bill includes the justified test and does not rely on a person being charged by police.

As set out in the Explanatory Memorandum, the justified test is an important safeguard and focuses on the ultimate issue that is to be determined by the senior police officer. For example, under the current law even if

a DNA sample has forensic relevance, the DNA sample cannot be taken if the giving of the authorisation is not justified in all of the circumstances.

It follows that while the forensic relevance test would provide a different approach, I do not consider it a less restrictive alternative to achieve the purpose of the clause. In my view, the justified in all the circumstances test in new section 464SE sets out an appropriate threshold that, depending on the circumstances, may encompass the forensic relevance test. That is, the forensic relevance test is not being excluded by the Bill. For example, if police are investigating an offence and forensic evidence has been found, or is likely to be found, on the victim or at the crime scene, the forensic relevance in taking the suspect's DNA sample will still be a relevant consideration in the justified test.

I note that, unlike other jurisdictions, new section 464SE does not specify a list of factors that must be considered when the justified test is applied. I do not consider that having an express list of considerations would change the nature of the justified test or be determinative. The senior police officer would only be required to consider those factors, where relevant, as a guide when making a determination. However, the Explanatory Memorandum provides that the senior police officer may need to turn their mind to the types of considerations raised by the Committee, and specifically 'the circumstances of the alleged offending, the extent to which the DNA profile sample is likely to assist with the investigation, and the age, cognitive, physical or mental health of the person'.

In addition, I note that there are other important safeguards that will ensure that the senior police officer takes into account all relevant considerations when making this determination. First, under section 38 of the *Charter of Human Rights and Responsibilities Act 2006*, Victoria Police is required to act compatibly with human rights and to properly consider the relevant human rights that arise in the circumstances of the case when making decisions. Second, the senior police officer's decision will be subject to judicial review by the Supreme Court (including on the ground of failure to take into account relevant considerations). Finally, the admissibility of any evidence obtained as a result of a DNA profile sample will be a matter for the courts and will be a question for the trier of fact in each case. As is currently the case, the evidence will generally be inadmissible if the senior police officer fails to comply with the law, including the application of the justified test.

For these reasons, I do not consider that including an express list of considerations to take into account when assessing the justified test is a less restrictive alternative to achieve the purpose of clause 55. The justified test will require the senior police officer to take into account relevant considerations regardless of whether these are expressly set out in the Bill.

Before authorising the taking of a DNA profile sample from an offender, the senior police officer must be satisfied that the person has been found guilty, or not guilty by mental impairment (other than an offence heard and determined summarily), of a DNA offence, Victoria Police does not already have a DNA sample for the offender that may be retained indefinitely, and the person is not under the age of 18 years.

The Bill also introduces a number of new oversight mechanisms to ensure that both the new authorisation and the existing taking, retention, destruction and use protections are complied with. These safeguards promote the protection of privacy. First, the Bill requires that the reports the Chief Commissioner of Police currently submits to the Attorney-General under Subdivision (30A) of the Crimes Act contain information on the reasons for destroying any samples, the date of decisions that enliven a destruction requirement, and the number of suspect samples that at the time of reporting have been held for 12 months or more.

Second, a new obligation is placed on the IBAC to monitor compliance with the authorisation and destruction of DNA profile samples obtained under the new suspect DNA sampling and offender DNA sampling provisions. The Chief Commissioner must also report annually to IBAC on the authorisation and destruction of these samples. The Bill gives associated powers to the IBAC to inspect the records of Victoria Police for these purposes, and requires the IBAC to report annually to the Attorney-General. Third, the Bill gives the Attorney-General the power to make a complaint to the IBAC about the authorisation, taking, use, retention and destruction of DNA samples, which may trigger an investigation. These oversight mechanisms will operate alongside the current oversight mechanisms, where the admissibility of any evidence obtained as a result of a DNA profile sample will be a matter for the courts.

The taking of DNA profile samples will also be governed by requirements to ensure that the procedures are carried out safely and with respect to the person's privacy. The Bill inserts a new requirement to use the least intrusive and least painful method of obtaining a DNA sample that is practicable in the circumstances. Existing safeguards will also continue to apply. For example, as is the case currently, where DNA is to be taken by a mouth scraping, the person may elect to conduct the mouth scraping themselves, and only a medical practitioner or nurse may take a blood sample. To the extent that the streamlined DNA powers may interfere with a person's privacy, I consider it is reasonable as the new powers do not involve an unlawful or arbitrary interference with privacy.

The taking of DNA profile samples is also likely to be relevant to section 10(c) of the Charter, which provides that a person has the right not to be subjected to medical treatment without his or her full, free and informed consent. While the taking of DNA profile samples, including by way of a scraping from the mouth, could potentially constitute medical treatment without consent, I am of the view that any resulting limitation would be reasonable and demonstrably justified under section 7(2) of the Charter because such tests are being conducted for the important public purpose of assisting police to investigate serious offences.

As discussed above, the existing procedures and rules for the taking of DNA profile samples will provide important safeguards that minimise any limitation of these rights. These safeguards include requirements that all persons must first be given the opportunity to give informed consent for the taking of a DNA profile sample and that samples may only be taken by a medical practitioner or nurse, or by allowing individuals to take their own mouth scraping under the supervision of a police officer or authorised police custody officer. Further, the Bill requires that the least intrusive and least painful method practicable in the circumstances must be used for the taking of DNA profile samples.

The right to a fair hearing (section 24)

The overarching purpose of the new DNA sampling regime is to reduce the administrative burden on police and the courts. The Bill therefore removes the requirement to apply for court orders to obtain DNA samples for some suspects and for some offenders. This may engage the right to a fair hearing protected under section 24 of the Charter.

Currently, when a police officer applies to the court for a compulsory procedure order or an order for an offender sample, the person about whom the application is made must be present at the hearing of the application. However, that person is not a party to the application and they may not call or cross-examine any witnesses. A person may make limited submissions as to the grounds the police officer relies on for making the application.

New section 464SF provides that before making an authorisation, the senior police officer must allow a reasonable opportunity, if practicable in person, for the suspect, or their legal practitioner, or parent or guardian if the suspect is a child, to inform the senior police officer whether there are any reasons why the DNA profile sample should not be taken. The authorisation must also be provided to the person in writing and set out the grounds for giving the authorisation. With regards to the taking of offender DNA samples, new section 464ZFAD requires a notice to attend to be served on an adult offender attaching the senior police office authorisation and that notice must, among other matters, state that the person may wish to seek legal advice as to the effect of the notice. The offender will be given at least 28 days to comply with that notice, which provides sufficient time to seek advice.

I am of the view that removing court oversight for some suspects and some offenders is necessary and justified in order to streamline DNA sampling. The new suspect DNA sampling will only be authorised by a police officer of the rank of senior sergeant or above where taking the sample without consent is justified in all the circumstances. The threshold test of being justified in all the circumstances is also applied by the courts when considering applications for compulsory procedure orders.

I consider it appropriate for senior police to make these decisions in order to reserve court resources for more significant applications, including for compulsory orders for DNA samples for child suspects aged between 10 and 15 years and for compulsory orders for more intrusive forensic procedures. Similarly, I am of the view that taking a DNA profile sample from adults who have been found guilty of committing DNA offences is justified in all the circumstances and that requiring a court order in such cases is unnecessary.

The Bill will not limit a person's right to fair hearing on any charges that may or may not proceed and a person may continue to challenge the admissibility of DNA evidence under existing provisions. For these reasons, I am of the view that the new regime is compatible with the right to a fair hearing.

Rights to liberty and security of the person (section 21) and freedom of movement (section 12)

Section 21(1) of the Charter protects a person's right to liberty and security. This general protection of a person's right to liberty is supplemented by sub-sections that give specific content to the liberty right. In particular,

- section 21(2) provides that a person must not be subject to arbitrary arrest or detention;
- section 21(3) requires that a person must not be deprived of liberty except on grounds, and in accordance with procedures, established by law; and
- section 21(4) requires that a person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention.

Section 12 of the Charter also provides that persons lawfully within Victoria have the right to move freely within the state and have the freedom from being forced to move to a particular place. The interactions between suspect DNA sampling and offender DNA sampling with the right to liberty and security of the person and freedom of movement are discussed separately below.

Suspect DNA sampling

A DNA profile sample will only be able to be authorised and taken from a suspect while they are in lawful custody. The suspect DNA sampling regime therefore engages the rights to liberty and freedom of movement.

The Bill does not contain any new powers to arrest or detain a person for the purposes of obtaining a DNA profile sample. Rather, the taking of a DNA profile sample may only be authorised by a senior police officer where the person is under lawful arrest by warrant, under lawful arrest under powers provided for in the Crimes Act, or in the custody of an investigating official for the purposes of questioning pursuant to a court order. Existing procedures and oversight mechanisms will ensure that a person is not arbitrarily arrested or detained for the purposes of DNA sampling. In addition, the Bill requires that a senior police officer must be satisfied of specified criteria, outlined above, before authorising the taking of a DNA profile sample.

The taking of the DNA profile sample must be authorised by a senior police officer (i.e. an officer of or above the rank of senior sergeant) who is not involved in the investigation. This will ensure independent oversight of the process. The senior police officer must provide reasons for their decision to authorise a DNA profile sample where a person has refused to give consent. Any arrest or detention of a person for the taking of a DNA profile sample will be in accordance with current procedures established by law. These procedures include informing a person of the purposes of obtaining a DNA profile sample and cautioning the person that they do not have to answer any questions asked by any person conducting the procedure. The giving of information and any responses must also be recorded.

Offender DNA sampling

Clause 62 sets out the new offender DNA sampling regime, which allows a senior police officer to authorise the taking of a DNA profile sample from an offender and issue a notice to attend. An offender who attends in accordance with such a notice may be detained for the purposes of taking the DNA profile sample. In many cases, the person will voluntarily attend in response to the notice, and take the DNA profile sample themselves. If the offender does not attend in accordance with the notice, or police make reasonable attempts to locate the person but are unable to serve the notice within 6 months of the finalisation of the matter, police will be able to seek a warrant for that person's arrest. The offender DNA sampling regime therefore engages the rights to liberty and freedom of movement.

Before a senior police officer can issue a notice to attend, they must be satisfied that the subject of the notice is guilty, or not guilty by mental impairment, of a DNA offence. DNA offence is defined in new section 464ZFAC of the Crimes Act and includes an indictable offence or specific offences listed in Schedule 8. The notice to attend will include information about the purposes of detention and that a police officer may use reasonable force to enable the procedure to be conducted. Detention for the purposes of taking a DNA profile sample from an offender will be limited to as long as reasonably permits for the DNA profile sample to be taken. The sample must be obtained in accordance with the current procedures set out in the Crimes Act.

Reasonable limitation of the right to liberty

I am satisfied that any limitation of the right to liberty and security of the person under the new schemes for taking DNA profile samples from suspects and offenders is reasonable because any arrest or detention will not be arbitrary, will be conducted in accordance with procedures established by law, and will require police to inform the person of the reason for the detention. Any limitation of the right is only to the extent necessary to obtain the sample and is reasonable and demonstrably justified. For similar reasons, I am of the view that any interference with the right to freedom of movement is reasonable and demonstrably justified under section 7(2) of the Charter.

Right to humane treatment when deprived of liberty (section 22)

Section 22(1) of the Charter provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person. This right is engaged because the Bill authorises the taking of DNA profile samples while a person is in detention. In my view, the Bill reasonably limits the rights protected in section 22 of the Charter. The Bill protects the right to humane treatment when deprived of liberty by ensuring that a DNA profile sample may only be obtained by reasonable force where a person has refused consent and a senior police officer is satisfied of particular criteria. All persons must first be given the opportunity to give informed consent and if consent is given, to take the sample themselves. If informed consent has been refused, and a senior police officer has authorised the taking of a DNA profile sample, the person may elect to take a mouth scraping themselves.

It is therefore only in very limited circumstances that a police officer may use force to obtain a DNA profile sample. In such cases, section 464Z(3AAA) requires the DNA profile sample to be taken by a medical practitioner or nurse, akin to the process for intimate samples and allows police to use reasonable force to assist the medical practitioner or nurse to take the sample. The Bill will also introduce a new requirement, applicable across the forensic procedure and DNA profile sampling regime, that the least intrusive and least painful method practicable in the circumstances must be used for the taking of a sample.

In addition, police officers are public authorities under the Charter and have a duty under section 38(1) of the Charter to act compatibly with human rights, including the right to humane treatment when deprived of liberty and protection from cruel, inhuman or degrading treatment. In my opinion, these safeguards, as well as the obligation of police officers under section 38(1) of the Charter, will ensure that the new powers to obtain DNA profile samples are a reasonable limitation on the rights protected in section 22 of the Charter.

Protection of children in their best interests (section 17(2))

Section 17(2) of the Charter provides that every child has the right without discrimination to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Allowing DNA profile samples to be taken from a child suspect aged 15 to 17 years in certain circumstances may engage section 17(2) of the Charter. For the reasons that follow, I am of the view that these provisions are compatible with a child's right to protection in his or her best interests.

In addition to the provisions that apply to all suspect DNA sampling, a senior police officer may only authorise a DNA profile sample from a child aged 15 to 17 where:

- both the child and the child's parent or guardian have not consented to undergo a forensic procedure; and
- the child is believed on reasonable grounds to have committed, or has been charged with a DNA sample offence.

Importantly, the child and their parent or guardian must be given the opportunity to provide informed consent before a senior police officer can authorise the taking of a DNA profile sample. Informed consent may only be sought if the child is *believed* on reasonable grounds of having committed a DNA sample offence. This is a higher threshold than applies to adult suspects (who must be suspected on reasonable grounds to have committed an indictable offence). The threshold when asking for consent from a child is the same as that required for arrest to ensure that there is a further level of protection for children, who may be more vulnerable to such requests, and so that it aligns with the requirement for senior police officer authorisation.

In addition, a DNA sample offence is limited to certain serious offences. These include serious violent, sexual and drug offences, including the gross violence offences, rape, home invasion, dangerous driving causing serious injury, carjacking, trafficking in a drug of dependence, armed robbery and aggravated burglary. These offences have been targeted in order to combat high recidivism rates and to assist in the investigation of serious crime. The circumstances in which a DNA profile sample may be taken from a child aged 15 to 17 are therefore more limited than the circumstances that apply to adults. Where those circumstances are satisfied, and the use of force is authorised to take a sample from the child, the procedures outlined above in relation to section 22 of the Charter will apply.

An order from the Children's Court will continue to be required to take DNA samples from a child suspect where the child is unable to consent by reason of mental impairment, is aged between 10 and 15 years, or where the child is aged 15 to 17 years and is suspected of an offence other than a DNA sample offence. The taking of DNA samples from children under the age of 10 remains prohibited. A court order will also still be required to seek an offender sample from a child, as the new offender sampling regime does not apply to offenders under the age of 18. Maintaining court oversight in both of these circumstances is consistent with various other protections afforded to children in the justice system and reflects the potentially life-long consequences of having their DNA sample retained.

In my opinion, the above safeguards ensure that the new power for a senior police officer to authorise the taking of a DNA profile sample from a child suspect aged 15 to 17 years are compatible with the rights protected in section 17(2). Any limitation on the rights of the child are necessary in order to solve serious crimes and are reasonable and justified for that purpose.

Rights in criminal proceedings (section 25)

The Charter protects certain rights in criminal proceedings, including the right to be presumed innocent until proven guilty and the right not to self-incriminate. While taking DNA profile samples from suspects may only be authorised when a person is suspected or believed of committing certain offences, they do not engage the right to be presumed innocent because they are an investigation tool that may also exonerate a suspect and assist them in the proof of their innocence.

Offender DNA sampling engages the right to be presumed innocent because there is a presumption that the offender is more likely to be involved in other unsolved, or not yet committed, crimes. In my view, such a presumption is justified given that the ability to authorise the taking of a DNA profile sample only arises once an adult is found guilty, or not guilty by mental impairment, of certain serious offences. This is a necessary consequence in order to ensure the efficient and effective investigation of serious crimes. Streamlining this process aligns with the Government's stance on serious crime, the importance of giving police the tools they need to investigate crime, and to ensure recidivist offenders face the consequences of committing these crimes.

The right not to self-incriminate may be engaged because the new DNA sampling regime requires a suspect or an offender to provide evidentiary material that could be used to prove a case against them. However, I am of the view that the provision of DNA profile samples accords with the underlying principle of the right not to self-incriminate, which is to protect against unreliable confessions or evidence and abuse of power by the state. I am satisfied that the highly reliable nature of DNA evidence coupled with the safeguards in place to ensure there is no abuse of power result in a reasonable limitation on the right not to self-incriminate.

The taking of DNA profile samples from suspects or offenders will not shift the legal burden: it will still be up to the prosecution to prove a person's guilt. A person can continue to challenge the admissibility and/or relevance of DNA evidence under existing law. Care must be taken when relying on DNA samples as evidence in a case as the linking of a person's DNA to a crime scene does not, of itself, prove that person's guilt or even that that person was at the crime scene. This type of evidence will generally form one part of the evidence in a case that will need to be considered in light of all of the other evidence, to determine whether or not the accused person is guilty of the offence. However, this type of evidence is also a crucial investigative tool and the overarching purpose of obtaining truthful and reliable evidence justifies a reasonable limitation on a person's rights in criminal proceedings.

Validation of previous DNA samples

Right to privacy (section 13(a))

Clause 79 inserts new section 43A into the *Corrections Act 1986* to allow a police officer accompanied by a registered medical practitioner or nurse to enter and remain in prison for the purpose of taking a DNA profile sample from a prisoner who is the subject of a direction under section 464ZFAB of the Crimes Act or an authorisation under proposed new section 464ZFAC of that Act.

The Supreme Court of Victoria has held in the case of *Pavic v Magistrates' Court of Victoria & Chief Commissioner of Police* that a court order for the taking of a DNA sample from a prisoner is an exception to section 41 of the *Corrections Act*, in that the court order confers the lawful authority to enter the prison to execute the order and a prisoner cannot refuse the visit. The clear intent of section 464ZFAB of the Crimes Act is to allow a police officer to lawfully direct a registrable offender (whether a prisoner or not) to undergo a forensic procedure for the taking of a DNA sample in the same manner in which a court order would operate. To clarify this intent both in respect to section 464ZFAB and proposed new section 464ZFAC, clause 79 is included in the Bill.

To ensure that new section 43A of the Corrections Act does not cast any doubt on the validity of DNA samples that have been taken in accordance with section 464ZFAB of the Crimes Act, clause 75 is included in the Bill. Clause 75 inserts new section 464ZLA into the Crimes Act, which provides that a sample taken in a forensic procedure conducted in accordance or purported to be conducted in accordance with section 464ZFAB before clause 79 commences is deemed not to have been unlawfully taken only because the person taking the sample had no lawful authority to enter and remain in the prison.

To the extent that the right to privacy is engaged and limited by clause 75 of the Bill, I consider it is justified because any interference will not be unlawful or arbitrary. I consider that clause 75 simply validates lawfully obtained DNA samples in case of any doubt. However, as noted above, even if DNA sampling on a prisoner conducted under section 464ZFAB was found to be unlawful (despite the clear intent of that section) because the person taking the sample had no lawful authority to enter and remain in the prison, clause 75 would validate that sample. Clause 75 is serving the important purpose of validating DNA samples that are authorised by law to be taken from registrable offenders in line with the overall purpose of the *Sex Offenders Registration Act 2004* and more broadly, the Crimes Act. Further, this is the least restrictive way to achieve the intent of securing DNA from registrable offenders who are prisoners, as the only other means would be to require the registrable offender to undergo a further forensic procedure for the taking of a DNA sample.

Police harm reforms

Clause 3 of the Bill inserts new offences into the Crimes Act. New section 31C creates an offence of discharging a firearm when reckless to the safety of a police officer or a PSO, and new section 31D establishes an offence of intimidation of a law enforcement officer or a family member of a law enforcement officer. A law enforcement officer includes police officers, PSOs, police custodial officers, youth justice custodial officers

and specified prison custodial officers. Clause 4 of the Bill inserts new section 320A of the Crimes Act, which establishes a maximum term of imprisonment for common assault where the person who commits the assault has an offensive weapon readily available and the victim is a police officer on duty or a PSO on duty.

Clauses 6–8 of the Bill amend the Bail and Sentencing Acts so that conduct covered under both new sections 31C and 320A will, in specified circumstances, have additional implications under those Acts. In particular, a court will be required to impose a custodial sentence on any person convicted of the new offence in section 31C, where the offender's conduct creates a risk to the safety of the victim or any other member of the public, unless certain circumstances apply. This requirement will also apply to the offence of common law assault where the victim is a police officer or a PSO and the assault involves the application of physical force.

There will also be a presumption against bail for these offences when committed in the same circumstances. This presumption means that persons accused of these offences will be required to show compelling reasons as to why they should be granted bail or, in the case of a person accused of the new drug trafficking offence, exceptional circumstances that justify the grant of bail.

Protection from cruel, inhuman or degrading treatment (section 10)

Section 10 of the Charter states that a person must not be treated or punished in a cruel, inhuman or degrading way. The imposition of custodial sentences as outlined above is relevant to these rights because a court is not provided with the opportunity to assess the individual risk of the person and consider whether a non-custodial sentence such as a community correction order or a community based order is appropriate. However, I do not consider that section 10 is limited by these sentencing reforms because there are safeguards to prevent the imposition of a custodial sentence when it is inappropriate or unjust.

The requirement to impose a custodial sentence does not apply to offenders under the age of 18 at the time of offending. Further, the court may sentence a person convicted of these offences to a non-custodial order if the person can establish that one of the following special reasons exist:

- the offender assisted or has undertaken to assist in the investigation or prosecution of an offence
- the offender was aged over 18 but under 21 years of age at the time of the commission of the offence and can prove that due to psychosocial immaturity was unable to regulate his or her behaviour
- the offender can prove he or she has impaired mental functioning
- the court makes a hospital security or residential treatment order or
- there are substantial and compelling reasons that justify a departure from the statutory minimum sentence.

Right to a fair hearing

Section 24 is engaged by the requirement that the court impose a custodial sentence when sentencing a person for the offences outlined above. However, the safeguards outlined above will ensure the imposition of sentences that are just and appropriate in the circumstances, allow the courts to take into account factors that reduce an offender's culpability and justify a departure from the requirement to impose a statutory minimum sentence. For these reasons, I do not consider that section 24 of the Charter is limited.

Rights in criminal proceedings (section 25)

The creation of a presumption against bail for the new offence of discharging a firearm reckless to the safety of a police officer or a PSO and common assault where the victim is a police officer or a PSO engages section 25 of the Charter. In Victoria, there is a presumption that a person accused of an offence who is held in custody shall be granted bail. This presumption is subject to a number of exceptions, directed at ensuring that an accused person is not a danger to the public, does not commit offences while on bail, and appears at subsequent criminal hearings including their trial.

Due to the serious nature of these offences, it is proportionate, reasonable and appropriate that an offender charged with any of these offences is required to demonstrate why they should be released into the community on bail. Section 25(2) of the Charter contains a list of minimum guarantees a person charged with a criminal offence is entitled to without discrimination. The Bill does not affect these guarantees as it does not limit the right to be informed of any charges against them, to communicate with legal representatives and to obtain legal assistance and generally prepare their defence.

Where a person is charged with intimidating a prison custodial officer or a youth justice custodial officer, it will be a defence for the accused person to prove that the conduct was engaged in without malice in the course of a lawful business, for the purpose of an industrial dispute or for the purpose of engaging in political discussion. This defence is designed to protect persons who are participating in otherwise lawful activity, such as an industrial dispute processes, where their conduct is not malicious but may fall within the definition of

'intimidation' for the purposes of this offence. This defence engages the right to be presumed innocent until proved guilty in section 25 of the Charter, as the onus is on the defence to demonstrate that the conduct was lawful. To the extent that the right in section 25 is limited, I consider that the limit is not unlawful or arbitrary.

The *Evidence Act 2008* indicates that where an accused bears the burden of proving an exception to a charge, the court must be satisfied that the exception applies on the balance of probabilities. I consider that it is more appropriate that the accused bear the onus of proving the exception. The exceptions relate to matters that are peculiarly within an accused's knowledge–that is, the purposes for which he or she was engaged in conduct, and whether that conduct was malicious. These matters would be would be unduly onerous on a prosecution to investigate and disprove at first instance.

Freedom of expression (section 15) and freedom of association (section 16)

The new offence of intimidating a law enforcement officer may restrict people from associating or communicating with certain law enforcement officers or members of their family, where that communication or association could reasonably be expected to arouse apprehension or fear in the victim for the safety of the victim or another person. I consider this to be a reasonable restriction on these rights, and one that is necessary to protect law enforcement officers and their families from threatening and otherwise offensive behaviour.

Furthermore, to ensure otherwise lawful activities are not prohibited, the offence contains defences that will allow conduct engaged in without malice in the normal course of a lawful business, industrial disputes, political activities or public affairs communication, where that conduct might otherwise be construed as intimidation of a police custodial officer or youth justice custodial officer.

Drug trafficking reforms

Clauses 14, 16 and 17 of the Bill amend Part 3 of Schedule 11 to the Drugs, Poisons and Controlled Substances Act to prescribe a large commercial quantity (20kg) for 1,4-Butanediol (1,4-BD), Gamma butyrolactone (GBL) and Gamma-hydroxybutyrate (GHB). This will mean that persons who traffick in a large commercial quantity of these substances may be charged with the offence of trafficking a large commercial quantity of a drug of dependence, rather than only trafficking a commercial quantity as is currently the case. The maximum penalty for trafficking a large commercial quantity is life imprisonment and a fine of up to 5,000 penalty units, compared to 25 years imprisonment and a fine of up to 3,000 for trafficking a commercial quantity.

Clause 15 of the Bill amends part 3 of Schedule 11 to the Drugs, Poisons and Controlled Substances Act by reducing the large commercial quantities and commercial quantities of heroin, both when measured in pure form and when mixed or cut with other substances. The amended quantities serve to reduce the availability of these drugs in Victoria by providing courts with access to a higher range of penalties. Finally, clause 10 of the Bill establishes a new offence of commercial trafficking carried out for the benefit of, or at the direction of, a criminal organisation. The penalty for the new offence is life imprisonment and a fine of up to 5,000 penalty units.

Property rights (section 20)

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. Section 20 is engaged by the reforms to the Drugs, Poisons and Controlled Substances Act because they expand the range of cases where powers under the Confiscation Act may apply.

The Confiscation Act establishes the 'serious drug offender' asset confiscation regime. The regime provides for the automatic forfeiture of all property in which a serious drug offender has an interest. The regime applies to persons convicted of trafficking large commercial quantities of drugs. By reducing the large commercial quantity for heroin and establishing a large commercial quantity for the three substances outlined above, the Bill exposes a greater number of people to the serious drug offender regime. The Bill also applies the regime to any person convicted of the new criminal organisation trafficking offence.

Under section 20, deprivation of property is permitted where it is appropriately confined and structured. I consider that any additional exposure to the asset confiscation scheme by the reforms to the Drugs, Poisons and Controlled Substances Act is appropriately confined. The Bill only applies the confiscation scheme to very serious cases of trafficking to reflect the significant harm caused by large amounts of drugs and recognise the greater capacity organised criminal groups have to arrange the trafficking of large amounts of drugs. It is reasonable to assume that in these circumstances, much of the offender's property has been obtained using the proceeds of criminal activity linked to drug trafficking.

Forfeiture of property under the serious drug offender regime will continue to be subject to various important safeguards. For example, section 24 of the Confiscation Act provides that an accused person may retain certain 'protected' property, such as ordinary household items, clothing, tools of trade and property used as transport that is under a prescribed value. If a court makes a restraining order regarding property, any person

other than the accused can claim an interest in the property by applying for an exclusion order. An exclusion order prevents the confiscation of property where the accused does not have effective control of the property.

Protection of families and children

Section 17 of the Charter states that families are the fundamental group unit of society and are entitled to be protected by society and the State. As outlined above, it also provides that every child has the right without discrimination to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Expanding the types of cases in which the serious drug offender confiscation regime applies has the potential to affect families. Confiscation may impact an offender's capacity to provide for the needs of dependant family members, including young children.

However, to the extent that section 17 is limited, I consider it is justified in the circumstances. In addition to the safeguards mentioned above, a range of other protections apply to families and children. For example, the Confiscation Act provides that an accused person may apply to the court for access to funds to cover reasonable living and business expenses at any stage throughout the court proceedings. Reasonable expenses include medical expenses, rental or mortgage expenses and school fees. The court may make any orders in relation to restrained property that it considers just. For example, a court may make an order to ensure that an accused person can provide or maintain a reasonable standard of living for their dependant family members.

The Confiscation Act also includes a specific safeguard to ensure that dependant family members will not be left without a home as a result of forfeiture of their residence. Dependant family members may apply to the court for access to a portion of the proceeds of the sale of a residential property to secure alternative accommodation. The court may order the payment if satisfied that the residence is not tainted property, and the dependant person does not have sufficient financial resources to purchase or rent alternative accommodation.

Protection from cruel, inhuman or degrading treatment, fair hearing and rights in criminal proceedings

Like the police harm reforms outlined above, clauses 19 and 21 of the Bill impose additional bail and sentencing implications in relation to the new offence of trafficking a commercial quantity of a drug of dependence for the benefit of an organised criminal group. Courts will be required to impose a custodial sentence on any person convicted of the offence and there will also be a presumption against bail. These reforms engage, but in my opinion do not limit, sections 10, 24 and 25 of the Charter.

Organised criminal groups have a greater capacity and incentive to traffick in large commercial quantities of drugs. The sentencing reforms recognise the seriousness of this offence, by introducing an appropriate sentence to effectively deter people from engaging in this activity. Further, the Bill provides the court with discretion to impose any sentence within the parameter of the maximum and minimum sentence prescribed, taking into consideration the submissions of the accused person. Further, for the reasons I have outlined above, I do not consider that the introduction of a presumption against bail limits the rights contained in section 25 of the Charter.

Right to privacy

Clause 22 of the Bill amends the definition of 'serious drug offence' in the *Surveillance Devices Act 1999* to include the new organised crime trafficking offence. Section 27 of the Surveillance Devices Act allows law enforcement to use a surveillance device to obtain evidence of a serious drug offence without having to apply to the court for a warrant. I consider that this amendment does not further interfere with the right to privacy. The current definition of serious drug offence includes trafficking a commercial quantity of a drug of dependence. The new offence involves the trafficking of a commercial quantity. Therefore the amendment does not expand the range of cases where law enforcement is able to use a surveillance device without a warrant, as the trafficking of commercial quantities is already captured by the definition.

Powers to close second-hand dealers

Division 1 of Part 4 of the Bill amends the Second-Hand Dealers and Pawnbrokers Act to provide for the temporary and long term closure of second-hand dealer premises (including storage premises) in certain circumstances, including where the Chief Commissioner of Police or the Magistrates' Court is satisfied the person carrying on the business is not appropriately registered, or where a serious criminal offence is being, has been or is likely to be committed at the premises. No compensation is payable by the State for anything done or arising out of an interim or long term closure order.

Freedom of expression (section 15)

Section 15 of the Charter states that every person has the right to freedom of expression. To the extent that commercial expression may form part of the right to freedom of expression under section 15 of the Charter, new sections 26ZT and 26ZU may interfere with that right by restricting a person's ability to carry on their business and related commercial enterprises.

However, commercial expression has been treated as of less importance than other forms of personal expression. In light of the limited nature of the right to commercial expression and that the objective of the provisions in question is to protect consumers and the integrity of the second-hand dealer industry, I do not consider the new closure powers arbitrarily or unlawfully limit the right to freedom of expression. The provisions fall within the internal exceptions to the right in section 15(3) of the Charter, as reasonably necessary to respect the rights of other persons, or for the protection of public order. The provisions serve an important purpose and are proportionately tailored to that purpose. The interim closure provisions are appropriately confined both in terms of the circumstances in which an order may be made and the period for which they remain in force. The long term closure provisions may only be made by the court in appropriate circumstances and may be challenged (and, where appropriate, cancelled).

Property rights

New section 26ZT(2) provides that an interim closure notice prohibits a person at the specified premises altering or disposing of any second-hand goods in any way for the period of the notice. To the extent that this may amount to a deprivation of property in that it effectively prevents persons from dealing with their property, this right may be relevant. However, in my view, any deprivation would be justified as it is clearly lawful.

Rights in criminal proceedings

New section 26ZW provides that it is an offence to fail to comply with an interim or long term closure order. The offence does not apply where a person presents or points to evidence that suggests that they did not know, and could not reasonably have been expected to know, that a relevant notice was in force. The exception to the offence therefore imposes an evidential onus on a defendant. However, in my view, an evidential onus does not limit the presumption of innocence. The purpose of the exception to the offence is to avoid harsh outcomes and is based on matters peculiarly within the knowledge of the relevant defendant. Consequently, even if the provision is considered to limit the right to be presumed innocent, it is reasonable and justified and therefore compatible with section 25 of the Charter.

Firearms reforms

Clause 45 of the Bill amends Schedule 2 to the Firearms Act to reclassify lever action shotguns into different license categories. Schedule 2 currently prescribes lever action shotguns as category A firearms. The Bill prescribes lever action shotguns as category B or category D firearms, depending on the capacity of the firearm. Any person who holds a lever action shotgun prior to the commencement of this clause will not be impacted by the amendment as the Bill allows them to continue to hold the firearm under their current license.

Property rights

Section 102 of the Firearms Act indicates that it is an offence for a firearms license holder to acquire a firearm without a permit to acquire. Section 103 of the Firearms Act provides the Chief Commissioner with the power to issue a permit to acquire a firearm to a firearms licensee. Section 104 lists a number of criteria the Chief Commissioner must be satisfied of before granting a permit. The Bill may impact any category A license holder who has been granted a permit to acquire a lever action shotgun before commencement of the Bill, but has not yet acquired the firearm under the permit. New section 221 of the Firearms Act indicates that the permit will cease to be in force upon commencement of the new section, unless the person also holds a category B or category D license, depending on the relevant firearm.

In my view, this amendment does not limit the rights contained in section 20 of the Charter as a permit to acquire does not carry any proprietary rights. A permit is merely a document which grants the licensee the authority to seek to acquire a firearm from the current property owner (for example a firearms dealer), an action that is otherwise not lawful. It does not provide the licensee with a recognised proprietary right, interest or claim in a firearm.

Reforms to the Sex Offenders Registration Act

The Bill makes several changes to the Sex Offenders Registration Act. Clause 47 of the Bill makes a minor amendment to section (1)(a)(ii) of that Act to clarify that one of the purposes of the registration scheme is to require certain offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time to facilitate the investigation and prosecution of offences that they may commit. Clause 48 of the Bill amends section 63(2) of the Sex Offenders Registration Act. Section 63(2) requires the Chief Commissioner to develop guidelines in relation to the access and disclosure of personal information in the Register. The guidelines will be required to support such access and disclosure occurring only to the extent authorised or permitted in accordance with the Act.

Section 64(2) of the Sex Offenders Registration Act permits the Chief Commissioner and those authorised to have access to the Sex Offenders Register to disclose personal information on the Register to a government department, public statutory authority or court for specified purposes. Clause 49 amends section 64(2) by

replacing the ability to disclose information for law enforcement purposes with an ability to disclose personal information for the purpose of the performance of a function of a law enforcement agency under any Act or law. Clause 49 also amends the definitions of government department and public statutory authority to expressly include bodies in foreign jurisdictions.

Finally, clauses 50 and 51 of the Bill amend Schedules 1 and 2 to the Sex Offenders Registration Act to reflect proposed amendments to Commonwealth sex offences under the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017. Specifically, several proposed new offences will be inserted into Schedule 2 to the Sex Offenders Registration Act. These offences relate to using a postal or similar service or carriage service to groom another person to make it easier to procure persons under 16 (proposed new sections 471.25A(1), (2) and (3) and 474.27AA(1), (2) and (3) of the Criminal Code of the Commonwealth), and engaging in conduct for the purposes of providing an electronic service used for child abuse material (section 474.23A(1)). Further, Schedules 1 and 2 to the Sex Offenders Registration Act will be updated to reflect proposed changes to the title and scope of the existing aggravated offences of sexual intercourse or other sexual activity with a child outside Australia (section 272.10(1)) and using a carriage service for sexual activity with a person under 16 years of age (section 474.25B).

Right to privacy and freedom of expression

The existing requirements for registered sex offenders to report personal details to police engages privacy rights, as do the proposed changes to how police may use that information. I accept that it is important that there are appropriate restrictions on how information on the Sex Offenders Register may be accessed and disclosed. However, it is also imperative that Victoria Police be permitted to proactively use the information reported to them in accordance with the Act to manage registered sex offenders and the risk they pose to the community both locally and internationally, and assist in the police investigation and prosecution of any offending, whether sexual in nature or otherwise, that the person may have committed or may commit in the future.

For these reasons, it is my view that disclosure of personal information in the above circumstances is compatible with the right to privacy, as any resulting interference with an offender's privacy will be lawful and not arbitrary. It is also important to note that strong protections continue to apply to information on the Sex Offenders Register. This is most clearly illustrated by the continuing operation of the offence in section 64(1) of the Sex Offenders Registration Act, which prohibits a person authorised to have access to the Register or any part of the Register to disclose any personal information on the Register other than in accordance with the Act.

I also acknowledge that the amendments to Schedules 1 and 2 to the Sex Offenders Registration Act also engage the right to privacy, as well as freedom of expression given that all adults who are sentenced for a sexual offence listed in Schedule 1 or 2 must be placed on the Sex Offender Register. Statements of Compatibility for previous Bills amending the Sex Offenders Registration Act have explained how registration engages rights protected under the Charter and I do not think it is necessary to repeat that analysis here. To the extent that these rights might be further limited by clauses 50 and 51 of the Bill, I consider it to be reasonable and demonstrably justified in accordance with section 7(2) of the charter in light of the overall purpose of Sex Offenders Registration Act. The proposed new and amended Commonwealth offences are designed to capture reprehensible behaviour committed in relation to children and I consider that adults sentenced for these proposed offences must be placed on the Sex Offenders Registration Act to protect children from sexual abuse.

Other reforms to the Confiscation Act

Property rights (Section 20)

The inclusion of additional offences in Schedules 1 and 2 of the Confiscation Act extends the operation of the asset forfeiture scheme under that Act. The proposed extension of the existing powers raises property rights but I consider it is appropriately confined and structured.

The power to deprive a person of their property under the extended powers is conferred by statute and is intended to deprive people of the proceeds of crime, to disrupt further criminal activity by preventing the use of property, to deter others from engaging in criminal activity and to undermine the profitability of serious criminal activity. The Confiscation Act also provides mechanisms to enable the preservation of assets to facilitate compensation and restitution for victims of crime.

The forfeiture of property will only occur in accordance with clear statutory procedures. Consequently, any forfeiture will be in accordance with law. Further, the addition of these new offences is not arbitrary, but serves a clear purpose, namely to deprive people of the profits of their criminal activity and to repay the community for any loss suffered by the commission of such offences. The Confiscation Act contains provisions that enable third parties with an interest in relevant property or persons who can demonstrate hardship to apply to the court to exclude all or any assets.

A transitional provision provides that proceedings under the Act in relation to these offences will be available irrespective of when an offence is alleged to have been committed. In other words, a person subject to proceedings on foot in relation to these offences might be subject to proceedings under the Confiscation Act as a consequence of these amendments and an offence committed prior to the amendments might also be the subject of proceedings under the Act.

I am satisfied that the transitional arrangement is a reasonable limitation on the right to property as asset confiscation proceedings are not punitive in nature, they deprive a person of property acquired from or used for criminal offending. In addition, the ability to bring asset confiscation proceedings relies on underlying criminal conduct and any proceedings under the Confiscation Act afford a person affected the right to participate and challenge matters before a court.

Lisa Neville, MP
Minister for Police and Emergency Services

Second reading

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services) (10:09): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Justice Legislation Amendment (Police and Other Matters) Bill 2019 reintroduces a range of reforms that were being considered by the previous under the prorogued Justice Legislation (Police and Other Matters) Bill 2018.

