

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 1 September 2009

(Extract from book 11)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer, Minister for Information and Communication Technology, and Minister for Financial Services	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Industry and Trade, and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp, Mr Lim and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn and Mr Scheffer.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmarr, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:

The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

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

Mr E. N. BAILLIEU

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

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip ¹	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew ⁵	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter ²	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André ³	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William ⁶	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene ⁴	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Elected 15 September 2007

⁶ Resigned 6 August 2007

CONTENTS

TUESDAY, 1 SEPTEMBER 2009

CONDOLENCES

<i>Charles Hugh Francis and Alexander Thomas</i>	
<i>Evans</i>	2849

MINISTER FOR FINANCE, WORKCOVER AND THE TRANSPORT ACCIDENT COMMISSION: RESCUE	2849
--	------

ABSENCE OF MINISTER	2849
---------------------	------

QUESTIONS WITHOUT NOTICE

<i>Emergency services: 000 system</i>	2849, 2851
<i>Public transport: franchise agreements</i>	2850, 2851
<i>Bushfires: warnings</i>	2852, 2854
<i>Consumer affairs: toys</i>	2853
<i>Children: early childhood services</i>	2855
<i>Bushfires: native vegetation clearance</i>	2855
<i>Bushfires: preparedness</i>	2856

VICTORIAN RENEWABLE ENERGY AMENDMENT BILL

<i>Introduction and first reading</i>	2857
---	------

LAND LEGISLATION AMENDMENT BILL

<i>Introduction and first reading</i>	2857
---	------

VALUATION OF LAND AMENDMENT BILL

<i>Introduction and first reading</i>	2857
---	------

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL

<i>Introduction and first reading</i>	2857
---	------

BUSINESS OF THE HOUSE

<i>Notices of motion: removal</i>	2857
<i>Standing orders</i>	2860
<i>Program</i>	2895

PETITIONS

<i>Police: West Heidelberg</i>	2857
<i>Students: youth allowance</i>	2858
<i>Rail: Mildura line</i>	2858
<i>Patient transport assistance scheme: rural</i> <i>access</i>	2858
<i>Rail: Traralgon line</i>	2858
<i>Andersons Creek Primary School: speed zone</i>	2858
<i>Housing: Ringwood development</i>	2859

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

<i>Alert Digest No. 10</i>	2859
----------------------------------	------

DOCUMENTS	2859
-----------------	------

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

<i>Interim report</i>	2860
-----------------------------	------

ROYAL ASSENT	2895
--------------------	------

APPROPRIATION MESSAGES	2895
------------------------------	------

MEMBERS STATEMENTS

<i>Carbon Capture Summer School: programs</i>	2897
<i>Greyhound Racing Victoria: board</i> <i>appointments</i>	2897
<i>Grand National Steeplechase</i>	2897
<i>Waverley RSL: Norman A. Smith scholarship</i>	2897
<i>Road safety: roadside vegetation</i>	2898
<i>Srebrenica: massacre commemoration</i>	2898
<i>Bushfires: youth support</i>	2898

<i>Vietnam veterans: memorial service</i>	2899
---	------

<i>Country Fire Authority: Diamond Creek</i> <i>brigade</i>	2899
--	------

<i>Environment: Bayswater North land</i>	2899
--	------

<i>Performing arts: 6PAC touring company</i>	2899
--	------

<i>Eltham North Primary School: environmental</i> <i>programs</i>	2900
--	------

<i>Nick Gottschalk</i>	2900
------------------------------	------

<i>Yuroke electorate: basketball clubs</i>	2900
--	------

<i>Insurance: fire services levy</i>	2901
--	------

<i>Austin Health: volunteers auxiliary</i>	2901
--	------

<i>Croydon South Primary School: site</i>	2901
---	------

<i>Essendon electorate: bowls clubs</i>	2902
---	------

<i>Climate change: Latrobe Valley</i>	2902
---	------

<i>David and Nathan Catherwood</i>	2902
--	------

<i>Alcohol: Victorian action plan</i>	2902
---	------

<i>Bushfires: fuel reduction</i>	2903
--	------

<i>Knox Battle of the Bands</i>	2903
---------------------------------------	------

<i>Fairhills Primary School: principal for a day</i>	2903
--	------

<i>Boronia Bowls Club</i>	2903
---------------------------------	------

<i>Rotary Club of Pascoe Vale: Savernake project</i>	2903
--	------

<i>Mount Erin College: principal for a day</i>	2903
--	------

<i>Frankston Heights Primary School: upgrade</i>	2904
--	------

<i>Strathdon community centre: children's art</i> <i>competition</i>	2904
---	------

NOTICE OF MOTION

<i>Withdrawal</i>	2904
-------------------------	------

CEMETERIES AND CREMATORIA AMENDMENT BILL

<i>Second reading</i>	2904
-----------------------------	------

ENERGY AND RESOURCES LEGISLATION

AMENDMENT BILL	2911
----------------------	------

GAMBLING REGULATION FURTHER AMENDMENT BILL

<i>Second reading</i>	2918
-----------------------------	------

ADJOURNMENT

<i>Colanda Residential Services: funding</i>	2922
--	------

<i>Berwick Springs Sports Club: pavilion</i>	2923
--	------

<i>Sea Lake and District Health Service: future</i>	2923
---	------

<i>Libraries: Williamstown</i>	2924
--------------------------------------	------

<i>Schools: funding</i>	2924
-------------------------------	------

<i>Bushfires: children's support services</i>	2925
---	------

<i>Ambulance services: mobile intensive care units</i>	2925
--	------

<i>Trams: Vermont South line</i>	2926
--	------

<i>Rail: Wodonga bypass</i>	2927
-----------------------------------	------

<i>Frankston Mechanics Institute: hall restoration</i>	2927
--	------

<i>Responses</i>	2928
------------------------	------

Tuesday, 1 September 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.05 p.m. and read the prayer.

CONDOLENCES

Charles Hugh Francis and Alexander Thomas Evans

The SPEAKER — Order! I advise the house of the death of Charles Hugh Francis, member of the Legislative Assembly for the electoral district of Caulfield from 1976 to 1979, and the death of Alexander Thomas Evans, member of the Legislative Assembly for the electoral district of Ballarat North from 1960 to 1988.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the late Charles Francis and the late Tom Evans.

MINISTER FOR FINANCE, WORKCOVER AND THE TRANSPORT ACCIDENT COMMISSION: RESCUE

Mr BRUMBY (Premier) (By leave) — I advise all members — I am sure they are all aware — that the Minister for Finance, WorkCover and the Transport Accident Commission was rescued successfully this morning from the side of Mount Feathertop. He has been moved successfully from Mount Feathertop to Bright and to the Alfred hospital. I spoke to him briefly on the phone. He is obviously tired from what has been quite an ordeal. He is in very good spirits, but not quite good enough spirits to be back here for question time today. He asked particularly if his thanks could be conveyed to all members on both sides of the house who have indicated their support and concern for him over the last 48 hours. He is deeply grateful for that support, which has come from friends and colleagues in a bipartisan way. He also asked me if I could, on his behalf, thank everybody involved in the search effort: the State Emergency Service, the police and the volunteers, who have done such a magnificent job.

We are very proud in this state of our emergency services. I know that members on all sides of the house are proud of our emergency services and our volunteers. We just saw another great example of their

work in the last 48 hours where a huge team was mobilised at short notice, and we got a fantastic result from that. I thank the emergency services personnel and volunteers for that.

I thank the media as well. The support of the media, particularly today, has been absolutely first rate. We are all elated and very relieved at this fantastic outcome for Tim and his family, for Parliament and for the state generally.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Agriculture will answer questions on behalf of the Minister for Water, who is also the Minister for Finance, WorkCover and the Transport Accident Commission and the Minister for Tourism and Major Events.

QUESTIONS WITHOUT NOTICE

Emergency services: 000 system

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the 2007 review of Victoria's state emergency services, which recommended an upgrade of the Victorian 000 service because of its inability to cope with high volumes of calls during extreme events, and I ask: is it not a fact that, in a chronic failure of this government to act, this recommendation was ignored, leaving Victoria dangerously unprepared for disaster?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As the member is aware, following question time today there will be a long debate about all of these matters to do with the royal commission and the interim report. The reason I appointed a royal commission with unfettered powers — —

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — The reason I appointed a royal commission with the widest possible powers was to look into all of the issues associated with the 7 February fires, to examine all of that information and to give us recommendations on how to go forward. I might say, as I think the Parliament is aware, the royal commission in its interim report has made 51 recommendations. The government has supported all of those

recommendations, and as I have said, later today there will be a broader debate about these matters.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. This is a question about the 2007 recommendation; it has nothing to do with the bushfires royal commission's recommendations.

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — I have indicated to the Parliament before all the steps which our government has put in place in relation to 7 February. The aggregate funding for the firefighting effort in our state, provided by the government and through the insurance industry, in the last year was more than \$700 million.

Mr Baillieu — On a point of order, Speaker, the Premier is continuing to debate the question and thereby defying your ruling, and I ask you to bring him back to addressing the question he was asked.

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — As I have indicated, the funding that was made available for all of the resources across government was in excess of \$700 million, compared with a number that was around one-third of that level when we came to government.

Public transport: franchise agreements

Mr HUDSON (Bentleigh) — My question is for the Premier. I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask him to outline the benefits of the finalised train and tram franchises.

Mr BRUMBY (Premier) — I thank the honourable member for his question. A little earlier today, with the Minister for Public Transport and the new operators, MTM (Metro Trains Melbourne) and KDR (Keolis Downer EDI Rail), we outlined the details of the final contractual agreements that the government has entered into with the new franchise partners. What these contracts that come into effect on 30 November this year will mean in terms of the travelling public in Victoria is more services, greater reliability and punctuality, and cleaner, safer trams, trains and stations. We believe MTM and Keolis Downer EDI are the best possible partners to work with our government in transforming the public transport system in this state.

The contracts are for initial terms of eight years with possible extensions of a further seven years. As members of the house know, we conducted an exhaustive international tender. We wanted to get the very best operators. MTM will draw on the experience of MTR Hong Kong, which operates what is arguably the best public transport system in the world, and KDR also has a proven international track record of excellence. In terms of the contractual arrangements, they will deliver improvements to what I would describe as the non-negotiables: punctuality, reliability, safety, first-rate customer service and cleanliness.

Passengers will notice changes from day one. KDR plans to give all the tram fleet what is called a deep clean, for a fresh start. It will also make Melbourne's tram tracks smoother using the latest in rail-grinding technology.

Honourable members interjecting.

Mr BRUMBY — With rail-grinding technology, you make the ride smoother. KDR has also pledged to improve punctuality and to reduce cancellations.

In partnership with the government, MTM will spend a record \$1.8 billion on maintenance and network upkeep over the first eight years of the franchise. This is a big increase in maintenance — approximately \$50 million to \$60 million extra every year over eight years. Suffice it to say that we are spending much, much more on our public transport system today than we did in those dim, dark years of the 1990s, when people were escaping our state in droves. They could not leave fast enough.

Honourable members interjecting.

The SPEAKER — Order!

Mr Seitz interjected.

The SPEAKER — Order! The member for Keilor will not interject in that manner.

Mr BRUMBY — There has, of course, been a transformation, and Melbourne is now the fastest growing capital city in Australia; people are moving to our state because it is a great place to be. It is a great place to live, it is a great place to work, it is a great place to invest and it is a great place to raise a family. The people of Australia believe that; they are moving here in record numbers.

In relation to the agreements signed today, in MTM more than 200 new jobs will be created in the train network. That will be 100 new customer information staff, and 100 extra staff in maintenance and renewals. I

am also pleased to say that there will be an additional 35 apprentices over the life of the contract, which is great news for young Victorians. MTM and KDR will establish staff training academies in the pursuit of excellence in the transport industry. All of that together means better services. It means great news for the economy, with more jobs, better skills and improved training opportunities.

All the details on that were released today. I should say, of course, that the announcement complements the \$38 billion worth of initiatives in our Victorian transport plan. Work has started on platforms 15 and 16 at Southern Cross station as part of Regional Rail Express. On top of all that, we have the new trains which will start rolling out later this year. The first of those have already arrived in Melbourne successfully. They are being maintained and assembled now for rollout later in the year, with one new train per month right through the next few years.

This is a positive story for our state. It is a positive story for a capital city which is growing more rapidly than any other capital city in Australia.

Emergency services: 000 system

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to findings in the emergency services commissioner's review of the April 2008 windstorm that revealed serious problems with the capacity of the 000 system to cope with extreme events, and I ask: is it not a fact that, in a chronic failure of this government to act, these findings were ignored and even kept secret for six months, leaving Victoria dangerously unprepared for this year's bushfire disaster?

Mr BRUMBY (Premier) — As I indicated earlier, there will be plenty of time for debate about these matters later today. The opposition will have plenty of opportunity to make its points.

Honourable members interjecting.

The SPEAKER — Order! The Premier might like to take a seat and we can continue when the chamber comes to order.

Mr BRUMBY — As I say, there will be plenty of opportunity for the opposition to raise those points. I should say the royal commission received, I think, 1260 submissions. It did not get any from the opposition or The Nationals — —

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. This is not a question

pertaining to the royal commission; it is pertaining to issues outside those matters, and I ask the Premier to answer the question.

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — As I have made very clear in relation to this and the previous question, the government has tripled the resources which are available for fire and emergency services in our state — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew!

Mr BRUMBY — The state is spending more, by far, on fire services and on preparation than we have ever spent before in our history — —

Mr Ryan — Speaker, I renew the point of order. The Premier is debating the question. I have asked about events of 2008 and why nothing was done prior to the events of this year. It is not a question about funding in relation to whatever might have been provided since. I am asking about the events of 2008 and a report arising from those events and why nothing was done in relation to 000.

The SPEAKER — Order! I do not uphold the point of order. I believe the Premier is being relevant to the question.

Mr BRUMBY — It relates to 2008 because by 2008 the quantum of expenditure by this government and through the insurance contributions was three times higher than it was when we came to government. You have got this contradiction at the moment where the funding level has tripled but politicians on the other side of the house are campaigning for a lower level of spending by opposing the fire services levy.

Public transport: franchise agreements

Ms KAIROUZ (Kororoit) — My question is for the Minister for Public Transport. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of the specific programs that will flow from the new franchise agreements for Melbourne's train and tram systems?

Ms KOSKY (Minister for Public Transport) — I thank the member for her question and her strong interest in public transport. As the Premier has mentioned, the contracts for the new train and tram

franchises were signed today. They will deliver outstanding outcomes for all Victorians that will really see major improvements in train and tram services and customer experience and safety and will continue to deliver on the investment we are making through the Victorian transport plan. This side of the house invests in public transport, and we are investing in the new operators in a way that certainly did not occur under the previous government.

Honourable members interjecting.