As was previously outlined in this place, these reforms deliver on a number of the commitments outlined in the Government's first and second Community Safety Statements and are aimed at keeping the community safe. The reforms are being made to a range of Acts, including the *Crimes Act 1958*, *Drugs, Poisons and Controlled Substances Act 1981*, *Second-Hand Dealers and Pawnbrokers Act 1989*, *Firearms Act 1996*, *Victoria Police Act 2013*, *Sex Offenders Registration Act 2004* and *Confiscation Act 1997*. I will outline each of the main reforms once again.

1. Police DNA powers

Streamlining and expanding police powers to collect DNA evidence has the potential to significantly enhance Victoria Police's ability to keep the community safe.

Victoria Police indicate that there are approximately 11,000 unsolved crimes in Victoria where an unidentified DNA sample has been identified and recorded. These crimes range from rapes and murders to serious assaults and burglaries.

Under current practice, however, Victoria's level of forensic capture is not as expansive as some other states. The reforms in this Bill will address this matter and result in improved forensic capability which is essential to modern and contemporary policing.

The Bill will provide Victoria Police with new streamlined powers to take DNA samples from persons suspected of committing, or found to have committed a serious offence. These new powers will enhance Victoria Police's ability to identify criminals, particularly serious recidivist offenders.

The additional evidence will not only solve serious and high-volume crime, but through successful prosecutions will prevent further offending and the resultant significant impact on victims in our community. It will also reduce the administrative burden on police and courts.

The Bill achieves these changes by introducing a new class of procedure called a 'DNA profile sample'. A DNA profile sample will include procedures for the taking of a DNA sample by way of a mouth scraping, saliva, a pin prick to take blood or a sample of hair with the root.

These changes give police the power to authorise the taking of a DNA profile sample from adults found guilty, or not guilty because of mental impairment, of an indictable offence or a specified summary offence. These changes mean that police will no longer need to seek a court order and demonstrate to the court that taking the sample is justified in all the circumstances. This recognises that there are no excuses when it comes to serious crimes, and highlights that Victoria Police will be provided with the powers they need to deal with offenders.

The reforms will also give a senior police officer the power to authorise the taking of a DNA profile sample, without a court order, from persons suspected of committing serious offences. These powers will apply to

adults suspected of committing an indictable offence as well as children aged 15 to 17 years who police believe on reasonable grounds have committed a DNA sample offence. A list of DNA sample offences will be set out in new Schedule 9 to the Crimes Act, and capture serious violent, sexual and drugs offences including gross violence offences, rape, home invasion, dangerous driving causing serious injury, carjacking, trafficking in a drug of dependence, armed robbery and aggravated burglary.

To reflect the fact these suspects are yet to be found guilty, DNA may only be taken in two circumstances: either with the consent of the suspect (and where the suspect is aged 15 to 17 years, the consent of their parent or guardian), or where the suspect does not consent, by the authorisation of a senior police officer. First, if a police officer is satisfied that the carrying out of the procedure is justified in all of the circumstances, the police officer may request the suspect to provide a DNA sample by consent. For 15 to 17 year old suspects, their parent or guardian will also need to consent. This will allow DNA profile samples to be obtained by consent without having to arrest the person under suspicion, which may assist with the elimination of an innocent suspect and free up police resources to focus on other suspects.

Second, if the suspect does not consent, the taking of a DNA profile sample may be authorised by a senior police officer. The senior police officer would have to be satisfied that there are reasonable grounds to believe that the suspect committed the indictable offence or DNA sample offence if the suspect is a child, and that the carrying out of the procedure is justified in all the circumstances. It is important to emphasise that the senior police officer's ability to authorise such a procedure applies only to suspects who are in lawful custody.

A court order will still be required under the existing DNA powers in the *Crimes Act 1958*, which will continue to operate alongside the new powers in specific circumstances.

Existing requirements for how police may use DNA samples, and the length of time that samples may be retained, will stay the same. This means that if police do not charge the suspect, or the charges are withdrawn, or the charges are not proven, the DNA sample must be destroyed. DNA samples taken from adult suspects who are subsequently found guilty or not guilty by mental impairment, may be retained indefinitely without a court order.

For child suspects, a court order will still be required to retain the DNA sample, which requires the court to consider the seriousness of the circumstances of the offence and that the making of the order is justified. A court order will also be required to seek an offender sample from a child. Maintaining court oversight in both of these circumstances is consistent with various other extra protections afforded to children in the justice system and reflects the potentially life-long consequences of having their DNA sample retained.

The taking of DNA profile samples will be governed by the current legislative requirements to ensure that the procedures are carried out safely and with respect to the person's privacy. For example, the person may elect to take the mouth scraping themselves rather than have another person take it for them. If a blood sample is to be taken, only a medical practitioner or nurse will be able to take that sample. For children, the procedure must be witnessed by their parent or guardian or an independent person. The Bill also includes a new requirement that police must use the least intrusive and least painful method practicable in the circumstances. This provides an additional safeguard that applies to all forensic procedures, not just when taking DNA profile samples, and regardless of how the procedure was authorised.

The admissibility of any evidence obtained as a result of a DNA profile sample will be a matter for the courts and will be a question for the trier of fact in each case. As is currently the case, the evidence will generally be inadmissible in proceedings against the person if the police fail to comply with the requirements set out in the legislation. The current exceptions will continue to exist, for example where the prosecution satisfies the court on the balance of probabilities that the circumstances justify the reception of the evidence. The *Crimes Act 1958* makes clear that the probative value of the evidence does not of itself justify the reception of the improperly obtained evidence.

Finally, to ensure that these new powers are being used in the manner intended, the Bill also provides that the Independent Broad-based Anti-corruption Commission (the IBAC) will have oversight of Victoria Police's use of these powers, and the Attorney-General will also be able to make a complaint to the IBAC the use of these powers.

2. Protecting police, PSOs and various custodial officers from harm

The Bill also provides increased protections for police officers, protective services officers or PSOs, police custody officers or PCOs, custodial officers, youth custodial officers and their families from offenders who harm, or seek to harm them.

These officers play a vital role in keeping Victorian's safe and upholding the administration of justice. With this role comes an intrinsic high level of risk. To recognise this risk the Victorian Government announced the development of reforms to target any person who seeks to harm them or place them in danger. The Government delivered a first stage of reforms to address this risk of harm through the *Crimes Legislation*

Amendment (Protection of Emergency Workers and Others) Act 2017, which introduced new offences targeting the ramming of police cars and other circumstances where vehicles are used in such a way that endangers our emergency workers.

This Bill delivers the second stage of reforms by establishing new offences and related criminal sanctions. These reforms will create a strong deterrent to engaging in behaviour that may harm or intimidate our police, PSOs, PCOs and their families.

New section 31C of the Crimes Act 1958 creates an offence of discharging a firearm when reckless to the safety of a police officer or a PSO. This offence carries a maximum penalty of 15 years imprisonment.

New Section 31D of the Crimes Act establishes an offence of intimidation of a police officer, PSO, police custody officer, custodial officer, youth justice custodial officer or a family member, where the intimidation relates to the victim's status as such an officer or a familial relationship. This offence will be punishable by a maximum of 10 years imprisonment. The Bill clarifies that for the purpose of the new offence, a person uses ***intimidation*** if:

- the person engages in conduct that could reasonably be expected to arouse apprehension or fear in the victim for the safety of the victim; and
- either the person knows, or ought to have known, that such conduct would be likely to arouse that apprehension or fear.

This means that the offence will not target low level antisocial language or behaviour, including by individuals in custody, that could not be reasonably expected to arouse apprehension or fear. In a custodial setting there are procedures that deal with intimidating language and behaviour and these will continue to operate in conjunction with the new offence.

New Section 320A of the Crimes Act establishes a higher maximum term of imprisonment for common assault where the person who commits the assault has an offensive weapon readily available and the victim is a police officer on duty or a PSO on duty. The maximum penalty for this aggravated assault charge, will be 10 years imprisonment, or 15 years where the weapon is a firearm or imitation firearm.

A range of sentencing and bail consequences will apply to these offences where:

- in the case of the recklessly discharging a firearm offence, the offence created a risk to the physical safety of the victim or any member of the public.
- in the case of the aggravated common assault provisions, the assault involves physical force.

In these circumstances, the Bill provides that:

- a custodial sentence must be imposed unless the person can establish special reasons
- the presumption in favour of concurrent sentencing is reversed, creating a presumption of cumulative sentencing
- the *Bail Act 1991* will require that bail be refused unless the accused can show a compelling reason why bail ought to be granted.

3. Increased penalties for commercial drug trafficking

This Bill makes three sets of reforms to enable higher penalties to be imposed on commercial level trafficking of heroin, 1,4-Butanediol or 1,4-BD and similar drugs, as well as commercial trafficking at the direction, or for the benefit, of a criminal organisation.

First, the Bill will make the possession and trafficking of 20 kilograms or more of the drugs 1,4-BD, gamma butyrolactone or GBL, and gamma-hydroxybutyrate or GHB subject to the more serious offence and penalties that apply to large commercial trafficking. This will mean that those most responsible for peddling these dangerous drugs face higher penalties and confiscation powers and ensure there is a greater deterrent for anyone else thinking of doing the same.

Currently there is no large commercial quantity legislated for these drugs. The change means that the maximum penalty for large scale trafficking of these drugs in an amount of 20 kilograms or over will rise from 25 years imprisonment and a fine of up to 3,000 penalty units, which is the penalty for commercial trafficking, to life imprisonment and a fine of up to 5,000 penalty units.

Victoria Police and the Office of Public Prosecutions have reported an increase in the importation, trafficking and use of 1,4-B. 1,4-BD is an industrial solvent that when ingested, is rapidly absorbed and metabolised to form GHB, which acts as a powerful depressant and disinhibitor. Another industrial chemical, GBL, similarly metabolises to form GHB when ingested.

Users of these drugs are at particular risk of overdose. This was seen in February 2017, when more than 20 people were taken to hospital after apparently taking what they thought was GHB at the Sidney Myer Music Bowl. Police suspect that the drug they actually took was 1,4-BD.

The Bill also introduces new laws targeting heroin dealers and organised crime groups that are involved in trafficking drugs.

The Bill will reduce the large commercial and commercial trafficable quantities for heroin—both when measured in its pure form and when mixed or cut with other substances. This will ensure more cases of trafficking in heroin are subject to the higher penalties that large commercial and commercial trafficking carry. The new large commercial trafficable quantities for heroin will be reduced from 750 grams to 500 grams of pure heroin and from 1 kilogram to 750 grams when mixed. The commercial trafficable quantities will be reduced from 250 grams to 50 grams of pure heroin and from 500 grams to 250 grams when mixed.

These new quantities are in line with the equivalent quantities for methylamphetamine that the Government established last year and recognises the significant harm heroin has on society. The reduced quantities mean, for example, that persons found to have trafficked anywhere between 250 and 500 grams of diluted heroin, could now find themselves being prosecuted for commercial trafficking instead of simple trafficking. Similarly, those found to have trafficked between 750 grams and 1 kilogram of diluted heroin, could now face large commercial trafficking charges.

In addition, offenders may also face asset confiscation under the Confiscation Act.

The Bill also strengthens Victoria's drug laws against organised crime by creating a new offence of trafficking in a commercial quantity of a drug of dependence, carried out for the benefit of, or at the direction of, a criminal organisation. The maximum penalty for the new offence is life imprisonment and a fine of up to 5,000 penalty units. This is substantially higher than the maximum penalty for the existing commercial trafficking offence of 25 years imprisonment and a fine of up to 3,000 penalty units. Convicted offenders will also become subject to the 'serious drug offender' asset confiscation regime under the Confiscation Act. The regime provides for the automatic forfeiture of all property in which the serious drug offender has an interest.

The aim is to provide the strongest deterrent to commercial trafficking for the benefit of, or at the direction of, organised crime groups and to impose the harshest possible penalty for this crime. This recognises not only the devastating effects of illicit drugs on drug users and their families and the broader economic and social costs of illicit drugs to the Victorian community, but the grave risks and harms to the broader Victorian community arising from organised criminal activity.

4. Powers to close second-hand dealers and disrupt organised crime

To enable police to address and disrupt suspected serious criminal activity among second-hand dealers, including the auto-wrecking and scrap metal industry, this Bill provides for the interim and long-term closure of these dealers operating without the required registration or who police suspect are engaging in serious criminal activity. These new powers will help police prevent the corruption of legitimate industries by criminal activity and to protect consumers by removing the financial incentive of those who seek to infiltrate these industries for illegal means.

The Chief Commissioner of Police may issue an interim closure notice prohibiting a second-hand dealer from operating or disposing of any second-hand goods for 72 hours. The Chief Commissioner may also apply to the Magistrate's Court for the long-term closure of a second-hand dealer.

Operating in contravention of either of the interim closure notices or long-term closure orders will result in a fine of up to 200 penalty units; currently over $32,000. No compensation will be provided to affected dealers for any loss as a result of the closure.

These reforms complement recent amendments introduced by Government, which created a ban on cash payments for scrap metal and other measures to disrupt the trade in stolen vehicles and deter organised crime infiltration of the scrap metal and auto-parts industry. They will also bring Victoria in line with scrap metal laws in place in New South Wales, thereby ensuring there is no incentive for criminal activity surrounding scrap metal to shift their operations from NSW to Victoria.

Further reforms to the *Second-Hand Dealers and Pawnbrokers Act 1989* will increase the range of offences for which police can issue on-the-spot infringement notices to second-hand dealers, and will allow the regulations to prescribe higher penalties if the offence is committed by a body corporate rather than an individual. This will ensure that lower level instances of non-compliance with the Act can be dealt with efficiently and effectively.

5. Enabling restorative engagement for victims of sex discrimination and sexual harassment within Victoria Police

This Bill also introduces reforms to support police who are victims of sex discrimination and sexual harassment by other members of Victoria Police.

In the Victorian Equal Opportunity and Human Rights Commission's independent report into sex discrimination and sexual harassment within Victoria Police, it was found that serious and chronic underreporting of sex discrimination and sexual harassment within the force was predominant and that changes are needed to create a safer reporting environment. Notably, victims of discrimination and harassment were unwilling to make complaints and rely on Victoria Police's disciplinary processes to address the behaviour and bring perpetrators to account. Victoria Police and the Government is committed to addressing the recommendations made in the report, including to implement a redress scheme, which uses restorative engagement strategies to address harm experienced by victims. Restorative engagement is designed to address the harm caused and provide a process for healing and formal acknowledge by Victoria Police, while also prompting cultural change by offering a safe environment for victims to come forward.

Victoria Police is developing a model for the scheme, whereby an independent body would facilitate restorative engagement conferences in which victims of sexual harassment and sex discrimination can describe the harm they experienced, and receive an acknowledgement of that harm. In the meantime, the Victorian Equal Opportunity and Human Rights Commission is working with Victoria Police and providing a similar function through their victim-centred conciliation service. This Bill facilitates the implementation of the independently administered restorative engagement scheme by removing legislative barriers to the effective operation of victim-centred processes.

Specifically, the amendments will allow employees of Victoria Police to participate in a process that addresses harm without breaching other requirements under the *Victoria Police Act 2013* and the *Protected Disclosure Act 2012*. For example, it is necessary that a senior officer representing Victoria Police in such a process is not required to report any misconduct disclosed to them in order to facilitate trust in the process. Rather, it would be up to the victim to decide whether they wish to make a formal complaint that then triggers mandatory reporting obligations under section 167 of the Victoria Police Act.

The Bill also makes a separate but related reform to the Victoria Police Act by exempting a police officer or PSO who has been victim of discrimination, sexual harassment or victimisation by another police officer or PSO, from the existing requirements to report all misconduct. This will mean that a victim will not commit a breach of discipline for failing to report misconduct that the victim does not want reported or investigated. The exemption will also apply to the partners of any such victims where they too are a police officer or PSO.

6. Changes to the Sex Offenders Register to improve information-sharing

The Bill amends the *Sex Offenders Registration Act 2004* to permit the sharing of information on the Sex Offenders Register more broadly within Victoria Police and with international law enforcement agencies for investigation and intelligence purposes. This will ensure that information reported to police by registered sex offenders in accordance with their reporting obligations can be more effectively used to solve crime both sexual and non-sexual crime and keep the community safe.

In particular, the Bill amends section 64 of the Act to provide that information may be shared (including within Victoria Police and with other government departments and public statutory authorities and international police counterparts) for "the performance of a function of a law enforcement agency under any Act or law" rather than for "law enforcement purposes". While the difference may appear subtle, it will provide Victoria Police with greater confidence of the circumstance in which information on the Register may be shared, particularly the sharing of information for intelligence purposes, since Victoria Police's functions are clearly set out in section 9 of the Victoria Police Act.

These amendments therefore aim to improve Victoria Police's ability to target and manage individual sex offenders, identify appropriate management strategies for particular offenders, and identify changes in a registered sex offenders risk factors. Sharing information with international agencies will also enable those international bodies to assess the risks of registered sex offenders who have moved overseas and facilitates greater information sharing with them in return.

The Bill also adds proposed new Commonwealth child sex offences, currently before the Commonwealth Parliament, to the lists of registrable offences under the Sex Offenders Registration Act. The new offences relate to conduct involving the grooming of persons to procure children for sexual activity, and the use of electronic services to enable the exchange of child abuse material. Adding these offences will ensure that persons sentenced to them in Victoria will be added to the Sex Offenders Register. The commencement provisions of the Bill ensure that these offences will only commence if the Commonwealth offences are passed.

7. Implementing key firearms changes

Last year, the Council of Australian Governments (COAG) agreed to an updated National Firearms Agreement which has required two reforms to Victoria' *Firearms Act 1996*.

First, this Bill will reclassify lever action firearms from the current lowest category of firearm to a higher category. Under the 1996 NFA, lever action shotguns were classified as 'Category A' firearms, which is the least restrictive firearm category. By contrast, the 2017 NFA provides that lever action shotguns have been reclassified to 'Category B' firearms where the magazine capacity is no greater than 5 rounds, and 'Category D' firearms where the magazine capacity is greater than 5 rounds. Every jurisdiction is implementing this change in their respective firearms legislation and the revised classification brings this category of firearm more in line with the classification of lever and pump action centre fire rifles.

In line with other jurisdictions, the Bill provides for grandfathering arrangements for persons in whose name a lever action shotgun was registered immediately before the commencement of the reclassification and the possession, use or carriage of the shotgun was authorised at that time by the licence. Interstate visitors whose home jurisdictions' have similar grandfathering schemes will also be covered under these arrangements.

Second, the Bill remove the requirement that firearms licences state the residential address of the licensee, removing the risk of burglary and firearm theft that could arise should a person lose their licence or have it stolen.

In addition, the Bill amends the existing firearms trafficking offences to ensure that they apply to all stolen firearms, whether registered or not. Currently, the offences of possessing a trafficable quantity and disposing or acquiring a trafficable quantity of firearms only apply to unregistered firearms.

In practice, a registered firearm will not be treated as unregistered when it is stolen or lost or otherwise is in the illicit firearms market. Rather, it is only when the firearm is destroyed or was never registered that it will be classified as 'no longer registered' or as 'unregistered', respectively. This can lead to an illogical outcome where a person steals registered firearms or otherwise unlawfully possess a trafficable quantity of registered firearms but would not necessarily be charged with the trafficking offences. The Bill will amend those offences contained in sections 7C and 101A of the *Firearms Act 1996* to better focus on those operating outside of the regulated system for the possession, acquisition and disposal of firearms.

8. Miscellaneous

Finally, the Bill will make a range of other miscellaneous amendments to various Act, including to:

- enliven confiscation powers in relation to a range of offences under the Second-Hand Dealers and Pawnbrokers Act, the Australian Consumer Law (Victoria), *Estate Agents Act 1980*, and the *Conveyancers Act 2006*; and
- amend the Victoria Police Act to ensure that maternity leave is treated the same as other forms of parental leave when calculating the probationary period served by a Victoria Police officer or a PSO.

These are important reforms that will make our community safer.

I commend the Bill to the house.

Mr SOUTHWICK (Caulfield) (10:09): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until Wednesday, 20 February.

PARLIAMENTARY COMMITTEES AMENDMENT BILL 2019

Statement of compatibility

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:11): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Parliamentary Committees Amendment Bill 2019.

In my opinion, the Parliamentary Committees Amendment Bill 2019, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill will amend the *Parliamentary Committees Act 2003* to abolish certain Joint House Committees. The Committees which will be abolished are:

a. the Economic, Education, Jobs and Skills Committee;

b. the Environment, Natural Resources and Regional Development Committee;

c. the Family and Community Development Committee; and

d. the Law Reform, Road and Community Safety Committee.

The Bill will amend the *Parliamentary Salaries and Superannuation Act 1968* as follows:

- The Parliamentary Secretary to the Premier will be entitled to an additional salary of 24% per annum, and an expense allowance of 18% per annum, of their base salary;
- The Government Whip in the Assembly will be entitled to an additional salary of 25% per annum of their base salary;
- The Deputy Government Whip in the Assembly will be entitled to an additional salary of 10% per annum of their base salary;
- The Chairperson of the Scrutiny of Acts and Regulations Committee will be entitled to an additional salary of 20% per annum of their base salary; and
- A Chairperson of a Standing Committee appointed under the Standing Orders of either House, will be entitled to an additional salary of 10% per annum of their base salary.

The Bill will also correct a minor typographical error in the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019.*

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill

No human rights protected by the Charter are relevant to the Bill.

Are the relevant Charter rights actually limited by the Bill?

As no rights protected under the Charter are relevant to the Bill, there are no Charter rights limited by the Bill.

Is any limit on relevant rights by the Bill reasonable and justified under section 7(2)?

As no rights protected under the Charter are relevant to the Bill, it is not necessary to consider section 7(2) of the Charter.

Guidance re use of jurisprudence and previous SOC practice

N/A.

Hon Jill Hennessy MP
Attorney-General

Second reading

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:12): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Parliamentary Committees Amendment Bill 2019 will amend the *Parliamentary Committees Act 2003*. The main purposes of the *Parliamentary Committees Act 2003* include establishing certain Parliamentary Committees, and to set out the functions, powers and procedures of those Committees.

The Bill will amend the *Parliamentary Committees Act 2003* to abolish certain Joint House Committees. The Committees which will be abolished are the:

- Economic, Education, Jobs and Skills Committee;
- Environment, Natural Resources and Regional Development Committee;
- Family and Community Development Committee; and

- Law Reform, Road and Community Safety Committee.

It is intended that in place of the abolished Committees, similar, policy-focused Standing Committees in the Legislative Assembly will be established, through amendments to the Standing Orders of the Legislative Assembly. This will provide Committee members with greater flexibility to inquire into and report on emerging policy issues, including by amending Committee terms of reference under Standing Orders if necessary.

The Bill will amend the *Parliamentary Salaries and Superannuation Act 1968* as follows:

- The Parliamentary Secretary to the Premier will be entitled to an additional salary of 24% per annum, and an expense allowance of 18% per annum, of their base salary;
- The Government Whip in the Assembly will be entitled to an additional salary of 25% per annum of their base salary;
- The Deputy Government Whip in the Assembly will be entitled to an additional salary of 10% per annum of their base salary;
- The Chairperson of the Scrutiny of Acts and Regulations Committee will be entitled to an additional salary of 20% per annum of their base salary; and
- A Chairperson of a Standing Committee appointed under the Standing Orders of either House, will be entitled to an additional salary of 10% per annum of their base salary.

The Bill will also correct a minor typographical error in the *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*.

I commend the Bill to the house.

Mr WELLS (Rowville) (10:12): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until Wednesday, 20 February.

VICTORIAN INDEPENDENT REMUNERATION TRIBUNAL AND IMPROVING PARLIAMENTARY STANDARDS BILL 2019

Statement of compatibility

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:14): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2019.

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill provides for the establishment of the Victorian Independent Remuneration Tribunal (Tribunal), and the comprehensive reform of the Parliamentary allowances and standards regime. The purpose of the Bill is to ensure the updated regime is consistent with community expectations and current professional practices. This will be accomplished by:

- establishing an independent remuneration tribunal to set salaries and allowances for various people, such as Members of Parliament (Members) and salary bands for some public sector executives;
- introducing a range of reforms relating to parliamentary allowances, including reporting, compliance and enforcement measures regarding the use of parliamentary allowances;
- modernising the ***Members of Parliament (Register of Interests) Act 1978***, including updating the Code of Conduct and Register of Interests for Members; and
- clarifying employment arrangements for electorate officers.

To do so, the Bill makes various amendments to the:

- ***Parliamentary Salaries and Superannuation Act 1968***;
- ***Members of Parliament (Register of Interests) Act 1978***;
- ***Public Administration Act 2004***; and
- ***Parliamentary Administration Act 2005***.

Human Rights Issues

In my opinion, the human rights under the Charter that are relevant to the Bill are:

- the right to privacy and reputation as protected by section 13 of the Charter;
- the right to freedom of expression, as protected by section 15 of the Charter;
- the right to property as protected by section 20 of the Charter; and
- the right to a fair hearing, as protected by section 24 of the Charter.

For the reasons outlined below, I am of the view that the Bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justifiable in a free and democratic society.

Right to privacy and reputation

Section 13 of the Charter establishes the right of a person to not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and to not have his or her reputation unlawfully attacked.

Clause 78 will substitute an updated Register of Interests into the ***Members of Parliament (Register of Interests) Act 1978***, which will strengthen the disclosure requirements for Members. The proposed reforms to the Act require:

- the disclosure of Members' personal interests, including:
  - sources of income above the set threshold, excluding salary;
  - any bodies in which the Member holds a beneficial interest; and
  - any personal debt held by the Member; and
- that the Clerk table a return before the House of Parliament of which the Member submitting the return is a member.

Clause 78 will insert new sections 19 to 20 into the ***Members of Parliament (Register of Interests) Act 1978***. These sections modernise the disclosure requirements that Members must adhere to, and submit information under the Register of Interests. Sections 19 and 20 differentiate between a primary return (an initial document completed once by the Member) and an ordinary return (completed by the Member biannually). Information required under the updated sections includes, but is not limited to, income, investments, land, gifts, travel, trusts and debt.

While requiring Members to publically disclose sensitive information regarding their personal interests engages their right to privacy, there are safeguards to protect Members and other people from any unfair or unwarranted attacks on their reputation in relation to the Register of Interests. These provisions contain restrictions on publication, including:

- a person must not publish, in or outside of Parliament, any information derived from information entered into the Register unless that information is a fair and accurate summary of the information entered in the Register; and
- a person must not publish, in or outside of Parliament, any comment on the information entered into the Register unless that comment is fair and published in the public interest without malice.

The Bill also allows Members to provide alternative contact details if an address to be included in a return is a residential address.

It is considered that requiring Members to publically record and disclose personal interests is reasonable and demonstrably justifiable in a free and democratic society. These reforms aim to ensure that Members of Parliament reasonably manage their personal interests when undertaking their public duties, and purposefully attempt to circumvent potential conflicts of interest. It is considered that the limitations are proportionate to the necessity of assuring sufficient transparency in a Member's capacity as an elected representative.

Clause 59 will insert new sections 9F and 91 into the **Parliamentary Salaries and Superannuation Act 1968**. These sections respectively provide:

- that in relation to their role in administering the compliance and enforcement mechanisms of the allowances scheme, the Clerks of Parliament or the Secretary of the Department of Parliamentary Services ("the relevant officers") may require a Member to provide further information to support a claim made in relation to a work-related parliamentary allowance; and
- the relevant officers will be required to publish prescribed details in respect to all work- related parliamentary allowances claims on a quarterly basis to the Parliament's website.

If utilised, the power to require documents granted under section 9F may engage the right to privacy. However, without the provision of this power, the relevant officers would be unable to fulfil their role in certifying that Members are meeting their legal obligations in relation to the use of work-related parliamentary allowances. The power to require Members to provide documents is limited and applies only to documents related to claims relating to work-related parliamentary allowances. Further, the publication of details is considered appropriate as Members are granted the use of these resources due only to their role as elected representatives. It is therefore reasonable that records of their use of these resources are available in the public domain.

Clause 59 will insert new section 9H(4) into the **Parliamentary Salaries and Superannuation Act 1968**. This section provides that the Compliance Officer (a position established to hear appeals regarding determinations of misuse of work-related parliamentary allowances) will have similar powers to require that a Member or relevant officer provide further information relating to the appeal of a claim. This power will enable the Compliance Officer to fulfil their role in determining whether the legal obligations relating to the use of a work- related parliamentary allowance have been met. Additionally, Compliance Officer determinations will be published on the Remuneration Tribunal's website, which will provide accountability and ensure the ability to require documents is not misused.

Clause 28 will provide the functions and powers of the Compliance Officer, including that the Compliance Officer will hear and determine appeals relating to the recovery of the separation payment. The Compliance Officer will have the power to require a former Member to provide further information relating to this specific type of appeal. This power will enable the Compliance Officer to determine whether recovery of the separation payment is appropriate. Compliance Officer determinations related to this type of appeal will also be published.

It is considered that while these reforms limit the right to privacy and reputation, the requirements are neither unlawful or arbitrary. As determined in the 2009 Law Reform Committee Report on the ***Members of Parliament (Register of Interests) Act 1978***; "there is a strong and important public interest in having open accountability in elected officials, to ensure a robust and responsible political system."

Right to Freedom of Expression

Section 15 of the Charter establishes that every person has the right to hold an opinion without interference, and that every person has the right to freedom of expression (including seeking, receiving, and imparting information) in any medium. It is allowed that special duties and responsibilities are attached to the freedom of expression, and the right may be subject to lawful restrictions to:

- respect the rights and reputation of other persons; or
- for the protection of national security, public order, public health or public morality.

Clause 14 provides that if a Member of the Tribunal has a direct or indirect interest in a matter to be considered by the Tribunal (and that interest could conflict with the performance of the Member in considering the matter), the Member must disclose the nature of that interest at a meeting of the Tribunal. The Tribunal Member must not take part in any consideration or decision about the matter without the consent of the other Tribunal Members. While this provision limits an affected Tribunal Member from participating in, and influencing, a matter within the scope of their position, it is necessary and reasonable to ensure that the personal interests of Tribunal Members play no role in the decision-making process of relevant matters.

Clauses 41 to 43 ensure that information gained as a Tribunal Member, Tribunal Officer or a Compliance Officer remains confidential, and that a person in this role must not knowingly disclose any information acquired in that role (excluding for certain conditions). Further, a Tribunal Member, Tribunal Officer or a Compliance Officer must not take advantage of information given to them in their capacity as a Member or Officer, or during the course of the performance of the Tribunal's functions.

These clauses limit the right to freedom of expression of Tribunal Members, Tribunal Officers and Compliance Officers. However, these limits are considered reasonable and justifiable. The Bill provides conditions under which disclosure or provision of information is permitted, and the intent of these provisions is to ensure that information gained in these positions should largely remain confidential and not be used inappropriately.

Property rights

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with the law.

Clause 59 will insert new sections 9C-9G into the ***Parliamentary Salaries and Superannuation Act 1968*** which outline new powers provided to relevant officers to recover work-related parliamentary allowances that were used inappropriately, to enforce penalties, and recover amounts when it has been determined a Member has misused or inappropriately claimed an allowance.

These reforms limit the right to property, as they provide for the imposition of penalties or the ability to recover outstanding amounts from future salaries or allowances payable to the Member. If a relevant officer determines that a Member has misused or inappropriately claimed an allowance, the relevant officer will have the power to recover the amount claimed, as well as impose a 25% penalty, or to recover the amount owed from any salaries or allowances that may be payable to the Member in the future.

Additionally, Clause 59 will insert new section 9H into the ***Parliamentary Salaries and Superannuation Act 1968*** which provides that the Compliance Officer will, in instances where an appeal is made against the determination of a relevant officer, decide whether to uphold or reject a Member's claim. If the appeal is rejected, the Member must repay the amount and the 25% penalty within 28 days.

Lastly, Clause 55 will substitute section 7E of the ***Parliamentary Salaries and Superannuation Act 1968*** and provides that, if a Member is convicted for a corrupt-conduct related offence, or has committed a significant and wilful breach of the Code of Conduct (as determined by the Clerk of the House of Parliament in which the Member sits), that Member is ineligible to receive the separation payment, or may have to repay the amount if it has already been paid to that Member. A Member may appeal the decision to the Compliance Officer. If the Compliance Officer upholds the Member's appeal, the former Member retains the payment. If the Compliance Officer upholds the relevant Clerk's determination, the payment is a debt due to the State, and the Clerk of the relevant House of Parliament may recover the amount in a court of competent jurisdiction.

As these reforms aim to implement strong incentives for complying with the allowances and standards system, these limitations on property rights are reasonable and demonstrably justified. It is fair to assume that Members should responsibly and diligently utilise the work-related parliamentary allowances made available to them to execute their public duties. Subsequently, the imposition of a punitive or recovery measure where it has been determined that a Member has knowingly misused or claimed an allowance, or has committed a corrupt-conduct related offence or a significant and wilful breach of the Code of Conduct, is a strong incentive to comply with the regime.

Clause 55 also changes the way the separation payment is calculated. Under new section 7F, a Member who has served up to or equal to one full term will be entitled to a separation payment equal to three months' basic salary, a Member who has served two full terms or more will be entitled to six months' basic salary, and a Member who has served between one and two full terms will be entitled to three months' basic salary, plus a pro-rata amount proportionate to the partial term they have served. These changes will be retrospectively applied to take effect from 23 November 2018, so that Members who lost or did not recontest their seat at the November 2018 election will be eligible to receive the separation payment. This is intended to reflect that the changes to the separation payment would be in effect for the 2018 State Election. While this may create some uncertainty for Members who are scheduled to receive the resettlement allowance before the passage of the Bill, this can be addressed by the Clerks of Parliament in administering the separation payment.

Fair hearing

Section 24 of the Charter states that:

- a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a public and fair hearing; and
- despite this, a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than the Charter.

Clause 59 will insert new sections 9G and 9H into the ***Parliamentary Salaries and Superannuation Act 1968*** which will provide a procedure to allow Members to appeal a determination by the Clerks or the Secretary of the Department of Parliamentary Services that the Member has breached their obligations under the ***Parliamentary Salaries and Superannuation Act 1968*** or the Parliamentary Salaries and Superannuation (Allowances) Regulations 2013. This appeal will be made to a Compliance Officer. The Compliance Officer will investigate and make determinations on appeals of determinations of the misuse of work-related parliamentary allowances. If the Officer rejects a Member's appeal, the Member must repay the amount and the 25% penalty within 28 days.

Clause 28 provides that, in hearing and making an appeal determination, the Compliance Officer:

- may seek and receive written or oral statements;
- is not bound by the rules of evidence or any practices or procedures applicable to courts of record, except to the extent that it adopts those rules, practices or procedures;
- subject to the Act, may inform itself as it sees fit; and
- must conduct a proceeding as expeditiously and with as little formality and technicality as the requirements of the Act and a proper consideration of the matters before it permit.

These provisions are generally consistent with other administrative decision-making bodies, such as the Victorian Civil and Administrative Tribunal.

While the Compliance Officer is a non-judicial body, the Member retains the right to a fair hearing under these provisions. The Bill articulates a clear procedure for the initial determination by a relevant officer, and for a Member to appeal a decision. This includes that a relevant officer must notify the Member of a determination, and provide reasonable opportunity for the Member to make a submission. Ultimately, Members will also be able to appeal determinations made by the Compliance Officer, as they will be subject to the Supreme Court's jurisdiction of judicial review, which is consistent with other administrative bodies.

Clause 79 will insert a new section 31 into the ***Members of Parliament (Register of Interests) Act 1978***. This section outlines that any wilful contravention of the Code of Conduct for Members or the updated Register of Interests is a contempt of Parliament. It provides that, in addition to existing powers to punish for contempt, the following sanctions can be imposed on a Member:

- a requirement to apologise to the House;
- a requirement to rectify the returns in the Register of Interests;
- a maximum fine of 100 penalty units;
- suspension from the House for a period determined by the Members' house; and
- declaration of the Member's seat vacant.

While these measures engage the Members' right to a fair hearing, it is considered that they are reasonable and demonstrably justifiable. Punishment for contempt of Parliament is consistent with current Parliamentary procedures. Additionally, it is considered that the sanctions outlined above are proportionate and reasonable to impose on a Member who has wilfully contravened the Code of Conduct or Register of Interests.

Clause 24 will insert a new section requiring that before the Remuneration Tribunal makes particular Determinations, the Tribunal must give any affected person or class of affected persons a reasonable opportunity to make a submission in relation to the proposed Determination. It is considered that this provision will strengthen the right to a fair hearing.

These reforms will significantly enhance the integrity of the parliamentary allowances and standards regime, and restore public confidence that Members utilise public resources only for legitimate, work-related expenses.

Hon Jill Hennessy, MP
Attorney-General

Second reading

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (10:15): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

Incorporated speech as follows:

The Government is proud to introduce this legislation to comprehensively overhaul Victoria's parliamentary salaries, allowances and standards system. This represents the Government's commitment to reform and improve Victoria's parliamentary salaries and allowances system.

Victorians entrust Members of Parliament with significant powers and responsibilities. It is crucial that Victorians have confidence in the Parliament and its Members, and that Members discharge their public duties and use public funds according to the highest standards of integrity and probity.

The current system for parliamentary salaries, allowances and standards is outdated, fragmented, confusing and inadequate. These reforms aim to restore public confidence in the Parliament and to ensure that parliamentary standards are consistent with community expectations and current professional practices.

These reforms complement the Government's previous improvements to the integrity and accountability system, including reforms to establish a modern political donations regime and strengthen IBAC's ability to investigate corrupt conduct.

I now turn to the Bill.

Establishment of the Victorian Independent Remuneration Tribunal

Currently, Victoria is the only Australian jurisdiction that does not use a remuneration tribunal or equivalent to set the value of salaries and allowances for Members.

The Bill will establish the Victorian Independent Remuneration Tribunal to ensure that Members will have no role in setting the value of their own salaries and allowances. The Tribunal will also set remuneration for most executives in the Victorian public sector.

This will:

a. support transparent, accountable and evidence-based decision making on the remuneration of Members and executives;

b. bring Victoria into line with other Australian jurisdictions;

c. ensure that the allowances paid to Members appropriately support Members in the performance of their public duties and are balanced with community expectations; and

d. position the Tribunal as a "one stop shop" for remuneration in relation to Members, executives in the Victorian public sector and other officeholders.

The legislative framework for the Tribunal is informed by the principles of independent and impartial decision-making, transparency regarding its activities, and ensuring that the framework support fairness.

The Tribunal will have the power to inquire into, and determine, the basic salary for Members, as well as the additional salary provided to Members who hold additional offices. The Bill provides that the basic salary of Victorian Members cannot exceed the basic salary of Commonwealth Members of Parliament, which will ensure that salaries for Victorian Members are consistent with community expectations.

The Tribunal will also have the power to set the value of various allowances provided to Members, including the newly consolidated travel allowance.

In addition, the Tribunal will also determine the value of the Electorate Office and Communications Budget (Budget). While the Budget is not strictly an 'allowance' payable to Members, the Budget represents a significant expenditure to enable Members to serve their constituents.

The Tribunal will also be able to issue binding guidelines about the use of some allowances and the Budget, which will support the Tribunal's independent role in setting the value of allowances.

In addition to its role in setting salaries and allowances for Members, the Tribunal will determine remuneration bands for executives in the Victorian public sector and Victorian public entities. This will address a recommendation of the Victorian Public Sector Commission's Review of Victoria's Executive Officer Employment and Remuneration Framework. It will also promote efficiency and consistency in executive remuneration arrangements, and is a sound foundation for the Tribunal to become a 'one stop shop' regarding remuneration for senior officials across the public sector in the future.

The Tribunal will be required to undertake comprehensive remuneration reviews every four years, such as the salaries, allowances and funding provided to Members. The Tribunal will also consider annual adjustments to remuneration bands, and will have specified functions relating to Member superannuation arrangements. This includes a review of existing superannuation arrangements within the first eighteen months of the operation of the Act.

The Bill contains various measures to promote transparency and accountability for the Tribunal and the Compliance Officer, who will hear and determine appeals about the alleged misuse of allowances and the Electorate Office and Communications Budget by Members. These transparency measures include requiring that determinations about remuneration for MPs and guidelines about the use of allowances be tabled and published; requiring the Tribunal to publish other determinations; allowing the Compliance Officer to publish findings at their discretion, and requiring the Tribunal to submit an annual report that includes information about the activities of the Tribunal and Compliance Officer.

Given the Compliance Officer's role, the Bill includes strong protections for the Compliance Officer's independence, such as immunities, providing that a Compliance Officer is not subject to the direction or control of any person, and the remuneration provided to a Compliance Officer cannot be reduced during their term of office unless they consent to the reduction. The Bill also provides the Accountability and Oversight Committee with a veto power over the appointment of a Compliance Officer, which is consistent with parliamentary involvement in other key appointments to independent integrity agencies (such as the Independent Broad-based Anti-corruption Commission).

In addition to its determination functions, the Tribunal will have other functions relating to remuneration trends for senior public officials, such as providing advice, making recommendations and publishing reports.

Improving Victoria's parliamentary salaries and allowances regime

The Bill will also make various reforms to the *Parliamentary Salaries and Superannuation Act 1968*, including:

a. renaming the Act the "Parliamentary Salaries, Allowances and Superannuation Act" to reflect that the Act also provides for Members to be paid allowances to support them in the exercise of their public duties;

b. inserting purposes into the Act to promote transparency;

c. creating a Statement of Principles to guide the use of public resources by Members;

d. establishing a monitoring, compliance and enforcement regime; and

e. allowing for the recovery of payments claimed in breach of the rules, and imposing a 25 per cent penalty on allowances that are misused or claimed inappropriately.

Statement of Principles

The Act currently does not set out principles that provide guidance about the use of public resources by Members. Including a Statement of Principles will assist the decision-making of Members when claiming allowances and using public resources, and provide assurance and transparency to the community. This reflects recent reforms introduced by the Commonwealth Parliament.

Monitoring, compliance and enforcement regime

The Bill will confer a broad monitoring, compliance and enforcement role on the Secretary of the Department of Parliamentary Services in relation to the Budget, and the respective Clerks of each House of Parliament in relation to allowances.

This regime will be underpinned by legal principles that apply to the use of and conduct in relation to various allowances and the Budget, including that:

a. they must be used for the dominant purpose of performing their public duties;

b. a Member must obtain value for money; and

c. a Member must not make claims or incur expenses in breach of terms or conditions.

If a Member has misused an allowance or the Budget, the Member will be required to repay the amount that was misused and a 25 per cent penalty on the amount that was misused.

The Clerks and the Secretary will have sufficient powers to monitor the use of allowances and the Budget, and will have powers to determine whether a claim complies with the Act and any other relevant requirements (such as guidelines issued by the Tribunal). If a claim does not comply, Members will be given a reasonable opportunity to make submissions about the proposed adverse determination. These measures, together with the avenue of appeal to the Compliance Officer, will provide sufficient protections for Members.

To ensure an appropriate appeal mechanism exists for Members who dispute a finding that they have misused allowances, the position of Compliance Officer will also be attached to the Tribunal. The Bill includes strong protections for the Compliance Officer's independence.

Updated regulation-making powers

To ensure that the reforms and the Tribunal's determinations are supported by appropriate regulation-making powers, the regulation-making power under the Act will also be revised. These reforms will also be supported by updated and consolidated regulation-making powers, which will allow the Governor in Council to make regulations that impose conditions on the use of various allowances and the Budget.

Improving transparency

The amendments will also provide greater transparency about the use of various allowances. First, relevant officers will be required to publish quarterly reports about the use of allowances and the Budget. Secondly, they will also be required to table annual reports about the use of allowances and the Budget. These mechanisms will ensure that the community is informed of, and Members are accountable for, the uses of various allowances and the Budget and can bring greater scrutiny on the use of allowances and the Budget.

Other reforms

In addition to these reforms, the Bill proposes several other amendments to the Act. Firstly, the Bill will rename the resettlement allowance provided to Members who are not part of the defined benefits superannuation scheme the "separation payment" to reflect the purpose of the allowance. The Bill will also expand its eligibility criteria so that it will be provided to beneficiaries of deceased Members and all Members who leave Parliament. The value of the allowance will be calculated on a pro rata basis for Members who serve between one and two full terms. These changes will be backdated, which recognises that the Government's intention was for the changes to be in place for the 2018 State Election.

The Bill will also modernise arrangements for Third Parties by providing that Third Party office-holders (such as the Leader) receive the same additional salary regardless of the House in which they sit. These changes appropriately recognise the role of Third Parties in Victoria's Parliament.

The Bill updates arrangements for the provision of motor vehicles to Members so that they are consistent with the Commonwealth. As envisaged by the original Bill, the monitoring, compliance and enforcement regime will apply to the motor vehicle allowance.

Recent changes to Commonwealth superannuation arrangements have had adverse consequences on the concessional caps for Members under the concessional superannuation arrangements. The Bill ensures that eligible Members are provided the option of receiving their full employer superannuation contributions of 15.5 per cent of their salary. These changes are required because of Commonwealth legislative amendments.

Updating the *Members of Parliament (Register of Interests) Act 1978*

To complement the Government's commitment to comprehensively update the salaries and allowances system for Members, the Bill proposes to update the *Members of Parliament (Register of Interests) Act 1978*.

Whilst the Act has served Victoria well, it is now outdated and in need of reform. The role and responsibilities of Members have changed substantially since 1978, as has the public's expectations of Members.

In 2009, the Law Reform Committee of Parliament tabled the *Review of the Members of Parliament (Register of Interests) Act 1978 Report.* The Committee's recommendations were intended to build capacity and skills amongst Members of Parliament to deal with ethical challenges, and to ensure that Parliament upholds its standards when issues arise.

In 2010, the Government introduced a Bill based on the Committee's review of standards arrangements and its recommendations, but the Bill lapsed at the end of the 56th Parliament. Changes to the Act largely reflect the changes that were proposed in 2010.

The amendments to the Act in this Bill generally reflect the 2010 Bill, and are:

a. renaming the Act to reflect that the Act imposes standards on Members generally, rather than merely in regard to the Register of Interests;

b. including a Statement of Values for Members;

c. revising the Code of Conduct for Members; and

d. revising and clarifying the details required under the Register of Interests.

Statement of Values for Members

Including a statement of values in the Bill will clearly signal the intent of the Code and the Register.

The values include:

a. serving the public interest;

b. integrity;

c. accountability; and

d. respect for diversity of views and backgrounds within the Victorian community.

Code of Conduct

The new Code in the Bill will not create legal rights or causes of action, but provides greater clarity on what constitutes a conflict of interest, as well as addressing broader issues such as the use of public resources and handling of personal information.

Obligations under the Code of Conduct have been updated, and new obligations include that former Members must not take improper advantage of any office held as a Member. To provide clarity to Members and the public, improper advantage will be defined to include the misuse of information, breaching confidentiality obligations, and obtaining preferential treatment. This is based on a similar definition in Canada.

It is entirely fair and reasonable that the community expects us to demonstrate and adhere to such standards of behaviour. It is a privilege to serve as a Member of the Victorian Parliament, and this Code will aid current and future Members in upholding the dignity and integrity of the office.

Register of Interests for Members

Like the Code of Conduct, the Register of Interests in the current Act has generally worked well. However, improvements can be made, and the requirements under the Register will be clarified and updated.

The 2009 Law Reform Committee report found that the information required for the Register of Interests is insufficient to enable citizens and other MPs to ascertain whether an MP has a potential conflict of interest,

and does not offer appropriate guidance about what matters should be disclosed, thereby leaving too much discretion for individual MPs. As recommended by the LRC Report, it is proposed that MPs will be required to disclose additional information about interests above specific thresholds.

In essence, the Bill provides that Members will need to declare particular details in relation to interests including outside income, investments, estates, offices held, trusts (including family trusts), land, and any other interests where a conflict of interest could arise or could reasonably be seen to arise.

Members will be required to declare interests above specific thresholds (such as outside income, investments and land if they are valued at more than $2,000).

Members will not be required to register official hospitality, which is hospitality received as part of the regular and expected duties of a Member of Parliament.

Members will be required to submit returns to the Clerk of the Parliaments every six months. The Clerk of the Parliaments will be empowered to report a member to the relevant Presiding Officer if the member has failed to submit a return in accordance with the Act. The Clerk of the Parliaments will, however, only exercise this power once they are satisfied the member has been given reasonable opportunity to comply.

An important consideration in developing such disclosure regimes is the need to balance adequate disclosure with privacy for Members and their families. The Government believes this Bill strikes the right balance between public interests and privacy for Members and their families. For example, interests in residential addresses only disclose the suburb or town, and where there are requirements to provide an address (such as in relation to a Member's income or beneficial interest), Members can provide alternative contact details (such as the contact details for a PO Box) instead of a residential address.

These new provisions will ensure the high standards of transparency and accountability that the public rightfully expect of their elected representatives are recognised in legislation.

Potential sanctions

Finally, I turn to the potential sanctions included in the Bill if Members do not fulfil their obligations regarding the Code of Conduct or the Register of Interests.

Any wilful contravention of the requirements regarding the Code of Conduct or Register of Interests will continue to be considered a contempt of Parliament and will be dealt with accordingly. To assist Members, the new Bill also sets out penalties that the Houses may also impose, including that a Member apologise to the House, rectify information provided in the register of interests, pay a fine of up to 100 penalty units, is suspended, or that the Member's seat is declared vacant.

Amending the *Parliamentary Administration Act 2005*

Section 30 of the *Parliamentary Administration Act 2005* governs employment arrangements for electorate officers.

The Ombudsman's report into employment arrangements for electorate officers in the lead-up to the 2014 State Election concluded that there are competing interpretations of the relationship between section 30 and the *Members' Guide*, particularly regarding whether Members can direct electorate officers to perform party-political activity.

The Bill will acquit the Government's commitment to resolve confusion about section 30 by providing that Members cannot direct electorate officers to perform any activity for the dominant purpose of directing how a person should vote at an election, which is consistent with requested changes to the *Members' Guide* and the Government's political donations reforms.

Amending the *Public Administration Act 2004*

Section 99 of the *Public Administration Act 2004* governs the entitlement to Parliamentary advisers for non-government political parties and independent members. The Bill includes amendments to section 99 to clarify how the employment arrangements will operate.

The Bill articulates that the leader of a non-government party, or the independent member, will be the employer of a Parliamentary adviser. Additionally, the Bill clarifies that these advisers are employed "on behalf of the Crown" to reflect the intention that these staff are employed to assist members to perform their public duties, and the State has responsibilities for supporting these arrangements. These responsibilities are shared amongst relevant departments, including the Department of Parliamentary Services, and the Department of Premier and Cabinet for the government of the day and the alternative government. These arrangements aim to better protect the workplace rights of Parliamentary advisers, and better reflect actual management structures with MPs directing day to day duties of their advisers and bearing greater accountability for their behaviour and actions.

These provisions complement other amendments clarifying the role of electorate officers, as distinct from Parliamentary advisers.

Other amendments

The Bill also proposes other amendments to support the reforms and to promote parliamentary integrity, and that the amendments be reviewed after 10 years. This review mechanism is consistent with the *Charter of Rights and Responsibilities Act 2006*, and will ensure that the effectiveness of the reforms are assessed.

In summary, the Bill will promote public trust and confidence in Victoria's Parliament and Members by comprehensively reforming the parliamentary salaries, allowances and standards framework. The reforms will improve legislative standards, and create a more transparent and accountable framework that aligns with community expectations and modern professional standards. Together with the Government's previous reforms, this Bill will significantly improve Victoria's integrity, accountability and transparency framework.

I commend the Bill to the House.

Mr WELLS (Rowville) (10:15): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until Wednesday, 20 February.

Address to Parliament

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed on motion of Mr BRAYNE:

That the following address, in reply to the speech of Her Excellency the Governor to both houses of Parliament, be agreed to by this house:

Governor:

We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our loyalty to our Sovereign and to thank you for the speech which you have made to the Parliament.

The SPEAKER: Before calling the first member I do remind members that two members today will be making their inaugural contributions, and the usual courtesies of the house should be extended to those members.

Ms THEOPHANOUS (Northcote) (10:15): It is with acute awareness of the honour and responsibility bestowed on me by the people of Northcote that I address this house. The seat of Northcote is cradled by three waterways: the Darebin Creek, the Merri Creek and the Yarra River. Each breathes life into our suburbs, keeping us connected to those pure eternal moments that bind us. Warm afternoons spent sharing a picnic in the Darebin Parklands, rowing out under the gums from the Fairfield boathouse, speeding down the inclines of the Yarra bike trail: these are all memories I have of growing up in this electorate, Northcote, where I was born and raised, where family and community shaped who I am today.

To those who nurtured this land long before this Parliament existed, the Wurundjeri people of the Kulin nation, I pay my respects and give my gratitude. To those who arrived here from distant shores to make this land your home, some in fear, some in hope, all with a willingness to create and contribute, I thank you. Your histories are woven into our area, enriching it with diversity and complexity. The suburbs of Northcote, Thornbury, Fairfield, Alphington, Westgarth and Preston are a vibrant mix of creativity, culture and community activism. We are built on the many struggles of Aboriginal, migrant and working-class communities who fought for basic rights like accessible education, health care and decent jobs. We are also proudly progressive, with a willingness to push the boundaries and question the status quo. I expect nothing less from the people of Northcote than to be challenged by the perspectives and proposals they will invariably throw up to me as their member.

I am an Australian of Greek-Cypriot descent. The migrant experience is embedded in my family history, with all its attenuating sense of dislocation and powerlessness mixed in with courage, determination and hope. Mum and Dad both arrived by ship from Cyprus when they were children in the 1950s and 60s. Neither knew any English. My mother still remembers how seasick she was on that month-long voyage and how she cried for home and for food that actually tasted like food. The village life their families left behind was hugely different to what they found here. They traded farming for factories, warm Mediterranean waters for the chill bite of the bay, familiar faces and easy conversation for looks of confusion, often suspicion. It is hard to imagine that transition and to think how much has changed in just one generation. But my grandparents took that brave step because they knew Australia could offer their children opportunities they could not get back home. In that respect they are not so different from the refugees of today seeking security and a future for their families. To these people I believe as a nation we owe more than what we are giving—more respect, more protection, more humanity.

But prosperity did not come easily for my parents' generation. It was not until the Whitlam years that working-class families like theirs received the educational opportunities that changed our trajectory forever. Mum became a pharmacist, Dad was elected to Parliament. Aunts, uncles, siblings and cousins became everything from architects to psychologists, lawyers and business owners, childcare workers and teachers. All of them made Victoria their home—my home.

Nowadays our community faces different challenges. In Northcote we must balance an increase in population with the need for affordable housing, access to services and upgrading crucial infrastructure like schools and roads. There is no doubt that property prices, rentals and cost-of-living pressures in the inner north are putting a strain on many families, on young people and on our retirees. In an era where modernity is supposedly expanding markets, innovating work and creating more opportunities, we are nevertheless seeing fewer secure career paths, more income stress and a seemingly never-ending struggle to balance work and family life. Job flexibility, ostensibly a liberating model of work, too often equates with job insecurity, and new technologies, with so much potential to streamline systems and free up our time, often mean that we never truly switch off and we blur the line between public and private.

It is not surprising that a mental health crisis has arisen hand in hand with the economic challenges and technological innovations of our time. Our modern, hyperconnected world is changing how we see ourselves and interact, how we give meaning to our lives and how we think. For young people these challenges can be particularly devastating and too often tragic. I am hopeful that the Royal Commission into Mental Health committed to by this government will help us navigate a path through this difficult reality.

At university I studied philosophy. I wrote my thesis on the self-doubt brought about by the anguish of our own freedom. In a world of disorienting choice, where values, beliefs and facts themselves are presented as relative, it is no wonder that simple solutions are gaining salience. I am concerned with the rise of minor parties on the right and the left that peddle this kind of politics. On the right we see it manifest in divisive rhetoric that targets otherness as the source of our problems. On the left it expresses itself in feel-good slogans with little regard to their achievability.

As members know, I come from a political family. My father, Theo Theophanous, represented the Jika Jika Province, later the Northern Metropolitan Region, in the other place for 22 years. He served as a minister under the Kirner, Bracks and Brumby governments. Dad's career instilled in me something of a love-hate relationship with politics. I have lived through its brutality, but I have also seen how difficult, how important and how rewarding it is when genuine reform is achieved. So it is disappointing to see divisive politics take the place of the harder path to achieving mutual understanding. It is disingenuous when political correctness usurps the role of true self-reflection and an honest analysis of our values, and it is disturbing that there are political groups that would rather weaponise disadvantage than dismantle it.

In this climate it is easy to become cynical about politics. But I am not cynical, because I am part of a party that has always fought to make things fairer, not with symbolism but with real reform. In Victoria the Labor Party is at the cutting edge of the push to increase wages, protect jobs, make renting fairer and ease cost-of-living pressures. We are building an education system that looks at every stage of life, with universal three-year-old kinder and free TAFE giving thousands of families opportunities they never had before. We have made unprecedented investments into roads and transport, renewable energy, hospitals, schools and housing, in the process creating thousands of jobs and making Victoria's economy the strongest in the nation. We are also at the forefront of social policy because we know that we want to live in a community based fundamentally on fairness and equality.

In Australia, heartbreakingly, infuriatingly, one in three women have experienced physical violence and one woman a week is murdered. And for every name that we know there are many, many more that we do not, because the truth is that the majority of this violence does not happen on the street but in our homes at the hands of those closest to us. I spent three years working on family violence and gender equality reform under Minister Fiona Richardson, also a former member for Northcote. These years contributed to who I am today. Fiona's resolve to reform the family violence sector has forever altered the responsibility that governments have to respond to these challenges. With equal parts ferocity and compassion she showed what can be accomplished when we are willing to confront this issue and make it our own, because violence against women does not happen in a vacuum. We know it is perpetuated by a culture of misogyny, and each of us has a responsibility to be part of the solution.

Of course changing a culture of disrespect, changing attitudes and behaviours, must include tangible, structural equality. That means equal pay for equal work. It means equal representation in leadership positions. In this I commend the Premier for his leadership in delivering Victoria's first gender-equal cabinet. It also means supporting women to get back to work after having children. It is certainly not lost on me that I stand here today in this Parliament giving this inaugural speech just weeks before I am due to give birth. I am proud to be part of a party that takes equality seriously, whether that be gender, religion, culture, sexuality, age or ability. But equality, like freedom, is not something gained and forgotten. So for my young daughter who is in the gallery today and my second daughter in here with me I pledge to keep fighting for you to grow up without fear, without doubt, in safety and equality.

I am part of a generation who are deeply troubled by our environmental challenges. There is no doubt in my mind that we are facing a climate emergency and that the decisions we make today will shape the future we leave for our children and grandchildren. Just a few months ago school students around the country gathered en masse to urge our leaders to take action to protect our climate. We should heed their call. Labor's renewable energy target is ambitious and realistic. Our investments into wind and solar are already working to transition us to a clean economy. But there is much more do to. Our forests and reserves, our unique plant and animal life, our waterways and our green spaces are assets that we cannot and should not take for granted. We have a moral responsibility to future generations to ensure not just that these are protected but that they thrive. Labor recognises that the interests of the environment and our working communities are not mutually exclusive. Indeed, they are inextricably linked. We recognise that with the right policy mix we can put sustainability at the very heart of thriving economies. I believe that getting this balance right is absolutely crucial to the future of this state and that only Labor can prevent the pendulum swinging between corporate greed and heavy-handed idealism.

Speaker, the journey into this chamber is never one trod alone. I have been blessed with wise mentors and faithful supporters whose encouragement, conviction and comedy continue to steady my course and reinforce my resolve. My eternal gratitude goes to the many tireless Labor believers in Northcote, to my trusted campaign committee and to all those who contributed to a hard-fought campaign because they believe in the future we are building together.

Enduring admiration goes to my loyal and steadfast team: Jett Fogarty, Stavroula Collivas and Chris Owner. You are family to me now. For your fearless and unwavering vision, I thank you, Premier. For

friendship, support and wise counsel, I thank Peter Khalil, the federal member for Wills, and Ged Kearney, the federal member for Cooper. To these I add many friends and now colleagues: the Treasurer, the Assistant Treasurer, Philip Dalidakis, the member for Yan Yean, Nazih Elasmar and Jenny Mikakos. I also acknowledge the work of my predecessor, Lidia Thorpe, in representing the Northcote community.

There is of course little that can be achieved without the love and understanding of one's family. My family is my rock. To my grandparents, thank you for being brave enough to dive into the unknown. To my extended family, thank you for your support, encouragement and love. To my brothers, Harry, Kyri and Matt, thank you for teaching me to be tough and for always being there when I need you. To Mum, thank you for being my moral compass and my inner strength. To Dad, you have always been my toughest challenger and my fiercest advocate. Thank you for showing me my possibilities but always insisting that I choose my own path.

To my husband, Julian, every day I am blessed to have you by my side, Thank you for inspiring me to go beyond what I ever think is possible. To my daughter Ariana, you fill me with awe, happiness and gratitude every single day. I love you with all my heart. To your little sister, already so strong to be here sharing this moment with me, I cannot wait to meet you in a few weeks.

Speaker, as I join this house, I do so with pride that I will be working with a Premier and a government that genuinely reflects my values. Only a brave, imaginative and compassionate government could have achieved what has been achieved over the last four years. Only a focused, determined and innovative one can lead us through the next four and beyond. I know we are that government.

To all the people of Northcote and of our great state, Victoria, I pledge with a full heart and a clear mind to represent you with honesty, compassion and resolve. Thank you.

Members applauded.

Dr READ (Brunswick) (10:35): I acknowledge the Wurundjeri people of the Kulin nation, the traditional owners of this land, and pay respect to their elders past, present and emerging. I thank Jane Garrett and before her Carlo Carli for their service as members for Brunswick. I regularly see Carlo at the Brunswick Zebras soccer club. I also want to acknowledge Cindy O'Connor, the Labor candidate, for her decency and courage in the recent campaign, and indeed all the candidates. To the people of my community in the Brunswick electorate, thank you for choosing me and thanks for all that I have learned from you. I will work hard to ensure that your voice is heard in this chamber.

I started my medical career as a GP in community health and then specialised in sexual health and HIV research and treatment. I have always had a strong focus on prevention and on continuous questioning and improvement of care, inspired by many mentors including Kit Fairley at the Melbourne Sexual Health Centre and my late father, Richard Read, a biochemist and nutrition scientist.

I joined the Greens because Greens' policies are focused on the future, on leaving the world in good shape for those who follow us, including the most disadvantaged in society, and because Greens MPs do not shy away from naming the problems we face even when it seems tactless or uncomfortable to do so. With this in mind I will focus now on what I see as some of Victoria's biggest public health challenges: heatwaves and climate change, our approach to drugs and crime, and diabetes.

Today's young people are rightly angry about the lack of action on the biggest threat to their future: climate change. They look to government to protect us and our world now and in the future. That bushfire 10 years ago that was on a 46 degree day and that tragically killed so many people who we remember today was preceded by a heatwave with three days in a row of temperatures above 43 degrees that probably killed more than twice as many people. The Chief Health Officer counted 374 extra deaths that week. In the 2014 heatwave another 167 extra deaths were counted. In the last 12 months alone heatwaves killed up to a thousand people in the UK and more in Canada, Pakistan and India. Global warming is also turning cold, wet, mossy forests into fuel. Even forests that have never previously

known fire are burning. That is why we are now losing thousand-year-old pines in the cool rainforests of Tasmania. That is why the forests of northern Canada regularly explode into flames.

I spent some of my childhood in a town in the forest in Canada and I remember the snow lasting well into spring. But in the spring of 2016 a firestorm destroyed a sizeable portion of a sub-Arctic town well north of where I had lived. Two-and-a-half-thousand homes were destroyed in Fort McMurray, Canada. It often snows at that time of year but not during the 2016 heatwave. That town sits near a vast oil deposit and many of those houses were built with money earned from extracting that oil, which ultimately became carbon pollution. A Greens MP, Elizabeth May of the Canadian Greens, spoke about the connection between climate change and that fire, earning herself a rebuke from Prime Minister Trudeau for being tactless. But by then it was too late to talk about politeness and tact. It was already 10 years after Al Gore's film, *An Inconvenient Truth*, had told the world that decades of extracting and burning fossil fuels have heated our planet.

Here in Victoria in 2016 we knew that brown coal was just as responsible for that fire in Canada as it is for the increasing frequency and worsening of fires here. Powerful forces are giving us these firestorms, manipulating our weather, shifting our seasons and changing the very conditions of life in forests, farms, rivers, oceans and in our cities. And still, even now, Victorian furnaces burn tens of millions of tonnes of coal each year, 13 years after Al Gore's film.

The government plans to get out of coal by 2048, but that is a leisurely pace that does not match the seriousness of the disasters we have had, let alone what is to come. 2048 is too late to stop burning coal. We can do it in a decade and we can also cut emissions resulting from animal agriculture, from gas, emissions from transport and aviation and from the logging and burning of native forests, those wonderful stores of carbon and a clean water supply east of Melbourne. Victoria has stunning natural beauty and it is worth protecting. This challenge above all is what has propelled me into Parliament.

My interest in prevention and questioning what we do highlights other challenges for our state. I am astonished that we have had such an increase in our prison population over the last 25 years. There are more people in Victorian prisons than ever before and more per person than at any time since the 1890. There is very little we do, when you think about it, in public policy that has changed so little since the Middle Ages compared to the way we treat offenders. We lock them up. We spend a billion dollars a year on prisons and we are building more—for a million dollars a bed—and yet more than 40 per cent of prisoners reoffend within two years.

I acknowledge that many of these people have committed serious crimes. But if a treatment for a serious illness had a 40 per cent failure rate, we would look at the research to see what we were doing wrong. We can see that lack of housing predicts reoffending. The percentage of Victorians in prison has tripled in 25 years. The percentage of housing in public hands has declined over the same period, with 82 000 people now on the public housing waiting list. We should be responding to research, not to headlines. We should be building more public housing than prisons.

Much of our criminal justice system is taken up with drug offences, but we cannot claim any success with prohibition. Drug use is widespread despite the millions spent enforcing prohibition. So why do we keep doing more of the same, expecting different results? There is a large, sustained cannabis black market in Victoria but prohibition only serves to prop up the prices and clog up the courts. Cannabis is not entirely safe. Smoking it is bad for your lungs and psychiatrists worry about its impact on mental health, but alcohol and tobacco are also harmful and we regulate them through a legal system to reduce the harms. More than one-third of Australians have used cannabis, and prohibition just adds to the harm by involving organised crime. It is time to break the business model of the dealers and replace the cannabis prohibition with a sensible, harm-reduction model. We must offer care and counsel to users who have problems, rather than punishment.

Party drugs like ecstasy are very popular at music events. Seven per cent of Australians in their 20s have recently used ecstasy, and collapses and deaths are occurring with some regularity, often because what was sold as ecstasy contained something else.

When the chocolate mousse at a restaurant causes a salmonella outbreak, investigators swoop in to collect samples from the patients and the restaurant; we care for our mousse-eaters. But we steadfastly refuse to provide care and pill testing, such as is done in the UK and Europe, and so we lose the opportunity to engage with people using drugs. Rather than turning our backs and saying, 'You get what you deserve', we can test the pills, provide accurate advice and show that we care. The war on drugs has become a war on youth, and it is time to stop.

Now, let us talk briefly about diabetes. How many of your friends have diabetes? The prevalence of type 2 diabetes has grown at an alarming rate in Australia, hastened by our high consumption and sedentary lifestyles. We drive, we take escalators, we shop and we get takeaway, where previously we walked, we took stairs and we cooked. Obesity, type 2 diabetes and an increasing risk of heart attack and stroke all go together, fuelled by a lack of exertion and the processed food and sugary drinks that are so cheaply and widely available and so heavily advertised. Have you ever taken your kid to the supermarket and tried to get out past the lolly counter? You have got to try to convince them it is broccoli.

Victoria's excellent health care is at risk of being overwhelmed. Public transport and bikes dominated our election campaign in Brunswick, not just because they reduce carbon emissions, but because public transport provides opportunities, like work and education, to those who do not have cars, and it relieves congestion for those who do. Bikes and public transport do not just take cars off the road, they make us healthier. Public transport makes us walk to tram stops or cycle to train stations. Walking and cycling, known as active transport, make our bodies more sensitive to the insulin we produce and help prevent diabetes. We have got a lot to do to meet this particular public health challenge, but getting more people onto public transport and bikes is actually one of them.

This illustrates the point in Joel Pett's famous cartoon which asked, 'What if climate change is a big hoax and we create a better world for nothing?'. Let us start by creating a better Brunswick. In Brunswick we are choking on traffic, and we just cannot fit any more cars. Many of the objections to new apartment developments are actually reasonable objections, not to more people, but to their four-wheeled friends, the cars. Promoting alternatives to driving will make our roads less congested and reduce transport emissions, but it is tough to ask people not to drive unless we get our Upfield train line running more than three trains per hour. Our trams are pretty frequent, but they are often simply too packed to board, as new apartments seem to arrive faster than more public transport. The people in the uniquely isolated nook of Parkville Gardens desperately need more than one bus per hour.

With these public transport shortfalls, it is no wonder that more people ride bikes to work from Brunswick than from any other part of Australia, so let us protect them with better bike lanes. Many of us do not want to drive from one polluting traffic jam to the next, so let us make the alternative transport options work better. The people of Brunswick do not want to see Brunswick built for cars; they want to see Brunswick built for people. Let us do that and make it an example for the rest of Australia. I will be proud if I can help meet these challenges.

Before I go I must raise a housekeeping matter: why do we still let money influence who gets into Parliament? Parliament recently took admirable steps in limiting the size of political donations, but donations from fundraising entities, unions and candidates remain uncapped, so let us finish the job and cap them. To really make sure, let us also cap campaign spending, as is done in many countries.

But that is not the only problem. In November upper house seats were bought for as little as $50 000 by manipulation of group voting tickets. I am not sure what is more embarrassing—the manipulation of the preferences or the low price. We must make it easier for voters to direct their preferences in the direction they actually prefer.

I conclude by thanking all who have worked so hard and sacrificed so much to turn Brunswick Green for the first time. I thank my mother, Judy, and her partner, Peter; my sisters Angela and Ursula; my children, Martin and Louisa; and especially my wife, Angela, for all they have done to help nurture and inspire me.

And I have been inspired by the Moreland Greens. I cannot thank enough the hundreds of people from in and around Moreland who have volunteered so much time to campaign for the Greens in Brunswick in 2018 and in four previous elections—a monumental effort spanning 16 years.

I am proud to join my Greens colleagues here and grateful to all the Greens across the state who have encouraged and supported me along the way. To all in this house, I look forward to working with you.

Members applauded.

Mr EDBROOKE (Frankston) (10:49): I rise to speak on the address-in-reply. I would like to begin by acknowledging the new members here today and by saying just how great their speeches have been, especially the speech from the member for Northcote. I found that speech very inspirational. I think she is going to be a very powerful member for her community.

I would also like to wish the member for Geelong a very, very happy birthday. She is in the house, and she is very embarrassed. I am sorry.

It is a great honour to be re-elected as the member for Frankston. It is a proud and a beautiful community and a community that is quickly fulfilling its potential. It is definitely an honour to be part of the most progressive government in Australia. I am so proud that I can stand here today as part of the Andrews government and be surrounded by so many new members. It is enough to bring a tear to the eye. Of course it has been hard work getting here—four years of hard yakka, hard graft in Frankston, which has included doing so many things that our community wanted completed and projects that they had been talking about for four decades. We actually picked up on that. We listened, and we have been true to our word and completed those projects.

One of those projects is the Overton Road level crossing. In 1973 I believe it was Mr Hamer, when he was the public transport minister, who promised to remove that level crossing. We found ourselves decades later with a Labor government promising that and within two years actually removing that level crossing. Of all the things we have delivered in Frankston that is the one thing that people keep on bringing up every time I knock on doors and I phone people and talk to them about what they require in Frankston, what they want and what their ambitions for their community are. I hear about that Overton Road level crossing that people were stuck at for so long every day. We hear stories of people being stuck there for 21 minutes. And all of a sudden we have got the rail-over-road solution in place, more car parks and a beautiful bike path underneath, and people are so appreciative that someone has actually done it.

We redeveloped the Frankston station. Many people in this house would be aware that that was something that people in Frankston were very loud in voicing their opinion about. We needed to lift the face of Frankston. We are a major activity centre. We are the transport hub of the peninsula, and we needed to actually become that. That Frankston station was part of a design competition. People in our community formed a board and a committee to actually judge those designs. We came up with a design, and of course it is a tangible thing that we have built. I notice the former Minister for Major Projects, who was instrumental in that, is in the house. That is also part of the brand-new precinct of Young Street, Frankston, a street that for many years has had its issues. People have made many, many promises, but it was only the Andrews Labor government that—

A member interjected.

Mr EDBROOKE: We work as a team, I believe. It was only the Andrews Labor government that made that come to fruition.

The education system in Frankston has, I believe, evolved in the last four years. I think we have done more in four years in Frankston than has been done in the last 40 years, whether it be federal or state or even put together in the last 40 years. We certainly have not wasted a day. Ninety-nine per cent of schools in Frankston—I think there might be two that we are looking at at the moment, but most schools—actually had at least some significant infrastructure upgrade. That is on top of all the extra funding and the extra programs that those schools were given under this government, and they are making good use of that. Every time I visit schools in my electorate I am welcomed with open arms. Being a former teacher, of course, I guess I do understand and try and make as much time as possible for the principals. They are among the most important people in our community because they are actually building our future and they are directing and steering our future, which is so important. I was very proud to deliver that for our community over the last four years.

It does not come without hard work and facing the facts, but we have had a 14 per cent decrease in the general crime rate in Frankston, and that has come about because as a government we decided to ask the police what they needed, what resources they needed. They told us, and we did deliver. We have delivered.

Of course our government took to the election quite a few very interesting proposals which people in our community had been lobbying for over quite a few years. Before I get to those there is one other very important project in Frankston that we have built up over the past four years. That comes out of the Royal Commission into Family Violence, and it is The Orange Door in Frankston. Frankston unfortunately has been overrepresented in family violence statistics, and we have seen a shift in those statistics. No-one is saying that there have been massive successes yet, but it is a long-term issue and it is cultural change, and we have started that in Frankston. It is very important to acknowledge the different players in The Orange Door. They do a great job. If you ever want to be grounded, you should go there and ask about some of their latest cases. Of course they are not going to divulge anything private. The demand for those services is just amazing. They do an amazing job.

We took to the election a $562 million commitment to Frankston Hospital. Frankston Hospital serves a huge catchment all the way down to Wonthaggi. People from Cranbourne and all the way down the peninsula come to our birthing suites, because they are renowned. Again this is something that we have been talking about for many years as stage 3 of the Frankston Hospital development, and it is something that we will deliver. Five hundred and sixty-two million dollars will provide over 170 new beds, two levels of mental health services, new oncology day services, obstetrics, a women's clinic, a new maternity and special care unit for bubs—it is the whole gamut. It is quite amazing.

We have also promised 500 new commuter car parks at the Frankston station, and they will be free. That will be a multistorey car park most likely. That is again something that was asked for over many years. We have seen demand grow as Frankston grows. Frankston is, as I said before, a public transport hub where people are coming from the peninsula to park and take the train into the city. Of course we encourage that. We want more people to take public transport, but we need to make sure that public transport is reliable, frequent and that people have got a space to park their cars. That is going to be fantastic. I am meeting with Frankston City Council next week to go through some of that project. One thing I would like to say at this point is that I am so very proud of the minister in the other place who was able to get the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 through. I am an owner of a few rescue dogs, and I know many people in Frankston have been very happy with this bill. I took it a step further over the holidays and embraced that bill by adopting two rescue kelpie puppies—you might as well live your morals—and it has been very exciting. I put those pups on social media a little bit and the response to that bill has just been amazing. People are very appreciative of the fact that once again we are looking at a government in its second term that obviously listens to stakeholders, listens to people and actually represents people in Victoria, which is the most important thing.

It is quite sad that we have a federal government and a federal member that do not see fit to embrace the growth that the Victorian state government has seen for Frankston. They have not seemed to contribute any meaningful infrastructure budget for Frankston. Indeed if you stand in Frankston, everything you see that has been built over the last few years has been built via an Andrews state government. We promised it and we built it. It is very easy to stand back and commentate; it is a lot harder to actually listen to the community, to consult the community and to hear some hard truths and act on them. So I am very proud to be able to stand here and say that over those four years we have achieved so much and over the next four years this government will achieve so much more for Frankston as well.

You only need to walk down the main street of Frankston to see—and I use the word lightly—how the 'vibe' has changed. People feel like they can come back into the city. They feel safer, it is cleaner and there are more festivals. At this stage I would like to invite people to the Big Picture Fest from 22 to 24 March and the Waterfront Festival, which is on from 16 to 17 February. They are fantastic events down in Frankston. The Big Picture Fest was of course budgeted for by the last government, and we saw fit to provide $170 000 for that particular event again. It is hugely successful, with overseas artists coming to do massive wall murals and people actually coming from interstate to tour those murals in Frankston, so it is bringing lots of people into Frankston who might not have been there for quite a few years. They are seeing the changes that have been, in reality, catalysed by this government and pretty much this government only. So I am extremely proud to be standing here today as the member for Frankston, facing another four years of hard and very rewarding work.

Business interrupted under sessional orders.

Questions without notice and ministers statements

BUILDING CLADDING

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:01): My question is to the Minister for Planning. As the minister responsible for the Victorian Cladding Taskforce, you would be aware that dangerous combustible cladding has been identified on a number of public buildings, including 13 Victorian governments schools. With remediation works not expected to be completed until September of this year have all parents and staff at these schools been informed of the risk to them and their children's safety by attending a school with dangerous combustible cladding?

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (11:01): I thank the Leader of the Opposition for his very important question. There are a range of government buildings that have been identified by the Victorian Cladding Taskforce. They include some public hospitals and certainly 16 state schools. The Victorian Building Authority has had extensive consultations with all of the schools. I am advised that the investigations determined that there are no known immediate risks to any of those 16 schools and that the principals of the schools and the school communities are aware of the issues with all of those schools.

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:02): On a supplementary to the minister, as the minister responsible for the Victorian Cladding Taskforce, you would also be aware that among the public things I referred to in my substantive question are eight hospitals, including the Royal Women's, Royal Melbourne and Casey hospitals, which have been built with dangerous combustible cladding. Minister, what action have you taken to ensure that all staff and patients treated at these hospitals are aware of any risks to their safety posed by this cladding?

Mr WYNNE (Richmond—Minister for Housing, Minister for Multicultural Affairs, Minister for Planning) (11:03): Again I thank the Leader of the Opposition for the question. It is a very important question because it goes to the heart of the safety of our community. I know that in consultation with the former Minister for Health we have had very, very active engagement with all of those hospitals, and in fact work has already commenced on remediating a number of those hospitals, including the Royal Women's Hospital. Work is being undertaken at the moment. They are all compliant and they

are all safe to occupy. Obviously further measures have been put in place to ensure that the buildings are safe to be occupied—absolutely.

MINISTERS STATEMENTS: INFRASTRUCTURE

Mr ANDREWS (Mulgrave—Premier) (11:04): It is no secret to honourable members and to the broader Victorian community that our state is growing at a rapid rate. We are on track to reach 10 million people by 2051. It is the government's view that the best way to meet the challenge of a growing community is to keep building the infrastructure that our state needs—road and rail, and of course investing in and boosting up, building up, the services that all families rely upon, particularly in health and education. That is why we will make, across the forward estimates, on average an investment of some $10.6 billion in improving, upgrading and building new infrastructure in road and rail that is so important. We welcome those opposite's steadfast support of others building the things we need. They are very big on other people building the things we need. Fortunately we are up to that task and we are very much committed to doing it.

Members interjecting.

Mr ANDREWS: Keep the interjections coming; they are great fun. In contrast, though, to that agenda of building, we of course only need look to the Abbott and Turnbull governments and now the Morrison minority government up there in Canberra who refuse to fund education properly even though they said, 'No cuts to schools', who refuse to fund health properly even though they said, 'No cuts to hospitals' and who refuse to provide Victoria—the fastest growing state in the nation—with a fair share of infrastructure investment. We see today via the media what is in the scheme of things a relatively small investment, one that might be termed an election time giveaway, to try and con the people of Victoria that $260 million is a fair share. It is not today and it never will be. A fair share is what we need so we can keep getting things done.