Ms KOSKY — Did not occur; it ran them down. The highlights of the train franchise with MTM (Metro Trains Melbourne) include extra staff — extra staff at stations and extra staff generally. That will make public transport safer and also easier for passengers to use, because it will provide them with a lot more information. As well as that, MTM will improve train services: it has committed to reducing cancelled services by around 2000 each year and improving punctuality. It has also committed to ensuring cleaner trains and greater vigilance against graffiti. MTM has made a commitment to upgrade the air conditioners on the Comeng train fleet and to redevelop Caulfield station to provide more retail opportunities and better facilities.

As the Premier mentioned, MTM is also establishing a rail training academy and careers centre and has committed to an additional 35 apprenticeships in the first eight years of its contract. MTM has also made a major commitment to spend \$1.8 billion on maintenance over the life of the contract — that is an increase of \$500 million, from a spend of around \$80 million to \$100 million per year on maintenance of the system to a spend of \$160 million per year.

The highlights of the KDR (Keolis Downer EDI Rail) agreement include \$9 million to improve the reliability of the Z1 and Z2-class trams and \$5 million to revitalise the tram fleet, including replacing worn or damaged seat covers, replacing some of the windows and doors, less graffiti and litter on trams, an improved emphasis on customer information at tram stops and a proactive maintenance regime that will lead to much better tram availability and service delivery and allow for more new services on the network. This is all about improvements on top of improvements that have been made previously. KDR has made a commitment to improve tram punctuality from 78 per cent to 82 per cent over the course of the franchise. It will also establish a customer service and safety training academy.

These are fantastic contracts with fantastic operators that bring great international as well as local expertise to our system. Members on this side of the house are interested in the detail of the new franchises and in the improvements that our travelling public will see right across Melbourne. It is only a Brumby government that will deliver on public transport.

Bushfires: warnings

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the 2004 National Inquiry on Bushfire Mitigation and Management, which recommended the use of the standard emergency warning signal (SEWS) when lives or property are threatened in bushfires, and I ask: is it not a fact that, in a chronic failure of this government to act, this recommendation was also ignored, leaving Victoria dangerously unprepared for disaster?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. I am sure, as the Leader of the Opposition is aware, that one of the recommendations which is made by the 2009 Victorian Bushfires Royal Commission in its interim report relates to — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth will cease interjecting in that manner. I also ask the Deputy Leader of the Opposition not to interject across the table in that manner.

Mr BRUMBY — One of the recommendations made by the commission in its interim report relates to the use of SEWS. As members of the opposition may have observed from reading that report and our response of yesterday, we have supported that recommendation with qualification. The qualification is that if SEWS had been used in the way recommended in that report — which from his question is apparently supported by the Leader of the Opposition — on Saturday, 7 February, just on the ABC, you would have heard the SEWS siren 510 times. That was just on ABC radio 774.

One of the other recommendations made by the commission was that, subject to signing a memorandum of understanding, other commercial operators should be able to report fire matters and provide fire warnings. That would mean — —

Mr Baillieu — On a point of order, Speaker, the Premier is again debating the question. He is refusing to answer a simple question about the 2004

recommendations. That is five years ago, and the government has done nothing.

The SPEAKER — Order! I uphold the point of order.

Mr BRUMBY — The recommendation was about the use of SEWS. My understanding is that after the 2006–07 fires there was a further review, which I think was the Smith review, and it recommended that the use of SEWS was confusing and confusing to the public, and for that reason it is not used.

I put the obvious point to opposition members: do they really think that a siren that would play 510 times in one day would be effective in sending a warning of the utmost seriousness to the people of Victoria? That warning — —

Honourable members interjecting.

The SPEAKER — Order! The member for Yan Yean is warned.

Mr BRUMBY — As I have said, the commission, having looked at all of that information, has recommended that the state consider the use of that. We have supported that recommendation, but with — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew and the member for South-West Coast!

Mr BRUMBY — We have supported that recommendation, but with qualifications to ensure that it is used only in the most, most, most extreme circumstances and not 510 times in one day.

Consumer affairs: toys

Mr NOONAN (Williamstown) — My question is for the Minister for Consumer Affairs. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house of any recent developments in product safety, especially developments regarding the safety of Victorian children?

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate the question from the member for Williamstown. Product safety, and particularly the safety of Victorian children in relation to toys that may come into their possession, is a key objective for the Brumby government and for governments around the country. In the last 12 months we have seen a profound reform of the product safety regime that operates in

Australia, and that has only been made possible by the great cooperation that has existed between Labor state governments and the Rudd Labor federal government.

What we have seen is the adoption of a system where states maintain their temporary ban powers and the permanent ban power on products goes to the commonwealth. That is a very overdue reform. It has been talked about for years, but it has now been put into place by Labor governments. The changes do not diminish the role of state-based agencies, in particular Victoria's consumer affairs inspectorate, when it comes to product safety.

In 2008–09 Consumer Affairs Victoria (CAV) seized some 22 000 products, 11 000 of which were children's toys. The three principal dangers of children's toys that fall below standard are projectile parts that can do great injury to children's eyes, choking hazards that are represented by small components of toys or parts that can too easily break off, and unacceptably high lead levels. Toys of that description that are seized go to one place with consumer affairs — that is, to the industrial crusher, and they go there quite regularly.

The biggest single compliance exercise undertaken in Victoria every year is in preparation for the Royal Melbourne Show. This year it starts on 17 September, and I understand it will be bigger and better than ever. CAV inspectors have been out looking at the 342 show bags that will be on offer this year and have been assessing some 1742 items. I am pleased to inform the house and the member for Williamstown that this year only three items have been withdrawn, and they were withdrawn on the basis of unacceptably high lead levels. CAV has deployed new technology in assessing the lead levels of toys in its annual inspections at the showgrounds, and I commend it on the uptake of that technology.

In other ways Consumer Affairs Victoria's work continues. Yesterday I signed a temporary ban order on a range of novelty cigarette lighters which are designed to look, and in some cases sound, exactly like children's toys. These have been appearing on retail shelves just recently. These lighters represent a tremendous hazard to young children, who will start playing with them without understanding that they can inadvertently activate the lighting mechanism. There have been cases of children around Australia injuring themselves severely as a consequence of that. The publication of the ban order today prohibits the supply of those items, and we will see them start to disappear from shelves immediately, which is a good thing.

The inspectorate function of Consumer Affairs Victoria is always welcomingly augmented by calls from the public, from mums and dads who might have concerns about products they come across. We encourage them at all times to call the toy and nursery safety line — an initiative that we run in conjunction with the Tasmanian government — on 1300 364894.

The Brumby government will continue to maintain rigorous standards of product safety, particularly when it comes to toys, because it wants to make sure that Victorians and Victorian children in particular get the protection they need and so rightly deserve.

Bushfires: warnings

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the 2003 Victorian bushfire report and the 2006 joint Country Fire Authority and Department of Sustainability and Environment review carried out by John Schauble, which recommended a single, upgraded website for the provision of bushfire warnings to the community. I ask: is it not a fact that, in a chronic failure of this government to act, this recommendation was also ignored, leaving Victoria dangerously unprepared for a disaster?

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. In relation to the comments made by the member for Polwarth, I can say that the government tripled funding for fire services in this state. I am sure when we look at the record, as we will, we will find that after each budget we brought down in government certain people in our community accused us of spending too much. You know where they are and where they sit — they sit over there on the opposition benches — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will not debate the question.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question, a simple question that in 2003 and in 2006 he refused — —

Honourable members interjecting.

The SPEAKER — Order! There is no point of order. My having just asked the Premier not to debate

the question is not the opportunity for the Leader of the Opposition to stand and raise a point of order in that manner.

Mr BRUMBY — Right across the fire services, in terms of our preparation, in terms of resources, in terms of the budget, in terms of the computer systems, in terms of the equipment, in terms of the DSE (Department of Sustainability and Environment) personnel and in terms of the CFA (Country Fire Authority) personnel, in every single area across our government resources have been increased. The reality is, as the commission itself says, that the events of 7 February were unprecedented. They were unprecedented in their type, scale and intensity.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. He was asked a very specifically narrow, focused question in relation to a website and recommendations of 2003 and 2006, and I ask you to have him answer that question.

Mr Hulls — On the point of order, Speaker, the Premier was specifically asked about resources, and he is absolutely talking about resources.

The SPEAKER — Order! I uphold the point of order from the Leader of The Nationals.

Mr BRUMBY — The question I was asked was about resources for implementing the internet warning system. As I have indicated to the house, the resources across every area of the firefighting effort have increased under our government. If you look at the latest report on government services by the Productivity Commission — —

Mr Ryan — I renew the point of order, Speaker. The question was not about resources; it asked simply about the issue of the website and recommendations of 2003 and 2006. That is all that was referred to, and I ask you to have the Premier return to answering the question.

The SPEAKER — Order! I am not prepared to uphold the point of order at this stage. The Premier must be given an opportunity to frame his answer.

Mr BRUMBY — As I was saying, all these areas require budget commitment, and in these areas we have increased our budget commitment. When we were elected the spending on fire services in our state was the second lowest in Australia. That was at the end of the Kennett government. That spending is now the highest. It is our government which has taken that investment from second lowest to highest, and I repeat that we will have plenty of time to debate these issues later today.

Children: early childhood services

Ms MARSHALL (Forest Hill) — My question is for the Minister for Children and Early Childhood Development. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the Brumby government is ensuring that Victorians with young families have access to vital early years services?

Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Forest Hill for her question. The Brumby government is making an unprecedented investment in children's services right across Victoria. We are investing in children's services because we understand the importance of the early years and we understand that families want to give their children the best possible start in life.

Part of that investment is \$43 million to support the development and construction of 95 integrated children's centres right across Victoria. A few weeks ago I had the great pleasure of opening, with the member for Shepparton, the 50th such centre — the Lulla Children and Family Centre in Shepparton. This was a fantastic event. The Lulla Children and Family Centre is even more special as the 50th milestone because this is an indigenous children's centre. The centre is a fantastic example of what are inclusive and integrated children's services, because it is offering long day care and kindergarten, and in the future it will also be offering maternal and child health services and other health and support services for children and their families.

This is great news for Shepparton because of the births in Shepparton last year 10 per cent were indigenous children. It is a service that is really needed and will be greatly appreciated by the community. Access to quality early years services and particularly access to a kindergarten year in the year before school is very important for a child's development, and unfortunately indigenous children do not participate in kindergarten at the same level as non-indigenous children.

In Shepparton two-thirds of indigenous children participate in kindergarten in the year before school; this compares with 92 per cent of non-indigenous children. We are setting about changing that. We have set a target that by 2013 there will be no gap whatsoever between indigenous and non-indigenous children in kindergarten participation for four-year-olds and 75 per cent of three-year-old children will also participate in a kindergarten program.

How do we do that? First of all, we are making it free. It is free for every indigenous three-year-old and four-year-old to participate in a kindergarten program wherever they are in Victoria. We have also agreed with the commonwealth to oversee the management of the six multifunctional Aboriginal children's centres (MACs) in Victoria. This is an approach designed to increase the range of services that are provided at MACs. We are also working with the commonwealth to finalise the indigenous early childhood development national partnership. This will enable the establishment of two further Aboriginal children and family centres — one in rural and regional Victoria and one in metropolitan Melbourne. They will also offer a range of other services, including antenatal and reproductive health and health promotion services.

Although opening Lulla was a great highlight this year — being the 50th integrated children's centre — I have also announced funding towards the construction of centres in Yarraville, Port Melbourne, Cranbourne, Keilor East, Doncaster, Northcote, Craigieburn, St Kilda, Upwey and Moe. On Thursday I will be opening a children's centre at the showgrounds. These children's services are really important because Victoria is continuing to experience the biggest baby boom in a generation. Over the last 10 years Victoria has experienced a 19 per cent increase in the number of babies born. This compares, for example, with New South Wales, which has experienced only a 3 per cent increase in babies born. This proves that Victorians do believe this is the best place to live, work and raise a family.

Bushfires: native vegetation clearance

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to a planning advisory committee report titled *Review Exemptions in Native Vegetation Retention Provisions* provided to the government in February 2006, which recommended the allowance of clearing of all native vegetation for fire mitigation purposes within 10 metres of a dwelling and 30 metres for shrubs, and I ask: why did the government fail to implement this recommendation three years ago, instead of announcing it yesterday?

Mr BRUMBY (Premier) — As I understand it, the 10/30 right or the 10/30 rule has been established for some time, but always of course with the approval of local government. The practice has been that if one wants to make that clearance of either trees or shrubs, one can do that, but councils require a planning permit and planning approval. What we have found — —

Honourable members interjecting.

Mr BRUMBY — That is the case. As a result of reviewing those policies, we have announced that the emphasis should shift in favour of the landowner and the land-holder. As of the announcement yesterday, that right will apply to landowners. We have made it clear that in some parts of the state, particularly in areas like the Yarra Ranges, there will be issues of landslip. Landowners need to be very conscious of the importance and value of vegetation, particularly its role in relation to protecting the environment and preventing landslip. The policies put in place are sensible, and I believe they give the correct emphasis in terms of the rights of landowners.

Bushfires: preparedness

Ms GREEN (Yan Yean) — My question is to the Minister for Police and Emergency Services. I refer the minister to the *2009 Victorian Bushfires Royal Commission — Interim Report*, and I ask the minister to advise the house what actions the Brumby government and the fire agencies are taking to prepare Victorians for the next fire season.

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Yan Yean for the enormous support she gives to the Country Fire Authority (CFA) as a volunteer, as do other honourable members of this house.

What we as a government have done is in stark contrast to those who sit opposite. When we came to government we saw that our fire services were the second lowest funded in Australia, and in recent years we have seen them become the best funded in Australia. We now see the CFA with a budget of \$391 million — more than triple what it was; we see the Metropolitan Fire Brigade with a budget of \$274 million — more than double; and we see the Victorian SES (State Emergency Service) with a budget of \$38 million, again more than triple.

On 17 August the royal commission handed down its interim report, and the government has announced that it will accept all of the 51 recommendations. We said we would be guided by emergency service agencies as to what could be implemented before this fire season. That is one of the reasons the government established the royal commission in the first place.

On 7 February we saw the rule book essentially rewritten when it comes to fire. I suspect all honourable members have spoken to some of the old-timers in the

CFA who have talked about the intensity, the severity and the spread of fire in a way they had never seen before. We only have to look at the conditions of the state and the potential conditions we face this summer — and to look over the border and see a bushfire in New South Wales, a bushfire in winter — to appreciate how difficult the coming fire season could be.

With that in mind the government believes it is very important for government, communities, agencies, all of us in this house, local councils and individuals to work together to implement the best preparedness possible for this fire season as well as to implement the recommendations of the royal commission. We want Victoria to be as well prepared as it possibly can be for the fire season which we confront and which, at the moment, with the present weather conditions, looks terrible.

The Council of Australian Governments has agreed to the national emergency warning system, something for which Victoria pushed for a long time, which the royal commission acknowledges. A telephone-based emergency warning system will be introduced. There will be an \$11.5 million education and community engagement campaign that will be conducted broadly as well as in specific areas. We are going to see a doubling of community meetings, and we will also see a lot more community fire guard groups established — 150 more.