ENERGY SUPPLY

Mr R SMITH (Warrandyte) (11:06): My question is to the Minister for Energy, Environment and Climate Change. On 25 January, when temperatures soared above 40 degrees, you told Victorians that there was no possibility that their power would fail. You said, and I quote:

> Blackouts are something that will absolutely not be a feature of today or a possibility.

Just 90 minutes later the blackouts began, with tens of thousands Victorians left without electricity. Minister, who advised you that, in your words, blackouts would not be a feature of the day?

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:06): I thank the member for Warrandyte for his question. I stand by everything I said on that day. As those opposite would know, there was a series of very unanticipated, extraordinary events on that day. The market operator—

Members interjecting.

The SPEAKER: Order! Question time yesterday and today have both been, up until now, relatively civil affairs. I would ask members to refrain from making noise while the minister is addressing the question that has been directed to her.

Ms D'AMBROSIO: Thanks very much, Speaker. As those opposite would know, the market operator has the responsibility to ensure that demand equals supply so that there is a continuous supply of energy. As the market operator has explained, over the course of a couple of days there were very extraordinary circumstances which caused them, in a very rapid period of time, to declare that they would need to instigate rolling outages to avoid a statewide blackout. That is exactly what the market operator made a decision to do. The fact is our old coal generators failed every single Victorian on that day when we needed them the most. These are the generators that were privatised by those opposite and have not been maintained so that Victorians can expect them to be there when they need them.

Members interjecting.

The SPEAKER: Order! The minister will resume her seat.

Mr R Smith: On a point of order, Speaker, I appreciate the background, but I just want to know who advised the minister that blackouts were not even going to be a possibility on that day. Who was it that advised the minister?

The SPEAKER: Order! Repeating the question is not a point of order.

Ms D'AMBROSIO: These are the generators that were privatised by those opposite and that have left Victorians vulnerable to the privatised businesses that are failing to keep them up to scratch. I have said that we have got a 20th century energy system for a 21st century climate. That is the reality. That is why we are wasting no time in building more renewable energy every single day and putting power stations on the roofs of 700 000 Victorians.

Members interjecting.

The SPEAKER: Order! The minister will resume her seat.

Mr R Smith: On a point of order, Speaker, I renew my point of order. My question was very simple: who advised the minister that blackouts were not going to be a possibility? I still do not know the answer to that question.

The SPEAKER: Order! I repeat my ruling on the previous point of order: repeating the question is not a point of order.

Ms D'AMBROSIO: I think what is very important here is that those opposite need to start to step up and learn something from the grave mistakes they made in the lead-up to the election. They have failed to actually learn the lessons of the last election.

Members interjecting.

The SPEAKER: Order! The minister will resume her seat.

Mr M O'Brien: On a point of order, Speaker, the minister is now debating the question. The question is about who gave her that advice to make that uncategorical guarantee to Victorians. It is not her position to be lecturing the opposition when she was the person who turned the lights out. We just want an answer to the question.

Ms Allan: On the point of order, Speaker, I encourage you to rule out the point of order. At the outset the minister was very clear in her answer in who gave her the advice in the form of the national energy market regulator. It might not suit the overall narrative of the failed former energy minister to hear the response from the minister, but she is being absolutely relevant and addressing the question that was asked.

Ms Staley: On the point of order, Speaker, the point of order raised is not about whether the minister is being relevant to the question, although she is not. It is a point of order as to her debating the question. I understand that the Leader of the House has tried to change the goalposts again, but that was not the point of order raised. The minister is clearly debating the question. She is bringing in extraneous material to attack the opposition, which is also not acceptable under standing orders, and I ask you to uphold the point of order.

The SPEAKER: Order! The minister had been relevant to the question but then began to debate the question, so I uphold the point of order. The minister to come back to answering the question.

Ms D'AMBROSIO: Thank you very much, Speaker. I would be absolutely proud of our record of making sure that we continue to grow the replacement energy that our state absolutely needs. Those people voted against the Victorian renewable energy target legislation. They voted against any form

of new energy generation coming into our system. Those opposite and their mates in Canberra have got their heads in the sand and no energy policy, and we are not going to be lectured by them.

Mr M O'Brien: On a point of order, Speaker, the minister is defying your ruling. She is again debating the question, and she has failed to answer it. Who advised you that blackouts would not be a feature of the day?

The SPEAKER: Order! The minister has concluded her answer.

Mr R SMITH (Warrandyte) (11:12): The Australian Energy Market Operator, Minister, informed your office on Thursday, 24 January, that load shedding would almost certainly occur during the course of Friday, 25 January. Having been given that information, why did you then mislead Victorians by emphatically asserting that blackouts were not even a possibility?

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:12): I thank the member for the supplementary question, and I absolutely reject that. The opposition may wish that to have occurred, but it did not occur, and that is the simple answer. The market operator made various comments over the course of Thursday and Friday and made it very clear that there was a tight energy supply, which is exactly what I explained. They anticipated and had planned significant amounts of reserve power to be on standby if it was needed. All of that reserve power was actually made available and utilised. What failed us were the coal generators—ageing infrastructure that those people opposite sold off. They handed the light switch over to those private businesses. They ought to be ashamed to ask this question when they have got no policy of their own.

MINISTERS STATEMENTS: EDUCATION FUNDING

Mr MERLINO (Monbulk—Minister for Education) (11:13): I rise to update the house about how the Andrews Labor government is committed to securing fair and equitable funding for all Victorian students. It has been quite an experience, keeping track of the constantly evolving position of the minority Morrison government, but let me take you through it.

Back in September last year the federal government threatened non-government schools in Victoria with non-payment of government funds—commonwealth funds—in 2019 if we did not sign up to their multi-year deal, trying to drive a wedge. By December the current Prime Minister was desperately threatening all Victorian schools with non-payment of commonwealth funding, but by mid-December they had backflipped, providing six months funding to non-government schools but illogically, only one month's funding to government schools— again trying to blackmail us into signing their dud deal. By mid-January— here is the update—a double backflip with pike—Victorian government schools will now receive federal funding until June.

Victorian school students and their families deserve better than this pathetic flip-flopping, but here is the real issue: the only thing that has not changed is that the current Prime Minister's deal for Victorian public school students is still a dud deal and one we will not sign. We will not sign a deal where public school students get to 95 per cent of the schooling resource standard, yet private school students get to 100 per cent and beyond. And despite all the flip-flopping over the last six months, that is the thing that has not changed. At the federal election in May there is a clear choice for Victorian voters: a Shorten Labor government and $800 million additional funds in the first three years— around 2000 extra teachers—or the dud deal of the minority Morrison government. The choice is clear.

KANGAROO PET FOOD TRIAL

Mr WALSH (Murray Plains) (11:15): My question is to the Minister for Energy, Environment and Climate Change. Minister, is it government policy that kangaroos controlled with an authority to control wildlife permit after 31 March will be left in the paddock to feed wild dogs and foxes, resulting in an increased number of these predators that will devastate livestock and native fauna?

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:16): I thank the Leader of the Nationals for his question. I think the member is referring to the kangaroo pet food trial, which at this point is due to expire at the end of March. That program is under review, as was made very clear last year—we would ensure that we would have a proper review, collect all of the data before a final decision was made on that. That decision has not been made, and we will advise country Victoria, those local government areas, when that decision is made.

Mr WALSH (Murray Plains) (11:16): Minister, that is the second review you have had of that particular program, and if it is not government policy to leave those carcasses to rot in the paddock, when will you actually make a decision about the pet food trial being permanent to give industry certainty?

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (11:17): I thank the member for the supplementary question, and it will be very, very soon.

MINISTERS STATEMENTS: HEALTH FUNDING

Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (11:17): I rise to update the house on the failure of the minority Morrison-Turnbull-Abbott government to support Victorian families to build the 21st century health system that the Andrews Labor government continues to build. In contrast to this government's record investment we have seen cuts rain down on Victoria's public health service from the commonwealth, because when it comes to health the Liberals of whatever brand, be they state or federal, cannot help themselves but to attack our public health system.

So let us just recap where we are at the moment, and can I acknowledge the great work done by the former Minister for Health and now Attorney-General in holding the minority Morrison government to account. As a last-minute opportunity, the failing—what is it?—anti-women, homophobic climate change denial government that passes for the Commonwealth of Australia at the moment has sought to put in place a slush fund to try to accommodate demands here, and they have sought to do so at the expense of clawing back billions of dollars of funding from the states, in particular from Victoria.

Let us just have a quick recap of what that is. That means that from funding in 2015 the commonwealth has sought to claw back $104 million—that equates to 100 000 chemotherapy treatments. If we extend it back to 2016, it is $201 million—that equates to 12 000 hip replacements and 390 000 dialysis therapy treatments. If we package it all up, it comes to a massive $2.1 billion of clawback from Victoria's public health system over the last five years.

PILL TESTING

Mr HIBBINS (Prahran) (11:19): My question is to the Premier. Premier, this summer again has seen a number of drug overdoses at music festivals across Victoria. Young people are dying. Premier, you have repeatedly relied on advice from Victoria Police as the reason for your refusal to implement pill testing, so my question is: have you sought advice from the health department or any other health agency in relation to pill testing, and if so, what was their advice?

Mr ANDREWS (Mulgrave—Premier) (11:20): I thank the member for Prahran for his question. He obviously has a genuine interest in these matters, and I am not for a moment calling that into question, but it is not just a matter of Victoria Police having had a longstanding and consistent position; common sense, I think, dictates a longstanding and consistent position. There is no safe level at which these substances can be taken. That is a fact. And beyond that, even these substances which might be termed 'pure' can be lethal. That is a fact of this matter. Whilst I do not criticise those who have a different view to what common sense and logic tells me ought be my view, the position of the government will not be changing, and it is the government and members of the government who

determine the government's position. We get advice from many different sources, and we are confident that the position we have taken is the right position.

Mr HIBBINS (Prahran) (11:21): Well, common sense would also state that many of these substances are sold as one thing but are actually something that is much more dangerous, and in fact a number of organisations have come out in support of pill testing. So I ask the Premier: have you received any advice from the health department or any other health agency that is supportive of a trial of pill testing in Victoria?

Mr ANDREWS (Mulgrave—Premier) (11:21): The member for Prahran is asking me whether I have received advice that is contrary to my position, and I do not believe so. But no doubt—

Ms Sandell interjected.

Mr ANDREWS: Well, I am answering the question asked. If the member for Melbourne wanted to ask the question, then she could have asked the question.

The point is there may be many different views; there may be many different opinions. I as the leader of the government am making it, to you and all Victorians, abundantly clear what the position of the government is. It happens to accord with the view of Victoria Police, and in my determination it happens to accord with what common sense dictates. There is no safe level at which you can consume these substances, and even so-called 'pure' forms of these substances can and have been lethal.

MINISTERS STATEMENTS: NATIONAL DISABILITY INSURANCE SCHEME

Mr DONNELLAN (Narre Warren North—Minister for Child Protection, Minister for Disability, Ageing and Carers) (11:22): I rise to update the house on the government's ongoing commitment to the national disability insurance scheme (NDIS) that continues to be rolled out across Victoria. We know that when it is fully implemented there will be 105 000 people involved in this scheme, and we will be putting $2.5 billion towards it. We know the last three areas to have the scheme rolled out include outer Gippsland, Goulburn and the Mallee, and that started on 1 January this year. The government is putting a lot of work towards that, whether it be in setting up specialist teams in the Department of Health and Human Services to support 20 000 clients in their getting into the NDIS; a $26 million NDIS workforce plan to boost and support the workforce, including our free TAFE; or $41 million for a transition package to help participants, families and providers in the NDIS. So we are very much doing the work that needs to be done.

While reform of this magnitude is never easy, there are various concerns I have about the federal government's endeavours, and they include: the use of a cookie-cutter method for the development of NDIS plans which do not deal with the individuals; delays in people's plans being approved; that recognition of individual transport plans is not there; staffing caps at the NDIS so they cannot actually deliver the service properly; and six different ministers in six years to deliver the NDIS. So their heart really is not in it. But my greatest concern is this developing trend of what I call creeping communism—

Mr Wells: On a point of order, Speaker, in regard to sessional order 7 we made very clear yesterday our real concern that this gives every single minister the chance to be able to get up and talk about whatever they want to. We have seen today every single minister standing up to attack the federal government, and that is exactly—

Members interjecting.

Mr Wells: No, no, that is exactly what we said. We said that in the run-up to the federal election this will be the theme for the government, that they will use sessional order 7 now, because it has been so restricted, to make a statement on anything—any matter, any thing—which will mean attacking the federal government. So I ask you, Speaker, to take into consideration the arguments that we put

yesterday that sessional order 7 will be shambolic. It will be difficult for you as Speaker to be able to implement it, and I ask you to caution the government in regard to ministers statements.

Ms Allan: On the point of order, Speaker, it may surprise the Manager of Opposition Business that I encourage him to reflect on the new sessional orders that we have in the house and give us some advice on their implementation, but I would put to you in this particular instance in regard to sessional order 7 that the ministers statement and indeed the other statements that have been made by other ministers and the Premier in this place would have complied with the previous sessional order that was in place as well. The delivery, the amount and the quantum of federal funding, whether it relates to schools or hospitals or the rollout of the national disability insurance program, has a direct impact on the delivery of services in Victoria. As the Victorian government we will absolutely stand up for the Victorian community, in stark contrast to those who only get angry when they are trying to defend their mates in Canberra; that is the only time they find their voice. So I would put it to you that the ministers statement is entirely consistent with not just the standing orders and the sessional orders but also the spirit of making sure that we are sticking directly to Victorian government administration in standing up for Victorians against the federal government.

The SPEAKER: Order! There is a very clear ruling from the Chair, I think from 2004 by Speaker Madigan, around the issue of discussing the actions of other governments, including the federal government. She ruled that it was entirely appropriate to mention those issues in response to questions where there was an impact or an effect on Victorian government business by another level of government. I have been listening carefully to the statements that ministers have given today, and I have found that they all comply. The minister who was on his feet did start to stray just before the point of order was taken, so I do ask the minister to come back to making a statement that relates to government business.

Mr DONNELLAN: Thank you, Speaker. As I was saying, my greatest concern here is a lack of acknowledgment that there is a marketplace for the delivery of services and we have this sort of creeping communism coming in, where we ignore the marketplace and do not set the price for disability services properly. My greatest concern in relation to that space is in regional and rural areas, where we have the thinnest market for disability services, and if you do not set the price properly and you ignore the marketplace, we simply will not have those services we need.

GOVERNMENT BANKING

Ms STALEY (Ripon) (11:27): My question is to the Treasurer. Treasurer, you have directed that government authorities, including country schools and hospitals, must centralise their deposit funds to a single account with Sydney-based Westpac and lose the grants and community links they currently receive by banking locally. The Customer Owned Banking Association, whose members include Bank Australia, has said:

> This decision flies in the face of community expectations in the wake of the findings of the Banking Royal Commission.

Why are you disadvantaging country regions by forcing them to place their money in a Sydney-based bank, rather than benefiting their local communities?

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:28): I thank the member for Ripon for her question, and I also thank her for at least acknowledging that we have had a banking royal commission. I think it took 26 times for the federal government to acknowledge the need for one—and yes, we did see some outrageous behaviour being perpetuated by the banks, a considerable cause of suffering for the community. But in making that point, one of the banks—only one of the big four—was not actually singled out for further prudential regulation consideration, and that of course was the government's bank, Westpac. Now, they won that role under a competitive tender, as you will probably appreciate. Not that those opposite believe in that: they like to just allocate work to their preferred bank of offering.

Directly to the question that the member asked, we are introducing a change which will effectively reduce back-of-house costs so that we can continue to provide more material wellbeing for Victorians. This will generate about $125 million of savings right across government. Now, I know those opposite do not believe in efficient government. The only thing they were efficient at was occupying the space. But so far as we are concerned, a central banking system is being established to enable surplus funds held by departments and by general government agencies to be more efficiently managed, which will provide significant savings to the state budget, and by that I mean to the taxpayer.

Putting in place consistent and rigorous processes of management I would have thought would be something that those opposite would support. Reducing the number of term deposit bank accounts I would have thought would have been something that those opposite would support. Because by doing that what we are able to do is ensure that each public entity will create through their contribution—

Mr Walsh: On a point of order, Speaker, I thank the Treasurer for the long explanation but he actually has not answered the question. I ask you to bring him back. Why is he disadvantaging country communities by forcing them to centralise their banking rather than supporting their community banks? He has not addressed that question at all, and I ask you to bring him back to answering that question, please.

The SPEAKER: Order! I cannot direct the Treasurer how to answer the question, but he has been relevant to the question and answered the question in accordance with standing orders and sessional orders.

Mr PALLAS: Just to make it clear to both the member who asked the question and also the Leader of the National Party, I will be very clear: we are not disadvantaging country communities. We are finding $125 million of extra funds to apply to the wellbeing of the community—all Victorians. And if they see that as a disadvantage, it really shows us what a distorted set of values those opposite have.

Members interjecting.

The SPEAKER: Order! The member for South-West Coast is warned.

Ms STALEY (Ripon) (11:32): Treasurer, so that these communities will not be further disadvantaged, will you rule out forcing hospitals to centralise the deposit of their foundation funds that are raised from donations and bequests to Westpac?

Mr PALLAS (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations) (11:32): Just to be clear, the idea of funds that have been raised as a consequence of contributions to those organisations and held separately will not be the subject of the centralised banking system. So those accounts where fundraising has effectively been the basis of the corpus of those funds, they will not be incorporated.

MINISTERS STATEMENTS: INFRASTRUCTURE PROJECTS

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (11:33): I am very pleased to be able to update the house on the status of commonwealth infrastructure funding for Victoria. As this house I think knows very well, for the last four years when it came to delivering the big infrastructure projects in Victoria, we have largely had to go it alone thanks to a distinct lack of federal funding. With the fastest growing economy in the country creating more jobs than anywhere in the nation, we are also backing it up with an infrastructure pipeline of projects that the state has never seen before. We will certainly continue to fight for Victoria's fair share of federal infrastructure funding, but unfortunately, as we are seeing again and again, time and again, we continue to see an arrogant approach from the minority Morrison government who just refuse to cooperate with the Victorian government and, most critically and damning of all, refuse to accept the will of the Victorian people at the last two state elections.

Now, let me give some context to what we are seeing today. The Andrews Labor government is spending over $20 billion on suburban road infrastructure—$20 billion. So we do welcome any contribution that we might get from Canberra, including the $260 million we have seen announced today through the media. But if they were fair dinkum, if the Prime Minister and his team were fair dinkum, they would unlock that $3 billion that is sitting in a box that they are deliberately withholding from the Victorian people and get it to work—and get it to work on the north-east link.

This morning on 3AW, Neil Mitchell asked the federal infrastructure minister, Alan Tudge, who happens to come from Victoria:

> ... the people have spoken. How can we get our hands on the $3 billion and spend it on the roads?

Well, it seems that Neil Mitchell agrees with the Andrews Labor government. The Victorian community agree with us. We want that $3 billion unlocked and put to work immediately as part of our big build here in Victoria.

Constituency questions

RIPON ELECTORATE

Ms STALEY (Ripon) (11:35): (51) My constituency question is to the Minister for Health in the other place. What I want to ask about is the progress of the build for the student accommodation in the Maryborough District Health Service. I ask the minister: where are we up to with that project and what are the time lines? When can we expect to see that project undertaken?

YUROKE ELECTORATE

Ms SPENCE (Yuroke) (11:35): (52) My constituency question is to the Minister for Public Transport. Can the minister please provide an update on the implementation of a new bus service connecting Mickleham and Kalkallo residents to Craigieburn? An $8.9 million investment in this much-needed bus service was announced by the government in October last year, and it was greatly welcomed by residents, who will finally have a public transport option to get to key local destinations such as train stations, schools and shopping precincts. As this route will service a number of the fastest growing suburbs in Australia, and with an increasing number of young people moving in, this investment in local public transport will open up many more opportunities for work and study. Along with local residents, I look forward to the minister's response.

GIPPSLAND SOUTH ELECTORATE

Mr D O'BRIEN (Gippsland South) (11:36): (53) My question is to the Minister for Agriculture in the other place, and I am asking what action the government is taking to enforce weed management on private land throughout the state but particularly in my electorate of Gippsland South. Weeds are a particular problem at this time of year every year, but there is growing frustration in Gippsland about the lack of enforcement for recalcitrant landowners, particularly with respect to ragwort but also blackberry thistles and others. There is great frustration about the fact that the department is not actually enforcing the law as it applies to weed management. This frustration extends to other government agencies such as VicTrack and VicRoads, and I am calling on the government to take action on this important matter and make sure that the law is actually enforced to ensure that the cost of weeds to agriculture in Gippsland is reduced.

PASCOE VALE ELECTORATE

Ms BLANDTHORN (Pascoe Vale) (11:37): (54) My constituency question is for the Minister for Education, and the question I ask is: will the minister consider funding stage 2 of the Pascoe Vale Primary School upgrade? It was great to recently meet with Pascoe Vale Primary School principal Anne Naughton and school council president Paul Wise to receive an update on the master plan and their designs for the first stage of the upgrade, which we funded in the 2018–19 Victorian budget. As the minister is aware from his visits to the school and from my subsequent representations, the school

community in 2017 and 2018 faced unique challenges. It is accommodating massive enrolment growth, as many of the schools across my local area are, and this school also has the added complication of managing heritage-listed buildings and the availability of open space. From meeting with the school community and seeing the master plan firsthand it is clear that stage 1 funding works will enable some of these challenges to be addressed, but I do ask if the minister will also consider stage 2.

ROWVILLE ELECTORATE

Mr WELLS (Rowville) (11:38): (55) My question is to the Minister for Health. Minister, can you advise what policies are in place in the public health system to ensure families are informed when patients are transferred from one hospital to another? I was deeply concerned to hear the experience of Mrs Rogers, a Rowville constituent who cares for her niece and has done so for the last 15 years, with the public health system. Her niece has an acquired brain injury and is quite a vulnerable patient. After initially being refused assistance by both paramedics and the Peter James Centre, Mrs Rogers sought a letter of recommendation from her GP and her niece was finally admitted to Dandenong Hospital on 12 December last year. After nine days Mrs Rogers was told they were moving her niece to a different ward in Kingston. Mrs Rogers was not aware that they were in fact moving her niece to the Kingston Centre rehabilitation hospital in Cheltenham, some 20 kilometres away. On 15 January, just as Mrs Rogers was about to leave home to visit her niece, she discovered her niece had been transferred to Angliss Hospital, again after it had occurred and without consultation.

ESSENDON ELECTORATE

Mr PEARSON (Essendon) (11:39): (56) I direct my constituency question to the Minister for Education, and I ask: what is the latest information about the rebuild of Strathmore Secondary College?

CAULFIELD ELECTORATE

Mr SOUTHWICK (Caulfield) (11:39): (57) My question is for the Minister for Energy, Environment and Climate Change. Minister, local traders and residents in Ripponlea in my electorate of Caulfield have been plagued by repeated power outages in recent times. The affected shopping centre and surrounds is a vibrant, growing community, yet businesses like Spout Cafe suffered four outages in a period of six days in late January. These outages lasted for hours, interrupting critical lunchtime trade and spoiling fresh produce, meaning thousands of dollars in forgone revenue and extra cost. A local pharmacy has also been affected by repeated blackouts, with staff requested to transport tens of thousands of dollars worth of medical supplies to home refrigerators each time to avoid ruining such medicine. This situation in Ripponlea is unacceptable, and I ask the minister to update the house on what is being done in terms of ensuring that these situations do not continue to occur in our community and the rest of the state.

BROADMEADOWS ELECTORATE

Mr McGUIRE (Broadmeadows) (11:40): (58) My constituency question is to the Attorney-General. What are the results of audits of factories and warehouses in the electorate of Broadmeadows for the safety, health and wellbeing of residents and first responders? I called for such an audit to be coordinated between the three tiers of government and business given the consequence of recent toxic fires. First responders have told me they do not know what dangers they are confronting when fighting such blazes. Recently this has caused the evacuation of local residents with the SKM Recycling factory fire in Coolaroo blowing toxic smoke all the way to the Melbourne central business district. The results of audits are urgently awaited along with recommendations for appropriate laws to secure safety through greater scrutiny, accountability and compliance.

GEMBROOK ELECTORATE

Mr BATTIN (Gembrook) (11:41): (59) My constituency question is to the Minister for Education. After four years of campaigning with Berwick College's principal, Kerri Bolch, to have the minister

finally commit funding for the college's much-needed health and wellbeing centre, in April 2018 the minister announced $1.3 million for planning and construction. However, the school only received $50 000 in the 2018–19 state budget. The school has waited long enough for the funding and is in great need of the centre. I ask the minister to provide a time line for the planning and the construction of the much-needed centre for Berwick College.

YAN YEAN ELECTORATE

Ms GREEN (Yan Yean) (11:42): (60) My constituency question is to the Minister for Public Transport, and I ask: when will the works begin on the 120 new sealed car parks at Hurstbridge train station? The growth in car parking that has been funded across the network has been phenomenal and is particularly welcome in my growing electorate.

The SPEAKER: Order! We will move back to government business and the motion on the 2009 Victorian bushfires anniversary. Just before calling the Premier, as I know that a number of members will want to be in the chamber for this just after constituency questions I ask the Clerk to ring the bells for 1 minute.

Bells rung.

Commemorations

2009 VICTORIAN BUSHFIRES

Mr ANDREWS (Mulgrave—Premier) (11:44): I move:

That this house:

(1) expresses its deepest sorrow on the eve of the 10th anniversary of the 2009 Victorian bushfires and mourns the 173 lives that were lost;

(2) pays tribute to those emergency workers and volunteers who went above and beyond to save lives and protect communities; and

(3) recognises the strength and commitment of Victorian communities to rebuild their homes, towns and lives.

Like many in this chamber I had the great privilege—the humbling privilege—of attending the state commemoration on Monday night. A statewide gathering, it was an opportunity for Victorians to come together to remember those savage fires and the sheer size and scale of their impact. As the numbers tell us, 430 000 hectares were destroyed, along with 78 communities, nearly 2000 homes and 173 precious lives. One of those lives was that of Dr Ken Rowe. A Marysville resident, Ken was also a friend, a dad and a husband. It was his wife, Kathy, who spoke at Monday's commemoration on behalf of the families who had lost their loved ones.

She described the rawness of that loss. It was 'like it happened yesterday', she said. But as Kathy explained, it was the slow return of nature that renewed her faith in recovery. First came the magpies, their songs to one another ending the weeks of silence. Then came the parrots, the insects and then the wildflowers. It seems to be always the way in this nation of extremes that the flames come first and then comes new life. Slowly but steadily those green shoots begin to emerge from the charred black, transforming the ash with the promise of recovery.

It is the same with those communities too. From the ash, from that darkness, they have emerged broken-hearted but not broken. Just like the bush that surrounds them, those communities have also born witness to the green shoots of recovery. But as far as they have come, there are places where the fire burned too hot, too deep, to ever recover. Those places will remain forever vacant, empty pockets of the bush where nothing will ever grow again. Empty places at the table where nothing will ever fill the void. That network of grief extends into the thousands—parents who lost children, children who lost parents, mates who still miss mates. Then there are the countless more who were injured, those

who lost their homes and those who saw their communities destroyed—thousands and thousands of people, whose lives were forever changed by the deadliest bushfires our nation has ever seen.

I doubt any of us will ever forget that hot, angry wind on that day and the days before. For thousands of people in those communities that same hot, angry wind redefined everything they knew. Even now, 10 years on, the magnitude of those fires is staggering, burning an area larger than 30 whole nations. It really was the very worst of nature. But with it came the very best of humanity. We saw the courage of our first responders—around 4000 of them—who directly attended the fires. We saw the compassion of the dedicated professionals who followed—our police and paramedics, our nurses and doctors—and we saw the kindness of those who stayed, many of them volunteers, to assist communities as they began that slow rebuild. To each of them we extend our deepest thanks.

Just as those people gave their time, hundreds of thousands more gave whatever they could. Businesses opened their doors, families opened their homes and Victorians opened their hearts. We raised funds, we collected food, and in the week following the fires some 7000 people donated blood. It was these simple, often ordinary acts of kindness that were among the most powerful.

That kindness also reached beyond our state's borders, with an outpouring from across our nation and around the world. Schoolbooks arrived from Western Australia, as did drawings from kids in Arnhem Land and money raised in France that went towards the rebuild of Strathewen Primary School. As extraordinary as that cascade of compassion was, there was nothing more inspiring than the courage of the men and women who have rebuilt their communities.

Of course, mere words are not enough. When it comes to honouring that strength and that spirit, it is only action that really counts. A decade on, much work has been done, and yet the challenge of bushfires remains ever present. Indeed right now, as we gather here today, fires continue to burn around our state. To those out there on the front line, today and every day we extend our deepest thanks and our respect. We recognise their commitment, their dedication and their skill, and we remain vigilant in providing the resources and the resolve needed to keep communities safe.

At the close of the commemoration on Monday guests were invited to attend the museum's new *From the Heart* exhibition and with it the Tree of Remembrance, yet another reminder of that perpetual regrowth and recovery. People were encouraged to write and leave messages on the leaves. 'Thank you for saving our lives', read one. 'It was a privilege to help', read another. 'We won't ever forget'. 'We miss you every day.' Those messages each tell their own story, and yet each speaks to a common theme: community—community in the pure, uniting and binding sense of the word. Friends and neighbours and complete strangers helping and comforting and mourning together, because that is what Victorians do.

Ten years on from that terrible tragedy and on behalf of our state and our Parliament we thank those Victorians who gave everything they had. We pay tribute to our first responders, who did everything they could. And we promise to never forget those we lost.

Members: Hear, hear!

Mr M O'BRIEN (Malvern—Leader of the Opposition) (11:51): Ten years ago in this place I quoted a poem by Henry Lawson, *The Bush Fire*, which commences:

> Ah, better the thud of the deadly gun, and the crash of the bursting shell,
> Than the terrible silence where drought is fought out there in the western hell;
> And better the rattle of rifles near, or the thunder on deck at sea,
> Than the sound—most hellish of all to hear—of a fire where it should not be.

It is the cruel paradox of this land we love: a country of breathtaking beauty but a climate that is at times harsh and unforgiving. On Monday evening we gathered in the Royal Exhibition Building to remember those who lost their lives in the 2009 Victorian bushfires. It was a privilege to be amongst them—the bereaved, the survivors and those who risked their lives to support their fellow Victorians

at that terrible time. While we pause to gather and commemorate the 10th anniversary of those tragic fires, we should especially remember those for whom each and every day provides a constant reminder of the loss of a loved one—the empty seat on the couch, the double bed which every morning is only half disturbed, the children's photo album whose pages end all too suddenly. For those left behind every day brings a new reminder of their deep and personal loss. So to the bereaved we take this moment to say that we have not forgotten you. We have not forgotten your pain and you will stay in our thoughts and our prayers today and every day.

We all have vivid memories of 7 February 2009 and the painful days that followed. Some of the images of that fateful week are as enduring as they are powerful. They are images that show that despite unspeakable tragedy and adversity, hope and resilience are stronger still. For me it is the striking symbol of an Australian flag: burnt, tattered yet defiantly standing among the ashes of what once was a home. That picture has come to symbolise our resilience in our darkest hour. There is also the iconic image of David Tree, a volunteer firefighter, providing water to an injured koala with one hand while holding her paw in the other. It spoke not only of the dedication of our brave firefighters but of the compassion and the unifying effect of natural disasters on all who confront them. It reminds us that we are all in this together.

I still remember being deeply affected by the front pages of the newspapers that week that displayed photographs of some of those who lost their lives. The loss of any life in these circumstances is tragic, but the loss of young life is particularly harrowing. To look into the eyes of the youngest victims that were so full of promise and to know that that promise will now be unfulfilled is to understand the depth of the loss that we suffered as a community. But despite the pain and the loss, this tragedy brought out the very best in Victorians. You cannot read about firefighters arriving at properties in the direct path of the fire to be met by homeowners pleading with them to rescue their neighbours first and not be moved by the selflessness of Victorians.

Words barely do justice to the courage shown by our firefighters that day, none more so than David Balfour, a firefighter from the ACT who lost his life to save others. Stories of their heroism will live long after the scars of that day have passed. I hope that all of the firefighters, the doctors, the nurses, the ambos, Victoria Police, the volunteers and the relief and welfare workers involved in that day and in the recovery understand the place that they hold in our hearts. One hundred and seventy three lives were lost. Around 2000 homes were destroyed and towns were razed to the ground in Australia's worst-ever natural disaster.

In the face of the worst that nature could summon, humanity responded with the best of which it is capable. It also says much about the generosity of Victorians who in the weeks following donated millions of dollars to support survivors and those communities so devastated by the fires. The outpouring of support from other Australians and, as the Premier noted, from around the world demonstrated to us that in our time of need and our time of mourning we were not alone.

The writers and photojournalists charged with the responsibility of recording this indescribable tragedy with honesty and accuracy did so under the most distressing of conditions. Some of them have never fully recovered, and they deserve our acknowledgement and our thanks. But as attention turned to recovery and rebuilding these events also brought out the best of us in this place. All sides of the chamber were working together to do our best to ensure that nothing of this scale happened again.

Clearly, despite everyone's best intentions and efforts, there were lessons to be learned. Establishing a royal commission into the disaster was a vital first step in learning these lessons, and I acknowledge the leadership of the then Premier, John Brumby, in this decision. The 2009 Victorian Bushfires Royal Commission made 67 critically important recommendations. The Liberal-Nationals government under Premier Ted Baillieu committed to accepting each and every recommendation of the royal commission.

It is now a matter of record that while Black Saturday was in many ways a perfect storm of circumstances which together conspired to create our country's deadliest natural disaster, many of the lives lost that day can be traced back to fires started by failed powerlines. As Minister for Energy in that former Liberal-Nationals government I was given responsibility for implementing the royal commission's recommendations relating to improving the safety of powerlines in fire-prone regions. In adopting all the recommendations of the Powerline Bushfire Safety Taskforce a $750 million, 10-year program was established involving Victorian government agencies and electricity distribution businesses. This works program was estimated to reduce the risk of fire starts by up to 64 per cent with a mix of undergrounding and use of new technology to limit the capacity for fire starts.

It was a 10-year program and it was designed to be flexible so that the newest technology and developments could be taken into account and adopted in order to improve the safety of Victorians living in bushfire-prone areas. I acknowledge the Premier and his government for continuing the important work we commenced. As we are now eight years into the 10-year program I offer up the suggestion that it might be an appropriate time for the progress of this work to be assessed and reported on to the Victorian community.

I also wish to recognise the important work of the Victorian Bushfire Reconstruction and Recovery Authority in assisting to rebuild many of the areas affected by the 2009 bushfires. There is of course still much more work to be done, particularly in the need to continue to support survivors and those still grieving the loss of loved ones. Their pain is forever, but we can help with the healing. It says much about the Victorian spirit that over the last 10 years these communities have done so much to rebuild against the odds. This week is about remembering those we lost in the 2009 Victorian bushfires, honouring those who survived, acknowledging their continuing hurt and celebrating their resilience as they rebuild their lives and rebuild their communities.

On behalf of the Liberal-Nationals coalition, I am honoured to support the motion.

Mr MERLINO (Monbulk—Minister for Education) (11:59): That summer of 2009 and the destruction wrought by those unprecedented fires and the painful recovery are seared into our collective memory. We can all remember that period as if it were yesterday—vivid recall. The day felt ominous from the moment you opened your front door. The heat and the wind took your breath away. I remember taking my little girl to Croydon pool earlier that day for a bit of relief, opening the car door and looking back at the profile of the Dandenong Ranges. I remember the escalating news reports as the incredible scale and enormity of the disaster became clear.

In the hours and days that followed I remember the horrific briefings at cabinet by Victoria Police, some details true, and some, mercifully, later emerging to be false. I remember visiting Strathewen and being shocked beyond words at the vicious devastation—a fury that ripped trees out of the ground and melted cars as if they were made of wax. I remember the CFA captain exhausted and despairing and me struggling to find the right words to comfort. I remember talking to a local who showed me around, at one point in our journey telling me he had lost his wife and child just days before.

This 10-year anniversary of the 2009 bushfires brings back those personal memories and many more, and they fill me with sadness, but they pale into insignificance for those who lost everything. How hard must this time be for those who lost loved ones, cherished family and friends, homes, farms and livestock, and beloved pets? How hard must this time be for our police and emergency services who were on the front line that day? As we heard at the beautiful commemoration service at the Royal Exhibition Building on Monday night, those emotions do not feel 10 years old; they are still raw and just below the surface. A number of things struck me at the service: the names of those lost scrolling on the big screen—173—and the multiple surnames. That is when it hit me again. How many partners and families; your throat catches. 'I remember that person'. I remember reading their stories in the newspapers and just staring at their faces. I remember how she would not leave her horses.

Steve Warrington, chief officer at the CFA, spoke very well indeed on behalf of all of our emergency services—brave men and women, volunteer and career, from multiple agencies. He talked about something that I always think about when I have discussions about Black Saturday: the amazing efforts of our emergency services that saved countless lives. The saves of the day: he mentioned Horsham. He mentioned the Dandenong Ranges, my community, and the aircraft that stopped that fire minutes before it would have raced up the mountain.

Jane Hayward, principal of Strathewen Primary School, spoke. We saw a video of Dixons Creek Primary School's firestick project, reminding us all of the critical importance of our schools, which are the heartbeat of our communities and one of the keys to recovery. As Minister for Education and as we look back at what has occurred over the last 10 years, I want to take this opportunity to pay tribute to our educators—principals and teachers, education staff, counsellors, regional staff and the Department of Education and Training more broadly. Lovingly and expertly they piece back together the lives of those little children and teenagers. Through the kids they help to heal families, and through families they help to heal communities.

No stone has been left unturned by affected school communities or by the department in the recovery from this unprecedented trauma, in improving bushfire resilience in our kids and in better bushfire preparedness. That work continues to this day. The department partnered with response agencies and Emergency Management Victoria to develop and implement a disaster resilience education program. The development of this program was led by those it was designed to help, the students themselves. The program gives young Victorians the tools to take positive action in disaster situations. It includes initiatives such as Survive and Thrive, which teaches children about fire behaviour and how to live in a high bushfire-risk area. Our Indigenous elders, as we saw in that video on Monday night, are teaching students at Dixons Creek bushfire management through the firestick project. It helps both children and the wider community establish a positive relationship with fire.

Over the last decade clear policies and procedures for our most at-risk-from-bushfire schools have been developed by the bushfire at-risk register. All schools are required to have an emergency management plan and to review and update their plan annually. A program has been in place in recent years to do a further update and upgrade shelters in place at our schools. The department's security and management division has been expanded and now has state-of-the-art monitoring systems. It has a team of central staff with expertise in response and recovery, who work closely with government and agency response and recovery groups.

I also want to highlight a couple of individuals—two educators amongst hundreds. We heard from Jane at Strathewen Primary School. Destroyed in 2009, the school was completely rebuilt both physically and in terms of school spirit. It is a lovely school to visit. Jane has led this effort and has been deservedly recognised for her efforts. Jane was presented with a National Excellence in Teaching award in 2010 and was recognised with a Member of the Order of Australia in 2012 for services to the Strathewen community and received a Public Service Medal for outstanding public service to education in Victoria through the development of bushfire education projects.

The school community suffered incredible loss in 2009. The loss of human life was high. The school, local farms, homes, community infrastructure—all that was familiar was gone. Many of the surrounding townships were also devastated. Jane has rebuilt her school and led her school community through some extremely challenging times. Out of necessity she has explored many ways to strengthen community whilst building resilience, promoting wellbeing and fostering opportunities for self-expression and personal growth with students. Working closely with local CFA volunteer Lisal O'Brien, Jane has been involved in the development and implementation of the Strathewen-Arthurs Creek Bushfire Awareness Partnership Project since 2016. Now in its third year, the program has been recognised with several awards and commendations. Jane and Lisal continue to work towards building resilience within the young people of Strathewen.