We have already seen the Premier and the Minister for Environment and Climate Change make the announcement of the bringing on of 700 Department of Sustainability and Environment seasonal firefighters; they were brought on earlier this year. As honourable members will also be aware, when it comes to the policy of prepare, stay and defend or leave early there will be greater emphasis upon the saving of life. There will be an upgrade in systems to make sure that we can get information from the fire ground out to the media and the community as quickly as possible, because we recognise that, with the speed of fires such as we saw on 7 February, getting information out as quickly as possible is going to be more and more critical in the future.

In addition to the \$450 million we as a government have spent on communications, we have also announced additional funds for the Emergency Services Telecommunications Authority, additional funds for radios and additional funds for pager networks for the SES, the CFA and the DSE. There will also be further enhancement of black spot areas, more trucks for the

CFA, a rural fire station upgrade program and also SES vehicles.

We have great volunteers and we have great fire services in this state, and as a government we are right behind them. All honourable members of this house should get behind them, because this year could potentially be an appalling fire season.

VICTORIAN RENEWABLE ENERGY AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) introduced a bill for an act to amend the Victorian Renewable Energy Act 2006 as a result of the expansion of the commonwealth renewable energy target scheme and for other purposes.

Read first time.

LAND LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) — I move:

That I have leave to bring in a bill for an act to amend the Transfer of Land Act 1958, the Subdivision Act 1988, the Surveying Act 2004, the Geographic Place Names Act 1998 and the Forests Act 1958 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr BATCHELOR (Minister for Community Development) — This bill seeks to amend the acts I mentioned — the Transfer of Land Act, the Subdivision Act, the Surveying Act, the Geographic Place Names Act and the Forests Act — in an effort to modernise the operation of these acts, to repeal some redundant and outdated provisions and to make a number of consequential changes.

Read first time.

VALUATION OF LAND AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) — I move:

That I have leave to bring in a bill for an act to amend the Valuation of Land Act 1960, to make consequential amendments to other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr BATCHELOR (Minister for Community Development) — The bill amends the Valuation of Land Act, as stated in the motion, and it allows councils the option of transferring their responsibility for completing rating authority valuations to the valuer-general. It also makes the valuer-general the custodian of statewide valuation data.

Read first time.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL

Introduction and first reading

Ms PIKE (Minister for Education) introduced a bill for an act to amend the Education and Training Reform Act 2006 in relation to the compulsory school age and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 28, 29 and 221 to 228 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Police: West Heidelberg

To the Legislative Assembly of Victoria:

We, the residents of Victoria living, visiting and working in the West Heidelberg area, draw to the attention of the Legislative Assembly the need to keep a police station in the West Heidelberg area and to ensure the police station is adequately staffed with reactive operational police members to undertake local patrols and provide service delivery through local knowledge.

By Mr LANGDON (Ivanhoe) (693 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Mr CRISP (Mildura) (131 signatures).

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (149 signatures).

Patient transport assistance scheme: rural access

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current level of reimbursement under the Victorian patient transport assistance scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

- a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;
- b. increase the current 17-cent-per-kilometre reimbursement rate and accommodation reimbursement rate of \$35 plus GST to levels that are more reflective of the current travel and accommodation costs;
- c. allow for the calculation of kilometres travelled to be based on the safest appropriate road route, not just the shortest distance alternative.

By Mr CRISP (Mildura) (20 signatures) and Mr WELLER (Rodney) (278 signatures).

Rail: Traralgon line

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the intention of the Brumby government to terminate some of the existing Traralgon V/Line services at Flinders Street station.

The petitioners therefore request that the Legislative Assembly of Victoria retain all current Traralgon V/Line services to Southern Cross station.

By Mr NORTHE (Morwell) (101 signatures).

Patient transport assistance scheme: rural access

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house concern that the Victorian patient transport assistance scheme does not make sufficient provision for rural patients.

The petitioners therefore request that the Legislative Assembly of Victoria note residents concerns.

We call on the Victorian government to undertake a review of the Victorian patient transport assistance scheme to ensure fair eligibility criteria for country Victorians.

By Mr WELLER (Rodney) (32 signatures).

Andersons Creek Primary School: speed zone

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

The petition of the school community of Andersons Creek Primary School draws the attention of the house to their concerns regarding the safety of their students who cross Harris Gully Road, Warrandyte when travelling to and from school.

The petitioners therefore request that the government address these concerns and immediately act to install a road speed limit of 40 kilometres per hour on Harris Gully Road during school times in a manner that is consistent with other school zones.

By Mr R. SMITH (Warrantdyte) (778 signatures).

Housing: Ringwood development

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

The petition of the community of the city of Maroondah draws the attention of the house to the lack of consultation undertaken by the Victorian government in relation to the public and social housing development proposed for Larissa Avenue, Ringwood.

The petitioners therefore request that the government postpone the commencement of the development pending a thorough consultation period with the community, with continuation of the development to be dependent on the wishes of that community.

By Mr R. SMITH (Warrantdyte) (3755 signatures).

Tabled.

Ordered that petitions presented by honourable member for Warrantdyte be considered next day on motion of Mr R. SMITH (Warrantdyte).

Ordered that petitions presented by honourable member for Rodney be considered next day on motion of Mr WELLER (Rodney).

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

Ordered that petitions presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr CARLI (Brunswick) presented *Alert Digest No. 10 of 2009* on:

Courts Legislation Amendment (Sunset Provisions) Bill 2009

Energy and Resources Legislation Amendment Bill 2009

Gambling Regulation Further Amendment Bill 2009

Human Tissue Amendment Bill 2009

Justice Legislation Further Amendment Bill 2009

Liquor Control Reform Amendment (Licensing) Bill 2009

Local Government Amendment (Offences and Other Matters) Bill 2009

Major Transport Projects Facilitation Bill 2009

Personal Property Securities (Commonwealth Powers) Bill 2009

Tobacco Amendment (Protection of Children) Bill 2009

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Bushfires Royal Commission (Report) Act 2009 — 2009 Victorian Bushfires Royal Commission Interim Report, August 2009 — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 77 (*Gazette S 276, 11 August 2009*)

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

Banyule — C57

Campaspe — C21

Frankston — C51

Glenelg — C46

Horsham — C42

Hume — C90 Part 1

Knox — C82

Mitchell — C47

Moreland — C96, C106

Mornington Peninsula — C115

Murrindindi — C24

Warrnambool — C71

Wodonga — C42 Part 1

Yarra — C84, C106

Statutory Rules under the following Acts:

Fair Trading Act 1999 — SRs 86, 87, 88

Planning and Environment Act 1987 — SR 89

Subordinate Legislation Act 1994 — SR 90

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 90

Minister's exemption certificates in relation to Statutory Rules 86, 87, 88.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Road Legislation Amendment Act 2009 — Section 19 — 27 August 2009 (*Gazette S 289, 26 August 2009*).

BUSINESS OF THE HOUSE

Standing orders

Mr BATCHELOR (Minister for Community Development) — By leave, I move:

That so much of standing orders be suspended immediately so as to allow:

- (1) a motion 'That the house take note of the *2009 Victorian Bushfires Royal Commission — Interim Report, August 2009*' to be moved immediately;
- (2) the chair to put the question on the motion at 6.30 p.m. (or sooner if there is no further debate) and the time limits for the Premier and the lead speaker for the opposition to be 20 minutes and any other member to be 5 minutes.

Motion agreed to.

2009 VICTORIAN BUSHFIRES ROYAL COMMISSION

Interim report

Mr BRUMBY (Premier) — I move:

That the house take note of the *2009 Victorian Bushfires Royal Commission — Interim Report, August 2009*.

I rise today to outline the Victorian government's response to the interim report of the 2009 Victorian Bushfires Royal Commission. As we know, the Black Saturday bushfires were the worst natural disaster in our state's history. More than 300 fires ignited across

the state on 7 February, 173 people tragically lost their lives, more than 2000 homes and farmhouses were razed and countless businesses wiped out, over 400 000 hectares of land were burnt and whole communities were virtually destroyed. Victoria is one of the most fire-prone areas in the world, and throughout history people in all quarters of our state have experienced fires.

Black Friday in 1939 and Ash Wednesday in 1983 were tragic natural disasters, but the scale, speed and severity of the Black Saturday bushfires were without precedent. It was a day that came on the back of a severe and prolonged 12-year drought, on the back of the driest start to a year in our history and in a decade of rising global temperatures. On that day, 7 February, we saw 48 degree-plus temperatures in regional Victoria and ferocious winds of 125 kilometres an hour. The fact is that 7 February was about as dangerous a day as you will ever get.

Climate change, though, means we are seeing these kinds of days with increasing regularity right around the world. In the last couple of weeks we have seen catastrophic fires in Athens and California. We have seen the blazes that have been raging in New South Wales this week and a maximum temperature in Brisbane of 35 degrees — 3 degrees Celsius hotter than anything previously recorded there in August. These things are a sobering reminder that our world and our climate are changing.

Black Saturday was a disaster that has quite literally rewritten the rule book when it comes to firefighting and fire planning. The February fires took so much from Victorian communities, and it is crucial that we learn all the lessons from this tragedy. Victorians want and deserve to know all the details about how those fires occurred and about the response to them, and most importantly they are interested in what steps can be taken to better protect our state in future fire seasons. That is why in the days after Black Saturday I ordered a royal commission to inquire into the fires. Our government gave the royal commission the broadest possible terms of reference. We did that after discussing the terms with the opposition parties. We gave the commission the capacity to examine every aspect of the bushfires because we wanted to leave no stone unturned. We set the commission tight deadlines and asked for an interim report by 17 August so that those recommendations could be considered in time for this year's fire season.

Once again I want to thank the commissioners, Bernard Teague, Ron McLeod and Susan Pascoe, for what they have done to date and what they will do in the future. I

also thank all the witnesses and the 1260 individuals and organisations who made submissions to the commission.

Yesterday I announced that our government would support all 51 recommendations made by the royal commission in its interim report. While supporting all those recommendations our government will be guided by emergency services agencies about what steps can practically be taken ahead of the next fire season. On top of implementing the royal commission's recommendations, government agencies and departments will continue to roll out measures announced following the 7 February fires. In 56 days Victorians will face a bushfire season which, according to all the advice we have had from scientific agencies, will be potentially worse than the season we have just experienced, and our government and agencies have been undertaking preparation for months.

The task for all levels of government, for communities and for individuals, as I have said time and again, is for everybody in our state to work together to ensure that our state is as prepared as possible and as safe as possible so that lives can be protected in this fire season. As I have said, the task for us all is to make the state and individuals as fire safe and fire ready as possible. That is why a number of key royal commission recommendations will be implemented in full for the next fire season.

Let me turn to warnings. The royal commission made a number of recommendations in relation to bushfire warnings, every one of which is supported by our government. Our government is already leading the delivery of a national telephone-based emergency warning system to deliver warnings to all fixed and mobile telephones, where the billing address is in a designated area, to ensure that the system is in place ahead of the bushfire season.

Before the next bushfire season the government will introduce a common alerting protocol to ensure that bushfire warnings are founded on the principle of maximising the potential to save lives. A new fire-risk rating will also be established to provide clearer advice to the community in the event of similar bushfire risk conditions to those on Black Saturday.

The Australasian Fire and Emergency Service Authorities Council is currently reviewing fire warning scales and messages, and our government supports the royal commission's view that any new system must be simple and readily understood by the community. I want to stress that it is crucial that any system in place is simple, clearly understood and sends the right

message to the community. It is our view that there needs to be a distinctive message to the community about a day like 7 February, which might be a code red day, worse than a normal total fire ban day, worse than an extreme fire danger day, something totally out of the ordinary — the worst of the worst.

In relation to the standard emergency warning signal, or SEWS, the royal commission recommended its use in Victoria to precede each bushfire warning or group of warnings for bushfires that are dangerous or extremely dangerous, particularly a fire that is burning out of control and poses a threat to human life, subject to appropriate limits on the maximum frequency of use. Our government supports the limited broadcasting of the standard emergency warning signal. In accordance with the recommendation the state will develop a protocol with emergency broadcasters to ensure that the signal is only broadcast before warnings about life-threatening fires and that on the most extreme fire days the frequency of its use is limited so as to not undermine the effectiveness of warnings.

As I indicated in question time earlier today, on 7 February the use of SEWS for all warnings would have resulted in its use on 510 occasions on the ABC alone. We need to be mindful to make sure that the warnings have an appropriate impact in the community and are not overused. The state will invite commercial media operators to enter into a memorandum of understanding, similar to that which exists with the ABC, on their broadcast of such warnings.

The Country Fire Authority Act will also be amended to ensure the CFA chief officer unambiguously has responsibility to issue warnings and provide information to the community concerning the risk of bushfires.

Let me go to the issue of neighbourhood safer places and fire refuges. In its interim report, on page 14 of the executive summary, in relation to refuges, the royal commission said:

A new approach, which is capable of providing more options for the community, should be embraced. Such an approach would shift the emphasis away from an exclusive focus on purpose-built structures acting as refuges and permit the use of existing venues (including car parks, amenities blocks and dam walls) and open spaces (such as ovals, sporting grounds, racetracks.)

The state welcomes this approach and has indicated that for the next fire season sites will be identified as appropriate 'neighbourhood safer places', and the public will be educated, as recommended, about the appropriate use of those places. Yesterday I announced that priority would be given to establishing

neighbourhood safer places in 52 towns and areas identified by fire agencies as being most at risk this fire season. The CFA will assist councils in other areas to identify and establish neighbourhood safer places where local resources permit. Our government will introduce legislation to the Parliament before the end of the year making it compulsory for safer places to be included in council municipal fire prevention and emergency management plans.

It should be noted, however, that it may be geographically impossible to identify a neighbourhood safer place in some locations and exemptions may be applied in those circumstances. I reiterate that 7 February changed the rule book, and many of the places that previously had been identified as places of refuge or safer places were found wanting. We need to ensure that these new places are subject to the strongest and toughest possible criteria and that we understand that these neighbourhood safer places will be places of last resort identified by authorities as safer places in the event of a bushfire.

In terms of protecting neighbourhood safer places in an emergency, the CFA will take an operational decision on how human life can best be protected. The CFA and local government will jointly ensure that the location of neighbourhood safer places is well publicised. We are reviewing the fire refuge policy and working with local councils and schools to audit existing fire refuges.

I now turn to the issue of relocation. The royal commission makes a number of recommendations in relation to relocation. It should be noted that the commission made it clear — here I am guided by page 14 of the executive summary and what is said in the body of the report — that it had received little support for compulsory evacuation. It said, however, that the evidence before it indicated that people need more guidance on whether they should plan to relocate because their house cannot be defended along with guidance on the ease with which they can leave safely.

Our government supports the royal commission's recommendation that the CFA and DSE (Department of Sustainability and Environment) amend operational policies to require the incident controller to assess whether relocation should occur and to recommend relocation when it is warranted. In response we have made it clear that guidelines will be developed to assist incident controllers and emergency services workers, and we have made it clear that relocation recommendations will only be issued where an incident controller determines and is fully satisfied that people can relocate safely. The last thing you would want an incident controller to do would be to issue a warning to

relocate only to find that people had left that town and headed out on a road straight into the face of an oncoming fire. The guidelines will be put in place to ensure that the controller determines and is fully satisfied that people can relocate safely.

In the area of incident coordination, the DSE and CFA will establish procedures to ensure that the most experienced, most qualified and most competent person is appointed as an incident controller for each fire regardless of where the fire starts. In addition, consistent with the recommendations, Victoria Police will work with the CFA and DSE to review the guidelines on roadblocks.

I turn now to preparation for the next fire season. Our government agencies, municipal councils and the commonwealth are taking a range of actions, but it is also crucial that individuals prepare themselves ahead of the bushfire season, which, as I said, after 13 years of drought, climate change and dry forest conditions is shaping up to be potentially the worst we have seen. Honourable members are all aware of the work that was done by the bureau of meteorology, scientific agencies and fire agencies, which shows that this year if we have a regular El Niño effect, we will have a fire season which is as bad as the worst we have had. If we have a bad El Niño effect, we will have a fire season which is worse than the one we had last year, worse than the one we had two years ago, worse than in 1939 and worse than in 1983.

Since Black Saturday the government has already begun implementing new initiatives to better prepare the state. We are implementing an \$11.5 million long-term behavioural change and community engagement campaign to get communities ready for the next fire season. The CFA will establish an online assessment tool to help residents assess the defendability of their homes and to inform their bushfire survival plans. We are deploying about 700 DSE seasonal firefighters. Many of these will start a month earlier than last year, and all will be on the ground by the start of summer.

We are revising a policy of prepare, stay and defend or leave early to place a stronger emphasis on the protection of life by leaving early. The commission has reinforced this. I would like to again remind all members of this house and the public generally that it is always safer to leave early. We are also upgrading preformed incident control centres to new, higher minimum standards. We are building a single behind-the-scenes website with same-time uploads to the CFA and DSE, and the capacity of the Victorian bushfire information line is being improved.

In relation to landowners, as I have said, all Victorians have a vital role to play in preparing for the bushfire season ahead. After Black Saturday I said that we wanted landowners to be able to better protect their properties from bushfires. Over the past few months we have been working to develop a new policy to empower landowners and communities to better make their own decisions whilst protecting the magnificent and beautiful livability and the stunning landscape of the many areas of our state which Victorians choose to live in and call home.

This has been a difficult, sensitive and complex process. Yesterday we announced simplified rules governing removal of vegetation around homes to help communities in bushfire-prone areas better prepare for the bushfire season. The new measures include what is known as the 10/30 right, which allows landowners to clear vegetation on their property, including trees, within 10 metres of a house and any ground fuel within 30 metres of a house as of right and without the requirement for a planning permit. The changes apply across Victoria except in 20 Melbourne metropolitan councils, where vegetation clearing will continue to be limited by existing controls.

The measures also include amendments to the Victorian planning provision to allow targeted roadside burns for high-risk areas and also to enable people to collect firewood as of right from those roadside areas for two weeks before the burns occur. This is a common-sense measure. Those roadsides are often the source of protection of native vegetation and wildlife. However, if they are going to be burnt then clearly it makes sense to allow the removal of any timber which is lying on the ground and is available to be used as firewood. Under these changes landowners are also allowed to clear all vegetation, including trees, for a combined maximum width of 4 metres either side of the property boundary fence, provided they have the permission of the neighbouring landowner. Again, I would say that this is a practical and common-sense change.

The bottom line is that we need a whole-of-state effort — all tiers of government working with agencies, councils, communities and individuals to make sure we are as prepared as possible. It has always been the case in our state. This has been a partnership approach involving governments at all levels, local, state and commonwealth; the fire agencies, DSE and CFA; volunteers; landowners; and community groups putting in place those plans to make sure that our state is as prepared as possible.

At no time has this preparation been as important as it is now, as we move into the next fire season. As I said, the rule book has changed due to the effects of climate change. The extremes we are seeing mean we must throw out the rule book. We need new, stronger and more aggressive measures and even stronger partnerships to protect our state. That is why our government will take the lead with a dedicated, whole-of-state action week from 11 to 18 October. This action is designed to increase awareness of and preparedness for the bushfire threat and will include the rollout of an intensive education and awareness campaign to communicate key safety measures. We are already seeing increased efforts by landowners and government and fire agencies across the state. These things are making a difference.

Again I thank the royal commission for providing its interim report. We will continue to work with communities, agencies, local councils and individuals to implement the recommendations for measures that can be rolled out for this bushfire season. Many recommendations refer to other levels of government, and we will work with those levels of government on their implementation. As I have said publicly, by 30 September we will provide the royal commission with a full implementation plan for each of its recommendations.

It is vital that all Victorian communities and affected individuals play their part this summer in ensuring we are as fire ready and as fire safe as we can be. From its point of view the government is absolutely determined, in partnership with agencies, with local government, with communities and with individuals, to do everything in its power to make our communities as fire ready and as fire safe as possible. As I have said before, and I repeat again, this is about looking forward. It is about working in partnership. It is about working together with all levels of government, community and individuals to ensure that we are as fire safe and as fire ready for the forthcoming fire season as we can possibly be, both humanly and technologically.

Mr BAILLIEU (Leader of the Opposition) — The February bushfires were a disaster. One hundred and seventy-three people died and countless others suffered. It was the worst disaster in Victorian history. We acknowledge the extraordinary community response that took place, and both sides of the house responded in a bipartisan way, as they should have. We have an interim report from the bushfires royal commission. It must be discussed. It must be debated freely in this Parliament. I thank the member for Kew, without whose urgings this debate would not have proceeded.

This is not the first royal commission into Victorian bushfires. It is not the first investigation or the first report. But it was essential that the events be submitted to the scrutiny of a royal commission. We supported the commission, we ensured the terms of reference were as wide as possible and we urged the Premier to require an interim report to make sure lessons could be learnt before the next fire season. We join the Premier in thanking Bernie Teague, Ron McLeod and Susan Pascoe, albeit an interim thankyou, for their efforts in producing this interim report.

In short the commission had a range of objectives. They included not only discovering exactly what happened in February, what must be done to avoid a repeat, what lessons can be learnt from those events and what should be done before the next fire season but also why it happened. The commission set about its task in its own way. There was some confusion about the nature of submissions and who could and could not make them. Many who attended community meetings arranged by the commission presumed they had therefore made submissions, but that was not the case. We sought to ensure that those we were aware of who had that view made submissions in their own right. We can only trust that the tenor of submissions that would otherwise have been made was genuinely reflected in those that were made.

The commission also restricted the representation of groups. We disagree with that approach. We believe it would have ensured even more rigour to have allowed further representation, but that was the commission's decision and so be it. We also believe it was a mistake, indeed an outrage, for the government to demand that its agencies be represented singly. It may well have served to insulate the government, but it did nothing to ensure the full story was extracted. To this day we are still receiving private commentary from those who were deterred, in some cases even intimidated, by this action alone.

The interim report is 360 pages long. It is a damning report. It tells the story of a disaster fuelled by shocking conditions but also fuelled by a catalogue of failures, with tragic consequences. It is very much an interim report. It barely touches on the causes, the fuel loads, fuel-reduction strategies and communication failures. It only sparingly touches on some of the relevant responsibilities. However, it provides some focus on the failures of the government and its agencies. The commission's interim report is set out in a way that does not aggregate a set of findings; they need to be extracted. Some of those findings are horrifying. The fact that 113 people died in their homes sends a very stark message. Regardless of whether those who died

were in their homes or were sheltering in those of their neighbours, the simple fact is that 113 people did not receive the information they needed to save themselves. We can only now surmise just how many died doing in good faith what they were advised to do.

There are some 51 recommendations in the report. We support each and every one of those recommendations, and we look forward to their immediate implementation. The shame is that many of these recommendations repeat recommendations that have been made before in countless previous reports over the last 10 years — warnings which have been ignored by government and which have been shelved, delayed or not implemented. Quite simply, there was a chronic failure of this government to act and to implement the recommendations of its own agencies and previous reports. Frankly, the failure of the government left Victoria dangerously unprepared for the disaster that was Black Saturday.

The Premier's obvious unwillingness to answer questions on these issues in question time today speaks volumes about the government's approach. Those failures relate to issues dealing with timely and accurate information; timely, accurate and appropriate warnings; communications; management; and leadership. They go to matters relating to the fire danger index; to the Victorian bushfire information line and the website; to the SEWS (standard emergency warning signal) and the community information warning system; to the 000 system and police communications; to the IECC (integrated emergency control centre) and the extraordinary revelation of the finding in the royal commission report that at the IECC no-one was in charge; and to the website, fuel reduction and refuges — to a whole string of issues. The very services on which Victorians rely in a crisis failed in February. Those services were simply not up to it.

Many Victorians fought valiantly on the ground on 7 February and thereafter to save lives and property, but the royal commission has revealed that they were let down by a decade of government neglect, complacency and disregard of advice and warnings. Several simple but obvious questions must now be asked: why were Victorians not better warned; why did our emergency services not have the systems they needed; and why were vulnerable areas not better prepared?

The royal commission has found many Victorians were not adequately warned of the impending bushfire threat. Warnings were variously described by the royal commission as 'deficient', 'imprecise', 'confusing', 'contradictory' and 'inaccurate'. Others gave evidence that they had received no warnings. The commission

said commercial media operators should adopt the same protocols as the ABC to carry bushfire warning messages. Yet in 2004 the COAG (Council of Australian Governments) National Inquiry on Bushfire Mitigation and Management recommended the same 'protocols with commercial networks and local media be established' to provide bushfire warnings and information. The Brumby government failed to implement the recommendation. There is only one question: why?

The royal commission also recommended that the government introduce the standard emergency warning signal. The same recommendation was made following the inquiry into the 2003 Victorian bushfires, and the government supported the recommendation then, even boasting it would 'implement better systems and practices for communicating information to communities affected or threatened by bushfires'. In 2004 the COAG inquiry also recommended that all states use the SEWS 'when lives or property are threatened'. But while other states have successfully implemented the warning system, in Victoria nothing was done. In fact the royal commission was told the SEWS warning system was not prepared or used on 7 February and that current practice was 'not to utilise SEWS'. I have one question: why?

On 2 March Victorians received a text message from Victoria Police warning them of further high fire risks, with many left wondering why such a text or telephone message had not been sent prior to the 7 February bushfires. The royal commission revealed that Telstra had been offering such a system to the Victorian government since 2006, and that successive reports to the government in 2004, 2006 and 2008 had strongly backed the implementation of a telephone-based community information and warning system. According to Telstra, the target date for deployment of such a system was October 2007, but the Victorian government decided it would only support a national system. There is one question: why? After that a national system became bogged down for years because, according to the commission, 'sufficient priority and urgency was not given to implementing a national warning system', and in the end no telephony-based system was in place in Victoria on 7 February, leaving the state without the protection of a modern alert system.

In August 2008 a review of severe windstorms in Victoria recommended that 'Victoria progress as a matter of priority a telephone-based public emergency notification system'. But, as we have seen with other vital advice, the Victorian government did nothing, and the report was kept secret until April this year —

months after such a system could have helped save lives during the bushfires of 7 February. There is one question: why?

As the fires raged on that day the Telstra 000 call centres melted under a deluge of frantic calls. According to the royal commission, 7800-plus calls to 000 in Victoria on the day — or 71 per cent of all callers seeking help — were abandoned, leading to the commission's recommendation that emergency call service arrangements be overhauled. But this government had previously received two reports that identified exactly the same problem. In August 2008 a secret report into windstorms identified the failure of the 000 emergency service, revealing 'Telstra 000 operators experienced significant difficulties due to the high volume of calls', and recommending an upgrade of the system to cope with emergency demand. Nothing was done. Why? Another report for the State Emergency Services in 2007 also identified the problem and recommended 'an upgrade of call centre capacity'. Again, nothing was done. Why? Both reports were kept secret by this government, only becoming public after the bushfires in February. Why?

Similarly, other commission recommendations have been made before and ignored, including proposals to consolidate information websites and establish safe refuges. In addition, last year a Labor-dominated parliamentary committee delivered a report recommending a massive increase in controlled burning. Fuel reduction is critical to the management of bushfires. Indeed fire follows the fuel. In recent years we have seen how fire has followed the fuel load across Victoria, and it sends a chilling message to those places that have not had fire reduction in recent years. Yet the government in its response to the committee only supported the report's recommendations 'in principle'. In all but 2 of the last 10 years, even the government's own low controlled-burning target has not been met. Why?

On 7 February agencies tasked with responding to the fires endured significant failures. The good work of the emergency services was all too often undermined by the chronic failure of this government to implement a multitude of vital policy recommendations or to act on warnings from many reports over the last decade.

We have the interim report. The commission must now move on to the second phase and establish responsibilities. It needs to establish not just exactly what happened but why it happened and in doing so look closely at government and its agencies and their responsibility for any failures. What should the government do now? It must move quickly to

implement all of the recommendations with no delays, no equivocation and no qualification, particularly the use of the fire danger index and fire categorisation. It should move quickly to address fuel reduction issues. It must implement the recommendations of the parliamentary report on previous bushfires. It should ensure the resources are there on the ground. It should — indeed it must — provide legal representation for all agencies at the royal commission, not leave a few individuals to carry the can. The government must accept responsibility for the failures.

It is interesting that the government tried to claim a whole-of-government approach to the legal position of the commission but it will not take responsibility for the failures. The Premier and all relevant ministers must appear before the commission. Their roles, their knowledge, their information must be made available for scrutiny. This must not be swept under the carpet.

I want to make two other suggestions. I pick up the suggestion, as I understand it, of counsel assisting the commission — that is, that there ought to be a bushfire response ombudsman. There are those who are still falling through the cracks in the response to the fires. There are people who have not been serviced by the Red Cross fund or by the provisions established by either the state or commonwealth governments. The availability of an ombudsman would greatly assist them. We are still of the view that there ought to be a single minister taking responsibility for this response. I appreciate the efforts of the Premier to involve himself as much as possible, but it is our view that there should be a dedicated minister in making this response.

Why the bushfires happened and why Victorians have suffered as a result of these chronic policy failures by this government must be examined in the next phase of the royal commission. As I said, the Premier and all relevant ministers should be subject to the same scrutiny before the commission. The Premier and all relevant members must appear before the commission.

The interim report of the bushfires royal commission was summed up in an article by Paul Austin which appeared in the *Age* of 18 August, the day after the report was released. Under the heading 'How the government failed all Victorians' the article commences:

The state government has got off lightly over the Black Saturday disaster — until now.

This royal commission report is a damning indictment of the people and agencies charged with protecting Victorians from bushfires.

The person most responsible is Premier John Brumby. The agency most responsible is his nine-year-old government.

The inescapable conclusion from this 360-page report is that numerous government policies and systems failed Victorians in their moment of need. As a result, even allowing for the horrendous conditions, more lives were lost than needed to be.