Another individual is Janette Cook. Janette Cook was the principal of Middle Kinglake Primary School, which also was destroyed in the fires on Black Saturday. Like many principals in the area, she lived and worked in the fire-affected areas. Our educators contend with their own trauma and that of their families, as well as in their school communities. Janette rebuilt her school and the school community's sense of safety, learning and connection. She worked to bring calm and understanding to her teachers, parents and students. On hot windy days everyone listened to the sirens and teachers came to school with their precious possessions in their car boots, just in case.

Janette has been instrumental in the Smouldering Stump project, working with fire-affected communities and school leaders to provide support and advice over the past decade. As an expert educator, Janette saw the impact on her students' development: prep students who had lost their toilet training and were afraid to be separated from their parents, and parents who could not be away from their children. They had nearly lost them once and needed to be with them. The school became a community touchstone. Janette has gone on to work with the University of Melbourne to research the academic losses she observed and measured in her kids: delays in language, numeracy and reading. This is important work, and we have extended the University of Melbourne study, tracking the impact of the bushfires on learning for children and young people. Last month the findings of the first stage of this research were released in the respected academic journal *Child Development*. The research shows that fires continue to have a negative impact on learning in highly affected schools. These findings highlight how vital it is that we continue to identify opportunities to help children achieve their full potential.

A decade on from that terrible day we continue to work with schools and communities so devastated by the 2009 bushfires. Our schools have shown time and again that they are vital rallying points for all communities. They are providing communities with the opportunity to express the enormity of their losses in safe and loving environments. Our schools are the centres of our community. They are places where knowledge begins and can be passed throughout the household and beyond. Recognising this and the need to ensure children and young people play a role in emergency management has been key to building the resilience of students and staff and their communities. On this 10th anniversary I give thanks to our educators in the bushfire-impacted communities. My thoughts and prayers remain with those who have lost so much.

Mr WALSH (Murray Plains) (12:09): I rise to support the condolence motion moved by the Premier for the 2009 bushfires. As has already been said, the 2009 bushfires are more than Black Saturday. There were fires before Black Saturday and obviously there were fires for a long time after Black Saturday, even though tragically Black Saturday was when most of those lives were lost. It was an absolutely tragic loss of life and property on that day and in the days preceding and afterwards. Our hearts go out to all those who were affected through those fires.

Standing in this place it is almost impossible to comprehend the tragedy that happened to people on those days, and we need to make sure we do that justice by making sure that the recommendations that came out of the 2009 Victorian Bushfires Royal Commission are actually implemented to make sure the risk of this happening again in the future is reduced, because unless you have actually lived through that I think you just cannot comprehend how tragic it is for those people no matter what we say.

As has already been said, tragically 173 people lost their lives on that day. They are people who had families, who had friends and who were part of a community that will never, ever be the same. We have heard from those survivors that have spoken since that the healing will take a lifetime. It will almost take generations for recovery in some areas. Four hundred and thirty thousand hectares were burnt, 78 communities were affected and over 2000 homes were lost. I think the issue with homes is that if you are insured, if you can afford to, you can rebuild but you cannot recapture all the memorabilia. The photos and the things that you have kept about your whole life in those homes are gone and can never, ever be replaced. A house can be rebuilt, but a home cannot be recreated just overnight, and those people lost everything through those particular times.

Over 3500 buildings in total were lost. Thousands of emergency services workers, both paid and volunteer, worked through those fires, and equally thousands and thousands of people were involved in the clean-up and the rebuild afterwards. I think we owe a thank you to all those people that got involved because not only were those immediately affected by the fires impacted but the people that went in afterwards would have life-scarring memories of those particular days and of what they did and that will live with them forever. As I think the other speakers have already said, those sorts of tragedies bring out the best in people. I think we saw that with the generosity of those who went and helped and the generosity of those who donated financially—donated goods and did all the things that we have come to expect our Australian communities to do in these sorts of tragedies. We thank all those who do that.

I think particularly Black Saturday is one of those days that will be cast in our history. We will all remember where we were and what we did on that day, similar to Ash Wednesday, similar to the Lara fires that were commemorated recently and no doubt similar to the 1939 fires. These sorts of events have impacts on us forever. We actually remember where we were and what we did. Like the Deputy Premier, I can remember walking out that morning and the hot air catching in my throat. Having been a member of the CFA for a long time, I thought that day, 'If a fire gets away, this is going to be really, really dangerous'. Tragically what we all feared actually happened through that particular time.

I was fortunate enough to be on the parliamentary committee in this place that actually did the inquiry into the 2002, 2003 and 2006 bushfires in the High Country, and during that inquiry I visited quite a few of the communities that were affected by Black Saturday. I remember on that day thinking, having been there, having seen the lack of access I suppose in the event of a fire and having seen the vegetation in those areas, you could comprehend actually what was going to happen. I think that is tragic, and again that is one of the learnings. We need to make sure that into the future we do not let ideology get in the way of good vegetation clearance, particularly around roadways. People do need to have access in and out of their properties so they can actually get away. But it is a constant reminder that fire is part of the Australian landscape, and we need to manage that as best we can.

Again as has already been said, the royal commission was set up by Premier Brumby at that particular time, with Justice Bernard Teague chairing and Jack Rush counsel assisting. They went through a very exhaustive process and brought back 67 recommendations out of that, and they are gradually being implemented. I think we as a Parliament, as legislators—as whoever is actually in government at any particular time—have a responsibility to continue the implementation of those recommendations over time. If you actually go back and read the 1939 Stretton royal commission report about those particular fires, the recommendations in some ways are very similar. The difference is that Stretton actually had to hand write his report so it is only about 6 pages long compared to one that was actually generated on a computer and is obviously a lot longer than that. I think the nub of the issues in their recommendations is very similar, and we have a responsibility to continue to do everything we can to make sure those recommendations are implemented.

I, like others, attended the service on Monday at the Royal Exhibition Building, and I was very pleased that Wurundjeri elder Dave Wandin presented there as part of the Firestick project. I have actually been on country with Uncle Dave a number of times in going through the Firestick project with him. I think the presentation on Monday night talking about the work that has been done with the Dixons Creek Primary School students is brilliant, but I think if we stopped at that being the project, we would actually be doing Uncle Dave and those that have been involved a disservice.

The Firestick project, from my knowledge of it and my learning with it, is a new way of looking at how we manage fire in the landscape, how we actually manage the landscape and how we go back and actually take some learnings from the traditional owners as to how they managed fire in the landscape for thousands of years before white man came here. I think there is a powerful message out of that particular project, both for the students to understand fire and the healing for that particular community at Dixons Creek but also, more importantly for us as legislators and governments, how we

actually manage fire into the future I think is something that we need to talk a lot more about, because tragically I think there is some slippage around some of the recommendations from the royal commission. Over time people's memories do fade. Not those who have been personally affected—I think those memories are with them forever—but as life moves on there is a risk that the royal commission recommendations will not be properly implemented in the full intent of Justice Teague, and I think the Firestick program is a very good reminder of how we actually need to learn to manage fire in the landscape a lot better and reduce risks into the future.

On behalf of myself and the National Party, can I just express my most heartfelt thanks and remembrance to those that lost lives or lost people in their families, to all those volunteers that were involved through these fires and to all those people that have been involved over the last decade, working with those communities and working with those people to help rebuild but more importantly to actually help heal the wounds that will take a long time to heal.

Ms NEVILLE (Bellarine—Minister for Water, Minister for Police and Emergency Services) (12:17): Today we stand with the families and communities from across Victoria whose lives were forever marked 10 years ago by the devastating fires of Black Saturday. We remember and honour the precious memories of the 173 lives tragically cut short on 7 February 2009—two from my electorate of Bellarine—in addition to several more who sadly died in the days following the fires.

We promise to carry forward the memories and the stories of those who were lost, of those who fought against all odds in extraordinary circumstances and of those whose acts of bravery and courage we can never fully repay. We acknowledge the painful loss, which many still feel 10 years later, and we pledge to continue to do whatever we can to learn and rebuild from this painful experience, much of which is still raw for many Victorians.

The 2009 Victorian bushfires represent the most significant loss of life from bushfire in Australian history. Standing here in 2019, 10 years later, it is still difficult to comprehend this loss and the decimation of livelihoods, homes and infrastructure as well as animals and the natural values we hold dear as a society.

To the communities of Kinglake, Flowerdale, Strathewen and Marysville, Beechworth and Bendigo, and from Churchill and Traralgon to the Dandenong Ranges and many other parts of Victoria, to the parents, the children, the siblings, the friends and neighbours, to those who experienced loss on this day, to those children who witnessed and experienced things no child should ever experience, we say: while we can never stand in your shoes, we promise that we will continue to stand with you on this day and beyond.

As I have been reflecting on these 10 years, I am reminded vividly of just how unforgiving nature can be, just how destructive bushfires are, just how generous our volunteers and emergency service personnel are and just how resilient and determined Victorians are. During those two years following the fires and at many other times over the last 10 years, I met many people who experienced the full force of the devastating fires. As Minister for Community Services, I spent many days and months at relief centres and community hubs, visiting communities impacted and meeting with case managers. There were times when it felt overwhelming and the task of rebuilding and helping communities recover insurmountable.

In offering my condolences in this place 10 years ago I reflected on having the privilege of meeting Steve and Vivian Phelan, publicans of the Flowerdale Hotel over many years, whose generosity after those fires in providing meals to locals, the army and other emergency services personnel spoke volumes about the sense of character which Victorians exemplify in times of crisis and need.

In the days after the fires I vividly remember travelling through Strathewen with the member for Yan Yean and the former member for Seymour, witnessing the devastation and being confronted by the silence, the lack of life and the blackened dust. These memories and experiences will stay with me

forever. In fact I wondered at the time, while standing at that primary school that had been destroyed, whether children's laughter would again be heard at the new school. As we heard at the commemoration on Monday, that laughter has returned. For me I will always feel that it was such a privilege to be allowed to share and walk with some of the people in these communities as they attempted to rebuild their lives and communities.

As Minister for Police and Emergency Services, I want to pay my deepest respect and honour towards the efforts and sacrifices made by our emergency services personnel—paid and volunteer—many of whom fought hard, bravely and selflessly on that shocking day and who continue to fight hard for our safety. I met many of them following the fires. I still remember discussing with Flowerdale CFA members some of the guilt they felt at not being in their town, instead fighting fires and saving lives in other parts of Victoria on that day. To the firefighters battling out on the front lines and putting their lives on the line, to the many persons involved in volunteering at relief centres and working with communities, you are absolutely exceptional and you have our endless thanks.

Victoria's emergency management sector is made up of many agencies who do an amazing and often thankless task of keeping us safe. Ten years ago they faced the most extreme of circumstances. After more than a decade of drought and following an extreme heatwave in January 2009 that in itself caused 374 deaths, the conditions facing firefighters on that day were horrific. From the fire agencies—the CFA, the MFB, the Department of Environment, Land, Water and Planning and Parks Victoria, the SES—Victoria Police, the Department of Health and Human Services and many other government agencies, through to the Red Cross, the Salvation Army, St John Ambulance, the Brotherhood of St Laurence, St Vincent de Paul and countless other organisations, I wish to again express my ongoing gratitude for your dedication to our safety and our wellbeing. I also acknowledge the efforts of all sides of Parliament in putting their best efforts forward to drive reform and ensure the system continuously improves.

As many in this place and beyond will attest, while the horror of Black Saturday was difficult to bear, it also demonstrated a tremendous spirit of defiance and recovery, the memory of which still continues to make us proud. We often talk about resilience in emergency management, and on this day on Black Saturday we witnessed the very best of the resilience of Victorians.

As Minister for Police and Emergency Services, I can assure the Victorian community that the very best efforts are being taken to enhance community safety and futureproof Victoria as much as is possible from extreme and severe weather events. As the threat of fire in Victoria continues to challenge our communities, I can assure the house that we are doing everything we can to support our brave firefighters and emergency management personnel. Your safety and wellbeing is at the forefront of our minds at this difficult time of year and on this difficult anniversary.

Significant gains have been made by the emergency management sector to learn the lessons of that tragic bushfire of 2009. I have seen firsthand some of those gains with the fires in 2015–16 at Wye River and Separation Creek, where there were significant property losses but no loss of life. Again, during the St Patrick's Day fires in the south-west of the state I saw how the community was integral to the resilience and recovery in these areas.

Today I again offer my profound and sincere condolences to those Victorians who lost so much in this terrible tragedy. As we reflect this week, we know that with all that was lost what survived was the spirit of the community, and it is that spirit, combined with courage, that has inspired us all. We will continue to stand with you as the journey of recovery continues.

Ms McLEISH (Eildon) (12:25): We all remember the day; we all remember it vividly. We remember the weeks before and that long, hot summer—43 degrees, several days in a row, off the back of the millennium drought. The vegetation was tinder dry; it was extremely dry and flammable. People were on high alert. Those growing up in the bush know; they know what it is like. They know a hot north wind instantly. They know the fear of a dry lightning strike and what that can mean in those conditions.

There were people who had lived through awful fires previously—in 1969, some 40 years earlier, and in 1939, some 70 years earlier—but they were not prepared; they were taken by surprise by that firestorm that eventually devastated so much of the Victorian community. Today we remember them, as the community tomorrow moves to commemorate the 10-year anniversary.

At 11.45 a.m. the powerlines fell to the ground in a paddock at Kilmore East. The resulting fire moved with great force through the landscape, leaping over the Hume Highway towards Wandong, laying waste to homes and farms. As the fire entered the forest it more than doubled in speed, making its approach towards Mount Disappointment. By now the fire had created its own weather system, with cyclonic winds uplifting trees from their roots and slingshotting embers up to 40 kilometres ahead of the fire towards Steels Creek and Yarra Glen. Spot fires at Kinglake West, Strathewen and St Andrews were sucked back into the main fire front as it consumed these small communities. The fire was now feeding itself. In Kinglake West 10 people died along Sugarloaf Ridge and six people died on the ridge line next to it. In St Andrews north 12 people could not escape the flames and in Strathewen 22 people were lost. From there the fire thundered up the mountain spurs towards Kinglake. On the back of a wind change the fire then opened into a 55-kilometre front along its eastern flank. At 5 minutes to 5 the power was cut and Kinglake was plunged into darkness. The fire constricted the town from three flanks. Thirty-one people died in Kinglake, 22 along Bald Spur Road.

Fifty kilometres to the east the Murrindindi fire, which had been burning through the Black Range State Park made a turn towards Marysville. High above the town from the mountain tops burning embers were launched and rained down like arrows. Of the more than 400 buildings in the town, just 14 stood the next day. Thirty-four people lost their lives. Communities who at first thought they were miles from the raging bushfire were devoured whole as the fires raged late into the evening towards Strath Creek, Flowerdale and Glenburn, where more lives would be cruelly taken. One hundred and fifty-three lives were lost in the Eildon electorate on Black Saturday. The Kilmore-Murrindindi fire burned 330 000 hectares of land and destroyed over 1800 homes. In Marysville every CFA volunteer lost their home, while some tragically were unable to say goodbye to family members.

The lasting impact of the fires has not just been on the communities that were destroyed. Neighbouring towns across the Murrindindi shire, the Yarra Valley and Nillumbik were impacted by having lost many friends, colleagues and customers. Upper Goulburn FM (UGFM) began broadcasting the fire's potential impact to Buxton, Narbethong and Taggerty at 4.31 p.m., 16 minutes before the initial warnings were broadcast over 774 ABC radio. UGFM received the coveted Tony Staley award for broadcasting excellence at the Community Broadcasting Association of Australia national conference in Brisbane in November 2009, receiving a standing ovation for its work in helping save many lives through emergency broadcasting during the fires. In 2010 the station signed a memorandum of understanding with the Victorian government, becoming Australia's first community radio emergency broadcaster. This is quite an achievement.

At Strathewen a beautiful memorial tree has been created to honour lost loved ones and all those who helped the community in its time of need. With leaves handcrafted by blacksmiths and community members, each leaf has been forged not just from fire but from an important process of healing. Inscribed onto one of the leaves is a very simple phrase that epitomises how we remember Black Saturday. Dedicated to those we lost, it reads simply:

> You live in our hearts and minds.

For my community that is always how they will be remembered.

If we think of the impacts of the fire for the 173 lives that were lost, each has a story. The world responded to the stories. In Victoria and Australia and as far away as France and the United States people felt the impact of this trauma for all Australians. For each life that was lost there was a family, there was an extended family, there were school friends, there were those who worked at the schools—the principals, the teachers—there were workmates and colleagues. But it goes beyond that as well.

There were the first responders, their families and the people who were first on the scene—it may have been the neighbour who went to check, and certainly in Steels Creek this was the case. It might have been family members, the CFA, the police or the community emergency response team. All of these people saw it firsthand. They are also impacted and their lives have been shaped tremendously by this devastating event.

Regarding the children, the school principals reported an increased number of bedwetters. There was heightened anxiety. On a school bus that was travelling towards Yea and going through fog the children all panicked thinking it was smoke and the bus driver had to calm them and say, 'No, this is okay, it's fog'. There were learning gaps. As we heard as recently as last month, studies have validated what those on the ground—the teaching staff, the principals and the families—have known about these two-year gaps in learning. Teachers reported that students had no recollection of something that they had been taught one week when they had gone over and over it—a month later, two months later, two years later they had zero recollection. These are all important things that we need to remember as we go forward and shape responses and policies.

The unborn children and the babes in arms, everyone thought they would not be impacted or they would not remember. Those children had issues when they went to school as well. Their parents had not been able to do what we would think of as regular parenting. There were attachment issues. The parents, being in that heightened state of anxiety for so long, had other things on their minds and their children went to school not prepared.

The adults——there are so many issues that happened with adults. There are so many wonderful community organisations that came in and that started on the ground—Firefoxes comes to mind—to provide support. People rallied, community leaders stood up. Community leaders who put their hearts and souls into recovery efforts for years then found themselves no longer able to do it and then collapsed. They had spent so much time helping and lifting their communities that their turn came. Others relived their stories through the bushfire class action, which was a traumatic experience for so many. Others started to feel the full brunt of it all. As 10 years approaches tomorrow people are still feeling the brunt. People rolled up their sleeves and got on with it but now it is all too much—they cannot go back to work or their family unit has been destroyed. Their functionality as they knew it has gone. So much of the feedback from my community indicates that they want me to tell it how it is today. Let us not kid ourselves that it is all good, because it is not. Communities have done an extraordinary job to rebuild, to get hold of their lives and to try and prosper again, but that ache and that pain is there. They relive things very easily—depression and anxiety—there is raw emotion, intense sadness, and an event like Monday night took so many people back so quickly. The Kinglake Heritage Centre that has just opened, which both myself and the member for Yan Yean attended on the weekend—people there said that immediately they were back in that day when they saw the images. So this will continue to haunt people for a long time. It is not going to be over just because it is now 10 years since it happened.

There is anger out there. Communities on the one hand benefited from a lot of new facilities, but on the other hand they still remain angry that facilities were built that they did not want or did not need and that have now become white elephants. They are angry because they thought that money was not always spent wisely, although it was done with the best of intentions, and no-one would ever doubt that. The business owners who did not get support in the early days have still struggled. As they wanted to rebuild, people were delayed constantly with planning permits not being given, with having to put in 20 or 40 car parking spaces before they were allowed to rebuild their shop; people still remember that. Others whose buildings did not perish provided a comfort for the community, and it has been mentioned—the Flowerdale Hotel was one of them, Flying Tarts Bakery in Kinglake—and those business owners gave so much and got so little in return, because they were out of pocket so much. They were trying to help their communities, and they felt no-one was helping them, and they still feel very raw about that.

Many of the MPs in this place, regardless of their party, as well as many retired MPs, went above and beyond. Everybody banded together to really do what they could, and I want to mention particularly my predecessor in the seat of Seymour, Ben Hardman, and his wife, Gail. I spoke to them on Monday night, and we all fought back tears about how difficult it was for him. He was personally impacted; one of his staff members lost a brother-in-law, and they had been out on the trucks as well—an extraordinary effort. I have always respected Ben so much for how he dealt with that.

Just before I wind up, I want to mention the landscape. The landscape has not quite recovered. If you go into those areas that were burnt, you can see the skeletons of the trees high up on the ridges on the ridge lines and the spurs. If you head to Lake Mountain, snow gums regenerate differently from the base, and it can look like a haunting moonscape to see how that is, and you can see that the scars and the charred tree trunks are certainly there. Through this, though, some species were regenerated. They did not think they would see the Buxton silver gum again, and in Kinglake the same happened. I fear, though, as many others do, for the dense undergrowth that exists in the Kinglake Ranges now—the highly flammable forests—fears for devastation. People on the ground can see that undergrowth. We had fire stick farming—for 50 000 years the Aboriginal people practised land management, and this has fallen by the wayside. We had an opportunity after the fires to look at how we could better manage the land, and we have this very thick undergrowth that is concerning for all.

My thoughts are with everybody who was impacted devastatingly by the fires at those times—those people who are happy to participate in commemoratives services and those who cannot bring themselves to, and there are a lot of people who are not going to be attending events.

I just want to finish with some impressions from the *Argus*, February 1851: the day was preceded by a period of prolonged drought and days of extreme heat, the temperature at 110 degrees in the shade, 120 degrees in the sun. And the *Age* reported, with Kinglake in the path of the fire:

> It appeared that the whole State was alight on Friday 13 January 1939.

Our emergency response has improved enormously since that time, and we need to make sure that these events are forefront as we continue to look at not just our emergency response but how people on the ground are dealt with. I know we have come a long way, but this week we are all with those that have suffered and still suffer.

Ms GREEN (Yan Yean) (12:40): I want to thank this Parliament for the respect it is showing by debating this motion today and also for the mark of respect in not sitting here tomorrow. As someone who was a first responder on that day and who represented—and still does—an area that was impacted, that day is always a difficult one for me, especially when I am here, despite the friends that are here. I always feel better when I am at home with my own community and with my friends; we can support each other, and that is what I will be able to do tomorrow. I know that my community really values that the Parliament is showing this respect.

The 10th anniversary of the 2009 bushfires is a difficult and significant milestone, but it is also a chance to recognise our resilience and to take the time to do a community welfare check. Having done the check, we can then take stock and look clearly and honestly as to what is still needed for survivors and communities. Those we lost in the fires can never be replaced, but they are always in our hearts and memories. For those of us who survived the fires, our journey of recovery is still a work in progress, just like it is for the natural environment. None of us experiences this journey in the same way. From the now relative safety of life in the northern suburbs, the Sherwin Ranges remain in clear view. Some parts of the tree cover look untouched and lush. Some trees point straight up like dark needles, still spindly and blackened. Others are a bit of both—spindly on one side, leafy on the other. On closer examination the forest understorey is full and alive. Birdlife is again abundant and drivers again do their best to dodge all manner of marsupials on our roads. The human journey of recovery is as inexplicably diverse as the forest's. It brings joy and sadness in equal measure. The accomplished, qualified working pilot in her early 20s has grown from the young orphan teen who has overcome the

loss of her parents, her sister, her home and later her grandparents. I find joy and inspiration in her achievement. The fires made many widows. I am in awe of their stoicism, their support of each other, their referential, open conversation and their truth-telling of love lost.

As a firefighter blacking out and then searching through the rubble on 8 February, I will never forget the utter silence of the bush—a wasteland bereft of sound. The birds were gone and it was as if we humans too had lost our voices. My journey of recovery could only begin six months after, upon hearing one of those amazingly strong widows, my dear and beautiful friend Mary Avola, singing solo. Her beautiful voice told me that the birds would and could come back and that we humans could again find our voices and feel joy after sorrow.

The creative heart and soul of our affected communities has contributed immeasurably to recovery. Songs, storytelling, creative writing, painting, drawing, etching, mosaics and the magnificent Blacksmiths Tree at Strathewen have all played their part and continue to do so. One local artist lost her home, her friends, her artwork and even her tools of trade. Her journey of recovery began with the gift of pastels and canvas. I was grateful she sold me one of her first works, *Burnt Bridge*. It is of the bridge near the artist's home in Humevale and still hangs defiantly in my office along with a watercolour of Bald Spur Road, a lino print of the old Strathewen fire station and much more.

For me the special unfinished business is ensuring that teachers and schools get the individual support they need. I have had many conversations with the Minister for Education and the Premier about this, and I am really heartened by what the Deputy Premier has said to the Parliament today about acting on the research that has rightly been done for our kids. There are more kids from fire-affected families in schools now than there were in 2009. Parents still need support in managing their fears and grief but at the same time raising resilient, carefree kids. The educators at Strathewen and Dixons Creek primary schools demonstrated at the state memorial service why their efforts in educating children about not only the dangers of fire but also the connection to the bush have been recognised with awards.

Jane Hayward has rightly been awarded in many ways and she is still at Strathewen, but what you do not know about Jane is that she still lives in Kinglake. She did not lose her home but her family was deeply impacted. Her teacher brother lost his home and his best mate at Humevale. Her sister is a volunteer firefighter and resident at St Andrews, and I saw her on the night. She is a nurse professionally and she was nursing the injured while they waited for help.

However, many teachers still struggle to extract systemic support for still-traumatised kids and families, and I just hope those throughout the system will listen to what the minister has said today. It is not good enough for a welfare teacher at a primary school to have to ask over and over again for support for their kids, so this is one of the good ways that we can commemorate this 10th anniversary and make it easier for those teachers.

I also want to find a better way to support and heal first responders. Like the military, they soldier on as strong men on the outside, but inside them is unresolved grief and sights that cannot be unseen. The Leader of the Opposition quoted a Henry Lawson poem which says that fire is worse than any wrath that humans can throw at each other on the battlefield. Certainly whether it was Major-General John Cantwell, Angus Houston or any of the other military who served in Kinglake supporting those communities, they said it was worse than anything they had experienced in Iraq and Afghanistan. I think it is incumbent on any of us and management all the way through our first responders to really understand that and that the support is very necessary.

From the lessons that have been learned through command and control organisations like our military, they know they need to do more to support people with PTSD, and many of our first responders, particularly volunteers, have a long way to go. Many do not tell their stories as they do not feel that their stories are theirs to tell. They do not want to add to the load of the bereaved by fully detailing the horror of what happened to their loved ones. First responders also do not want to burden their own loved ones with what has happened.

I saw Cliff Overton on the ABC on Sunday in a fantastic program. If you have not seen it, please watch it. I knew absolutely every person, except one, on that and knew their detailed stories. Cliff and I were on the same strike team that searched house to house in vain on Bald Spur Road, where 22 people lost their lives, including so many children, party members who I knew well and a friend I had known since I was 12. I still have not been back to Bald Spur Road. I will go there one day, but I have not.

I am sure that most people probably think that the scariest thing for an MP is the thought of losing an election. My greatest fear last November was not that at all. It was being at Whittlesea for two whole weeks during early voting, no doubt meeting so many survivors and fellow first responders. Being there so close to the former fire zone I feared that I might cry or break down in front of survivors and let them down. How wrong I was. Seeing dozens of survivors sharing hugs and hearing stories of new grandchildren, of homes made and built, was uplifting and joyous. The strength and resilience of seeing so many survivors over that fortnight has inspired me and given me new resolve to continue to ameliorate their suffering.

I was particularly proud of seeing Jason Lynn, whose life was saved by some great and wonderful CFA volunteer friends of mine, and his then boss, Ziad Ghobril, who is a member of the Labor Party who kept him on the phone and kept him alive in that dam in Kinglake West. I was so delighted to see him and Ruth together and happy with the kids in that ABC program on Sunday night. He said, 'Some of the best days of me life have happened since then'—and he said it with that accent—and I just thought, 'That's so beautiful'.

Although not specifically around this anniversary, mental health professionals in secondary schools across the state will be so welcome to all of our young people, but particularly at schools in the fire zone: at Whittlesea Secondary College and Diamond Valley College and in Wallan, Broadford and Yea. I think we should also think about how important these people could be in primary schools in fire-affected areas. I would like to see that be considered.

The member for Eildon referred to this fabulous exhibition and book *Living with Fire: A Brief History of Fires in the Kinglake Range*s by Kath Steward and Deirdre Hawkins and the Kinglake Historical Society. It is a fabulous book. Please read it. Please go and see the exhibition. It is amazing that people who were so impacted by the fires can put together something so wonderful. It was confronting, it was difficult for me to read, but I have got to say I gave out the biggest belly laugh ever when I saw a photo of me in the exhibition and in this book. It really is probably one of the more appalling photos I have seen of myself, maybe brushing a fly away or something, but it was a lighter moment on Saturday and I think the black humour has helped us all in the blackened zone.

What of our other first responders from that day? Joe Shepherd passed away more than a week after the fires. My message to everyone throughout the CFA is: Joe did die on the job. I am sick of having to say it to people in the fire services when they say, 'Oh, but he was defending his house'. He actually was not defending his house; he was defending the Strathewen community. From the absolute get-go that brigade had to stand up for Joe and make sure for his widow that he was treated as someone who died on the job.

What was the impact on a first responder like David McGahy? David was a great friend of mine and was the captain of the Arthurs Creek and Strathewen brigade. I gained a lot of wisdom from that wonderful, wonderful man. He was not a drinker, he was not a smoker; he was very healthy. But he died of a heart attack at the wheel of his car five years after the fires. I am sure that he is another victim of Black Saturday. One in five of the community that he lived in and loved for so many decades lost their lives. He said to me, 'Danielle, I went to their christenings. I held their babies. I was at their weddings. I played tennis against them'. David took on the task of ensuring that every single one of their loved ones was delivered the message of their sad deaths by himself. He said, 'Danielle, I can't let a stranger tell anyone that most terrible of news'. So in David's memory we need to be kinder to our first responders.

We have got other first responders who I was on the fireground with. Richard Gardiner is now a paramedic, and he was a very young man then. Tom Upton is now a career firefighter and champions fire safety as a United Firefighters Union delegate. Andrew Hoogenraad continues to teach and has shaped hundreds of lives since that day. Lenny Pritchard was a first-week VCE student at 17 years of age. At the end of that year she not only completed her education but was awarded the statewide Victorian certificate of education achiever of the year. She is now a maternal and child health nurse and supports so many families, mums and babies in the City of Whittlesea. Well done, Lenny; I pay tribute to you.

Peter Perkins was the captain of the Diamond Creek fire brigade. He has since been elected to Nillumbik council and twice mayor. He champions fire safety. He is also a career Metropolitan Fire Brigade firefighter. David and Jess Murphy have since married—they are still paramedics—and they have had three of the most beautiful little girls. Whenever I think of those babies that were lost on Bald Spur Road I think of Dave and Jess's little girls that seem to have burst from that bush. They have beautiful botanical names, Olive, Iris and Rose, and whenever I feel sad about what has happened and need cheering up, spending time with the Murphy gang is something to behold.

Thank you to the Premier, the government and the Minister for Mental Health, who have made the decision to hold a Royal Commission into Mental Health. I know it has not been about disaster recovery and response, but I think it will give some first responders the ability to express for the very first time their needs and how we can support them and communities better. The decision for a community hospital to support Whittlesea will be an absolutely amazing boon for that community generally in health. To have something there firsthand for that community throughout the northern suburbs will be a magnificent legacy.

Earlier today in the house I mentioned mobile phone black spots. This government did the right thing in pulling out of the national program because not enough action is being taken for mobile black spots in commerce. But for emergency services in Victoria it is still very much needed. I personally know that only two of those have been addressed since that terrible day. This morning I called on Scott Morrison and Bill Shorten to make a legacy commitment to eradicate every black spot in this fire-prone state in memory of everyone that we lost.

We lost only two firefighters as a result of that fire on that day, but if we do not fix our emergency services we could lose more in the future because our landscape will always be fire-prone. Victoria is like that.

In conclusion—and I thank you, Speaker, for not cutting me off when you ought to have—those we have lost will never be far from our minds and our hearts. Ten years on we can look back in awe at the resilience, strength and achievement of this community and this state and how it is rebuilt, but with a clear understanding that the journey of recovery continues.

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

Mr BATTIN (Gembrook) (14:02): I rise to support this motion moved by the Premier. It is vital that we honour the lives lost and recognise the hours, days, months and years of commitment by volunteer and career firefighters and those around the nation who supported the communities before, on and after the day we now recall as Black Saturday.

The 2009 bushfires were much more than a day in time; it was weeks and months. It was a decade of drought. It was the community warnings and the community meetings. It was the rebuilding. Sometimes we hear people talk of things rebuilt and yes, a hall, a classroom, a shop can be rebuilt, but the community, the students and the local shopkeepers will continue rebuilding for many decades to come.

The raw stats alone are enough to make anyone understand the gravity of the day, the destruction of thousands of homes, the ferocious way towns were destroyed, the lives lost and the land burnt. These are figures that will be forever remembered. After the stats are community things that cannot be

measured. With the unbelievable statistics, communities bound together to support each other. Seventy-eight communities across this state were directly affected. Every community across the country felt something on that day and for months after.

Nineteen thousand CFA members were involved in frontline firefighting, incident management and support behind the scenes. In addition there were thousands of emergency services workers who did everything to support Victoria, the communities impacted and those on the front line. I would like to offer my heartfelt thanks to each and every person who went above and beyond for the community. To all our paid emergency services, your work is appreciated. I know in the past I have stated something in this house that I will have to live with not just for my parliamentary life but for my entire life. However, I want to assure each and every person in our paid services that we thank you, we honour you and we respect you. To our volunteers, Victoria needs you. We respect each and every thing you do for our community and the way you do it not for thanks but because it is right. We thank you for your time away from home and the risks you take to protect the community you serve.

I was not an MP on the day of the fires. I know many in the community hate us talking about ourselves, but this is different. To each and every MP, particularly those with communities directly impacted, you deserve our thanks. Tammy Lobato was the MP for Gembrook at the time, and her compassion for her community was shown that day. To all the MPs in here who were active at that time and saw things that you never wanted to see or heard stories that will be with you forever, thank you.

On 7 February 2009 I was at home. We watched a video the other day with my daughters of us on the decking in our Berwick home. The smoke haze, the heat, the wind—it was frightening, but we were safe and our thoughts were with those who were under threat. Again, on that day, to show the scale of the events, two of the staff from my bakery were arriving in Australia for the first time from Vietnam to live here. It was their first-ever visit to Victoria, and Dung spoke to me of the fear they had as the plane came over, arriving in what looked like hell—a state alight.

Locally men and women from Casey and Cardinia went to the front line, and I would like to put a few of their bits on the record from a few of the stories from the local papers this week as our local papers have recalled what happened during that disastrous period of time in Victoria.

> A firefighter throwing a comforting arm around a farmer at Longwarry has emerged as an iconic frozen moment of the events of Black Saturday.
>
> Images of that day—7 February 2009—are etched into the minds of many people.
>
> For the many who endured the horrors—and the many that turned out to help—those moments will be stored away forever.
>
> This week—coming off a run of hot days and with a pall of smoke in the air from nearby fires—those memories eerily come to the surface for the 10th anniversary of Black Saturday.
>
> The firefighter on that Longwarry road was First Lieutenant Joe Aitken. The farmer had approached him, visibly shaken and with a handkerchief covering his mouth, asking for advice.
>
> Lieut Atkin reassured him that the CFA was there to help and had the situation under control. Hours later, the fire had claimed a dozen homes in the vicinity, but his wasn't one of them.

Another photo that came out from a local journalist in our area was a photograph of Captain Brad Waterhouse of the Maryknoll fire service. This photo was of Brad exhausted after fighting fires, going out and protecting his community. Many may remember the photo. He was sitting—it looked like by himself—with an oxygen tank and with his head in his hands. It became an image not just here in Victoria but, to the surprise of his parents at the time, that image went around the world. Brad was embarrassed at this photo at first, because it showed him by himself. It did not show the team that was around him as he sat on that ground with four or five other firefighters in the local vicinity. Later on his friends convinced him that this was a photo in time that he should be proud of. It is one that shows what all of our volunteers and all of our firefighters had to go through, and the pain and struggle they went through.

Unfortunately Brad did not make it to the 10th anniversary. He recently passed away from cancer. But I know that the support from his community to his family is still there today in everything they do.

Many other stories have come out from Black Saturday. This one is headed 'Cool head in fire disaster'. This story is about Trevor Owen, who was at the CFA's incident control centre at Dandenong. Mr Owen oversees the south-east region. The article reads:

> Mr Owen was one of the few fire and emergency commanders singled out for his cool-headed decisiveness by a Royal Commission into the 2009 disaster.
>
> He had made the tough call to divert fire trucks from a fast-moving grass fire among homes in Narre Warren South to avert a potential catastrophe in Harkaway.
>
> If unchecked, the galloping Harkaway blaze buffeted by a fierce south-westerly wind could envelope the Dandenongs in an Ash Wednesday-like horror scenario.
>
> It was the right call. A matter of life and death.
>
> But it was a difficult one. During that hellish afternoon, he got a call from his wife working in a supermarket in Narre Warren South—not far from his home.
>
> 'Have you got some fire trucks coming?' she asked.
>
> 'We don't have any left,' Mr Owen replied.

We want to thank Trevor and his team, because they are the words that you only ever want to hear in movies. When you have a disaster that is so big that you have to reply to your wife on the phone, who is asking for help, 'I'm sorry, we actually can't come and help', and that is to your own family, you cannot imagine exactly how it went through Trevor's mind.

Garry Howe was and still is an editor at the Star News group. He has been a volunteer firefighter and he is very active in his community. He wrote about Black Saturday, about recalling his staff. He spoke about the images that the media had to see, and these are the people who are sometimes forgotten—the things that they see, the stories they hear and the things they have to live with of what has happened during these fires. He said a few of the images have stuck in his mind:

> Gazette reporter Jade Lawton, who hailed from Healesville, raced back on the Sunday to check on her horses and snapped an image of a dazed and devastated neighbour, which wound up on the front of that week's paper—

as the local image of what was happening with the fires down there.

> The images depicting the other side of human nature stick with me most—like … photo of four firefighters who took time out to visit a florist and buy flowers for their partners for Valentine's Day.

Imagine thinking of that. You are going through an absolutely horrible time and you want to try and bring something good into your life, and these four firefighters pull in and buy flowers on the way home.

> But the most poignant was one snapped by the CFA's own Keith Pakenham. Someone had nailed a piece of corrugated iron to a tree and crudely pained on it the words 'Thanks CFA' ...

That photo, which was in the paper this week, has stuck with Garry ever since and is just a reminder that people need to thank the CFA.

We all know that volunteers gave their all. We know that all volunteers in our community, not just in the fire services but in other emergency services in local community groups, gave everything. They knew that the day was going to be unbelievable. Everybody knew what it was going to be like when they woke up that morning; the warnings were out there. All our emergency services workers have supported each other continuously, and we want to thank them for that.

Russell Bennett is a journalist in our local area. He has been involved with the local community. He wrote his story, which I found quite interesting. His family history within the fire services and volunteers up through Gembrook dates back a long time, with his father being awarded a 50-year service medal in 2014. He said:

> I was never cut out to be a firefighter. Anyone who knows me would agree—I could never be characterised as someone who's mechanically minded.
>
> So I can only imagine what my brigade mates would have thought of me when I joined the CFA as a teenager more than 15 years ago.
>
> ...
>
> When I first signed up, I felt so out of place—I didn't feel brave or even particularly self-assured around a group of firefighters who I was honestly in awe of.
>
> Even going through my training, I felt at least a step behind. In the practical tests, nothing came naturally to me.
>
> But the encouragement I received from the brigade's other members was endless.
>
> It wasn't long before I was turning out to incidents, and while my heart would always skip a beat when that pager went off—often in the dead of night—I knew that I was part of a team full of people who'd be there to pick me up if I fell.
>
> We were builders, plumbers, retail workers, farmers, graphic designers, school teachers, mechanics, tree loppers, small business owners, students—and, yes, even writers.

I think that is a message to so many in our community. You may not think that you are a volunteer firefighter, but if you want to go out there and have a go and protect your community, the men and women in the CFA will be more than willing to support you.

As I said before, we are rebuilding, and it is important that we do rebuild. I will read now from an article with the caption 'Kinglake still recovering from Victoria's worst ever bushfires 10 years on', because it has struck a chord with me:

> While some fear for a generation of traumatised young people with behavioural problems, Kinglake mother Lesley Bebbington is proud of the children's recovery. Ms Bebbington, who helped form the Ellimatta Youth Inc as an intervention group for youths 'whose friends died', says the area's young have done remarkably well.
>
> 'I am just proud that they (children) survived, that they got through it, I always believed they would be OK,' Ms Bebbington said.
>
> 'You see them now, we have got plumbers, vets, nurses, artists, horticulturalists, doing well.'