Perhaps the most shocking aspect of all is that the commissioners saw the need to state explicitly that policy-makers should make 'the protection of human life' their key focus in future.

The article goes on to say:

The report documents a litany of failings, many heart breaking, some breathtaking, a few farcical.

The article concludes by saying:

The commissioners have made it clear where responsibility lies — and that those with the most did not do enough.

Those with the most responsibility — the government — did not do enough.

It is the job of the commission to extract the truth about what happened, to extract what we can learn for the future and to prevent these tragedies from being repeated. But it is also the job of the commission to determine exactly why it happened and who was responsible for any failures. If we are to know the truth about the tragedy which befell Victoria on 7 February and thereafter, we must not only establish exactly what happened and what must be done to avoid a repeat, but we must also establish why it happened. As a society and as a Parliament we owe that to each of the 173 people who died, to their families, to all who have suffered and to future generations. To do anything otherwise would be to continue the neglect which led to the problems that have been witnessed through these fires and the chronic failure of the government to act.

Mr HULLS (Attorney-General) — The events of 7 February will certainly be seared on the Victorian psyche for generations. We all know the enormity of the loss. Nearly seven months on the grief remains raw for too many Victorians and too many communities, while for countless more the courageous process of recovery and rebuilding continues.

Let us be clear: Black Saturday certainly changed everything. It was beyond what any experienced firefighter had ever seen, beyond what Victorians had previously faced; it was the worst natural disaster in our history. The government knew it was crucial that we learn from these events and that we learn very swiftly. That is why we took immediate action and established a

royal commission with the broadest possible terms of reference to help us make Victoria much safer.

Historically the nature of royal commissions is that they take some time to report back, but not so this commission. The government demanded tight time lines and an interim report within a sufficient period to take action before the next fire season. The commission duly delivered, and, well before the date required for the government's response, the government has announced its support for all of the 51 recommendations made by the commission.

I, too, thank the commissioners and the commission staff for producing such clear and comprehensive recommendations in such a short space of time. However, most of all I thank all those who have made submissions to the commission, whether formally or informally, about what were for so many such painful and life-changing experiences. We could not be taking action in the way we are without their help and without their stories.

If one looks at page 15 of the interim report, one notes that something like 1260 submissions were received prior to the closing date for the interim report. These submissions have come from across Victoria — from people in fire-affected and unaffected areas, from around Australia and around the world — but I note that none have come from those on the other side of this table. No submissions were received from the opposition in relation to the royal commission. Nonetheless, with the assistance of all involved in the commission, Victoria is moving forward with a plan in place about ways to make Victoria safer.

Indeed, in time for the next fire season, we have announced the establishment of neighbourhood safer places in 52 towns identified as being most at risk, the establishment of a new fire-risk index, new communications and alert protocols, new incident control guidelines, improved lines of accountability and a whole range of other matters. Tougher building standards have already been introduced to improve the defensibility and resilience of homes at risk, whilst, as the Premier said, a whole-of-state fire action week will take place from 11 to 18 October.

All Victorians — at a government, community and an individual level — need to join us in the task of making this state as fire ready and as fire safe as possible, in acknowledging the unprecedented nature of what has occurred and in looking with determination to the future and resolving that tragedy of this extent not occur again. This is all about working together, and for its part the government did exactly that in establishing the

royal commission in a spirit of bipartisanship. Indeed I have to say that I would have hoped that that bipartisanship would continue, but there are some who cannot look to the future and who seem afraid to look forward because to do so requires a plan, a position and a policy. Travelling the road ahead demands a choice of direction, yet for those without a map this choice is impossible. The only remaining course is to retrace the steps that others have taken and to search vainly for fault in those footprints. I think Victorians deserve better than that.

I noticed the Leader of the Opposition quoted an article by Paul Austin which appeared in the *Age*. I totally and categorically reject the assertions made in that article. The Brumby government is taking action to make our state safer. The Brumby government is getting on with the job, and so are Victorians. I urge everyone in this state to work together. I suggest those on the other side work with the government to ensure that we make our state as fire ready as possible for the next fire season.

Mr RYAN (Leader of The Nationals) — I rise in my capacity as the Leader of The Nationals and as the shadow minister for bushfire response on behalf of the coalition. I have been allocated 5 minutes by the government to respond to this interim report, and I now do so. Firstly I do so by making the point that, understandably, Black Saturday tends to be the focal point of the commentary around the bushfires, but I remind the house that Gippsland was burning for 10 days before the tragedies of Black Saturday and that Gippslanders suffered terribly before Black Saturday as a result of the events leading up to that awful day of 7 February.

The simple fact is Victoria was dangerously underprepared for the events that transpired earlier this year and most particularly on Black Saturday when 173 lives were lost. In addition, the tragedy is that the government of the day had previously been warned of many of the elements which ultimately gave rise to difficulties on Black Saturday in particular. These things came as no surprise — or certainly should have come as no surprise. I want to speak to but two of those matters.

Firstly, with regard to the Victorian bushfire information line (VBIL), in 2006 a debrief was conducted in relation to the outcomes of the Victorian bushfires of December 2005 and January 2006. That debrief was conducted by Ross Smith. In the course of the report, at pages 63 and 64, Mr Smith set out various areas for improvement. He said in part:

The public demand for the VBIL service challenged the ability of the established staffing levels to cope with the

sustained operation 24/7 with high call volumes, in particular ...

He made a number of other comments and recommendations around this same issue.

One then jumps forward to the commentary within the bushfire interim report where it says in part, at paragraph 5.69:

The technical and physical limitations of the VBIL system on 7 February contributed to the difficulties callers had getting through to the service.

At paragraph 5.70 the report notes:

On 7 February there were 20 work stations available at the VBIL for use by call takers. At no stage on the day were all those work stations in use.

At paragraph 5.86 the report notes:

It is difficult to understand why that on a code red day, in light of the information available in the preceding week about the extreme weather forecast, the VBIL did not roster closer to the top of the 11 to 20 range for call takers.

The outcome of all of this appears at paragraph 5.105, which states:

Of the 9879 calls that were queued, waiting to speak with an operator, only 1754 were eventually answered and 8125 were terminated while the caller waited in the operator queue.

At paragraph 5.107 the report states:

There were also long delay times before calls were answered. The average wait time was 11 minutes 25 seconds. The longest recorded waiting time was 16 minutes and 22 seconds.

A similar story is reflected in the Emergency Services Telecommunications Authority (ESTA). In 2007 a review was conducted after the floods of that year. One of the recommendations was for the support of an upgrade to the ESTA call centre capacity and improved prioritisation of responses. At paragraph 12.6 the report states that thousands of calls simply were not answered and fell out.

In the 2008 report *Review of the April 08 Windstorm Melbourne, Victoria* recommendations were made in relation to 000. The simple fact is the work had not been undertaken by the government by the time the awful events, particularly of Black Saturday, occurred.

The simple fact is we are going to go nowhere with all of this as a state unless the government recognises it failed to properly prepare Victoria for those dreadful events and awful tragedies of earlier this year. It is no good talking about moving forward unless we recognise the mistakes of the past, and that is what I ask

the government to do. It is all very well for the government to say it will adopt the 51 recommendations. These recommendations in different forms have been made many times before, and this government has failed to implement them. We need to make sure the government now recognises its failings and uses that as a basis for us to go forward, otherwise this whole shocking tragedy will have been for no value at all.

Mr BATCHELOR (Minister for Energy and Resources) — The Brumby Labor government is taking action in response to the terrible bushfires that have been characterised around Black Saturday. We are already taking action in relation to the recommendations in the royal commission's interim report. Members would have heard from the Premier today in Parliament and on numerous occasions in the public domain about the preparedness of this government to initiate actions not only in the context of the royal commission's interim report but also in relation to a range of other matters that have yet to be addressed by the royal commission.

In essence, this government wants to leave no stone unturned in better protecting the community in future bushfire seasons. Of the many initiatives this government is undertaking it is important to understand the initiative we have taken in relation to vegetation reduction. This government has announced it will simplify the rules governing the removal of vegetation around homes by introducing the 10/30 as-of-right entitlement and amending other planning provisions.

This will help communities in bushfire-prone areas better prepare for the upcoming bushfire season. The 10/30 right allows landowners to clear any vegetation on their property, including trees, within 10 metres of a house and any ground fuel within 30 metres of a house as of right, which means without the requirement to get a permit from the council or other agencies. These changes are about helping people to prepare for the fire season ahead and providing them with a pathway to take the appropriate steps around their home and on their property.

The amendments to the Victorian planning provisions also allow for targeted planned roadside burns for high-risk areas and for people to be able to collect firewood as of right from those roadside areas for two weeks prior to the burns — that is, people will be able to remove fallen firewood as of right from the nominated roadside reserves for two weeks before the burns. This firewood will be for personal use so it should not be available for sale. Planned burns will apply only to roadside reserves selected by road

management authorities in consultation with the Country Fire Authority (CFA) and the Department of Sustainability and Environment because of an identified fire risk. Roadside burns will be advertised with a sign on the site and in local papers.

By amending planning provisions the government is helping local councils and VicRoads to efficiently and sustainably reduce fuel on roadside reserves through planned burns by the CFA. This action has been taken to protect the lives and properties of Victorians. Under the changes, landowners will also be allowed to clear vegetation, including trees, for a combined maximum width of four metres on either side of the property boundary fence, providing they have the permission of the neighbouring landowner to do so. Landowners should also be aware of the potential for erosion and landslip when removing vegetation, particularly trees.

This year Victorians have experienced the most devastating fire season in Australia's history, and these changes represent a common-sense response for the next fire season. They empower landowners and communities to make their own decisions about preparing their properties for the fire season. The changes will apply across Victoria except in 20 metropolitan municipal councils, where vegetation clearing will continue to be limited by existing controls. They are part of a suite of measures designed to help Victorians living in areas at risk from bushfires.

The government will work closely with the Municipal Association of Victoria and local governments to ensure consistency between council local laws and these new initiatives to reduce fire risk. The response of councils to bushfire recovery has been outstanding and the 10/30 right is another mechanism to help councils and communities in areas at risk from bushfire prepare for the season ahead.

In addition to these changes that I have outlined today the Brumby government will conduct a community bushfire awareness week from 11 to 18 October to educate residents and organisations on how to make their communities fire ready. We ask all to participate.

Mr McINTOSH (Kew) — This is an important debate but it is profoundly truncated and is not what the opposition requested of the government. The government set the parameters for the royal commission. It knew that this was the first sitting week after the reporting date of the royal commission on 17 August. Notwithstanding that, the government, through its business program, has effectively resisted having the debate from the first moment.

In my conversation halfway through last week with him, the Leader of the House indicated that he would determine the appetite of the government for this debate. The government's appetite for this debate was confined to six speakers: two lead speakers and four other speakers from both sides of the house. Essentially, after we exhaust the Leader of The Nationals and me, as shadow Minister for Police and Emergency Services, it leaves only three speakers on our side and three from the government to speak in this debate. I would have thought that, given the consequences of the bushfires and the government's desire to set up a royal commission and to trumpet the report, tabled on 17 August, this was an appropriate week to set aside, just as we did shortly after the bushfires to express our trauma with our fellow Victorians about the events of 7 February.

The government wants people to believe that the bushfires on 7 February were just a freak of nature that no-one could prepare for. To my mind, this is a demonstration, as is set out in the interim report of the royal commission, of a government that is completely lacking in any form of responsibility. Most importantly, in this state we have a system of responsible government. That system means that ultimately the Premier and the ministers take responsibility for their portfolio areas. Even today the Premier refused to answer questions about warnings given to the government about what may happen and what it should do to implement procedures that would prevent the outcomes in relation to the bushfires that we saw on 7 February. Most importantly, it demonstrates that the government is dangerously unprepared for disaster, and unfortunately being dangerously unprepared for disaster played out in the tragic events of 7 February.

As we know, there have been a number of cases where the government has demonstrated no care or responsibility. From my own point of view, being a shadow minister and obviously not wanting to get in the way of anyone but being terribly interested in what was happening on that day, on 7 February I sat at home watching the television, listening to the radio and most importantly trying to get information from the Country Fire Authority (CFA) and Department of Sustainability and Environment (DSE) websites. I, too, can testify as to how far behind the eight ball they were. My best information came from my professional colleagues. During the day I spoke to the member for Lowan about the fires in Horsham, and I talked to the member for Polwarth. I talked also to the member for Gippsland South because we had scheduled a meeting that night and he was unable to attend. Information came from him. It was not coming from the DSE or CFA websites.

Notwithstanding the fact that this government was warned in 2003 of the inadequacies of the DSE and CFA websites, and indeed that they should move to a joint website that could carry that capacity, it has done nothing. One of the things that has been identified by the royal commission is the importance of that sort of communication. It identified that most people obtained their information either from the ABC or indeed from a CFA or DSE website — and how woeful that information was.

As I said, notwithstanding the fact that this government was warned in 2003 about the inadequacies of these websites and indeed about the importance of these websites for providing information and appropriate warnings to our citizens of Victoria, it has done nothing. That situation was reiterated following the 2006 fires, when again a warning prescribed that the CFA and DSE websites should be unified, updated, and have the capacity to meet these sorts of requirements.

We have the situation, as the Leader of the Opposition and the Leader of The Nationals identified, where on many occasions the government was warned but did nothing. The fact that this government has failed to take any responsibility is an indictment of it.

Mr CAMERON (Minister for Police and Emergency Services) — It is a great pleasure to join honourable members in this very important debate which the government has organised. The events of 7 February, Black Saturday, were unprecedented. Certainly old-timers of the Country Fire Authority say they have not previously seen that speed and intensity of fire and flames of the size seen on that day, even though they have been members of the CFA for a great many years. Houses that were thought defensible were not defensible. Certainly when one looks at those new events one sees that there needs to be a new response. That is why the government established the royal commission — to look at those fires and see what has to be done differently in the future.

On 6 February this year Victoria was in the position of being extremely well regarded in terms of its fire policies and practices. People would come from around the place to examine and have discussions around those matters, but on 7 February the rule book was very much thrown away.

Having a royal commission inquiry after big events is extremely important. The inquiry after the 1939 fires, or Black Friday, was important because the CFA came into existence at that time, and there was an enormous surge in capacity as the CFA was formed. After the 1983 Ash Wednesday bushfires, the stay-and-defend

policy became important, but again, what we saw on 7 February was an event over and above what could possibly have been anticipated — including, as I said, houses thought to be defensible being found not to be defensible. As a consequence, there needs to be a much greater emphasis on the saving of human life.

I must take up some things that the Leader of the Opposition said when he talked about SEWS, the standard emergency warning signal. The fact of the matter is that while there is no national consistency, if the pre-existing protocols which the Leader of the Opposition wanted had been applied there would not have been much time for warnings to be given at all. Certainly after 2006–07 fire season the Smith review talked about this vexed issue and the royal commission picked that up, saying that in future it should be used on only limited occasions.

With the 000 calls we saw something previously unexpected. There was an enormous surge in calls — 92 per cent more than the previous worst day. The Emergency Services Telecommunications Authority (ESTA) has had an increase of more than 150 in staff in the past five or so years. We have also seen it change its practice now in terms of cross training, to have even greater capacity, something for which the commission has commended ESTA.

We all heard of the April storm event. That was a storm, not a fire, but as a consequence we looked at tackling the issue of storms so that we do things to prevent people from using needed telephone lines when we have big storm events. That is why in March of this year, when there was a potential for big storm events — which ultimately did not happen — we advertised different lines to ensure that the 000 and ESTA lines were kept free.

The Leader of the Opposition made comments about the commercial media. I see that on the weekend he claimed something along the lines that it was recommended that commercial media be forced to advertise events, although he did not say that today. I take members back to what he said in Parliament on 24 February. He actually commended commercial radio as well as the ABC and local radio. The NEWS, the national emergency warning system, is something that Bruce Esplin, the emergency services commissioner, has led all the way, with the full support of this government. He has insisted that it be a national system so that we get the best possible system. That has been thoroughly supported by the government, and the royal commission commends the government because the Victorian government was the government with the political will to do these things.

On the question of fuel load, last year we had the biggest amount of burning that has been undertaken at any time in the last decade. When he spoke in Parliament on 24 February, the shadow minister for police commended the CFA and everybody in it. He said that they did their duty magnificently and did all that was humanly possible. I certainly take the view that the CFA is a tremendous organisation, but we have to learn from this event. We saw a new and different event at a level we have not seen before and, just as we have learnt from the events of 1939 and 1983, we have to learn from this event for the sake of those who have been lost and for the sake of the future. That is why we need the record funding of the government to continue.

Mr BLACKWOOD (Narracan) — It is with pleasure that I take this opportunity to contribute to the debate on the government's motion. The government's response to the bushfires royal commission's interim report is further evidence of its ongoing failure to act. Sadly, 25 of the 51 recommendations made by the royal commission were all recommendations made following previous inquiries conducted between 2002 and 2008, and this government failed to act on them to protect Victorians.

Fuel reduction should have been dealt with in this interim report, as it has been addressed in detail by previous inquiries, but still the government fails to act. In my area of Narracan, Noojee has been named as one of the 52 towns at great risk for the coming fire season, which is just 56 days away. Noojee has been identified as particularly vulnerable and needing immediate attention prior to the 2009–10 fire season. The people of Noojee have faced serious fire threat in 2006, 2007 and 2009. They know full well what confronts them this summer. Instead of being told what they already know, they deserve some action such as fuel reduction burning to the north and north-west of the town. Many of these areas have not had their fuel loads reduced for over 20 years. Black Saturday was in early February. There was a window of opportunity in autumn for this area or at least some of it to receive some attention, but that opportunity was missed.

Noojee is a town in a unique and beautiful location, but it is extremely vulnerable to a major wildfire event given the right set of circumstances. Every access road in and out of the town is heavily treed. Because of the archaic native vegetation management guidelines, those roadsides are littered with dry fallen branches and trees and other matter that will be tinder dry in the summer. A number of residents have attempted to clear vegetation to make their properties safer by reducing the fire risk. Unfortunately they have been seriously

hampered by the native vegetation rules, and therefore their personal safety is still very much compromised.

I do not support wholesale irresponsible and unnecessary clearing of native vegetation. I am calling on the Brumby government to have a serious rethink on the basis of priority. Is it native vegetation or human life and property that we should have as the no. 1 concern? It should be a no-brainer, but of course the radical green ideologues who have too much to say in a number of government departments will have too much influence over the way government policy is implemented on the ground. Unless the relevant ministers and the Premier have the courage to take control again of their departments and start acting in the best interests of the safety of people living in these towns, those people will be exposed to grave danger if we have a repeat of Black Saturday.

I have real concerns for local government in this process. Unfortunately, as has happened on so many occasions in the past when successive state governments have triggered and imposed major change on municipal authorities, all the cost is worn by the shire and of course ultimately the ratepayer. The shires of Baw Baw and Latrobe do not need to take another expensive hit in putting in place the demands of a state government as it reacts to the recommendations of the royal commission. The shires of Baw Baw and Latrobe need the detail of the changes that are being proposed by the Brumby government. They are desperate for some guidance on the management of native vegetation on private land. They need the detail about the management of roadside vegetation. Both issues need to be addressed before the next fire season. The Brumby government and our vulnerable communities are fast running out of time.

In relation to the building standards, local shires are crying out for the details needed for domestic bunkers. On that aspect I would encourage the government to get this sorted as a matter of urgency. People are rebuilding as we speak and these standards should be available. As outlined in the government's briefing to councils, if there is no initiative announced by the state government, councils must continue to work within the parameters of current state and federal laws and policies until change occurs. This directive does nothing for our vulnerable communities, except leave them totally exposed to the fast-approaching fire season. I call on the Brumby government to act and to stop leaving Victorians exposed to the consequences of its lack of action.

Ms ALLAN (Minister for Regional and Rural Development) — I would like to start by reminding all

of us why we are having this debate. We do not need too much reminding though; we all remember that terrible feeling we had as we woke on the morning of 7 February. I acknowledge that Gippsland had been experiencing terrible fires in the preceding week.

Let us also remember that this was a day without precedent. I was reminded of this when reading some of the comments of the everyday people affected by the Black Saturday fires who were quoted in some newspaper articles following the release of the royal commission interim report. I wish to share some of their comments with the house because they capture very well what was experienced that day. The MacDonald family of Flowerdale, whose home was miraculously saved, were quoted in the *Herald Sun* of Tuesday, 18 August 2009, as saying:

The thing is, this was not a normal bushfire. Any normal year's bushfire, things would be different ...

Carol Kane, the widow of Michael Kane who was tragically killed in the Bendigo fires was quoted in the *Bendigo Advertiser* of Tuesday, 18 August 2009. She said the horrific conditions on 7 February would always have had disastrous consequences, regardless of any recommendations.

It is important that that sentiment is present in our debate and discussion here today. Everything did change that day. The Premier moved very quickly in the immediate aftermath of the fires and committed to the royal commission. He committed that it would look at all the issues surrounding the impacts of the fires. That is why the commission has the broadest possible terms of reference. The terms of reference also requested that an interim report be delivered that focused on immediate actions that could be taken prior to the 2009–10 bushfire season. The government did this because it wanted Victoria to be in a position where it could be as safe as possible by the next fire season, which is only 56 days away.

Since the fires a number of actions have been taken around rebuilding lives and rebuilding communities. Alongside this work around rebuilding homes, community infrastructure and schools, I want to mention the work we are doing in terms of rebuilding the economic base of communities. It is important to restore the economic activity of the fire-ravaged parts of our state, because we want to make sure that jobs and opportunities continue to be provided in those areas.

In the couple of weeks after the fires the government, with the commonwealth, announced a \$51 million business package comprised of grants, loans and

support for businesses affected by the fires. To date \$20 million in grants and loans have been approved, assisting over 1450 businesses to recover from the fires. Another vitally important component has been the support for the tourism industry. The \$10 million package funded jointly by the state and commonwealth governments has been vital in attracting people back to regions that tourists love to visit, such as the Yarra Valley, Daylesford or areas around the goldfields and in Gippsland.

There has also been the work undertaken by the government in partnership with the Bendigo and Adelaide banks to establish a community infrastructure program. Alongside the \$381 million that was raised through the Red Cross appeal, the Bendigo Bank raised through its own foundation \$7 million of funding, some of which was put towards this fund with the government to provide support for councils for local community infrastructure projects.

There are many examples of projects that have been supported by the government to help bring jobs back to local communities. One in particular I wish to mention is the support given to Marysville to establish a temporary retail precinct. Some \$1.15 million of funding has been used to purchase a facility previously known as the Marysville Motor Museum. The commonwealth will provide funding for the fit-out of the building, including a car park, signage, lighting and drainage.

That is a quick snapshot of the work going on alongside the other enormous efforts, including working with communities to restore infrastructure — for example, the extra funding and support allocated to the Department of Sustainability and Environment and the Country Fire Authority. We should not underestimate the task before us and the work yet to be done together to support communities into the future. That is why the interim report of the royal commission is a very important milestone. In supporting all 51 of the recommendations made by the royal commission, the government is presented with challenges to work together in partnership. I use the terms 'partnership' and 'work together' deliberately because in the haste to be politically opportunistic it would be a great shame to lose sight of the very important task before us, which is to rebuild lives and communities and make Victoria as fire safe and fire ready as we possibly can.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the interim report of the 2009 Victorian Bushfires Royal Commission tabled on 17 August. I wish to express my gratitude, on behalf of my local community, to Justice Bernard Teague,

Ron McLeod and Susan Pascoe for developing this very important royal commission report. As previous speakers have indicated, these fires were not just confined to Black Saturday — the fires raged within Gippsland in late January. Both the Delburn and Churchill fires caused significant damage across the Morwell electorate with 11 lives lost, 212 homes destroyed and countless loss of property, assets and stock.

After the announcement of the royal commission a number of community consultation sessions were conducted across the state. I had the pleasure of attending one of those in Traralgon. It was great to see so many members of the community in attendance. Further, something in the vicinity of 1200 submissions were received by the royal commission. I know many of these were from the Gippsland area and my electorate; many were from people expressing their views on how we can stop a disaster such as this occurring in the future.

In referring to the sentiments expressed by Gippsland community residents impacted by these awful fires, I refer to chapter 4 of the interim report. Under the heading 'Warnings' eight recommendations are listed. A very clear message has come from my community: it believes that it is imperative that we have a clear, concise, succinct and easily understood warning system available to the community.

In particular I want to refer to recommendation 4.7, which arises from sections 4.220 through to 4.228 of the interim report. That recommendation refers to the Office of the Emergency Services Commissioner and the CFA (Country Fire Authority) developing guidelines for the use of sirens in communities that decide to use sirens as part of their response to bushfires.

If you have a look at sections 4.220 to 4.227 of the interim report, you see that they talk about the use of sirens in Boolarra. I refer to this because in Boolarra on 30 January the warning siren was sounded. The report says a community meeting was held on 30 January. I attended that along with many others of the community. Against the advice of the CFA, Lou Sigmund, who was operations officer for the Ashfords Road fire, indicated to the community that once embers started to enter that particular community he would set off the siren. That occurred about 1.00 p.m. that day, and many members of the community evacuated. Many of those people went off to the church relief centre that had been set up at the time. I know that there were some conflicting views over what Mr Sigmund had done in that instance; however, I think the sentiment in the community was

such that those who had had clear direction that they were under threat took the advice. Consequently, despite 29 homes being destroyed by that fire, no lives were lost. That is duly noted in the interim report.

One thing I want to make clear with respect to communities having sirens is that sirens are an easily recognisable noise which is consistent across all communities. It is important that they have them.

I will touch upon a couple of other points. Chapter 8 deals with risk and refuge. Again this section of the interim report has been a topic of conversation within my community, particularly recommendation 8.6, which deals with identifying, establishing and advertising community refuges and neighbourhood safer places. There is a big onus upon local councils and the CFA to develop those places, and they will need the support of this government to ensure that occurs.

Very briefly I will refer to roadblocks, which are dealt with in section 10.5. There is an air of consternation in the community on that issue, and I am happy to see it being reviewed.

In closing I believe that we could have done more. Victoria has been dangerously unprepared for such a disaster, and if you look at the section on 000 calls, 12.87, you see it says that:

It is a matter of concern to the commission that as recently as August 2008 issues pertaining to the system's capacity to cope with extreme events was the subject of a detailed review ...

It is imperative that the community has confidence and trust in the emergency services communications system.

Mr WYNNE (Minister for Local Government) — I rise to make a brief contribution to debate on the bushfires royal commission interim report. By way of introduction I note the magnificent work of local government throughout the duration of the fires, starting of course with the Gippsland fires and then the massive fires that consumed such a broad area of the state. As we have talked about in the past, it is at times of crisis when communities reach out to their local governments for support, both practical support and leadership. At every turn local government stood tall. I was immensely proud of the work our local government authorities did and have done, not only during the fire itself but also more broadly since the fires in supporting their communities to rebuild and to work collaboratively with state and federal government

authorities on both the clean-up and the rebuild program.

A number of recommendations in the interim report specifically pertain to local government, and in the brief time I have available I want to touch on a couple of them. The first is recommendation 6.4:

Municipal councils review their municipal emergency management plans to ensure there is appropriate provision for relocation during bushfires, in particular, to indicate the location and arrangements associated with designated emergency relief centres.

Secondly, there is recommendation 8.5:

The state promulgate criteria for the identification and operation of neighbourhood safer places, and involve councils and local communities in their development and implementation as appropriate.

Thirdly, there is 8.6:

The state to have commenced progressively identifying, establishing and advertising designated community refuges and neighbourhood safer places, giving priority to areas where bushfire risk is identified as high.

And there is 8.7, that:

Municipal councils record the location of designated community fire refuges and neighbourhood safer places in municipal fire prevention plans ...

As the Premier indicated in some of his answers today, local government has a pivotal role to play as part of the broader fire preparedness program the government is putting into place leading up to the forthcoming fire season. Township protection plans and neighbourhood safer places strategies are fundamental aspects of local government's work in this area. It is important that we take the expert advice of relevant fire authorities, which have indicated that in the first instance priority must be given to establishing neighbourhood safer places in the 52 towns identified as being most at fire risk this fire season.

The Premier and I met with local government authorities, sponsored by the Municipal Association of Victoria, at a major meeting last week when we went through the interim recommendations of the royal commission. The Premier announced a very welcome grant to local government of \$500 000 to assist local authorities in the development of their township protection plans and neighbourhood safer places strategies. As the Premier indicated, there may well be circumstances in some of these areas where there is no neighbourhood safer place within the township. We have to recognise that, and that is why we think it is important that we work collaboratively — local

government working with the Country Fire Authority — in the identification of what is to be done in the last resort. This could be where somebody has chosen to not relocate and where there is a neighbourhood safer place that people can go to which has been fully assessed, fully identified and advertised to the local community as being an option of last resort in those circumstances.

There are many challenges ahead for local governments, but I am confident that they will, as always, rise to the task that is required. It will be a collaborative partnership between state and local governments and the relevant fire authorities to put in place the best possible strategies to address the initial fire season. This program of neighbourhood safer places will be rolled out more extensively over a period of time.

Mr WELLS (Scoresby) — I join the debate to discuss the bushfires royal commission but specifically to talk about incompetence and neglect by the government. I was amazed by some of the answers that we received during question time today. The opposition asked five questions on previous reports which made recommendations to the government, and in every single case the government had not accepted or done anything about any of those reports.

I refer specifically to point 12.87 of the interim report:

It is a matter of concern to the commission that as recently as August 2008 issues pertaining to the system's capacity to cope with extreme events was the subject of a detailed review by the OESC, yet a number of the failings evident in the operational response to the windstorm in August 2008 were replayed during 7 February.