That is the sign of the rebuilding that we are talking about through our communities.

There are other programs that have been running throughout Victoria such as Wildhaven and Freedom Care, and there are many other groups that have been helping out in their local communities. Again, I want to thank them.

I want to send my thanks to every person who did anything for the 78 communities. We know these events can happen again. We know that we must be prepared, but most importantly, we know that our communities will always stand together and support each other because we are all proud Victorians.

Members: Hear, hear!

Mr EDBROOKE (Frankston) (14:14): I rise to support the motion put by the Premier. I will begin by acknowledging the families affected, firefighters, police, paramedics, the SES, the Red Cross, the Salvation Army, computer-aided dispatch and VicFires call-takers, the United Firefighters Union, the Police Association Victoria, hospital staff and many others who played significant roles in the Black Saturday fires and later in the royal commission.

I would also like to acknowledge my incredibly strong friend, the member for Yan Yean, and anyone else in this house who played a role or found themselves dealing with those fires, whether that be at the time or years later. I would like to put out there straightaway that the way Premier Brumby at the time managed this and led Victoria through those days was the first time I ever looked at a political leader and said, 'That's what real leadership is'.

On 7 February 2009 Victoria experienced the worst bushfires in our nation's history. Tragically, 173 people died and many more families were destroyed by the 400 fires across Victoria. We know that over 1 million acres were burnt, 7500 people displaced and 3500 structures destroyed. However, many more lives were saved. That loss, that personal toll and those scars will be felt for the rest of people's lives and they will reverberate through generations, as some families struggle to rebuild their lives. It was estimated that the amount of energy released during the firestorm in the Kinglake-Marysville area was equivalent to the amount of energy that would be released by 1500 Hiroshima-sized atomic bombs. When you see the pictures, you can believe that.

I generally do not make a habit of speaking in public about my experiences on Black Saturday, and I do not think I have before. I think there is much more to be gained from listening to the inspirational stories of people who survived and those that rebuilt their lives. But today I would like to break my own rule and just briefly share some of my more palatable experiences from a firefighter's perspective. My angle is that we need to talk about how we have responded as a state in the 10 years post-Black Saturday and what we can do now.

On Black Saturday I was working at Frankston fire station on Delta platoon. Please forgive me if I stumble or falter a little bit. We formed up as a strike team and became a task force at Hallam fire station and began asset protection at Labertouche that morning as the Bunyip State Park fire had broken containment lines at 5.00 a.m. The temperature that day was 46.4 degrees Celsius, the highest ever recorded in Melbourne, and the day had all the conditions that we had calculated to lead to an astronomically high-risk profile for the task we were set. The more experienced on the shift agreed on quite a few plans for when things went wrong, because on that day things were going to go wrong. We had always used the CSIRO fire danger index, which many people are familiar with. It is a rating system based on the 1939 fires. It goes from zero to 100, 100 being the worst fire you could ever experience. Retrospectively the fire danger index was applied to the conditions on Black Saturday and we saw ratings of 200, which is twice as intense as any fire conditions ever imagined, figures not even contemplated by scientists and fire behaviour never recorded before.

I am happy to say, though, that that did not stop the resilience that manifests as the dark humour that bubbles away amongst fire crews. I remember coming down the Princes Highway in the back seat of a fire truck with a very new firefighter next to me. He could see the mushroom cloud in front of us which had broken through the inversion layer and had started drawing air up and making its own weather system, and he said, 'Is that the fire?'. I forget who actually said it, whether it was me or someone else, but we said, 'No, no, relax. It's all good'. He looked at us and we said, 'Oh, that's just a rain cloud with a new front coming through. If you've got your raincoat, you're going to need it. It'll put the fire out before we even get there. You'll be right'.

We all had a bit of a chuckle but about an hour later, as day turned to absolute midnight and the wind made it sound like a train was travelling an inch from your face, that junior firefighter looked at me, his eyes like dinner plates. I remember he was pulling a hose and he was shaking uncontrollably but he was still able to overcome his fear and he yelled at me. I could not hear it but I could see his lips move. He said, 'Very funny, you bastard'.

I now know that this fire was spotting 20 kilometres to the south of us and completely overrunning us. I arrived home at 2.00 a.m. and it was then that I realised that we had been in a bubble most of that day. There was a very bad fire where we were but we had been in a bubble and we had been very lucky. I got home at 2 o'clock and I was back out again at 6 o'clock for the next couple of weeks. I was first relocated to Healesville, then Kinglake, where 38 people died, Kinglake West, where four people died, Strathewen, where 27 people died, Marysville, where 34 people died and I then found my way down to Narbethong.

In those early days, when we did not have the fully qualified rescue teams from the police, we were operating on figures that were not accurate. As far as we were concerned the fact that we did not know how many people were missing or how many casualties there were was enough motivation to just

keep on going, to the point where my communications log actually says that I was in the Dandenongs one day and to be honest, I just do not remember it.

Men, women and kids were found where they took their final refuge from fire, usually within the rubble of their homes, sometimes outside and sometimes in cars. Some residents climbed into their water tank to find refuge from the fire, without knowing that the water could boil. Climbing up the ladders to inspect the contents of elevated water tanks is, in a word, harrowing. In some cases the only way we could identify that people were actually in their final resting place was if the ashes formed a familiar human shape. Cars were that far gone that the only way we could tell if someone was in the car was if the metal from the buckle was still there and the tongue piece was locked into the seatbelt: then we would assume that someone had likely been cremated in that car.

I realised how strong some of the people I was working with were when we came across a volunteer firefighter who had been on our strike team. We were searching through cars and it was not until we got back that this firefighter collapsed in the female toilets. We realised that she had held it in but she had actually just identified one of her best friends in a car and had not told anyone.

I openly admit that I have never been more scared than I was on Black Saturday. I have never been so challenged, mentally or physically, just challenged on every level all at once, every sense being bombarded and assaulted. I was fighting to breathe superheated air at 100 kilometres an hour, struggling to see 1 foot in front of me, trying to dodge flying pieces of debris, trying to stick with a plan when we had run out of plans hours ago, attempting to hear which truck this time was actually calling a mayday and if we were in the location to help them and trying to make sure we saved people but at the same time were in a position to live another day.

For many people in the emergency services community this day is as raw as it comes and it is still just like yesterday. Many people are at peace with it and some people are not. It was life-changing for so many people in our community but also for our emergency services community. I have witnessed the suicides, the marriage breakdowns, the PTSD issues and the alcohol and drug issues. It was actually only the other day when I was writing this that I realised that no-one from the crew I went away with has escaped relationship issues, at the very least.

I am lucky though. My takeaway mentality generally has been that this event made me refocus on who I need to be and what I want to do with my life. I still feel honoured to have served my community in that way during the Black Saturday fires and the period after, and I must admit that after being pushed that far, nothing seems scary anymore. Nothing seems too much of a challenge and nothing seems like hard work. But many people do struggle and that is why it is a step in the right direction to be doing more than ever to tackle post-traumatic stress disorder by reforming the mental health services and supporting police and emergency services with a pilot scheme for provisional acceptance of WorkCover claims.

This event made many people realise what I think most people in this room already know, and that is that we do have the best firefighters in the business here in Victoria and Australia. They are renowned internationally. But to be honest, on that day we were thinking on the run because our systems just did not cater for this unprecedented event. So I would ask: what has changed in 10 years? And I would say a hell of a lot has changed in 10 years. By responding to the 2009 Victorian Bushfires Royal Commission recommendations, we have changed for the better and we are better prepared than ever to face the large fires that we will have to face again.

But I want to be abundantly clear that we are 10 years on and we still have more work to do. When firefighters are putting everything on the line and communities and lives are at stake, we just cannot accept that the status quo will do. It is our responsibility to remember this event today but it is so important that we do not sell short the memory of these people, or sell short the memory of the people living with these scars. As legislators we cannot ignore the facts. We must have an intelligent conversation and act to ensure that no matter what the incident is—a fire, a car accident, a hazmat

incident—our community has the most dynamic response and the life-saving capability to minimise the scale of tragedy in the face of increasing fire risk.

As the late Stephen Hawking stated, 'Intelligence is the ability to adapt to change'. For many of us, Black Saturday clarified the need to change very, very abruptly. Black Saturday made us realise that we could not continue to base our fire service decisions on data and practices from the last century. Black Saturday made us realise that we cannot continue to base our fire services on the climate of last century. Climate change is real, and with it comes faster, more intense, less predictable fires.

Now I think most objective people realise that we cannot continue to operate our fire services on legislation designed for last century's Victoria. The CFA was actually created in the wake of over 100 deaths between 1939 and 1944 and out of a need to reform a system that was operating in the previous century, the 1800s. We have come to the crossroads again. In 2019 we find ourselves again operating with systems serving the requirements of the last century. I can think of no better example of how antiquated the legislation is operationally than to highlight that it defines Greater Dandenong, with a population of 161 000 people, as a country area requiring a country fire service. Although our state experienced the worst fire incident in our nation's history, our fire services model still remains governed by the second oldest legislation in the nation, which was enacted in 1958. Our population was 2 million in 1958. It has now tripled and so have the challenges that face our fire services.

Not a day goes by when I do not think about how we could have saved more lives or made our response better and how we can make sure our emergency services workers, just like all other workers, get home safely to their family. Six of eight territories or states have seen fit to reform and evolve their fire service legislation to meet changing conditions since 1979, and I think Victoria needs that reform too. Emergency services personnel need to know that we are not compromising their safety by not taking up that challenge.

In Victoria in our darkest hours heroes arrive in droves—some in uniform, some not. On Black Saturday our devoted emergency workers, staff and volunteers, displayed courage, resilience and Australian spirit that we should all be immensely proud of and celebrate. Our community held its ground through the worst nature could throw at us, and I have got to say I personally witnessed the best displays of compassion and humanity I have ever seen and most likely will ever see, although we know that period was heartbreaking.

For many Victorians of course every day remains a private memorial, but tomorrow I would ask everyone here to please make sure you ring someone you know who was touched by the fire, directly or indirectly. Some will be quiet, and some might overcompensate by being a bit chatty. They might not want to talk about it at all, but you have probably done someone a favour just by asking those three simple words, 'Are you okay?'. To everyone present here today, thank you for listening, and remember this affects everyone. If you need help, realising it and reaching out is the hardest part. It gets easier after the first step.

Mr NORTHE (Morwell) (14:27): Thank you for the opportunity to speak on the condolence motion before the house today. I do so to solemnly and respectfully reflect upon the devastation and horror of the bushfires which ravaged so many communities across Victoria in the summer of 2009. I also commend all members of the house who have spoken and who will speak on this condolence motion. It is pretty confronting what the member for Frankston has just articulated to the house. I guess each member of Parliament and each member of the community is impacted in different ways and has different experiences.

I rise to pay my respects to the 173 souls who were lost to us in these traumatic events. When one actually reflects upon the number of Victorians who passed away on that day, it is just so awful to even contemplate. After all, these people were sons, daughters, mums, dads, grandparents, brothers, sisters, children, adults and seniors. These fires did not discriminate about who they would take. There were countless people injured and so many homes and dreams destroyed. Beyond the fatalities and

the immediate trauma the long-term impact of grief consumed individuals, families and businesses over the ensuing years. So many have suffered financial loss, relationship breakdown, suicide and significant mental health issues.

Unfortunately the prophetic words of then Premier John Brumby would come to fruition. He said that 7 February 2009 would be for Victoria the 'worst day in our history'. I do not think anyone could ever contest the accuracy of such a statement. Indeed the day of the Black Saturday bushfires was one of those rare days in our history when most Victorians can recall where they were, what they were doing and who they were with. It is a scenario that is likely to stay with many for the rest of their lives, including survivors, helpers and witnesses. I know the memory is still well and truly etched in my mind. As the smoke started to rise south of the township of Churchill my heart sank contemplating the extent of these fires and the impact they might have on innocent people and families.

January 2009 was hot and windy, and many of our regional areas were bone-dry. The month rounded off with a week of extreme dry heat and winds, creating tinderbox conditions across the state that the CFA warned us would create a situation of extremely high risk of fire events. However, for the electorate of Morwell the events of Saturday, 7 February 2009, were preceded by a week of devastation with the Delburn complex of fires—fires we should also not forget. These fires, like the Black Saturday fires in my community the very next week, were deliberately lit—a fact that even now I just cannot come close to understanding. Arson and looting, in my view, are two of the most abhorrent and vile crimes of callousness and cowardice, and unfortunately we experienced both during this event. The Delburn complex of fires was a cluster of fire incidents around 20 kilometres south-west of Morwell. Those fires combined to threaten and terrorise the good people of Mirboo North, Boolarra, Yinnar and Churchill from 28 January to 3 February.

On 30 January these fires increased in their activity and grew in size from 2100 hectares to 5750 hectares. To understand the dangerous conditions, a fire tanker became trapped by fallen trees and powerlines, and its CFA crew were forced to shelter, terrified, as the fire burnt over them . It was miraculous that no loss of life occurred on that day, which was mainly attributable to the incredible work of emergency services personnel.

Community fire meetings had been held in the morning, and 1000 people attended the meetings across various local locations. Following the Boolarra meeting nearly 300 people registered at the Churchill refuge centre. At that meeting the community completely understood the danger they faced, and this was due in no small part to Group Officer Lou Sigmund's efforts. He had been fighting fires on the ground and was a group officer for the Morwell CFA as well as a former captain of the Boolarra CFA. Lou addressed the meeting and gave the order for a siren to be sounded in the township of Boolarra. He copped a fair bit of flak for doing so, but I might add that his actions encouraged residents to leave early, and this undoubtedly saved many lives, because as a result of a further wind change the fires broke control lines in the early afternoon and 44 homes and countless animals and infrastructure were lost.

Before being declared contained on 3 February the Delburn complex of fires destroyed 6500 hectares, with a fire perimeter in excess of 70 kilometres. It was thanks to the heroic actions of the local CFA crews and emergency services personnel on the ground and in the air that these fires were not only contained but managed in such a way that they did not extensively flare up over the next few days and when all hell broke loose on the day we now know as Black Saturday.

Hell is a very apt description. Victorians who experienced Black Saturday recall it as being dark, terrifying and hellishly hot, the thick black air stinging their eyes, nose and throat. In the Morwell electorate, like in all other regions of the state we suffered an increase in fire activity, but the big one—the Glendonald, Central Gippsland or Churchill fire, as it was eventually known—began around 1.30 in the afternoon when smoke was reported coming from a pine plantation at Bennetts Creek, south of Churchill. By the time the local Churchill brigade arrived at the scene, just 3 kilometres away, the fire, which was fuelled by the characteristic intensely difficult conditions of that day, was burning along Jelleffs Outlet Road. Within only 15 minutes it spread, threatening a number of neighbouring towns,

including Hazelwood South, Jeeralang and Budgeree East. By late afternoon the fire was approaching Yarram and Woodside, and following a catastrophic wind change early in the evening it swung around and bore down on many of our local communities, including Hazelwood North, Hazelwood South, Koornalla, Traralgon South, Callignee, Callignee South, Callignee North, Jeeralang, Jeeralang North, Devon, Yarram and Carrajung South and then on to Won Wron state forest.

During the course of the fire three CFA tankers were involved in burn-overs, where the crews had to shelter in vehicles as the fire burnt over them. As people left the fire zones to escape these horrendous fires, our courageous CFA personnel were entering these apocalyptic areas in an endeavour to save lives and assets—what bravery. The fires left a trail of devastation, despair and loss in their wake, and these communities are still recovering from and may always be recovering from the fires. In the Morwell electorate, on one day—11 precious lives, countless injured, 247 homes, cherished memories razed, 26 000 hectares burnt, towns completely destroyed, wildlife, pets, animals, infrastructure, all gone. On Black Saturday by 4.00 in the afternoon, the streetlights had come on, the sirens rang out in the air, frantic phone calls were made to loved ones and neighbours and a blanket of fear spread out over the community as we watched the horror unfurling in our own backyard. It might have been the most destructive day but the threat of fire continued to terrorise that community well beyond that date. The fire was eventually declared contained on 19 February.

During its reign of terror Black Saturday took the lives of 11 local beloved members of our community. The family and friends of those people will forever bear the burden of the loss, and this anniversary must be so painful for them. I wish to again place on the record my deepest condolences to this house on behalf of the loved ones of all these victims of the Black Saturday bushfires, including those in my electorate: Fred Frendo, Scott Frendo, Annette Leatham, Martin Schultz, Colin Gibson, David Gibson, Alan Jacobs, Miros Jacobs, Luke Jacobs, Nathan Charles and Trudy Martin. I have become close to many of these bereaved families, am constantly inspired by their courage and strength and cherish their friendship. Despite this insurmountable and overwhelming loss, and that of the state, I believe that anyone who witnessed the actions of emergency services, community groups and volunteers on Black Saturday would describe them as heroes. I rise to express my awe and wonder at the resilience, the selflessness and the sheer determination of the people of Victoria and their ability to recover and rebuild from the catastrophic week we experienced just 10 short years ago.

The local CFA brigades and the volunteers are truly incredible, and as we commemorate and acknowledge the 10-year anniversary of their actions it is not lost on me that they are out there right now currently fighting fires and protecting our local communities. We will always be in debt to the visiting CFA personnel that travelled great distances and fought in truly extraordinary conditions to save towns they had never visited before. In this regard I would like to again pay deep respectful tribute to their magnificent work as we pause to reflect upon the 10-year anniversary of the Delburn complex of fires and the Black Saturday bushfires in the Morwell electorate. Precious lives were lost; homes and land were razed. However, the bravery, spirit and tenacity of our CFA brigades and volunteers was awe-inspiring and life saving in so many instances. We are all in their debt for their dedication, particularly during those tragic weeks 10 years ago. 'Thank you' just does not seem enough.

There are more heroes, though: the police; SES volunteers; department personnel at the time; paramedics; hospitals; federal police; and disaster, victim and arson investigators. They all deserve our deepest gratitude. Also in the Morwell electorate, the Hancock Victorian Plantations—their fire crews were acknowledged for their efforts in protecting our local community as well. Red Cross, St Vinnies, St John Ambulance, Lifeline Gippsland, the Country Women's Association, ABC Local Radio and many community associations all played key roles in supporting and coordinating help for those in immediate danger and in need.

Residents slowly returned to their properties. However, property owners across our community endured an agonising wait due to their properties being designated crime scenes. Let us not forget this was the second deliberately lit fire in our area in a week. This was a crime.

During these days there were over 1000 registrations with Australian Red Cross emergency services, with people searching for loved ones across the Gippsland region. Latrobe city established relief centres across our community. More than 800 people registered at emergency relief centres at Traralgon and we had great assistance from the Department of Human Services, Centrelink, Lifeline, Telstra, insurance agencies and others.

But a new emotion emerged too, and that was hope, with those stories of life-saving actions from the people within the community I mentioned earlier, who no doubt saved lives. We saw people such as the truck driver with his wife, who heard survivors on his CB radio and pulled over to speak with them and contact their families to tell them they were safe, and the police officers who finished their shift but continued to doorknock residents to alert them of the danger—this was paramount, as witnesses talked of the emergency warnings being behind on the day. We had the Koornalla resident who drove up and down the main street honking his horn and yelling at everyone to alert them of the impending danger; the Callignee and Traralgon South fire brigades and their crews, who whilst out fighting fires lost their own homes; local children who emptied their piggy banks to donate to such a great cause, supporting impacted people and families; people registering to offer rooms in their houses to complete strangers who had been displaced; and the countless neighbours who did stay and put out embers on neighbours' properties, and helped move animals or checked on their safety or saved a life. We will be forever in their debt, and 10 years later we continue to applaud their bravery and tenacity in the face of disaster. None of us knew then what we know now. Thankfully many positive changes have been implemented following these terrible events.

I also wish to commend the activities of the community groups, service clubs, charities, businesses and residents, who were nothing short of sensational during the time. I have spoken about Latrobe city's relief and recovery centres, which were there to provide shelter, aid and support. State government departments and agencies at the time, the Department of Primary Industries and VicRoads, were also very helpful. And as was reported in our local press, the outpouring of generosity and donation of goods and funds from the local community was just absolutely staggering, supported by organisations such as the Red Cross and the Salvation Army, who helped coordinate the logistics of where those donated goods would go. The Gippsland Emergency Relief Fund, which has been in place since 1978, was able to support an amazing 856 families, with more than $4 million donated in local communities. The Lions Club helped with the reconstruction of fences—a massive issue right across Victoria—as did other organisations and charities who got on board.

I would really like to refer to our local community associations and to the bushfire recovery committees that were formed at the time. They were an integral part of our region's healing and revitalisation. And the leaders who led from the front and emerged from those forums, they are there and continue their amazing work to this day in support of our fire-impacted communities. They are simply inspiring people and leaders, and I am looking forward to catching up with many of them at commemorations over the next few days. Here in this house I recall an immense solidarity in our grief and experience, for which I will be forever grateful. It was a very difficult and stressful time for many of our communities which were irrevocably changed.

The effects of Black Saturday are still very raw for many today. This makes me think that in our role we need to ensure that we are supporting those with subsequent and long-term mental health issues. Support and funding for these victims and witnesses to receive adequate help must be ongoing, meaningful and sincere. It took a disaster for a lot of us to experience total generosity, selflessness, camaraderie, resilience, determination and community spirit like we had never seen before. I have always been so proud of the people of my electorate for that. In the face of complete devastation we bound together. Perhaps that is the take-home message 10 years on—that no matter what the elements throw at us, the people of Morwell and the good people of Victoria will always rise above the challenge.

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:43): I rise to support the Premier's motion. The 2009 Victorian bushfires were

Australia's most devastating bushfires and Victoria's worst natural disaster. Following the millennium drought and an unprecedented 14 years of low rainfall Victoria was already tinder dry when it faced a series of summer heatwaves and a record season of bushfires. Scores of Victorian communities were directly impacted by over 400 bushfires which tragically claimed the lives of 173 people and drastically changed the environment in which we live. The scars of the tragic events of February 2009 remain in our communities and across our landscape, and 10 years after these tragic events we pause to remember and reflect.

Almost half a million hectares of Victoria was burnt, over half of which—around 284 000 hectares—were treasured national parks, state forests and Crown land managed by many, many local community groups. Critical habitat for our native animals was lost, including over a third of the habitat for the iconic Leadbeater's possum, Victoria's faunal emblem. Damage to 30 per cent of Melbourne's water catchments demonstrated how vulnerable we are to the devastating impacts of bushfires here in Victoria.

Ten years after the fires our forests and the plants and animals they support are on the journey to recovery, intertwined with the recovery of local communities. Some areas, however, will never recover, and for some families recovery is on a continuous line that seems to have no endpoint. The current fires in our water catchments are a stark reminder of the ever-present risk of fire and the need for us to be vigilant in the way we manage our forests and other natural resources.

Forest firefighting takes place in some of the most rugged and heavily forested parts of Victoria—difficult, steep and impenetrable terrain in extreme conditions—and the dangers of firefighting in this environment can never be underestimated. This was certainly the case in 2009. As we know, tragically, David Balfour, a firefighter from the ACT, was killed by a falling tree on 17 February that year. Several thousand forest firefighters from Victoria, assisted by interstate and overseas partner agencies, worked together with CFA volunteers over several months to fight these fires. Over 60 000 days of firefighter work days were recorded for the Black Saturday fires. Our firefighters worked selflessly to protect the communities in which they—or their friends and colleagues—lived and the forests in which they worked.

Amongst the trauma are stories of bravery and hope. Forest firefighters from Toolangi, on realising the seriousness of the Murrindindi fire, went to the Murrindindi Scenic Reserve to check on any campers there. Finding themselves and the campers cut off by fire to the north, the crew led the campers to a nearby river, sheltered the children in the vehicles and sprayed all of them with water for an hour and a half until the fire had passed. Thankfully all survived unhurt.

As we remember the tragic fires of 10 years ago, we can be proud of the way our forest firefighters, emergency responders and the people in our communities more broadly supported each other through healing, recovery and rebuilding over time. I also want to acknowledge employees at the Northern Hospital and Plenty Valley Community Health who worked hour after hour after hour tending to the injured, despite many also having families and homes at risk in areas just to the north of Epping.

The then Department of Sustainability and Environment (DSE), now the Department of Environment, Land, Water and Planning, was a critical partner in responding to bushfires as well as supporting communities and the environment to recover over time. Many of our forest firefighters and recovery personnel are members of the communities in which they work. They also faced the challenges of healing whilst supporting those around them. I have had the opportunity over the past days to make personal contact with a number of those people, and it was a very stark learning experience I can say.

As the Premier has already reflected, recovery of our natural environment contributes to the recovery process for our communities, as it signals renewal and rejuvenation. The return of familiar sights and colours of new growth and the gradual return of the sounds of birds in the forests helped communities heal and reconnect. DSE and Parks Victoria contributed to community and environment recovery in many ways, with tens of thousands of seedlings planted to ensure regeneration of burnt forests, management of pests and weeds, the restoration of fences adjoining public and private land and the

removal of hazardous trees and rebuilding of important visitor sites, such as at Steavenson Falls. The agencies worked with scientists and volunteers to help endangered species recover through the installation of nesting boxes for species like the Leadbeater's possum.

We acknowledge the challenge and grief that communities faced in this period, and we will continue to work with everyone in the recovery of the natural environment. We acknowledge the important work of the 2009 Victorian Bushfires Royal Commission in identifying the lessons to be learned from the bushfires. Forest Fire Management Victoria continues to work on ways to learn from the bushfires and reduce bushfire risk through an expanded and risk-based approach to fuel management, a powerline bushfire safety program and improved coordination of risk reduction across agencies, including the CFA, through our Safer Together initiative. We remain forever grateful to all who gave so much and who continue to provide support to families, friends and strangers in the communities affected, and we will never forget those who lost their lives as a result of this devastation.

Ms SANDELL (Melbourne) (14:49): It is an honour to contribute to and support the commemoration motion put forward by the Premier today. Tomorrow, as we know, we will commemorate 10 years since the devastating 2009 Black Saturday bushfires.

Firstly, I would like to thank everyone who has shared personal stories of that day and week, whether that be in this place—particularly recognising the member for Frankston and the member for Yan Yean and their personal stories—or those who shared them in the media or at the memorials. For a lot of people I imagine this is something they simply do not want to remember. I personally found it quite traumatic just re-reading and thinking about that day, and my heart goes out to those who have to re-live those horrible times this week because the anniversary will be in the media so much.

I cannot claim to know what it was like to be impacted by the fires on that particular day, and my heart goes out to those who were, but like a lot of Victorians who will be reflecting tomorrow on where they were, of course I remember exactly where I was on that day. Every summer from my teens until now my family has holidayed at the beach in South Australia, and 2009 was no different. We had all arrived at a rented holiday house on the evening of Friday, 6 February. On the morning of Saturday the 7th, sitting at the kitchen table we turned on the radio to hear the news that our home state was experiencing the devastating hot, dry and dangerous conditions that had been predicted, with the fire risk off the charts and many fires already burning.

Talking about and experiencing fire risk was something that was not new to us. My dad had spent the majority of his career working at Parks Victoria and the Department of Sustainability and Environment in fire management roles as an incident controller. He had fought many fires before, but even he knew this day was completely different. He had warned us that the forest fire danger was off the charts, as the member for Frankston said—a rating of 200 on a scale that was never, ever meant to exceed 100.

We turned on the TV to try to find out more, and we were shocked into silence. We learned that whole towns were at risk and that as many as 14 people had already lost their lives. But little did we know just how much worse it was going to get. Dad immediately got on the phone. He thought he might be needed in the Mallee, where he lived. He thought that resources in the Mallee might be scarce because most available personnel would be called to priority areas closer to Melbourne. But his boss told him, 'No, don't worry about it. They'll be fine'. They did not need him. It was only I think an hour later that it was clear that this was not the case, and they called him back and said, 'Get on the first flight back to Victoria'. In fact he was not needed just in the Mallee; he was needed right in the middle of things, at one of the incident control centres close to one of the worst fires. He immediately got on the first plane back home. Over the following week there was nothing we could do. We felt pretty helpless as we stayed in South Australia waiting for updates as Dad worked long night shifts. We were lucky that this time around he was not on the front lines—he was not in a truck or at the end of the hose. I cannot imagine what it was like for those families who did have friends and family members at the end of a hose, in a truck or on the front lines anxiously waiting for those updates every hour, every day.

We were pretty used to Dad being out fighting fires. My birthday is at the end of November. That always coincided with fire season in the Mallee. It often caused a lot of heartache as a child when Dad would have to be off fighting a fire, working night shift, and would always seem to miss my birthday parties, but we understood and we knew what it was like to see him come home quite exhausted after working night shift in those pretty difficult conditions, fighting fires with very little visibility. But this one of course was just at a completely new level. I want to thank all those who put their lives on the line, who risked their lives and health to save others, to protect our towns and our communities and to protect our environment. As has been mentioned, one firefighter, David Balfour, was among the people who did not make it home alive from that period.

In 2010, just after the fires, before my dad passed away, he was awarded a prestigious Australian Fire Service Medal, a Queen's Birthday honour, for his firefighting work. That was a pretty proud moment for all of us in the family, but I know that all those who risked their lives to save others deserve our thoughts, commemoration and thanks at this time.

To be honest, in thinking about what to say today I was pretty lost for words. There simply are no words that can describe how horrific the situation was and how heartbreaking it is to think about those who are still affected today. Ten years really does not seem like that long ago. This week no doubt there will be so many dinner table conversations across our country focused on remembering those who lost their lives and remembering the thousands more who had their lives completely changed on those days, and this is what we should be talking about. And while we are also having these conversations, I know that if my dad were here, he would remind me that we do not have just a duty to remember but to actually do everything that we can to prevent devastation like this happening again.

That means amongst other things talking about some of the drivers of the horrible conditions that led to those days, like climate change. Thank you to the member for Frankston for sharing his story and also bringing up this important point. This is not coming from me—this is not me saying it. We have seen in the media many firefighters and survivors talk about that this week. We saw former New South Wales fire chief Greg Mullins writing in the *Sydney Morning Herald* this week critically of governments and oppositions at all levels not making the link between climate and fire risk, not doing enough to tackle climate change. We saw Ali Griffin, a Black Saturday survivor, speaking out and saying that any politician without a serious plan to tackle climate change is not fit to hold office. We know that climate change and climate damage were a key factor in those horrible conditions that led to Black Saturday's conditions being off the charts, and we know that scientists are telling us things will only get worse if we continue down this path.

It is fundamentally the job of governments to try to keep people safe as much as they can, and that means a lot of different things. It means when disaster hits providing immediate emergency responses and supporting the people affected, and we know that thousands of Victorians, Australians and people around the world did their absolute very best to make this happen. It also means that in the weeks, months and years afterwards we must look at how the disaster started, whether our response was good enough, how our institutions can do better, how we might directly have prevented such tragedy—to figure out what happened and learn for the future. That is what the royal commission rightly did.

I want to thank the Premier at the time, Premier Brumby, and others, particularly those in government, who made that royal commission happen. When the dust settles we also owe it to victims and survivors not just to deal with the symptoms but also to look at some of the root causes. When we look at reducing deaths from lung cancer, for example, we do not just talk about new drugs, we talk about how to reduce smoking. When we talk about deaths from heart disease, we do not just talk about better heart surgery techniques, we talk about exercise and healthy eating. So when we talk about wanting to prevent devastating bushfires, we cannot just turn our minds to immediate recovery, warning systems or land management programs, but also to climate change.

The incredibly talented writer Chloe Hooper wrote eloquently about this in the *Guardian* last week. I would like to quote some of her article; it is much more articulate than I could ever be. She writes:

> Our politicians will, I'm sure, speak very movingly about the existential terror of fire in the Australian psyche, maybe they'll quote Henry Lawson on the courage and resilience required to live in the bush, and highlight the real bravery of those who fought so hard that day so more people didn't die. All these things will be true, while evading another truth. For the last decade these same politicians' quibbling has brought us no closer to any coherent energy policy nor action on climate change. Just for a moment, why don't we, the bystanders, close our eyes, and honour the dead by imagining a government tackling the policy areas that make the threat of feral fire graver by the day.

In the face of this threat many governments around the world are stepping up to scientists' and citizens' call to action. Germany, for example, has announced they will close their remaining 84 coal power stations within 19 years. But in the face of this warning, in one of the most fire-prone places in the world, Australia, including Victoria, we are still supporting coal, whether it be extending the licences of our coal plants in Victoria or politicians of both colours refusing to rule out supporting new mines like Adani's.

January was Australia's hottest month on record. To be honest, this makes me absolutely terrified. No-one in this place wants to see something like Black Saturday ever happen again. It is the first job of governments after all to try to keep people safe. Yes, we can have better warning systems and evacuation procedures, make our powerlines less likely to spark fires and do all we can to continue to support survivors, as many people have said in this chamber today, whether that be through counselling or supporting our schools—whatever we need to do. But Black Saturday was so ferocious and so severe because of the weather conditions, and we also need to address these or we are setting ourselves up for failure. I know tomorrow is not going to be easy for Victoria. I will be remembering and reflecting and mourning alongside all those who are also remembering. I will be remembering the survivors, the victims, the people like my dad who worked hard to save people, property and the environment, and especially those who put themselves directly in harm's way. My thoughts are with all those who find this week incredibly hard. I hope you are able to find a way through it and that you reach out to family, friends and professionals if you need that support. There are people who you can talk to. I am so incredibly sorry for all those who lost friends, loved ones, colleagues and family members in the fires and the heat wave that preceded them. There really are no words, and I hope that everyone is able to find some solace this week.

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure) (15:00): On Friday, 25 January 2019, Bendigo experienced the hottest day on record and the hottest day since Saturday, 7 February 2009. A couple of weeks ago on that day the air was suffocating, the sun was ferocious in its heat and as the wind picked up the sky became dirty with dust. It is particularly on days like this that the memories and experience of the 2009 bushfires come racing back.

Like so many other communities, in January and February 2009 the communities of Bendigo and Redesdale in central Victoria had fire rip through their area. In the case of Bendigo, the fire that started on the outskirts of the city quickly ripped through many suburbs and came within just 1.5 kilometres of the CBD of the city itself. Tragically, along its destructive path it took the life of Michael Kane and changed forever the lives of so many others who lost homes, properties, family pets and cherished items. For others their lives were changed by the trauma of witnessing a fire like this literally in their backyards.

In the days following the fires, like many colleagues at the time, I visited many other fire-affected communities in my role as the member for Bendigo East and as the Minister for Regional Development. Initially we were there to offer support and, as the days became weeks and months, to work with them on the long and difficult path of recovery and rebuilding. That journey of recovery continues today. I, like so many others—indeed every other person who has spoken today—wish to pay tribute to the emergency services, the relief and recovery agencies, local government, the volunteers and health services for what they did on the day and in the weeks around it, in the aftermath and continuing to the present.

I would also like to pay tribute to current and former members of Parliament. Some we have heard from already today, like the incredibly strong and resilient member for Yan Yean. I would also like to

acknowledge, as the member for Eildon did, the former member for Seymour, Ben Hardman, and his wife, Gail. It was lovely to share a moment with Ben and Gail on Monday at the memorial service. I also acknowledge the work of former Minister for Police and Emergency Services and member for Bendigo West, Bob Cameron, who had those twin roles of an MP representing a fire-affected community and of course as the minister responsible—directly responsible—for that frontline emergency response. I also pay tribute to the member for Frankston, who shared with us that very raw and real experience of being one of those frontline responders on that terrible day.

I would also like to acknowledge the leadership of former Premier John Brumby. John was there immediately on the ground supporting every possible community he could, almost at the same time if he could. He immediately established the 2009 Victorian Bushfires Royal Commission and, like other cabinet members who were there at the time, I remember well the determination of John in cabinet in that very first discussion to set up the royal commission and give it the broadest possible terms of reference, to have it turn every single stone so that we could learn the lessons, and he did start that program of reform that came out of the bushfires royal commission recommendations that means today our communities are more prepared than ever before for days like 7 February 2009.

This was a point that Dr Kathy Rowe reflected on during her address to the statewide memorial service on Monday night. For so many of us who live in regional Victoria our fire response plans changed forever following our experience of the bushfires of 2009. On nasty, ferocious, code red days, in my view, the safest option is to get the hell out of the way of high fire risk areas, and certainly that is my family's plan. We live in a wonderful rural bushland community, but on days like 7 February 2009 or 25 January 2019 we are at risk. For my husband, Yorick Piper, and I our plan is also shaped by our own experiences—Danielle, you are not the only one who gets upset—of the 2009 bushfires: me as a member of Parliament and minister with some of my shared responsibility for bushfire recovery and rebuilding, and Yorick in his role in former Premier John Brumby's office with his responsibility for coordinating the government's initial response, the recovery program and the response to the bushfires royal commission.

How this played out for us at home was that a couple of years ago fire came very close to our home. With those lessons fresh in our mind we left immediately, grabbing our two children, the dog and the bag that was permanently packed on every single total fire ban day—the bag that is packed by the door ready to go. This is the lesson we have learned. As a community we have also learned more about how to support communities and people who have suffered trauma and how to make our communities safer through planning regulatory changes—as frustrating as some of those regulatory changes can be—and improvements to the distribution of electricity. We also as a community are better informed than ever before through emergency broadcasting, direct location-based text messaging and the emergency alert app. But as we have heard from the member for Yan Yean and the member for Frankston and from the Deputy Premier as well, for many who are suffering those deep experiences of trauma and stress there is always more we can do.

In finishing I too express my deepest condolences to those who suffer great loss, experience huge trauma and continue to show remarkable strength today, 10 years on. We all remember where we were 10 years ago. It is our shared responsibility in this Parliament and as a community to always remember those who were affected and who will always need our love and support.

Mr WELLS (Rowville) (15:06): When the temperature hit 46 degrees at home I knew that it was not going to be a great day. While Victoria is one of the most bushfire-prone places in the world, the bushfires on the 7 February 2009 were unprecedented in their scale and their devastating impact. In the sheer intensity of the fires and the tragic loss of life, Black Saturday surpassed the more widespread fires of Ash Wednesday in 1983 and Black Friday in 1939. One hundred and seventy-three people tragically lost their lives in the fires; 78 communities were affected by fires; entire towns, including Marysville and Kinglake, were destroyed; and 2000 properties and 61 businesses were burnt along

with 430 000 hectares of land. The RSPCA estimated over 1 million animals perished in the fires, which is just hard to believe.

Fires at Delburn and Bunyip State Park were already burning before 7 February in Victoria. Victoria had experienced a record heatwave of successive days above 43 degrees, and on 7 February Melbourne experienced a record 46.4 degrees. Ten years of drought had also dried out vegetation. Many forested areas carried extremely high fuel loads. Across the state northerly winds blew between 40 and 60 kilometres per hour and in some parts reached 115 kilometres per hour. Fire danger ratings were set at 'extreme'.

Before midday a section of powerlines in Kilmore East was blown down, sparking a fire which quickly spread with the strong north-westerly winds through Wandong, down to Strathewen, Kinglake West and St Andrews. A south-westerly wind change at 5.30 p.m. turned this long, narrow fire into a fire front kilometres long, which tore through Kinglake, Steels Creek, Chum Creek, Toolangi, Hazeldene, Broadford and Flowerdale. Around 2.30 p.m. another fire had started at Murrindindi, later also attributed to powerlines. After the wind changed direction, towns like Marysville, bypassed by the initial fire front, were suddenly in the path of an unpredictable firestorm.

In the intensity and unpredictability of the fire, survivors reported seeing distant smoke and embers falling only minutes ahead of the fire front. To quote from the 2009 Victorian Bushfires Royal Commission:

> The flames leapt 100 metres into the air, generating heat so intense that aluminium road signs melted. The plume of the fires created a convection effect that generated winds so strong that trees appeared to be screwed from the ground. Tree trunks snapped because of the ferocity of wind.

By the end of the day up to 400 fires had started, including fires in Horsham, Bendigo, Beechworth, Narre Warren and Churchill.

Of all the casualties, 113 people were found inside homes and a significant number of people were found tragically perished in cars, having tried to escape. As the extent of the losses became clear, Victorians asked why warning systems had failed so many people and whether people were informed early enough to leave safely. Advice to leave early or stay and defend properties came into question as more evidence of the fast-moving, intense and unpredictable nature of the fires was revealed.