The report on the April 2008 windstorm event by the Office of the Emergency Services Commissioner (OESC) says on page 46:

Telstra 000 operators experienced significant difficulties, due to the high volume of calls, in connecting calls to ESTA call-takers and the extended wait times dramatically affected Telstra's ability to answer incoming calls.

That is what the government was told in the OESC's report in August 2008. You would have thought it would have done something about it. Yet, as we see from points 12.87 and 12.88, it did nothing about it — absolutely nothing.

The Minister for Police and Emergency Services gave a disgraceful response when I asked him in a Public Accounts and Estimates Committee hearing this year what he did as a result of that report. I put to him:

The experts had told you that Victoria needed a telephone-based warning system, and experts had even mapped out the path of the fire. I refer you in addition to the report that you received in August 2008, the review of the 2008 windstorm, which also pointed out the same problems with the 000 system ...

The minister responded:

What the emergency services commissioner recommended was using a line like we do with the bushfire information line. For example, as a follow-on from that, you will remember in early March of this year when we were expecting an event that did not eventuate quite to the extent that — —

Then I cut him off. I had to cut him off. He had the report in August 2008 that something needed to be done, but his action and what he wanted to focus on was an event that was going to take place in March 2009. He completely missed the point. The idea of the report was to make sure that we did not have any disasters. Black Saturday happened on 7 February. He wanted to talk about an event a month later. When I said to him, 'Look, this is just an extraordinary situation. March is too late. Where was the action that took place?', he then went on to refer to March as being the first wind event. I had to point out to the minister that what happened on 7 February — Black Saturday — was not only a wind event and a fire event but a disaster. It was a disaster! If you listen to the minister, however, he wanted to just focus on wind events. That is why we are having significant problems trying to get some of these answers. The minister is reported as saying:

I am quite happy to explore this because Mr Wells is confused about the issue. The windstorm report was about directing other lines, which happened. We did not have another big wind event prior to March.

What in blue blazes do you call what happened on 7 February, Black Saturday? He is saying it was not a wind event; he was calling it a fire event. The problem is it was a natural disaster. It does not matter whether it was a wind event or a fire event; he should have had the system in place so 000 worked, but 000 did not work. It is a ridiculous situation for him to start calling it a wind event or a fire event, and it is a very silly way to act as a minister. The problem is that 000 did not work and it is the fault of the government because it did not take the action.

Mr DONNELLAN (Narre Warren North) — It is an honour today to speak on the interim report of the bushfires royal commission. It is rather concerning to hear the absolute drivel and rubbish that has come from the member for Scoresby. Here we have an opposition that wants to remove the fire services levy and somehow or other does not take the funding of fire

services seriously. What it wants to do is reduce funding. When we were elected to government Victoria had the second lowest level of spending on fire services in the country. That was a simple fact which was set out in a Productivity Commission report. Now we have the highest. We spent \$700 million in the last budget. We have tripled funding since 1999. Yet here we have ridiculous comments from the magic pudding masters from the opposition who want to take away the fire services levy and hope to be able to create a magic funding source for fire services.

This report is a very serious report, and this government is taking it very seriously. As we know, the terms of reference were wide so everything could be looked into. We asked for an interim report so we could get ready for this fire season. There are 51 recommendations and the government has committed to undertaking all of them — absolutely all of them. But we have an opposition that somehow has this amazing vision that it can see everything happening. If you call for a disaster every week, sooner or later you will get it right. Has the opposition worked out whether Robert Doyle is coming back or whether the member for Polwarth should be the next leader? If it has so much vision to look at disasters, maybe it wants to consider those questions.

At the end of the day the task of this government is to take this issue seriously, and that is what we are doing. We are working with the community and will continue to work with the community so that things like Fire Action Week, which is planned for 11 to 18 October, occur and help prepare the community. We need to work together to ensure that we, as the state of Victoria, are prepared for the next fire season, which is only 56 days away. There are a lot of things that this government is already putting into action to make us prepared.

We are not going to carry on like the opposition and score cheap political points off each other. We are dealing with this seriously as a community. I can remember that when the fires ripped through Gippsland and other areas we came together as a community. It was about the time of the global financial crisis and everybody thought the world was going to fall apart, but at the end of the day, at the end of the fire season, we realised what was a lot more important — the people around us. It was not whether we were suddenly not earning as much or our shares were not as valuable as they used to be; it became an issue of those people around us — family, friends and the like. That was very much the feeling I got about where Victoria was at that time. People finally realised that each other's lives were much more important than the value of their shares.

Yesterday the government introduced the new 10/30 right, giving landowners greater clarity about what they can clear around their properties. The 10/30 right will allow landowners to clear any vegetation within 10 metres of a house and any ground fuel within 30 metres of a house, as of right. That is important, because the issue has been sitting in limbo for many years. Now we have introduced a specific program to address that, along with various others which were announced yesterday.

We will introduce neighbourhood safer places and establish a new fire-risk index, which will give a more sophisticated ability to provide news to the public about how serious the risk is at a particular stage. There will be limited broadcasting on the standard emergency warning signals and the introduction of a common alerting protocol. Guidelines will be developed to support CFA (Country Fire Authority) and DSE (Department of Sustainability and Environment) incident controllers in assessing whether relocation should occur and recommend relocation when it is warranted. The DSE and CFA are establishing procedures to ensure that the most experienced, qualified and competent person is appointed incident controller for each fire, and the CFA chief officer will have responsibility for issuing warnings and providing information to the community concerning the risk of bushfires.

The government is getting on with the job and is taking this seriously. It is not looking to be cheap and tacky or to take ridiculous points. The government is saying, 'We had a vision, and if we keep having a vision, sooner or later our vision will become real'. At the end of the day you can always scream that something is going to happen and sooner or later you will get it right.

Mr WAKELING (Ferntree Gully) — I rise to contribute to debate on the bushfires royal commission interim report. The comments of those who spoke before me, and particularly those of the previous speaker, the member for Narre Warren North, demonstrate the head-in-the-sand approach of this government. Its solution is to clear up the state's problems in a week. That is just ridiculous. These problems cannot be fixed in a week; this government could have been fixing these problems over 10 years.

In dealing with the report I would like to look at concerns relating to the warning system. At point 4.72 on page 129 the report talks about the *Emergency Management Manual Victoria*, which states with respect to warnings:

The content and format of the warning must be simple, arresting, brief, suited to the needs of the affected community

and be worded in accordance with advice from the control agency ... Warning methods could include loudhailers, telephones, doorknocks, radio or television announcements or local community networks.

What was the finding of the interim report about this issue? At point 4.74 the report states:

The degree to which current policies and protocols on warnings are, in many respects, divorced from the reality of what occurred on 7 February is troubling.

It was more than troubling; the way this government handled this important issue was a debacle.

Recommendations 4.1 and 4.2 with respect to warnings are significant. The first time that issue was raised the government said it was going to act on it. However, this issue was addressed way back in 2002, when the Council of Australian Governments commissioned the report entitled *Natural Disasters in Australia — Reforming Mitigations, Relief and Recovery Arrangements*. Recommendation 5 of that report states:

State and territory governments have primary responsibility within their own jurisdictions for natural disaster management in the interests of community safety and wellbeing. This involves responsibility for:

ensuring provision of appropriate disaster awareness and education programs and warning systems.

What was the response of the government in 2002? Did it say, 'It is not needed; we have everything in train'? At page 17 of the government's response to the report on the inquiry into the 2002–03 Victorian bushfires it accepted that something needed to be done. The response states:

DSE and CFA —

Country fire Authority —

will ensure that the information unit provides timely and accurate information to all stakeholders including incident management personnel, media and local communities, and that community information is a priority of incident controllers.

Did the government act upon its response to the 2002–03 bushfires, and were the 2009 bushfires an adequate reflection of the government's response in 2003? We all know the answer to that question.

As has been pointed out, 52 hot spots have been identified, and the Dandenong Ranges area, which borders my electorate, has been identified as one of those. Residents of Boronia and Ferntree Gully in my community whose properties abut the Dandenong Ranges National Park are deeply concerned about fuel reduction in the park. I have visited their houses, and from the back fences you see a wall of forest. Those

residents are deeply concerned about what this government proposes to do about reducing the fuel. The government says it has the situation under control. I can tell the house that the issue will not have been resolved by the time we have the fire awareness week. The government has had 10 years to deal with this issue, and I call upon the Premier to explain to my community how he is going to handle fuel reduction in the Dandenong Ranges.

Mr HARDMAN (Seymour) — I rise to speak on the bushfires royal commission interim report. The royal commission was established by the Brumby government. After the fires I recall being in Marysville — then a very lonely place — on the day the Premier announced the royal commission. For my part I was extremely pleased about the announcement. There are always risks with royal commissions, but I felt that the constituents of the Seymour electorate would want answers, would want to make sure they would be safe and would want to be sure a tragedy such as occurred on Black Saturday would not occur in the future.

The Premier requested that the bushfires royal commission prepare an interim report by 17 August 2009, which to its great credit it did. The Premier did that because he wanted no stone left unturned in making sure that Victorians would be as safe as possible during this fire season. The Black Saturday bushfires saw 173 Victorians lose their lives. They left behind families and friends, many of whom are Seymour electorate constituents. About 2000 families lost their homes, and many farms, businesses and community buildings were destroyed by the fires. At the moment we are going through the process of planning for and preparing replacement facilities such as schools, kindergartens, hospitals, DSE (Department of Sustainability and Environment) facilities and police stations. A great deal of work is going on to ensure that temporary facilities are put up so that life can go on. That tragic day resulted in a large proportion of people right across the state, including in the Seymour electorate and from Gippsland to Horsham, experiencing a great deal of grief.

Many firefighters, emergency service workers and volunteers experienced our state's greatest natural disaster. It has changed the way we need to prepare for fires for the future. A significant amount of work undertaken by government agencies, the Country Fire Authority, the DSE and others, has resulted in a number of recommendations and a great deal of planning and preparation for the coming fire season. I am very pleased that the 51 recommendations in the royal commission's interim report have been supported by

the government. It goes to show that the majority of the thinking about what we need to do must be along the same lines.

The recommendations have come about through a great deal of work by the commissioners and all those working with them, through the prior work of the agencies and through the input of people who made submissions to the commission. I thank them very much. I know a lot of volunteers have been doing a great deal of work in preparation for this season. A lot of that stuff goes on behind the scenes and is done in their own time.

I suppose the danger with today's debate is that in part it seems to be about opposition members allocating blame. I understand that is their prerogative, but it might be seen by the community as political opportunism. That is a risk the opposition takes. We know the Brumby government has tripled the emergency services budget to \$700 million since it came to government. We know also that there are only 56 days to the next fire season, so we need to be getting on with the job of making sure the community is prepared. Maybe we need to focus a lot harder on that rather than on allocating blame at this stage. I am sure that will happen in the future. Given the events in New South Wales, we see the risks are great already.

Mr DELAHUNTY (Lowan) — On behalf of the Lowan electorate I am pleased to rise to speak on the royal commission's interim report, which was released a couple of weeks ago. It highlights the fact that Victoria was dangerously unprepared for what has become known as Black Saturday. The bushfires in January and February resulted in catastrophic loss of life, the loss of private property and the loss of special personal possessions. It also resulted in the loss of public property. In my electorate of Lowan there were two major fires, at Horsham and at Coleraine. We lost 12 houses, and we lost a lot of machinery and personal property. Importantly, we lost the fantastic Horsham Golf Club, which was only five or six years old.

Thankfully, no lives were lost in my electorate, but one person by the name of John Smeets received burns to 50 per cent of his body and was taken to the Alfred hospital. He received strong support from the medical staff there and also from the Coleraine community. I have been keeping in close contact with John and his wife, Lorraine. In fact, I ran into them last Friday night in Coleraine. He is making a good recovery, but he still has a long way to go.

The government was warned. Back in 2003 there was a report on the 2002–03 bushfires. In 2004 the National

Inquiry on Bushfire Mitigation and Management was established, and in 2002 the emergency services commissioner put out a report. In 2004 the emergency services commissioner put out a report on Coode Island. In 2006 he issued a report entitled *Community Information and Warning System — The Report of the Trial and Evaluation*. In 2008 he put out a report on the Westpoint chemical fire. In April of that year he put out a report on the 2008 windstorms. There have been many other reports — and in fact 25 of the 51 recommendations of the royal commission have already been included in previous reports. The government knew about the reports, but it took no action.

Following the release of the royal commission's interim report, I saw an article in the *Wimmera Mail-Times* dated 19 August and headed, 'More communication is vital'. It states:

Haven resident Pauline Keyte tried ringing 000 when her husband collapsed with heat exhaustion after the Remlaw fire front had passed.

Mrs Keyte's call went unanswered.

...

Mrs Keyte said she tried to call 000 late in the afternoon on February 7.

'All I got was a recorded message', she said.

'My husband was flat on the floor unconscious'.

Her daughter in Benalla was able to call the Horsham Town Hall refuge centre and ask a police officer to organise assistance.

Mrs Keyte welcomed the recommendation to increase 000's capacity.

She believes there needs to be an improved warning system.

Back in 2006 Ross Smith released a report called *Debrief Outcomes — Significant Victorian Fires — December 2005 and January 2006*. Pages 63 and 64 of that report talk about the inappropriate promotion of services that the Victorian bushfire information line could provide. The royal commission's interim report makes four or five recommendations relating to the fact that there was underutilisation of staff on Black Saturday, particularly around Ballarat.

Many reports have been tabled in the Parliament which the government knew about but took no action on. The royal commission's finding 5.105 states that 9879 calls were queued, with people waiting to speak to an operator. The government was warned. It has failed Victorians. It has failed to prepare Victoria. It has failed

to act on many reports, and its failure to act has left Victoria dangerously underprepared for bushfires.

Another bushfire season is coming towards us. I am pleased to see there are some recommendations from the bushfires royal commission dealing with police roadblocks. They caused major controversy in my area. I do not blame anyone, but we need to get a better system in place. I hope the next royal commission report addresses some of those matters, including the need for fuel reduction burning to prepare our country areas for fire.

Ms DUNCAN (Macedon) — I rise to contribute to this very important debate and to remind everybody why we are here today. Whatever our views on how this should be managed, we should not lose sight of what we have all lost in these fires. It is true there have been royal commissions and inquiries in response to previous major fires around the state. It is certainly not true that this government has not taken any action. We learn something from each of these emergency responses, and we change our practices accordingly.

As a senior Country Fire Authority member said, the way we prepare for and fight fires today is different to the way we prepared for and fought fires in the past, and no doubt we will do it differently in the future. The Premier called for this royal commission just days after the fire. That is not the action of a government which, as the opposition suggests, believes there is nothing to learn or there is not more we can do. The Premier has acknowledged there were systems failures. By giving the commission the broadest terms of reference the Premier demonstrated again that he wanted everything to be explored. He has been quoted as saying that no stone should be left unturned. Those are not the actions of a Premier who, as the opposition would suggest, thinks that everything that could have been done was done.