Shortly after the fires Premier John Brumby announced a royal commission to investigate all aspects of the government's bushfire strategy. The royal commission undertook significant work to ensure the experiences of impacted communities were heard. It made 67 recommendations to better protect human life and property and improve preparedness for bushfires. As a former Minister for Bushfire Response, tasked specifically with implementing these recommendations, I know all of the agencies worked extremely hard to ensure the recommendations were put in place.

These included new policies advising residents that leaving early is the safest way to survive a bushfire, new bushfire warnings with clearer communication of possible fire threats, the creation of community refuges as a last resort and specific fuel reduction targets. Neil Comrie, in his final monitoring report in 2014, commented that:

> … Victoria is now … in a much better state of preparedness to deal with the threat of bushfire and other natural disasters than it was on Black Saturday.

With further work by the Andrews government, particularly on ensuring electrical powerlines are constructed to a high safety standard, by 2016 only two recommendations pertaining to building standards were still ongoing.

In remembering these events 10 years on we must not forget to be thankful for the massive, selfless efforts of our emergency services in responding to the fires. The CFA alone engaged 12 000 personnel that day, including incident control centres along with several thousand Department of Sustainability and Environment public land firefighters and Parks Victoria. The Metropolitan Fire Brigade also

deployed crews to fight the fires. Over 10 000 emergency services personnel were involved in the emergency response following the fires and the community recovery operations. The incredible surge capacity was noted by the royal commission and is a testament to the CFA as an organisation. My local brigades at Scoresby sent crews to assist at Yarra Glen, Dixons Creek, St Andrews, Upper Ferntree Gully and Healesville. Rowville CFA crews were deployed to Whittlesea, Upper Ferntree Gully, Narre Warren, Toolangi, Yea and Wallan. Firefighters came from other states as well as from Canada, New Zealand and the United States.

Victorians reached out to help, donating money and emergency supplies to help communities recover. Organisations such as the State Emergency Service, the Red Cross, the Salvation Army, the Country Women's Association, Scouts Victoria, Guides Victoria, St Vincent de Paul, Rotary, Lions and Apex clubs volunteered to sort donated clothes and emergency supplies, provide assistance for families and clean up burnt and damaged properties. The recovery and restoration of places like Marysville today are due to those people and the generosity and efforts of the Victorian people. We owe it to all of those who lost their lives on Black Saturday to ensure that Victorians are safer, more informed and better able to protect themselves in the face of any fires in the future.

Mr FOLEY (Albert Park—Minister for Mental Health, Minister for Equality, Minister for Creative Industries) (15:13): I too rise to make a contribution to this most important debate that the Parliament is having. I join with others in extending my deepest condolences to the families, friends and communities of the 170-plus people who died on that day in those terrible fires that we mark the 10th anniversary of here today.

Of course, as the member for Yan Yean and others have pointed out, many people have been traumatised and have suffered over that time and many deaths could well be ascribed in part to those terrible events 10 years ago. We know as a result that those 2009 bushfires have left and continue to leave a lasting impact on the collective consciousness and lives of all Victorians, some more than others. I would like to take this opportunity to acknowledge the many thousands of people who responded on that day and the days that followed, as have many other members in this place: the firefighters at the front line; the police; the doctors; the nurses; the paramedics; and many others, let alone the volunteers who provided food, shelter and other support in the ongoing aftermath of those fires. This was not our first bushfire, nor will it be our last. The lives lost were not the first and, sadly, nor will they be the last. It is the scale and the unprecedented nature of those events and the hundreds of fires that were burning at that time that stand out from that day. It was a disaster of an unprecedented nature and scale that has shaped the history of this state and will do for some time to come. So our thoughts are with communities affected by those fires on that day. Indeed our prayers and support are with those communities still facing burning fires today as we and Victoria come together to recognise the efforts of those communities and the emergency services personnel who continue to battle challenging terrain and weather conditions.

I take this opportunity to briefly reflect on the lasting impact that has had over time on the health and wellbeing of the frontline firefighters, the surviving communities, the workers and the communities that came out in support. I take this opportunity to reflect that this government is proud to have announced the establishment of a new centre of excellence for emergency worker mental health to ensure that the frontline service workers in this space—first responders, volunteer and professional alike—get the very best of support into the future. Indeed the collective efforts of 10 years worth of community trauma and work in mental health have gone into helping shape that response of the centre of excellence for emergency worker mental health. It is not only right that we recognise and support those people who do so much to keep us safe but that we look endlessly towards how we can improve and lead not just the nation but the world in support of our frontline responders.

As many other honourable MPs have made reference to, the 173 people who lost their lives, the more than 400 injured, the more than 2000 houses destroyed and the 78 separate communities directly impacted are terrible statistics that shape the extent of those terrible events. However, there are many

unknown statistics that sit behind that that are harder, if not impossible, to quantify, but that is not an issue that should stop us from seeking to continue to look at ways and means of engaging with the ongoing victims and to deal with the ongoing trauma that we continue to see play out in communities today.

Statistics show that many people involved in the 2009 fires have struggled with mental illness, trauma, financial hardship and relationship breakdowns and, sadly, many other consequences of bad health, if not premature death—that is, they have dealt with trauma from Black Saturday and, significantly, have sought to cope with it in the subsequent years. Those untold statistics are just as much a part of the story of the 2009 bushfires, and many of those honourable MPs who represent those communities have reflected on that here today. Whether it is through the mental health system, the education system, the emergency services response system or the health system, we continue to look for ways and means to provide care and support while being informed by the learnings from those days.

Recovery in physical terms is in many ways much more tangible and, dare I say it, perhaps easier for our society to deal with and respond to. We know what it takes to rebuild homes and townships and we can see the new growth as bush recovers from fires, but it is our mental and emotional recovery as individuals, as families and as communities that is much harder to measure, to shape and to see progress in. If nothing else, it is probably in the long term, as we move beyond the immediate impact of the physical scars of the fires, an infinitely more delicate and difficult terrain to cover. This is partly because mental health and mental illness are often not linear experiences. There are good days and there are bad days. There are triggers like dates and memories and smells and experiences that remind and bring back the trauma.

Sadly, this ongoing stigma around mental health and mental illness prohibits many from seeking support and reaching out when many services are there. Many of us feel the obligation to soldier on, to be resilient, to be strong and unbreakable, or we see a role for ourselves in providing rock-like support to others—to our partners, to our neighbours, to our children—and therefore are unable to suggest that we ourselves might be vulnerable. These are feelings experienced by many Victorians on a daily basis and often mean our mental health goes unchecked. To have those experiences magnified by the ongoing trauma of recovery from the Black Saturday bushfires takes those levels to an entirely new realm of support and trauma.

Unfortunately there are many reasons we find mental illness and emotional recovery from these difficult events challenging and hard to quantify. It is because we want to seek help or that we have tried to seek help but were denied it. It is because our mental health system was sometimes too difficult to navigate or the services simply were not there or the supports that we needed were not actually there at times or locations that were acceptable and reflected those needs. This is not a reflection on those who were affected by the 2009 bushfires alone; it includes the many disasters and daily existence of many people both before and since.

The 2009 bushfires, and Black Saturday in particular, were unprecedented. The nature and ferocity of the firestorms, the scale of the loss and the widespread impact on communities was something that will forever help shape the lives of those who came out the other end. But we know that there will be more disasters and we know that there will be human tragedy in the future of this state, so we need to be prepared and to respond. However, we also need to be prepared and to respond to the day-to-day mental health challenges that our community faces. That is why ensuring a robust, well-funded mental health system that can assist people beyond physical recovery, as important as that is, is in fact just as important as physical recovery. So as the Minister for Mental Health I acknowledge that we can do better and that we must do better to provide a mental health system that is not only there for people in times of crisis but continues to be there over their journey of recovery from trauma to full recovery, no matter who they are or where they live or what particular circumstances they face.

Today we remember those lives lost, those individuals and communities impacted, our firefighter and first responders, particularly our brave and heroic medical personnel—can I give a shout-out to the

Alfred burns unit people who worked tirelessly in some really difficult circumstances in response to that day—and all the other responders and communities that were touched. We rightly remember them. But this is an ongoing reminder to us all that the resilience of communities across our state, that many have spoken of, and our ability to come out of dark times together provides us with a motivation for support for both strangers and friends alike. It is a strong motivation for why we commemorate the 10-year anniversary today. It is also a reminder of the need to not just look after each other but to reach out to friends and family, neighbours, co-workers and to focus on the right to an accessible, safe and reliable mental health system that focuses on recovery. It is that in particular that motivates me and this government as we move into the first Royal Commission into Mental Health, the first of its kind in the country. It is why we need to be open and informed about ways in which our mental health system has in the past let people down and how we can do better and make sure that we have an accessible, well-run and world-leading mental health system so in the future the kinds of learnings that the Black Saturday events have shown us can be adopted to ensure that for those who come after us the systems and the supports are there perhaps at an even greater level than which we have been responsible for in this era.

Ms SHEED (Shepparton) (15:23): It is really a privilege to be here today and to be a part of this condolence motion. It was such a tragic day. At the outset I would like to say, without renaming everyone who has been honoured by other members of Parliament, that I certainly share that support and acknowledge the hard work that so many people did on that day at all levels of government, within our emergency services and elsewhere. At the state commemoration service on Monday night I was struck by the names of the 173 people who lost their lives. Every person on that list was important to someone, was loved by someone—and by many, I am sure. Every person will have been missed desperately over the course of this past decade, and each life lost is a tragedy in its own right. But to see the same surname repeated two, three, four, five times; to feel the gravity of whole families being taken and whole communities disappearing was immensely sobering.

I took from the speech given by the member for Eildon the horror of that day and the feeling that I think most of us felt. I was not a member of Parliament back then—I was a resident of Shepparton—but it was a day to remember, and I think we all will certainly remember it for a whole lot of reasons. It was almost too hot to go outside and, like many others, we had 774 on the radio. That long day and night started to unfold in front of us—the horror of it generally came into our psyche and we started to understand what was happening. People were being called in in different places. The hospital was put on alert. Our firefighters were put on alert and indeed many of them had already gone. So while that fire did not touch Shepparton district directly—physically—our community, like many others, was personally impacted.

I grew up on a farm at Jerilderie. Bushfires were not uncommon, but they were the low grassfires. The horror of these forest fires is really something to behold compared to the sort of bushfires that I had experienced in my life. I think the state of our forests at that time, the warnings we received leading up to that, were all very much in my mind and in the minds of probably most country people then. I remember the Premier particularly giving a warning in advance of Black Saturday about the shocking conditions that we were facing.

Over the years various people have shared with me their local experience of the day, particularly those who were involved in the emergency services. Crews of firefighters from district 22, my district, went south to support their district 12 colleagues. They were at Kilmore—district 12 was the Kilmore fire. They had actually been there for days leading up to Black Saturday to help them with the tasks they had around them. They relieved local fireys from their command posts so that they could go to the front line with their own crews. They took calls from members of the public, either seeking information to protect themselves and their families, or sharing information to support the emergency effort. They were on deck when news of the fatalities started to come in and they stayed for weeks after the fires were slowly brought under control and the heartbreaking clean-up and investigations began.

Our hospital was also involved. Goulburn Valley Health was put on stand-by, and as the extent of the crisis emerged many staff who were on days off returned, volunteering their time and expertise. A young man and his heavily pregnant wife managed to escape fires engulfing the Yarra Ranges and made a nearly seven-hour trip to Shepparton with their toddler son and elderly parents. The owner of the hotel took them in close to midnight, just in time for the woman's waters to break, and she gave birth at Goulburn Valley Health just a few hours later.

In the days that followed the hospital cared for another man who had lost his wife and children. As chance would have it, the couple knew the man—they were from the same community and were able to comfort and support each other while they were stranded there at Goulburn Valley Health, away from their other family and friends. We often talk about the resilience of regional communities and their ability to band together in times of need, but it is really at the heart of the broader human condition, and it was truly on display during the fires and the months and years that followed.

All Victorians will be grateful to those who were involved in the emergency effort. It is an honour to be here today to express my support and to indicate how grateful I am. I am sure if the previous member of Parliament for the Shepparton district were here today, she would have much to share too about her on-the-ground involvement in what went on.

I would also just like to say that I acknowledge the member for Yan Yean. How could any of us not be touched by that firsthand experience you shared with us today. I think it certainly brings home to all of us that stark reality of what it was like, and I thank you for sharing that very deep and emotional experience with us. I think it has brought us all closer to what that day meant for everyone and particularly those on the front.

I congratulate the government on honouring this day, on taking the time out to provide the opportunity for members to be able to speak to the event and to be able to share their own thoughts and experiences. On that note I think we all have a shared grief to some extent, but some so much more than others. I say on behalf of the Shepparton district that this event will remain in all our hearts forever. We continue to think about the loss and the devastation that occurred and look for ways of trying to avoid it happening again.

Ms THOMAS (Macedon) (15:30): At 11 minutes past 3.00 p.m. on 7 February a fire at Redesdale was reported to the CFA. One minute later the Redesdale, Metcalfe, Sutton Grange and Langley-Barfold brigades were sent to attend the fire. This fire burnt towards the south-east for about 19 kilometres. After the south-westerly wind change arrived at 6.35 p.m. the fire turned to the north and north-east. By 7.00 a.m. the following morning, when the fire was finally controlled, 14 houses had been destroyed, 7086 hectares burnt and thousands of head of livestock lost. My community remains thankful that no lives were lost in this fire in our community. In all, 663 firefighters, including 536 CFA volunteers, attended the fire, supported by 103 CFA appliances, 21 dozers and one aircraft.

Today I rise to express the thanks and gratitude of my community to those firefighters who fought this terrible fire in the districts of Baynton, Barfold, Sidonia and Metcalfe in my electorate and of course the communities of Mia Mia, Redesdale and Glenhope in the member for Euroa's electorate. I also extend thanks and gratitude to everyone involved in clean-up and recovery, including the countless local volunteers, the Red Cross and the Victorian Council of Churches Emergencies Ministry. To Victoria Police and healthcare workers across the state, I say thank you. To the workers in local government, the Department of Health and Human Services and the hundreds of Victorian public servants who I know firsthand, who dropped everything and worked tirelessly to do whatever needed to be done in the first few days after the fires, your contribution is not always recognised and I say thank you.

To former Premier John Brumby and to the then Secretary of the Department of Premier and Cabinet, my then boss Helen Silver, I say thank you for your clear-headed leadership at the time.

I would now like to share the reflection of Elaine Murphy, a CFA volunteer and sheep farmer in Barfold at the time of the fires. Published in *After the Fire: Redesdale Recovery*, compiled by Deanna Neville, Elaine's piece is called 'So we move full circle'. This is what Elaine had to say:

> The CFA uniform is very special to me. On the morning of the fire the weather was just horrendous. I put on most of my uniform early in the morning as I expected to receive a call-out on the fire truck. I had my CFA pager with me—and that kept me informed about the progress of the fire. The uniform gave me the protection to fight, to defend my house and sheds, alone and to open gates so that animals could find refuge.
>
> Waiting as the smoke appeared, billowing, black, yellow and grey, I looked out from behind sheds so as to avoid killer radiant heat.
>
> The fire front came upon me—the force of the wind, the poor visibility, debris being hurled horizontally into my face and body. Help arriving in the form of the Inglewood fire truck with a crew of five! Pumps, water, hoses—and slowly gaining the upper hand.
>
> House saved, paint blistered, lagging burnt off domestic water pipes, sheds destroyed, fences collapsed and worst of all—animals to shoot as they were too severely injured.
>
> ...
>
> Work parties arrived from Churches, Service Clubs and friends. Pamper packs and household items sent from caring groups … so much concern—enough to make you weep.
>
> Then the magic of nature in recovery mode. New growth, new vigour in pastures, trees—our paddock sentinels—fighting back, long absent varieties newly emerging with colours of purple, green and red. A carpet of regeneration, lush bouquets of life on black trunks of despair.
>
> Slowly, animals, birds and insects emerge. The stark silence replaced by life sounds. New life as birds find nesting spots, native animals find new growth to eat and animal tracks appear in the black earth.
>
> Generous rain, a mild summer, the wettest winter in 15 years and all the waterways refreshed. What a bonus eighteen months later!
>
> So we move full circle. Nature destroys, nature replenishes. Life more resplendent. Understanding enhanced. Thanks for new friends, love from old friends, family and groups. Knowledge has deepened, wisdom increased, reduction of stress will be welcome release.

Thank you, Elaine, for your beautiful words that capture the fear, devastation and loss, but importantly the generosity, hopefulness and renewal that was evident across the state after the fires.

No Victorian was left untouched by the devastation of the February 2009 fires. Never before, and we hope never again, shall we see a firestorm of the magnitude of Black Saturday. Today on behalf of my community I extend condolences to all those who lost loved ones and to those whose lives were irreversibly damaged. Never forget you are always in our hearts.

Members: Hear, hear!

Ms RYAN (Euroa) (15:36): Black Saturday and the days and weeks around it are seared into the minds of those who lived their devastation. Extreme weather conditions and a state tinder dry from a decade-long drought produced fires of unimagined ferocity, changing families and communities forever. It is hard to fully comprehend the happenings of that day.

In my electorate the communities of Kilmore, Broadford, Clonbinane, Wandong and Heathcote Junction were impacted on that dreadful day. The community of Redesdale too, as mentioned by the member for Macedon, on the western side of my electorate found itself fighting a ferocious fire that took 14 houses and burnt an area of more than 7000 hectares. Today reminders of the Kilmore fire are everywhere: the ash has gone but the grey bark of the burnt trees still twists towards the sky, tracing the path of the fire from its origins at the top of a rocky hill between two gullies near Saunders Road, across the Hume, through Wandong and on to Mount Disappointment.

When the Kilmore brigade was instructed to take control of the fire they faced an impossible task. They were never going to win against the overwhelming might of nature. The fire was sighted at 11.47 a.m. Brigades from Kilmore, Broadford, Clonbinane, Wandong and Wallan were paged first. At the same time, the Kilmore brigade was paged to respond to a second fire on the Wandong–Kilmore road,

3 kilometres south of Kilmore. By 12.16 p.m. the CFA was receiving reports of a grass and scrub fire in Clonbinane, north-east of Wandong. Five minutes later the police forward command log recorded concern for the Kilmore East fire, and by 12.31 p.m. it was identified as a major concern for the fire agencies, with potential impact on the Melbourne to Sydney railway line and the Hume Highway. By 1.58 p.m. the fire front had jumped the Hume and was reported to be 3 kilometres wide. The Kilmore fire, as others have said, developed into one of the largest fire complexes, taking the lives of 119 people and injuring 232 others. It engulfed 1242 homes and more than 125 000 hectares of land.

Among those who lost their lives was Dr Chris Towie, from Reedy Creek. Chris was an extraordinary man—an animal lover and a GP who spent his life working and fighting for the underdog, particularly for refugees and migrants. He had been in the headlines before. He once treated a Syrian-born grandmother who died after immigration officials insisted that she travel from Broadmeadows to Melbourne for a visa-related check-up, despite his warning that to do so would put her life at risk. Two days later she tragically died from a heart attack. On her death certificate Dr Towie cited 'being harassed by the Department of Immigration' as the cause of her death. Our world would be much better with Dr Towie in it.

Stephen Lackas and David Stokes, much-loved members of the Wandong and Heathcote Junction communities, also lost their lives. Steve was a well-known speedboat racer, a veteran of the V8 Superboat Championships. His wife, Sandra, and their young son, Bailey, managed to leave before the fire front hit their property. When the fire came through he was attempting to tow his boat to safety, and when had passed, his bus was discovered still sitting outside, filled with precious possessions, the keys in the ignition, idling. David Stokes was a regular at the Wallan Gateway Church. He taught religious education at Whittlesea Primary School for more than two decades. He was a very generous man, a man whom his brother described as someone who thought more of others than of himself. On Black Saturday he had been fighting fires at the 404-hectare farm he shared with his brother at Upper Plenty. One of his last actions that day was to make sure that his family were protected from the fires. His wife, Jenice, pays tribute to him as a committed family man who was dedicated to his farm and his community.

Newspaper reports from the following day paint a scene of devastation. Throughout parts of Wandong whole roads were wiped out, with dozens of properties littered with the charred shells of cars and crumpled tin roofs. The town's eastern fringe was largely deserted, the eerie silence broken only by the crash of hollowed-out trees. As one local noted, 'There are no kids in Wandong anymore, and not many women. They were the first ones we evacuated. It's just blokes here now'. Towns were razed and communities lost vital infrastructure, including police stations, water treatment plants, SES depots, power substations, communication towers, churches, community centres, government facilities, schools, kinders, childcare centres and small businesses.

From the ashes of Black Saturday extraordinary tales of bravery and courage emerged. The actions of many of the volunteers and emergency services personnel on the ground were nothing short of heroic. Wandong CFA volunteers Yorin Miller and John Kendrick had taken the brigade's slip-on while they waited for the trucks to arrive after them. When they realised a bulldozer driver who had been creating firebreaks had been caught in the blaze they risked their lives battling low visibility and extreme conditions to rescue him. When they found him, he was saying goodbye to his son. The memories of that day still live with them. We also lost people on the day and that is hard to take. John said to me today, 'It's something you've got to live with and grow with'. The pair were later awarded with the Pride of Australia Outstanding Bravery medals, recognition which they never sought but which was so very well-deserved.

Like Yorin and John, there were so many firefighters, State Emergency Service personnel and community members on the ground that day who tried to achieve the impossible. Whether it was emergency services or whether it was a neighbour, communities rallied to help each other despite being under the greatest threat. Our community will be forever grateful to those extraordinary people

and for those who over the days that followed came from around the state, volunteers who turned out from other districts, who formed strike teams and who provided relief.

Support flowed in too from around the state and around the world in the following weeks, months and years. The response to this year's anniversary has been quite mixed in my communities. I must say that at Monday night's memorial service, although I thought it was superbly done by the Department of Premier and Cabinet, I was not surprised to see many, many empty seats, nor indeed to see an empty gallery here today. Some want to remember it in the company of loved ones and their communities, but many would simply prefer to forget it altogether. Ten years on I think that there is a temptation to slide past what went wrong on that day and to only tell the stories of the heroic men and women who stood in the path of that inferno, but to do that without also acknowledging that there were failures would be a betrayal of the 173 people who died and the many who are left to mourn them.

Progress has been made in strengthening our warning systems and our emergency services response, in bolstering a fleet of aircraft, in the closer monitoring of arsonists and the work that has been done to improve the maintenance of our state's electricity assets. But there is still more to be done and it must be an ongoing effort. We must do far more to act on climate change, which is undoubtedly the driver of more extreme weather and increasing fire danger, and we must also guard against complacency. I have often asked myself over the last 10 years why, as someone whose family has always lived in the country, I did not know that the bush could burn like it did on Black Saturday. But I am too young to remember the events of Ash Wednesday and I wonder, in hindsight, how many others would fall into the same category. I think that as a new generation grows up not having lived through the events of Black Saturday we must do everything that we can to make sure that they are aware of the lessons that were learned on that day.

Today is a day to recommit ourselves to ensuring that we never allow ourselves or the Victorian people to forget. Collectively I think we bear that responsibility. In the lead-up to this week I spoke to a few people who were on the front line that day and I asked them what they would want remembered. These were the words of one CFA volunteer:

> The key to it is remembering that it can happen and don't get complacent. That was not a once-off and it will happen again. We can't let the experiences and lessons learned from Black Saturday be forgotten.

On behalf of the Euroa electorate I extend our love and support to those who lost loved ones and to the communities who were impacted on that day. Your experience is one which must never be forgotten.

Ms WARD (Eltham) (15:46): We live in our hills in the north because they are beautiful, and we love where we live. It is a deliberate choice to live where we do and for the most part we stay for decades or even generations. Our young adults, our children, move to the inner city to spread their wings only to return to our leafy hills as they are about to start their own families. It is not uncommon to find grandparents, parents and children all within 10 kilometres of each other nestled within our hills and valleys. We all know each other. Spread across the ridges, stretching from the Yarra River to Kinglake and beyond, we are all connected. Our parents knew each other. Our kids met at kinder. We have played footy and netball against each other. We have worked together, volunteered together, hung out as teenagers together and drunk too much together. We have celebrated festivals together and we have fought fires together. For a long time we have been a wide community hidden by our trees. Out in the sticks we were quite unknown, especially those smaller hamlets to our north.

We love our hills, our trees, our wildlife. We love our community and that is why we choose to live where we do. So much of ourselves is invested in our landscape. Our environment gives us joy, as does our community. We know our dangers. There are memories of fires past dotted throughout our landscape—a darkened dead tree, a broken chimney. They are like message sticks telling us of our past, of loss and of sorrow. CFA practice sirens that go off every Sunday morning are a regular reminder that danger is not that far away. But nothing could prepare us for the absolute horror, terror and devastation of the fires of February 2009—nothing.

Standing on the rooftop carpark of Greensborough Plaza that day we could see smoke over the hills that was deep and dark. It remains clear in my memory, as does that night, frequently going out to stand on our deck, sniffing the wind and checking to see if it had changed, bringing with it the smell of smoke and the possibility of fire heading to us, worrying about what might come and fearful of what had been. I knew people in those hills. Like pretty much everyone in my community, I am connected across the hills. People I have known across the years lived in areas from which, that night, there was silence. Then morning broke, as did our hearts as the full extent of the horror unfolded and we were confronted with the new reality—fire that tore our hearts apart, fire we had never before experienced.

I want to acknowledge and thank the emergency services for their unbelievable efforts, their bravery and their determination to save everyone they could and find those they could not. As Jenny Macklin and I arrived at the incident control centre (ICC) at Kangaroo Ground on Sunday morning people were calm. Along with John Brumby, Jenny and I were briefed on what had happened and what could happen over the days ahead. I do not have words that can describe the enormity of what we heard. Staffing phones at the ICC over the next few days I spoke to many people who were seeking their friends and their families and wanting to know about their properties. I cannot commend highly enough the people I saw calmly and respectfully going about their work, staff and volunteers alike. They were nothing short of amazing. In the days that followed donations started to pour in across our region from all over the state and beyond. Jenny's office in Heidelberg became a drop-off centre and we took out items to Diamond Creek and Whittlesea, witnessing the sea of donations from people who just wanted to help.

I cannot forget the driving need to help from people everywhere—the need to do something, the need to contribute, the recognition of the pain, the grief, the loss of the people around us, including people with no connection to our region who just wanted to help somehow, someway. The pain of the people in those communities is something we can recognise but can never fully understand. We cannot walk in their footsteps. We cannot know. But we can acknowledge, and we can remember, which we do today and which we will do again tomorrow—and which I do; I remember.

Sometimes when hanging my daughters' clothes on the line I remember Becky, to whom I was close when we were teenagers living in Research. I remember that she is not hanging up her only daughter's clothes. I remember she lost two of her children. When I go to Research Park I remember her brother Danny, who lost his life trying to help Becky's children find shelter inside their grandparents' house. I remember Jenny and Mick, who had been told their house was one of the safest in their street if a bushfire came and who managed to get out of their house, despite their windows exploding with fireballs, burning their skin and destroying their home. I remember the two sisters who sought refuge there and who lost their lives—it was the same house where Danny and his nephew and niece lost their lives. I remember my mum trying to find photos of Danny amongst our own, as Jenny and Mick lost everything.

Sometimes when I see a drink bottle I think of Jenny Bundy, who would regularly fiddle with her bottle during meetings when we gathered with others to devise ways to protect our green wedge. New Orleans jazz bands make me think of ALP member and actor Reg Evans, who had told me about a year earlier that he wanted one at his funeral; God knows why we were talking about funerals. At Montsalvat that is exactly what we got when we remembered his life.

There are moments when stories from the fires just pop into your head. I remember the family we knew from childcare whose child had blackened feet for weeks afterwards—the marks just would not fade. They survived by smashing a hole in their water tank, the water flowing over them. They did not go back to the mountain, and their marriage never recovered. Going past Our Lady's I have many happy memories of the school from our girls' time there, but now and again another memory creeps in of the Our Lady's family who lost their cousins and sibling—four members of their family—Paul, Karen, Caitlin and Nicola Rolands.

There are a few points around my community that trigger a memory of former Eltham Primary School principal Mark Thompson, a lovely, kind man who was not a principal in 2009 and who took on the role of offering support to fire-affected principals and educators. People still remember the good work that Mark did. I am not sure Mark ever fully recovered from this experience, taking his life in early 2015.

While our youngest daughter was only three and a half in February 2009, she is still afraid of smoke. I cannot imagine what those children who experienced the fires firsthand go through regularly in terms of their own trauma. Pretty much everyone in my community knew someone affected by those fires. There are very few degrees of separation across the north-east. We have seen the recovery. We have seen the hills on our horizon start to regrow. We have seen rebuilding. We also know the pain does not go away. We know these people continue to feel sharp, brutal pain. The hurtful ripple of the searing agony of loss continues to reverberate—the marriages that could never be repaired, the friendships that remain broken and the hearts that have not mended.

I do not know how people have managed to walk one foot in front of the other since these terrible days, how they have managed to get out of bed and how they have remembered to breathe with the heavy weight of grief and loss covering their shoulders and constricting their lungs. I have the utmost respect for them and for those who were the first witnesses to this terrible experience, who also have their own pain.

Thank you to those who helped these communities rebuild—first responders, paramedics, community health services, hospitals, educators, counsellors, businesses, sporting clubs, artists and more. During those horrible days and for weeks afterwards both career and volunteer firefighters, the SES and paramedics worked endless hours to keep these communities safe and to find those who lost their safety and perished. So many from my electorate did all they could to help. Their bravery is immense, and I thank them. I thank the member for Yan Yean for her ongoing and passionate advocacy for those who live in bushfire areas to ensure they receive the help and support they need.

Thank you to the government for showing leadership when it comes to mental health and to the Minister for Police and Emergency Services, who is here now, and to the 2009 Victorian Bushfires Royal Commission, which I am sure will teach us better ways to help people with PTSD.

This is a hard anniversary. It is important to know what we have rebuilt, what we have learned and what we can do better. It is important to remember what we have lost, what was destroyed and to remember the hurt. The hurt does not go away, we just learn to live with it.

Mr McCURDY (Ovens Valley) (15:54): I rise to support the motion moved by the Premier today. This week marks the 10th anniversary of the 2009 Victorian bushfires, which was one of the most significant disasters Victoria has experienced. Like most Victorians, I remember the day vividly. The howling, hot winds at 47 degrees at my home were fierce. For the Alpine shire the Black Saturday bushfires and their effects are still experienced every day by many in the region. The anniversary is a time to reflect and remember the 173 people who died across the state, including Mudgegonga's John and Sue Wilson.

The 2009 Victorian Bushfires Royal Commission reported on the Beechworth-Mudgegonga fire, which claimed the life of John and Sue Wilson, stating:

> The Beechworth–Mudgegonga area is about 300 kilometres north-east of Melbourne, on the edge of the Alpine National Park and in Indigo Shire.
>
> The 7 February 2009 fire in the area began at about 18:00 and burned fiercely until weather conditions moderated in the early hours of 8 February. The fire was not contained, however, until 16 February. Two people died, 38 houses were damaged or destroyed, and sheds, farming equipment and stock were destroyed. Overall, the fire burnt 33 577 hectares, including about 23 000 hectares of state park.

The report goes on:

> At about 18:00 on 7 February a fire started 3 kilometres south of Beechworth—

from a tree falling on a powerline on Buckland Gap Road.

> At about midnight on Saturday 7 February 2009 Sue and John Wilson died in the family home John had built at 1133 Myrtleford–Yackandah Road, Mudgegonga. Sue, 47, and John, 51, are survived by their two daughters, Grace and Samantha Wilson.
>
> John Wilson, a self-employed builder, had built the family's brick home on a half-hectare block of land on the western side of the Myrtleford–Yackandah Road about 18 years ago. Grace Wilson stated:
>
> > Approximately one hundred metres behind the house block ran the Barwidgee Creek. From the creek the land went up into steep bushland. I'd doubt if there would be much water flowing in the creek at this time of year. Between the creek and the house block was open grass paddock area which was owned by uncle Clary. Opposite from the house on the eastern side, was open grass paddock which then rose up into steep bushland.

The report continues:

> Late in the afternoon of 7 February the Wilsons and their neighbours, Patricia and Lindsay Easterbrook, could smell smoke and became aware of fire in their area. Throughout the evening and late into the night a number of people—family, friends, neighbours and firefighters—telephoned and visited the Wilsons, warning of a fire threat to the area. At 7.30 p.m. the captain of the Mudgegonga CFA brigade stopped at the Wilson house to warn them of the approaching fire and found Mr Wilson filling a petrol pump. Mr Wilson was aware of the fire threat and appeared calm. CFA firefighters called in to the Wilson property three times during the evening, at one stage helping Mr Wilson get one of the petrol pumps started.
>
> The last visit by firefighters to the Wilson property occurred at 11.30 p.m., when two members of the Hancock Victorian Plantations fire crew, James Bowden and Conrad King, called in. Mr Bowden had known Mr Wilson for 25 years and had called in after fighting fires in the Mudgegonga area; he knew that there were fires about 2 kilometres from the Wilsons' property. The Wilsons were inside the house and appeared calm. Mr Bowden advised them to leave, to which Mr Wilson responded, 'Jimbo, I've got the big pump on the pool, don't worry'.
>
> Daughter Grace did not recall hearing of any formal fire plan and thought that her parents were going to leave. It is evident that throughout the evening Mr Wilson was making preparations, and he told various people he spoke with that he was planning to stay and defend. He had connected fire hoses and prepared petrol pumps, one to draw water from the creek and one to draw water from the pool, although it appears that there were some problems with access to water. One of the pumps was faulty and was being fixed as late as 10.15 p.m. There was no water in the house tank and little, if any, water in the creek. It seems that the main water source being relied on for firefighting purposes was the water in the swimming pool.
>
> Mrs Wilson told her daughter in a phone call at some time between 9.00 and 9.30 p.m. that she was getting a few things together. Vincent Muraca called his friend Mr Wilson at about 10.15 p.m.; he recalled that Mr Wilson was preparing to stay and defend and seemed confident. At about 11.00 p.m. Mrs Wilson's uncle, Clarence Murray, called in with his wife. Mr Murray recalled that throughout their conversation he did not hear the Wilsons commit to any course of action—that is, whether they were going to stay or leave—although they did not say they would leave.
>
> Neighbours Pat and Lindsay Easterbrook managed to successfully defend their house. Mr Easterbrook recounted:
>
> > At about 11.30 or so it spotted and we had a huge fire over the back here behind us. At about five to 12 we noticed finally the wind change. It [the fire] crested over the top of these hills here … As it crested there this hillside exploded. Within 30 seconds, I would say, of coming over the top of that hill it came right through here at about 100 miles an hour. The whole—everything was on fire at once, the whole, almost 360 degrees … We couldn't, we didn't expect the ferocity of it.

Late on the night of 9 February the greatest threat was to Eskdale, and fires also burnt in pine plantations 8 kilometres from Myrtleford, at the western end of the fire area. By 10 February, firefighters had completed a 115-kilometre containment line around the Beechworth fire and sought to construct 15 kilometres more, though the fire continued to burn out of control.

A week before the fires a significant heatwave affected south-eastern Australia. From 28 January to 30 January Melbourne broke temperature records by experiencing three consecutive days above 43 degrees, with the temperature peaking at 45 degrees on 30 January, the third-hottest day in the city's history. Ironically it was only two weeks ago today that we experienced seven consecutive days of 40 degrees plus. Most of those days were between 44 and 46 degrees. The February fires commenced

on a day when several localities across the state, including Melbourne, recorded their highest temperatures since records began in 1859.

It is important that we acknowledge, thank and pay tribute to all the personnel who fought the 2009 bushfires and assisted in recovery. More than 19 000 CFA members were involved in frontline firefighting, incident management and support behind the scenes. We are forever grateful for their determination, courage and sacrifice. Everyone was affected by the 2009 bushfires, some more than others. Many other agencies and volunteers were also involved, and they were faced with numerous horrendous circumstances. Let the record show that we are incredibly proud of our volunteer CFA firefighters and the other frontline first responders. On behalf of the people of the Ovens Valley, may I say Sue and John Wilson will be remembered by the Mudgegonga community. Grace and Samantha will live with this loss, and we need to ensure our volunteers and first responders are well resourced and respected to protect our communities.

Mr McGUIRE (Broadmeadows) (16:01): Black Saturday is seared in our psyche. Flames fell from the sky. Fickle winds randomly determined life and death. One hundred and seventy-three people perished when a decade-long drought conspired with unprecedented weather conditions. Black Saturday defines Australia's worst natural disaster and Victoria's existential threat as one of the states most prone to wildfire in the world. Life is lived moving forward but understood looking back. Today we mourn catastrophic loss. We honour the resilience of survivors and first responders. We respect the fortitude of the decade-long quest for recovery.

As bushfires now rage across Victoria we acknowledge how the sweet smell of eucalyptus leaves triggers the trauma of remembrance for those whose lives changed forever on 7 February 2009. Black Saturday also defines resilience and determination to deny that miser fate. Within days Colin French whisked me beyond the police cordon into the apocalyptic landscape of Kinglake, past the melted cars, bloated kangaroo carcasses and razed houses where only the chimneys stood in defiance. The smell of ash mixed with anguish and disbelief. His home was one of more than 2000 incinerated across the state. Branches of trees scorched black reached skyward like outstretched fingers pleading for salvation.

No rescue attempt could have salvaged Black Saturday, a day Premier John Brumby accurately predicted would be the worst in Victoria's history. Courage and resolve defined first responders who saved countless lives while confronting up to 800 fires. Many were too ferocious to fight. In Marysville every volunteer from the Country Fire Authority lost their home. Some lost loved ones. Colin, owner of the Kinglake Ranges Wilderness Camp, was returning home with his wife, Michelle, son, Darcy, daughter, Van, and Max, the Shih tzu, for the first time to sift the remains of their life on Melbourne's green fringe. Remarkably Colin had already turned his mind to rebuilding and wanted to know if the model I had developed to connect the disconnected through lifelong learning could be adapted for Kinglake and Marysville, the town engulfed on the other side of the Great Dividing Range.

He explained a key reason his family survived was because Michelle took a series of photos on the morning of Black Saturday of the pall of smoke in the distance. Colin kept ringing emergency services for updates. Responses were reassuring enough for the family to sit down to lunch. Through the kitchen window he realised the smoke had turned at Mount Disappointment to form a 50-kilometre front. He recalled:

> Everyone was telling us there weren't other fires. I joined the dots.

Colin grabbed a map and compass and plotted where the front was moving, reporting the shift to emergency services. The inferno was descending. There were three potential escape routes. His gut choice saved his family—the other roads led to perdition. Colin warned unsuspecting neighbours, who also evacuated.

One of the revelations of the 2009 Victorian Bushfires Royal Commission was that amid such chaos the predictive mapping of the fires never reached firefighters on the front line. In response to this insight I called for an accord with California, another state stalked by wildfire, to deliver a world-class fire

prevention, tracking, mapping and communications strategy with Victoria to provide a new template for Australia, the United States and other bushfire-prone countries. Victoria and California established an agreement in 2015 under the Andrews government. In the spirit of commemoration, learning and evolving I propose this agreement be extended to Greece, which recently suffered what has been described as Europe's worst bushfires. Given all we know from the forensic analysis into Black Saturday and from previous disasters including Ash Wednesday, such intelligence could save lives in Australia and other countries. A life preservation accord with Greece would honour our blood ties.

Need is vital and urgent. Bushfires are intrinsic to our landscape, from ragged ranges to country towns and fringe suburbs craving the beauty of the bush. Grief is living with irrational and overwhelming loss. Faith, to believe or not, is a personal privilege and constitutional right. For centuries the Greek poet Aeschylus has provided solace: 'Even in our sleep, pain which cannot forget falls drop by drop upon the heart until, in our despair, against our will, comes wisdom through the awful grace of God'.

We cannot escape the consequences of existing with nature. To prevent future calamities, rational decision-making must triumph over politics. Colin French and his family rebuilt their lives and the wilderness centre to teach children to love the bush and cherish its plants and animals. Marysville has risen from the ashes, reborn as a postcard tourist town. We cannot change the past, but we can change the future. Our legacy from Black Saturday must be the steadfast commitment to save lives by sharing the wisdom born of tragedy.

Mr TILLEY (Benambra) (16:07): I rise to pay my respects to the 173 Victorians who perished on that horrendous day almost a decade ago tomorrow. We should also never forget in Victoria and around our nation the fire events that we have experienced. In this place we are joined by colleagues who have seen the very front of that and who have given service to our state and to our nation. I thank them in this chamber.

But it is not about us; it is about those Victorians who selflessly give service, whether it be in voluntary roles as firefighters or whatever the case may be. In saying that, we should also never forget the defence aid given to the civil community that our Australian Defence Force provides us with. Certainly during the 2009 Victorian bushfires we were supported by our Australian Defence Force. As a former soldier myself, and having assisted the civil community during the 1982 Tasmanian fires and the Ash Wednesday fires in Victoria, I know that this impacts each and every walk of life not only throughout our great state but also our nation.

As we know, when we commenced the condolence motion in this place, the fire status in the state of Victoria meant that we had eight going fires, seven contained fires and 65 controlled fires. The forecast this morning for the majority of the state was for possible severe thunderstorms. We need to be ever-diligent and ensure that our preparedness continues, and not only because of those tragic events almost a decade ago.

As I prepared to make my contribution to the condolence motion, I spoke far and wide with everybody, including incident controllers—in fact incident controllers were on the night shift for the Kilmore fires that fateful night—brigade captains, district group officers, police, paramedics, firefighters, community members and survivors. You all know who you are. Certainly over those years, however it has affected us, there is always that common theme.

My colleague the member for Ovens Valley made mention of Mudgegonga's Sue and John Wilson, who were on the boundary line of the Benambra district and, as it was known at the time, the Benalla electorate district, on 7 February 2009. I certainly pay my respects to the Wilsons and their entire family. If you drive down that road today, you can still see the remaining cubbyhouse—that land has not yet been rebuilt on, so it serves as a poignant reminder for a lot of people.

I also pay my respects to those who still carry the emotional scars from that night—the survivors, the firefighters and the emergency service crews who battled the fire front hurtling towards them at around

100 kilometres per hour, a fire which was spotting kilometres in front of a wall of flames, where crowning fires tore through the tops of trees and defied anything anyone had seen before.

Importantly I acknowledge that since 2009 enormous progress has been made in the management of these large-scale, complex campaign fires by both sides of this house—the warning systems now in place, the large-scale improvements to powerlines, the emergency command centres, the safer places. I do pray—and I share this because it was a common theme with people I spoke with—that time does not diminish the need for awareness campaigns each summer.

Going back to the north-east, on that fateful night, just 4½ seconds was all it took to start the Beechworth Library Road fire on that horrendous Saturday. When a half-dead tree split in the strong winds at about 6.00 p.m. it dragged down a high-voltage powerline near Library Road, with white-hot sparks raining down on the tinder-dry grass for 1½ seconds. An automatic system, part of the electricity network, tried to reconnect the power to Beechworth on two more occasions, both in 1½-second bursts. Each time, electricity arced from the fallen cable to the steel in the reinforced concrete power poles. Experts told the Victorian Bushfires Royal Commission later that year that each burst was like a spray of white-hot metal, similar to a Roman candle firecracker. In those 4½ seconds the shower of sparks from the powerline met grass and shrubs that were tinder dry from the week-long heatwave and further cured by the 45-degree heat of that day. It was the last of the major fires to start in the state that day and the last of the major fires from that day to be listed as under control.

A local leader in district 24, who is no doubt known to two people in this place but also around our region and the state, told me last week that many in our district thought they had escaped unscathed from those catastrophic conditions. He told me that, 'We expected the weather conditions we received. As we sat all day in our stations, in our trucks and in IMTs and listened to VicFires and watched on television the tragedies that were unfolding to our south, we deployed crews and incident management support to the Kilmore fire and by late afternoon we began to sigh a sigh of relief in the suspicion that we had escaped locally what so much of the state was suffering'.

The first official notification of the Beechworth fire was at 6.05 p.m. At 6.06 p.m. a strike team that had been stood down to attend the Kilmore East fire was called back, but containment by first attack was impossible. The fire was in a difficult location, the powerlines were down and the wind made it too dangerous to put firefighters in the path of the blaze. By 6.20 p.m., 14 personnel had been dispatched to the Beechworth-Mudgegonga fire along with three slip-on units and one first-attack bulldozer. The incident control centre was set up in Beechworth but it had no power—the electricity to the town had been cut. The back-up generator had already been deployed to Kilmore East earlier in the day. The team used flashlights, there was no air-conditioning and mapping the fire electronically was impossible.

Initially the fire was relatively benign—it was burning in bush that had been burnt in the 2003 fires and had also been part of more recent fuel reduction burns—but by 7.00 p.m. the fire was upgraded. The first attack had failed. By 7.20 p.m., 16 CFA tankers, 12 Department of Sustainability and Environment—DSE, as they were known in the day—slip-on units, two first-attack bulldozers, one large bulldozer and a rotary-wing aircraft were at the scene. Twenty minutes later two fixed-wing water bombers dropped retardant. I do not know whether it was Phos-Chek, class A or a combination of that with water; I was not able to get those details. But with night nearing, this was the only run they could do. It is good to hear that today our air attack is now able to drop those loads closer to and even after dark. That should be spread further. I look forward to seeing that possibility.

By 8.30 p.m., the number of CFA tankers had increased to 20. A strike team of our colleagues from New South Wales was on its way. Six minutes later came the news no-one wanted to hear. A south-westerly was approaching and likely to hit the fireground between 11.00 p.m. and midnight. At 9.30 p.m., 2 hours before the change, the fire broke free of the fuel-reduced areas and provided the first portent of its fury. It was now crowning through the gum trees, spotting up to 9 kilometres ahead of the main fire front.

The Wilsons, who lived at Mudgegonga on the border of the Benambra electorate, then held by my former colleague Dr Bill Sykes, were preparing their home for the attack. As my colleague from Ovens Valley said, they had two pumps, one attached to the pool. I know that there had been a game of golf with a couple of beers, which was the tradition for people throughout the state during that day. Nonetheless there were still preparations being made. We also know that CFA crews and other emergency workers visited their home at least four times that night. Most said they were relaxed, confident and able to weather the firestorm. But this was no ordinary fire.

Neighbours Pat Easterbrook and her husband Lindsay, who lived across the road from the Wilsons, said it sounded as though a few jets were taking off over the top of their house. Pat said to Lindsay, 'What the hell is that?'. He said, 'That's the fire'.

> [Shortly after] everything just burst into flames ... It was like bombs were going off. The mountain on the left side, on the creek side, the north side, that just exploded. The tree breaks that were coming up from the creek were on fire. The shed was burning down. It was roaring down from the south side as well.

At about a quarter past 2.00 in the morning the fire passed through Kancoona Gap, more than 30 kilometres from where it had first started. At about the same time it hit the Mount Stanley tower. The radio communications domes melted, and the building, which was two to three bricks thick and thought to be fireproof, collapsed. As the sun rose above that part of Victoria, the fire finally moderated, but by then we were aware that two people were dead, 17 people were injured, 38 homes and buildings were destroyed and more than 33 000 hectares had been scorched. The air, as you could appreciate, was in large parts of the state still black with smoke. Flames danced on the valley walls near Mudgegonga and then into the Kiewa Valley. Fertile farmlands, state forests and pine plantations were charred black and still smouldering. The twisted and tortured bodies of cattle were stockpiled in paddock corners, their futile attempts to avoid the flames corralling them into a macabre pyre.

It was 6.36 a.m. and 12 hours after that 4½-second burst of sparks. The memories of the firefight and the fires, which in our part of the world went on for almost a week and which threatened several other communities, live on 10 years later. The raw emotions of people that lost loved ones, homes, property, relationships and livelihoods are never far from the surface. The emotional toll on the firefighters and emergency workers who also faced the ferocity of that fireball is just as raw. There was an incredible turnout of volunteers and career firefighters from the CFA brigades of Allans Flat, Baranduda, Beechworth, Chiltern, Dederang, Eskdale, Gundowring, Kiewa, Mount Beauty, Mudgegonga, Myrtleford, Rutherglen, Stanley, Tawonga, Wodonga West—my brigade—and Wooragee. Here is an observation from one of our colleagues from that day and night. He said, 'Nothing could have stopped that fire. I went home with my head in my hands the next morning. All we could do was to save the homes that weren't alight and warn people of what was coming. But with the passing of time we realised that we did all we could do. In the Wodonga West CFA there is a photo of a house that was saved near Stanley. People said it couldn't be defended and yet the Wodonga West brigade did just that'.

There is a photo of that building in one of the rooms at the brigade that is simply titled 'undefendable'.

I certainly will not forget all of those from every station and walk of life that provided support to victims of the bushfire and that provided support to the emergency and firefighting crews. I will not forget the incredible resilience of my and the state's community at large, the strength of character and the depth of compassion. These were extraordinary times, and these were ordinary people who were called upon to do extraordinary things.

Mr RICHARDSON (Mordialloc) (16:20): It is a solemn time and occasion to rise and reflect on the 10th anniversary of the Victorian bushfires. It would be remiss of me to not place on the record my thanks to the members in this place who have reflected on their own community's experience. The member for Frankston's contribution about his time before coming into this place was harrowing, heartfelt and something that will leave a mark for many years to come. It is part of a patchwork of stories. The member for Yan Yean, a first responder, is an inspiration to everyone in this place and her

community. She is an amazing person, who in her contribution told a story and spoke of its impacts that still bubble to the surface some 3650 days on.

At the time of Black Saturday I was working as a state electorate officer for the former member for Gembrook, Tammy Lobato. The fires of 2009 were already well underway around the Gembrook electorate, and Bunyip State Park was on fire in the week leading up to 7 February and the fateful days afterwards. For people living out that way it was probably the nature of the media's reporting that meant it was not until the 6.00 p.m. bulletin that they really heard the story of the 7 February fires. Only then did it really dawn on people that the fires were unprecedented in their scale. In Tammy's condolence motion speech on 23 February she reflected on the recent anniversary that she had attended for the Ash Wednesday fires up in Cockatoo. The area around Beaconsfield and Cockatoo was completely destroyed. Cockatoo was no longer a township; it was completely destroyed. She said that in looking at the faces of those people some two and a half decades on she saw that the emotions were still raw and the images still vivid in their minds.

It is in reading the accounts of 2009 and in hearing the reflections told during the state commemoration on Monday that we see it is still very raw for people and that people are still, each and every day, courageously and resiliently battling through their grief and their heartache. We pay tribute to those that were sadly lost on 7 February 2009 and the following days—some 173 lives—to the people that lost property, livestock, farms and homes and to the 78 communities that were changed forever.

It was really inspiring and remarkable to hear the speech of Dr Kathy Rowe at the state commemoration. Someone so stoic and strong who had lost a family member—a member of that community—so eloquently reflecting on regrowth, on communities bouncing back and on how nature later returned to her community left everyone touched. It was a heartfelt moment. Something else that stood out at the state commemoration was the presence of nearly 1000 emergency services workers. In the end 800 first responders alone came along that day, people who to this day live each and every day with the memories of 7 February 2009. We place on record our thanks and appreciation for the work of police, firefighters, paramedics, SES workers and the people who volunteered to help their communities. One of the members in this place before me talked about people desperately—in those moments in the early afternoon of 7 February—going up and down streets, beeping horns, knocking on doors, trying to ensure that people who were not informed of the risk and of where the fire was heading knew what was going on. Thankfully, following recommendations of the 2009 Victorian Bushfires Royal Commission, we have a far more sophisticated and better warning system.

In the weeks and months after the 2009 bushfires a range of community consultations took place in the former member for Gembrook's electorate. Of course Warburton and Warburton East were burnt completely in 1939, and there was real fear—genuine fear and concern in communities—that the next bushfire season in October would be again unprecedented and that people were not ready. There was genuine concern in the community: if this was the unprecedented fire, what did the future hold? That royal commission and that work and what was detailed in the fire risk rating by the member for Frankston has transformed our warning and emergency system, and we are ensuring that people are better informed and can save life and property into the future. Sadly, with the severity of those fires, those warning messages from former Premier John Brumby on those days failed to tell the unprecedented story, with the CSIRO risk rating being double what had ever been considered the worst level of fire and risk.

So as we reflect on the 10 years, the time that has passed, one of the comments that was made at the time by former Prime Minister Kevin Rudd I think is quite an important point. He said that bushfires bring out the worst in nature but bring out the best in humanity. I think the spirit of Victorians during that time was substantial. The spirit of Australians coming to the aid of another state was substantial—millions of dollars raised, millions of dollars that went towards supporting those communities, hundreds of thousands of volunteer hours to support and rebuild and get communities back on track. Those scars and those wounds will live on, and we will always reflect on and remember those people

whose lives were lost and the communities that continue to rebuild and the toll that went beyond that—the mental health concerns that live on after 10 years—but we pay tribute to those communities.

In reflecting on this occasion, one only has to read the witness accounts of those courageous people who were impacted who presented to the bushfires royal commission. Some gave a minute-by-minute account of their experiences, and it is something that really puts into perspective just how severe and how awful 7 February was, but they courageously stepped forward and gave their stories and accounts to better inform our emergency services and the bureaucracy and government going forward to protect us into the future. When you hear in those accounts of fires spotting 15 kilometres ahead, it is very hard to comprehend how anyone could defend or how we could protect life and property, but the courageous actions taken on that day and in the weeks that followed tell a story of the Victorian spirit, of always stepping up to help one another—that in times of great peril and great need we are here for each other. We pay tribute to those people and their communities as they continue to rebuild some 10 years on.

Mr BLACKWOOD (Narracan) (16:28): The circumstances that occurred on Black Saturday, as we have heard many times here today, caused the worst natural disaster in Australia's history. We all know the devastation and enormous loss of life that too many of our communities endured. I understand that many survivors are still battling with the emotional trauma they suffered, particularly people in communities like Marysville, Kinglake, Strathewan, Traralgon South, Hazelwood North and South, Jeeralang and Callignee. My thoughts and prayers continue for all of the survivors that still suffer the pain of loss and trauma today.

In my electorate the Bunyip Ridge fire wreaked absolute havoc, but thankfully not one life was lost due to the impact of the fire. However, 38 homes were lost, and as our Governor, Linda Dessau, said at the memorial service on Monday these were 'homes that sheltered not only families and possessions but the precious mementos and memories of family life'. Along with the loss of 38 homes, hundreds of kilometres of fencing, water infrastructure, hay and shedding and pasture, the loss of income to hundreds of farms, businesses and families had a profound effect on too many people in our community. The resilience that has been shown by those impacted has been amazing.

As an example, I would like to recount the story of a Labertouche North farming family, their experience on Black Saturday and the recovery that took place over many years following. It is a story of hope and resilience that typifies the way so many farmers bounced back over time with amazing determination. Mark and Lee McGuffy own a 600-acre beef cattle property that borders the Bunyip State Park. Theirs was the first property impacted by the fire as it leapt out of the Bunyip State Park. Mark and his sons and a couple of his mates had decided to stay and defend their property, which they did with some success. They stared down the gale-force winds, the smoke, the heat and the frightening roar of the fire front as it raced through their farm. They managed to save every piece of infrastructure that was insured, but lost every bit of infrastructure that was not insured—another example of Murphy's Law at work.

All of the boundary fencing that was shared with Parks Victoria, Melbourne Water and Baw Baw shire stretching over 29 kilometres was gone. All internal fencing was lost. All their water infrastructure was melted in the intense heat. Hay sheds full of hay were gone, and all their pastures had been fried. Mark had been able to keep his cattle out of the path of the fire, but once it passed he had no way of feeding or watering his stock or keeping them secure. On the Sunday morning he had to make the heartbreaking decision to walk his cattle, including his breeding stock, 8 kilometres down the road to a set of yards that had somehow escaped the fire to be loaded onto cattle trucks to be taken to market. Mark did what was best for his animals. Despite being faced with the enormous task of recovery, the McGuffy family somehow found the resilience and determination to return their farm to pre-fire condition. In reality this has probably taken most of the 10 years since the event.

The personal cost has been enormous, but the McGuffy family would be the first to admit that the moral and practical support from the community has been amazing. So many volunteers assisted with

restoration works. The community church in Warragul coordinated teams of volunteers for many, many months across the areas impacted directly by the fire. Mark and Lee's story is one that was replicated across all of the farming communities affected, in particular Labertouche North, Labertouche, Jindivick and Drouin West. The courage and dedication of the survivors, supported for many months by an amazing band of volunteers, has delivered an outstanding recovery effort for the farmers and their families. We should also never forget the indirect impact this fire had on so many businesses in the area, particularly in Jindivick, Neerim South, Drouin and Warragul. Thankfully most have had the ability to survive, but it was a very tough two or three years.

The response from our community has been incredible. The generosity that underpinned tremendous emotional and practical support through donations and many, many volunteer hours assisting the rebuild is something that all in the West Gippsland community can be very proud of. The bravery of our firefighters on the day saved many other communities from devastation. Their response and that of our police and emergency services and the Baw Baw shire was outstanding.

As the north wind pushed the fire out of the Bunyip State Park it was throwing embers 10 to 15 kilometres ahead of itself towards the Princes Freeway, putting towns like Longwarry in grave danger and then the larger township of Drouin. Our CFA volunteers were very quick to act and extinguish those spot fires that could have developed into a major disaster for those towns. As the wind swung around from the north to the south-west it pushed the fire back towards Drouin West, where a number of homes were lost.

Many more could have been lost if not for the courage and professionalism of our CFA. It must also be remembered that those flying our aircraft on that day were flying in conditions that they should never have had to endure. Their skill and commitment was outstanding and definitely saved lives and property. We are seeing the same dedication, skill and commitment from our professional and volunteer firefighters, aircraft pilots and crew today as they continue their attack on fires currently burning across the state, particularly in Gippsland. I also have to acknowledge the role played by our timber harvesting contractors both during the campaign of Black Saturday and again this summer. They have deployed their dozers and excavators to the fireground, constructing critical firebreaks, assisting with back-burning and helping to extinguish and remove hazardous trees.

It must be understood that the Black Saturday fire was a campaign fire that was fought over a three-week period. It was not just a one-day event; in fact there were fires burning in central Gippsland two or three weeks before Black Saturday. The same goes for the fires burning across Gippsland at the moment. They will require a campaign of water bombing, on-ground attack from our firefighters and heavy machinery for some weeks until we get decent rain.

In closing, on this 10th anniversary of Black Saturday we honour the memory of those lives lost and we recommit to continue standing beside the survivors who continue to battle with the emotional trauma of losing family members, friends and neighbours. One way this can be done is to make sure we implement the learnings from the tragedy of Black Saturday. Climate change is happening, as it always has. We can minimise the risk and ferocity of future fires if we genuinely commit to the recommendations of the 2009 Victorian Bushfires Royal Commission and stick to them. In this place we all have a responsibility to not be swayed by the politics or ill-informed rhetoric and personal agendas of some minority activist groups. We owe this to those who lost their lives, their families and their communities and to our future generations. I commend the motion to the house.

Ms KEALY (Lowan) (16:36): Tomorrow marks the 10th anniversary of Black Saturday and the 2009 Victorian bushfires, a tragic event which resulted in Australia's highest ever loss of life from a bushfire and the further loss of many homes, schools, businesses, community meeting places, land, beloved pets, stock, forests and wildlife.

At the outset I would like to extend my sincere condolences to the families, friends and loved ones of all those lost in the 2009 Victorian bushfires. I would also like to offer my thoughts and support to all

those who were impacted by the fires in others ways, whether that be through loss of property, those still healing the physical or mental trauma of the day, those who helped to battle the fires or helped a community through their rehabilitation and healing over the past 10 years and those who are still affected by just watching the impact of the fires and feeling the hurt of these communities. My thoughts are with you all.

Like many I can vividly recall the lead-up to Black Saturday. The country was dry, very, very dry. After an extended period of drought the environment was tinder dry. The state was already on high alert for fire danger, which escalated in the week leading up to Black Saturday, with the dangerous mix of high winds and extremely high temperatures predicted for the Saturday. On the Saturday morning the air was hot and thick. Stepping outside felt like stepping into an oven. It was also extremely windy with high wind gusts. We actually experienced wind gusts of up to 90 kilometres per hour in the west of the state, and, as many people in country Victoria would have expressed that day, it was a terrible day for a fire to break out. Today, 10 years on, it feels like this was a gross underestimate of just how terrible the fire conditions were. No-one could ever have expected the tragic conclusion and the bushfire tragedy that would unfold later that day, taking the lives of 173 Victorians just on Black Saturday and more in the days following.

On Black Saturday two significant fires broke out in the Lowan electorate: the Remlaw fire near Horsham and the Coleraine fire. The Horsham fire burnt just under 6000 hectares of land. It took the beloved Horsham Golf Club and 11 homes around the Haven region and also west of Horsham around Vectis. The fire was first known about and ignited about 12.30 p.m. on the Saturday when strong winds initiated the failure of a 40-year-old tie wire, which felled a powerline at Remlaw, just west of Horsham. The fire spread south-west and then south-east, across the Wimmera Highway and Wimmera River to the Horsham Golf Course and then to Haven, south of Horsham.

Firefighters managed to save the general store, the town hall and the school at Haven, though flames came within metres of those buildings. Winds of up to 90 kilometres per hour changed direction three times throughout the day, producing conditions described by the local CFA incident controller as the worst he had ever seen. It is actually amazing to have a look at the fire map around Horsham. It was due to the incredible work of CFA volunteers but also an ounce of luck that the wind conditions changed in such a way that the township of Horsham was protected and saved. It would have been an enormous tragedy had the wind conditions not changed and if those CFA volunteers had not been able to put out some of those spot fires that were heading towards the city.

Over the weekend it was a great privilege to join the Haven community in their commemorative events marking the 10th anniversary of the Remlaw fire. It was amazing to join that community—it is a very tight-knit community—hear their stories and see firsthand how they were hit by the fire initially and how they were impacted by the fire, but also how they have worked towards recovery over the past 10 years and how they are still recovering in many ways. During a bus tour of the fire-impacted area I was fortunate to be seated next to Jamie Chandler. Jamie is a CFA volunteer with the Wonwondah brigade. I believe he was captain at the time of the fire and he led a lot of the coordination of the Horsham fires on the ground. He was one of the first on the fireground on the day. It was the first time that Jamie had been up some of the roads we were travelling on, and to hear him relay firsthand what the conditions were like on the day and how the fire was breaking out and spotting so rapidly really helped me to envisage what the conditions were like. He said it was the dust that was more of an issue than the smoke, which you usually see in a fire, because it was so incredibly windy through that region. He recalled driving the fire truck to a residence and pulling up the fire truck with only centimetres to go before he would have run into a flying fox wire that would have ripped the top off the fire truck. He then travelled further through the same property and nearly drove the truck into an in-ground trampoline, which of course would have resulted in a sure loss of life for those people involved. Unfortunately I think a Department of Environment, Land, Water and Planning truck actually put a tyre into that in-ground trampoline. They were able to escape, though, and to attack the fire in other

areas. But it did make me realise just the terror, the difficulty and the positions our volunteers put themselves in, all in the name of protecting their fellow community members and also property.

Jamie also recalled driving past Horsham Golf Club and seeing the pine trees ablaze and golfers scrambling off the course and huddling in bunkers. He said it was like watching *Jurassic Park*. It would have been absolutely terrifying for people in that environment, but also of course for all of the people who were impacted by fires on that day. He drove away and could see the golf club was well aflame and could not be saved. He knew that there was an elderly resident in the Haven area, which the fires were heading towards; it was a resident who was in a wheelchair. As he drove up to this house he could see the back of the house was already alight and he knew that it was too late to try and save the house. They did put an effort in, but they knew they had to move on to another building—it was just too far gone. They did not know it at the time, but fortunately that resident was evacuated, although the house was completely razed. There is a lovely story where they did find in the dust and the ashes after the fire an old tobacco tin that had some lovely photos in it, which were able to be saved and are a very important keepsake for the family members of that resident. The immense number of people that supported the firefighter efforts in that area was just amazing. I think that by 3 o'clock more than 400 personnel were engaged to fight these fires. I do thank everybody who was involved because, incredibly, we had no loss of life in the Horsham fires and there were no injuries, which is just phenomenal, really.

We also had a major fire at Coleraine. Again, in the gusting winds we had a powerline blow down. This was another significant fire, and while it did not take as much property, as many fence lines or as many homes—I believe just the one home was lost—it took the Coleraine Avenue of Honour and also, unfortunately, we had one significant injury in the firefighting exercises. A local man was trying to evacuate some stock out of harm's way and while he was moving the stock the fire came up behind him and he suffered significant burns to the back of his body. Again, though, we are so fortunate that we did not have any loss of life in that area. Again the volunteers were able to hold up the fire and to protect our people and our property, which is what our CFA does so incredibly well.

I would like to thank each and every CFA volunteer and all other volunteers and emergency services workers who assisted in the 2009 Victorian bushfires, whether it was fighting the fires on that day of Black Saturday or the mop-up and the clean-up that went on for the following weeks. I really do commend their courage and bravery. They most definitely saved us from a far greater tragedy for our region and our state, and for that I and all Victorians will forever be thankful.

I would also like to thank the significant number of support workers and particularly the mental health workers and counsellors who provided that initial support but also supported people during the past 10 years and on an ongoing basis in some instances. We are dealing with these disasters in a much more effective way now and providing the mental health support that people need at the time of an incident to avoid significant mental injury, but we also know that we are better at encouraging people to engage in supports throughout the journey. If there are people who are feeling the impacts of remembering what happened on Black Saturday—whether they engaged with it, whether it is somebody who is a support worker or not—I do encourage them to look after their own physical and mental health and to reach out and try and get some supports sooner rather than later. People are there waiting for you, and it will assist you.

To those who have bravely and generously shared their stories and experiences over the past week, and I know that is continuing through tomorrow, the anniversary, and over the coming days—this weekend on Saturday in particular, which I understand is quite a significant day for many—I really do thank them. It is incredibly brave of people to come forward and relive those experiences in a public way. We can all learn from that and understand how to deal with that situation—how disasters impact on each of us and our communities and how we can deal with these situations better into the future—so I thank them very much.

Black Saturday was a day that was filled with fear, terror and loss. Ten years on we remember the tragic loss of human life and those who are still healing from physical and mental trauma, but we also reflect on the community strength and spirit and the resilience of communities hit by bushfire, and particularly their stories of hope, regeneration and renewal. I commend the motion to the house.

Mr T BULL (Gippsland East) (16:47): I stand to make a contribution on the condolence motion relating to the 2009 Victorian bushfires. My electorate of Gippsland East is perhaps the most fire-impacted region of the state. Almost every summer we have a fire or fires of some description. Obviously some years are far worse than others. Bearing this in mind, there was a little bit of irony that the 2009 fires did not really significantly impact on my particular region but caused such devastation in other areas of the state. As we have heard from previous speakers, the 10-year anniversary is a time to remember those who were lost and to acknowledge the efforts of those who fought the fires, saving many, many lives in the process.

I do not think any contribution that I could make here today could do justice to the situation that confronted those communities and those community members, that was so well-described by other members of Parliament in this chamber today. I have not heard all of the contributions, but particularly the one from the member for Eildon I thought provided a very descriptive oversight of what occurred in her electorate, which suffered the major brunt of that fateful day, and also I note the member for Morwell's comments. Previous speakers have spoken about the death toll on that day, which of course was quite horrendous, but there were over 400 others who suffered injuries to various degrees and many more who were left mentally scarred by the experience. I base this view on listening to members of my community who have a strong understanding of the bush, and I believe what they say makes sense. Many who have long histories in East Gippsland have advocated for more fuel reduction burns but for those burns to be cooler and with less intensity, and this has merit on several fronts. The return of the firestick policy, which I think was touched on by the member for Murray Plains in his contribution, promotes Indigenous traditional burning methods and is based on more regular and cooler burns conducted year-round. I have attended some of the workshops that have been undertaken by Victor Steffensen and David Wandin, where they have highlighted that certain areas of bush can be burnt year-round—cool burns depending on the landscape and the seasonal conditions. They have described those cool burns as like water trickling around the trees in the landscape. This plan, which was supported by the mountain cattlemen and various Indigenous groups, was to open up a number of areas to trial and prove the merits of this form of fuel reduction control before rolling out an expanded program. Every member in this chamber has a responsibility to continue to try to improve and explore those methods because I think that they can improve the way that we do things significantly.

The benefits of effective fuel reduction burns are there for all to see. For instance, the Tostaree fire in East Gippsland just a few years ago was a fire that took off and covered a lot of ground extremely quickly. Reports from local firefighters said it was only when that fire front hit the area that had been exposed to a fuel reduction burn that its intensity diminished to a level that it could then be controlled. There is perhaps no better description of how fuel reduction burns can benefit the way that we fight our fires. They need to be undertaken more often to reduce fuel loads, but we need to do them right. We need more year-round burns and more cool burns that reduce fuel without the intensity to scorch the landscape. That is a message I constantly receive and a message I strongly concur with.

But while discussions around that issue will be ongoing, it is fitting and appropriate that today we acknowledge those who lost their lives, those who fought these blazes and those who have been impacted in any way. Let us hope that as MPs and as a Parliament we can work together to continue to improve our preparedness and firefighting capacity to reduce the possibility of such a horrendous occurrence again in the future.

Mr D O'BRIEN (Gippsland South) (16:52): I too am pleased to rise on this motion regarding the 2009 fires. There have been moving contributions by all the contributors here in the chamber, and I especially mention the member for Yan Yean, the member for Morwell and the member for Eildon

among others who have told their stories—especially the member for Yan Yean, who told her personal story of being on the front line. Unlike those and most others in the chamber, I was actually interstate at the time, but like others, we all know where we were that day. Unfortunately I was dealing with my own family tragedy at the time, but I very clearly remember the events of that day. I remember being in New South Wales at the time listening to ABC radio, and others have commented as well on the magnificent efforts of the media generally but particularly our national broadcaster for keeping the public informed that day. I remember sitting up in bed with my wife late into the evening, or indeed into the morning, and listening to reports of the fire. The most stunning report that I remember hearing was that of Marysville when one of the female presenters came on. I cannot remember the exact words, but basically she said, 'Marysville is gone. We can't contact anyone in Marysville'. It was surreal and horrific from afar to be hearing those words. I cannot imagine what it would have been like to have been in Marysville or to have been in any of those other areas that were so dramatically impacted on Black Saturday.

The Gippsland South electorate was of course impacted by the fires in 2009, and not just on Black Saturday, and earlier the member for Morwell talked about the Delburn complex. Delburn is literally on the boundary between his electorate and mine, and that fire affected parts of my electorate, particularly around Mirboo North. But on Black Saturday the fire went—

Members interjecting.

The SPEAKER: Order!

Ms Kealy: On a point of order, Speaker, it is quite rowdy at the moment. I ask you to bring—

The SPEAKER: The chamber will come to order.

Mr D O'BRIEN: The Gippsland South electorate was certainly affected in the weeks leading up to Black Saturday and then again on Black Saturday itself with the fires that started around the Churchill-Jeeralang area and went over the top of the Strzeleckis to Carrajung and Devon and down towards Yarram. Thankfully, as best as I can ascertain, the Gippsland South electorate suffered no fatalities, but it certainly was impacted.

At the time of course I was not the local member, and given I was not there I thought in my contribution it would perhaps be best to reflect on someone who was, and that is my predecessor, Peter Ryan, who was both the member for Gippsland South and the Leader of The Nationals at the time. I looked up his speech to this chamber in the condolences that occurred just a few weeks after Black Saturday, and here are a couple of the stories that he told:

> At the relief centre in Traralgon a young lady showed me a mobile phone photo of the back rim of the family four-wheel drive. The rim was all that was left because the tyre had melted off as they had made it down the driveway to get out.
>
> At Boolarra one of the firefighters described the awful moment of attempting to protect a house which was about to burn. Having apparently lost the battle, he heard the whirr of rotor blades above him and looked up to see Elvis flying at an impossible angle, laying a curtain of water across the building and over some of the firefighters. Then the fire was out, Elvis was gone and the house was saved—absolutely remarkable. The people who fly those aircraft are aeronautical magicians. They are nothing less than astounding.

He went on to talk, as many of us have of course done, about the wonderful work of our volunteers and all those people in our emergency services and the first responders. He said:

> I thank the volunteers. God bless the Country Fire Authority. Where would we be without the CFA? Its members have stood the line, displayed courage under fire yet again and demonstrated the utmost professionalism. To them and to their colleagues who have come here from interstate and overseas to fight this monster, we are so very grateful.
>
> They stand of course with the other volunteers: the State Emergency Service, the Red Cross, St John's Ambulance, the Country Women's Association, the faith affiliates—be it Vinnies or the Salvos—and so many others, including the service clubs, the neighbours and the individuals who have done such heroic things

> in the names of their friends and families. There are stories that we will never hear about. There are also the agencies that have stood with them. The Department of Sustainability and Environment has also done a magnificent job, as have those who wear the blue, our police officers.

Mr Ryan mentioned the CFA. The Leader of the Opposition today referenced one of my constituents, David Tree of Mirboo North, who was the man in the famous photo of a firefighter providing water from his bottle to a koala—a photo that was actually taken not on Black Saturday but a few weeks earlier. It is a sad fact that that experience and the fact that that photo went viral around the world was not an entirely positive experience for David. But I do love his comments to the *Sydney Morning Herald* a few days later. As that article says:

> Tree is full of praise for the CFA and DSE's work.
>
> 'I don't think there's a word in the English vocabulary that sums up the work these guys are doing. The CFA is a massive family. If one stands we all stand, if one falls, we all fall.
>
> 'We got off scot-free in our hometown—

that is Mirboo North, as I said.

> My heart goes out to those guys out there still fighting. It's just tragic what's happened.
>
> 'So many people have cried over it and I think people needed a release. I think that's why they've related to the koala so much'.

I think David's words are beautiful. Ten years on, people still cry; people still need a release. Let us pray that such a tragedy never happens again.

Mr SOUTHWICK (Caulfield) (16:59): I rise to speak briefly on the condolence motion on the 10th anniversary of the 2009 bushfires. I say at the outset that there have been members from all sides of the Parliament that have spoken with real passion, conviction and sensitivity on what is a really important issue, and I commend all members who have made contributions today. They include those who have been directly affected by those bushfires in their electorates, those who were not members of Parliament at the time and certainly those who have had some connection with the bushfires of 2009.

The date, 7 February, is a date that will always stick in my mind in that it is my and my wife's wedding anniversary. At the time it was our 10th wedding anniversary. We were at home and, like others, saw things unfold. Of course being in an electorate that was not directly involved in it, we were listening intently to the news that was flowing in. The point that I want to raise briefly today is, firstly, those whose electorates were directly involved and who contributed and did so much at the time and our emergency service workers who did so much during that time and are continually there at the front line serving our community. But when an event like this happens, every single person is involved. Certainly what we have seen time and time again is every single Victorian stepping up. It is something that we should never lose sight of. We are very, very lucky to be in a state in a country that always puts people first in these drastic, hard times, as we have seen.

The amount of donations and gifts and things that were flowing in during that period was significant. I remember at the time that Neil Mitchell on 3AW had a call-out with Jemima Richards, somebody who was directly involved at Kinglake. She set up a temporary relief centre on her property and she called out for a whole range of different things—toys and books for kids—and we actually headed up with a truckload of stuff and got to meet Jemima and a lot of others at the time. Certainly those images stuck very intently in our minds—images of somebody who was not experienced in firefighting or any of that kind of thing. I think Jemima ran a beauty business for a number of years before moving to Kinglake, and then the next minute she was running a relief centre and has gone on, along with Kate Riddell, to set up Firefoxes, which is helping to support others in further instances.

I would just conclude by saying thank you to everybody who was touched by the 2009 bushfires and to say that we are always there and we should be there for one another. I think that is something that really stands out to me. The community works through the time of and the recovery from natural disasters and has the resilience to ensure we are kept safe and protected. Finally, these are the times

when the Parliament does work at its best, as we put our political differences aside and talk very much about people and how we can be supporting people when things like this touch them the most.

Ms VALLENCE (Evelyn) (17:03): The 2009 bushfires were the most devastating in Australian history, with the heart-wrenching loss of 173 lives on Black Saturday. An indescribably tragic loss of life, so cruel, most particularly cruel where several members of the same families perished in their homes, in their cars trying to escape or fighting bravely, selflessly, to protect property and people in their community. More than 450 000 hectares were burnt and the homes of more than 7500 people were destroyed.

I pay tribute to each and every one of those 173 people who died, each a tragedy. Ten years on, the pain for their families and friends will have hardly diminished, and we extend our deepest thoughts to them as we commemorate the 10 years since these fires. I pay tribute to all the survivors, who were confronted with the most challenging natural disaster and whose lives thereafter have been indelibly altered as families, businesses, communities have had to regroup and rebuild.

I pay tribute to all of those who contributed so much during the height of the fires and in the months and years thereafter and to the heroic actions of thousands of first responders, emergency services workers, CFA volunteer firefighters and SES volunteers. Indeed a large number of CFA and SES volunteers from the Evelyn electorate were deployed right through the Yarra Ranges and Murrindindi shires to help. To this day our community owes a great debt to these women and men who put their lives on the line voluntarily, and with the ferocity of the fires on Black Saturday they did exactly that.

There are so many local volunteers who demonstrated great dedication and courage on Black Saturday, as well as in the weeks before and after, and I would like to call out a few names although there were many: the Bighams, the Burgis, the Sartoris, John Fenton, Tim Michelson, Andrew Webber and Les Sharpe, who was honoured with a National Emergency Medal in 2013 for his Black Saturday contribution and recently celebrated 60 years of dedicated service to his community as a volunteer firefighter with the Wandin CFA.

The trauma of these ferocious fires allowed us to see the strength in people but so too the vulnerabilities of people. For many survivors the anniversary is a time when they want to remain at home and within their local communities. It is the shared experience that many have that we hope to learn from for the future. This is not lost on my family. Late in the morning on Black Saturday one of the early fires was in Wandong, as has been described by other members in this place, just beyond the back fence of the home of my mother and father-in-law. My mother-in-law evacuated fairly quickly, but my father-in-law stayed on. As another contributor to the debate today has said, in Wandong it was just the blokes who were left, and my father-in-law was one of those. We were lucky then as that fire was kept under control early with an aerial water drop. All our family were on alert all that day, particularly those in Wandong, Bylands and Broadford. My husband's uncle, aunty and cousins are brave survivors of that day. That is a shared experience, as I said, for so many, and it is one on which we can reflect and have learned lessons from. They lived in Clonbinane in a beautiful, welcoming and happy family home. The inside was filled with artwork—my aunty is an artist—and the outside with heritage farm machinery. The house was complete with an extensive sprinkler system, with tanks and fire hoses all at the ready for such an event, or so we thought.

With the escalation of the fire activity in the area, the intense heat of the day, dry storm activity and the massive wind change in the afternoon, our aunty and cousins had evacuated, but it was our uncle who bravely had the confidence and the courage to stay on and protect his beloved family home. He had the set-up. He had the gear. But Mother Nature did not discriminate on that day, and when the fire ripped up through the steep hill of trees his yard rushed up in flames and he had the harrowing vision of their family dog going up in flames before his very eyes. At that time Uncle Bill knew he had to get in the car and hightail it. Then, with the flames licking his car, the plastic melting off the side of the car, he sped off without really seeing where the road was. Thankfully—so very thankfully—he made it to safety and the loving arms of his wife and teenage kids.

They have taken a long time to rebuild, and I pay tribute to them and their resilience. But this is just one of many similar examples. There are so many, many examples like this for so many families. It contributes to the shared experience of that dreadful day. I am so glad that we have now learned the lessons from that day. Thank you very much for the indulgence.

The SPEAKER: The question is:

That the motion be agreed to.

I would ask all members to signify their assent by rising in their places in silence.

Motion agreed to in silence, members showing unanimous agreement by standing in their places.

The SPEAKER: I declare the motion agreed to unanimously. Under the resolution of the house of 5 February 2019 the house is now adjourned.

House adjourned 5.11 p.m. until Tuesday, 19 February.