What we need to know is: what did we do right; what should we do better; what did we not do that should or could have been done; and how do we engage with the community to help us all be better prepared? One of the first points the royal commission makes is that the responsibility for protecting life, property, the community and environmental assets rests with the collective efforts of the whole community. To suggest any government at any point in time could prevent something like this from happening again is simplistic and dishonest and, dare I suggest, dangerous. We must work through this together. We must prepare and respond to this together. We are all sharing this state, and we are all in this together.

I must say something about the Environment and Natural Resources Committee report that was tabled some time last year, which has often been quoted and, dare I say, misquoted, by people who have probably never read it. Again I would suggest that to be quoting and misquoting it is potentially a dangerous thing to do. Certainly that report recommended more controlled burns, but it has been suggested that somehow the government could have achieved those controlled burns prior to this February fire. That is an absolute nonsense. Knowing that report's recommendations and living in the bush myself, I know that the window of opportunity between the tabling of that report and the start of the fire season of 2008–09 was incredibly short. It was incredibly dry and it was incredibly windy; it would have been very difficult to have started a burn on many of the days in that time. It is simplistic to suggest that things could have been different; it is simplistic and it is dishonest.

The report certainly did recommend more controlled burns, but I would say — and the report states — that those burns need to be strategic. It is certainly a question of area but also of where those burns are done. Those burns ideally should be patchy. We also know, and saw demonstrated in that report, that if an area is burnt it does not prevent other burning from occurring within a very short period of time afterwards. Despite members of the opposition constantly referring to 'cool burns', as Kevin Tolhurst said to us at that committee, 'I don't know what a cool burn is'. That was Kevin Tolhurst; he said, 'I don't know what a cool burn is. Any fire can kill you'. We also heard there was a huge improvement in the management of the 2006 fires from that of the 2002–03 fires.

I know we will also learn from this tragedy. This government is taking the action to make sure that that is the case. I think it is potentially very dangerous for people to sit here with the benefit of hindsight and try to suggest that something could have been done differently. Certainly that could have been the case. We will not know what different outcomes might have resulted from different actions. All we can do is learn about what did happen and what we can do better in the future, and pray that we never have these sorts of results again.

Mr MULDER (Polwarth) — I rise to join the debate on the 2009 Victorian Bushfires Royal Commission interim report. I just have a little bit to say on the issue of fire sirens, which was addressed in the interim report by the royal commission into the 2009 Victorian bushfires. I go to recommendation 4.7, which states:

The Office of the Emergency Services Commissioner and the CFA —

Country Fire Authority —

develop guidelines for the use of sirens in communities that decide to use a siren as part of their response to bushfires.

A bit more tenacity is required in the recommendations than simply saying 'communities that decide'. We need consistency across the state.

If you ever wanted further evidence as to the head-in-the-sand, turn-your-back-on-recommendations attitude of this government to bushfire preparedness, then here it is. I will go back to 2002 for the benefit of the member for Macedon, if she does not leave the chamber at this point. I refer to the 2002 report of the Office of the Emergency Services Commissioner entitled *Community Alerting for Bushfire — A Local Solution for a Local Need* which has the subheading 'The Ferny Creek fire alert siren follow-up evaluation'. The evaluation examines the use of fire sirens and details evidence gained over a two-year period of the alert siren's operation. The report states:

... that with a consistent community education and communication strategy which focuses on preparedness and planning, and a culture where the majority of community residents work together to develop a common understanding, the role of the alert siren can be incorporated into appropriate and safe planning and decision making.

The government's response to that recommendation has been zero, zilch, absolutely nothing. That was seven years ago and yet there has been no response from the government, not even an acknowledgement in relation to that recommendation.

Recommendation 4.208 of the interim report of the royal commission states:

The commission has heard evidence on the use of sirens in some communities in Victoria and South Australia. Whether the use of a siren is appropriate as a fire danger warning depends on local circumstances, including a developed community appreciation of its function. There is scope to investigate and develop the use of sirens in communities that would benefit from such an alert system. In addition, sirens may be useful outdoors, particularly for travellers and for campers.

It almost mirrors the recommendation of 2002, and yet no action has been taken by this government in relation to fire alert systems or to sirens, even though the recommendation was made back in 2002.

Recommendation 4.214 of the royal commission report states in part:

One of the lessons from February 2009 is that greater weight ought to be given to communities' desires to fashion warning systems appropriate to their location and their needs.

That is exactly what was being spoken about in 2002. It sounds familiar, as I say. In fact it mirrors the earlier recommendation, and yet there has been no action from this government. What we need in this state are consistent messages, and a consistent warning system.

People in the Otways in my electorate, whether they be campers, visitors staying in holiday homes or locals, need to be able to recognise that a particular warning system is in fact a bushfire alert. The towns of Aireys Inlet, Anglesea, Bambra, Barwon Downs, Big Hill, Deans Marsh, Fairhaven, Forrest, Kennett River, Lavers Hill, Lorne, Marengo, Moggs Creek, Pennyroyal, Separation Creek and Wye River have all been classified by this government as being at extreme fire risk. But because of this government's arrogance and inaction and refusal to implement its own committee's recommendation to intensify fuel reduction burning what it is actually doing is destroying what it set out to protect.

The last outcome we want is to have differing systems in each and every location, creating confusion across the region. We do not want different alert systems. Confusion and a lack of leadership was identified as one of the major failures of this government's handling of the 2009 event. Let us get it right. Let us get a consistent message out there and ensure that everyone identifies a bushfire with the same siren. We do not want a different solution in every community. It would be a disaster, and it would be confusing.

We all know that sirens are just one small part of the solution. Recommendations for the upgrade of the 000 system were rejected by the government and never carried out. Upgrades to websites were once again rejected and not carried out. Clear, concise communication systems that are reliable is what we want. If we go back over the 10 years of this government we can be nothing other than embarrassed at its lack of action that has in turn contributed to the disastrous event of 7 February this year. Speaker after speaker from this side of the house will prosecute that case. It has been absolute inaction!

Ms GREEN (Yan Yean) — I rise to contribute to the debate on the Victorian Bushfires Royal Commission interim report. I do so on behalf of the community in the Yan Yean electorate who were so grievously affected by the horrific fires of Black

Saturday. I speak for those who tragically lost their lives, those who lost loved ones, those who lost homes, those who lost businesses, those who sustained injuries, those who risked life and limb fighting the fires and those who, to this day, still spend countless hours assisting in the recovery effort. After all, this debate should be about these people who have been so grievously affected, whether they are in my electorate or anywhere else across the state. It should not be about political point-scoring. It should be about respecting what those people lost. It should be about working collaboratively to move forward to make sure that we in this Parliament, no matter what side of politics we are on, learn, move forward together and work with every tier of government — local, state and federal — and every government agency to make sure that a tragedy of this proportion does not occur again.

I am not going to go into great detail, but people I have mentioned before in this place who have suffered losses have been deeply insulted by the political point-scoring of those opposite. I make little more comment than that. I hope they hang their heads in shame. I knew some of those people who lost their lives. I knew people who sustained terrible losses. Those who are about to get up and speak should think about that and not inflict any more damage.

I am very proud that the Premier and this government acted so swiftly to announce a royal commission that required an interim report so that changes can be implemented prior to the start of the next fire season, which also promises to be an incredibly dangerous one that everyone in this house needs to take note of. I want to thank members of the royal commission and their staff for their hard work. I acknowledge the bravery of those who made submissions and gave evidence, sometimes reliving the most terrible trauma. I commend the government for its swift response to the interim report this week and its support of all of the royal commission's 51 recommendations.

I particularly thank the Premier for his actions only the day after the interim report was brought down. I thank him for the respectful way he came out to my electorate to have a dialogue with many of my local firefighters and auxiliary members, to seek their advice, to see what they thought and to explain to them what the commission's recommendations meant. He did not come out with a great fanfare or have the media present or anything like that. It was about treating people respectfully, understanding what they had been through and getting their advice about how we should move forward.

We have put our money where our mouth is in how we have supported the Country Fire Authority and its 58 000 great volunteers across the state. We have more than tripled the CFA's budget since 2000. It is now \$391 million, up from \$113.8 million in 1999–2000. This has provided 702 firefighting appliances and 169 new fire stations. A recent Productivity Commission report states that in the year 2000 Victoria's spend per head on firefighting was the lowest in the country. We have now gone to the highest. I am proud of the community safety and emergency support program introduced in 2000 which has assisted local communities to purchase firefighting appliances and upgrade facilities; over \$12 million is going into that program.

We need to provide our firefighters with resources for training and facilities so that they come home safely to their families. One of the few good outcomes from Black Saturday is that that training resulted in the loss of only one CFA firefighter and another firefighter from interstate. It shows that we have learnt from events like the fires at Linton and the Ash Wednesday fires, which I know an awful lot about; we lost four family friends in those fires. I know that our firefighting services and our community will learn from this terrible experience and move forward. I sincerely hope that learning means that despite the climate change conditions we are experiencing which resulted in the dreadful unfightable fire on that terrible Black Saturday similar events will not happen again. I commend the royal commissioners for their work.

Mr INGRAM (Gippsland East) — I rise to speak on the Victorian Bushfires Royal Commission interim report and make the point that this is just the first step. Whilst I am making some comment on the interim report, I think some of the most important issues are still to be resolved by the royal commission.

People in my area have suffered significantly through fires over a number of years. I made a submission to the Esplin inquiry in 2003 and I will read some of my comments. I said:

There are significant legislative and regulative restrictions that have been imposed on land-holders and public land managers, including roadsides that restrict the reduction of native vegetation through clearing, fire or grazing. This is a significant conflict between the fire safety and the environmental outcomes.

I also made the comment in that submission and in further correspondence that:

It is my view that the government agencies responsible for the management of our public land have breached their duty of

care in ensuring that the land they manage is maintained in a manner that reduces the risk to its neighbour.

The government has had plenty of warning, and I back up some of the other comments that have been made by other members. I have been involved in this matter over a number of years. I put in a submission to the bushfires royal commission, and I was deputy chair of the Environment and Natural Resources Committee during its inquiry into public land management and bushfires. At a later date I will be making some comments on where we need to go.

However, on the subject of the recommendations made by the royal commission, some of those recommendations must come with legislative backing, particularly those about neighbourhood safer places, fire refuges and CFA advice to individuals and communities. It is essential that this Parliament protects individuals and agencies who in good faith give advice to communities and councils which will be required to implement these neighbourhood safer places. We all know that during extreme fire events there will still be days when people will be directed to particular areas where they may come to grief. That is a major problem, and I believe we need to make sure that there is clear legislative backing for those changes.

A large number of the royal commission's recommendations will be difficult to implement. Whilst it is easy for the commissioners to make recommendations about particular issues, it is difficult to translate them into legislation and action on the ground. The largest number of submissions to the inquiry — some 485 of them — were about fuel reduction, the Department of Sustainability and Environment and prescribed burning. Fire preparedness was the next highest, with 430 submissions. This is the major issue that has to be dealt with by the next stage of hearings.

Many people have commented on bushfire warning systems. As a local member who was on the ground for the 2002–03 and the 2006–07 fires in areas that suffered significant fires, I know there can be problems with the warnings that precede fires, particularly when the fires happen over a number of days and at different locations in an area. When those warnings come repeatedly you end up with people treating them like the boy who cried wolf — they stop listening to the warnings. Warnings need to be precise, accurate and deliver concise messages, and they should only be given during an elevated level of significant threat to life and property. That is one of the reasons the use of sirens has been stopped as a precursor to the warnings. Whilst it is easy to make comments about this, it is

important that we get these warnings right so that we do not exacerbate the problem.

I have made a number of comments in the past about the warning system. After the 2002–03 fires, the 2006–07 fires and the following floods I had discussions with the emergency services commissioner, Bruce Esplin, about the telephone warning systems. It is essential that these are delivered so we get the widest range of messages out to people. I refer not only to ABC radio, commercial radio stations and to towers built near mobile phone users, but I also refer to fixed lines. This technology is available and it needs to be implemented so that we get those messages to people in a timely manner.

Ms LOBATO (Gembrook) — I welcome the opportunity to contribute to this debate and to support and welcome the government's commitment to adopt all 51 recommendations made by the royal commission in its interim report which was recently tabled in this house.

The Victorian government called for the establishment of the royal commission following Victoria's most devastating natural disaster which occurred in February. The Premier stated that no stone would be left unturned by this royal commission, and this approach was welcomed by all, because it acknowledges the importance of learning about the unprecedented natural tragedy and the importance of enabling all necessary steps to be taken in planning for future bushfires.

We know now that it is unlikely that the fires of February will be a one-off event. The frequency and severity of bushfires in Victoria and worldwide has increased year by year. Therefore we are now looking at an annual event, the severity of which is potentially worse than the fires of this year. Working alongside emergency service agencies, this government has been implementing numerous initiatives aimed at reducing bushfire risk and increasing the survival of human life. I am pleased the government is adopting and supporting the 51 recommendations made by the royal commission.

On behalf of my electorate — one of the most fire prone in the state — I made a submission to the commission. My submission was based on the gathering of feedback during the bushfires and from two forums I organised in my electorate, one of which was held at Gembrook and the other at Warburton. I received feedback about what worked well and what did not, as well as suggestions on what steps could be taken to ensure that fires never again impact in the way they did in February.

Many of the royal commission's recommendations are the same as my own recommendations, which were based on the experience of people in my communities. Personally, and on behalf of the electorate, I thank the commission and I thank the government for adopting the commission's recommendations. However, today I find it incredibly disappointing to hear members of the opposition carping and criticising the government for its response to the bushfires. The Premier today highlighted the fact that more than 1200 submissions were received by the royal commission, and yet not one of those submissions was made by members of the Liberal Party or The Nationals. I find that extraordinary and proof that members of the opposition are happy and content to be whingers and not contributors to solutions, which is what any credible opposition should be doing. This embarrassing revelation has cast the opposition well and truly out of this debate.

Due to time constraints I will not discuss every recommendation, but I will refer to a few that will be implemented prior to the next bushfire season. These include: establishing a new fire-risk index to provide clearer advice to people in the community to enable them to make informed choices, a recommendation made very strongly by people in my communities; limited broadcasting of a standard emergency warning signal and inviting media operators to enter into a memorandum of understanding to broadcast warnings; new procedures and guidelines for incident controllers in relation to relocation of residents; measures to improve cooperation between fire agencies; reviewing the fire refuge policy and working with local councils and schools to audit existing fire refuges; and Victoria Police working with the Country Fire Authority and Department of Sustainability and Environment to review guidelines on roadblocks, which also will be well received by my communities.

I want to comment on the neighbourhood safer places. Priority will be given for establishing neighbourhood safer places in the 52 towns identified as being most at risk this fire season. Despite the ridiculous omission of the upper Yarra Valley from this list, I expect that neighbourhood safer places will be established in these areas, particularly in areas like Powelltown and Warburton which had fires on their front doorsteps for the whole of February.

The state government will legislate to make it compulsory for safer places to be included as part of municipal fire prevention and emergency management plans. That recommendation will be welcomed by communities through the upper Yarra area who were placed in the difficult situation of not being able to

ascertain where any safer places or relief centres would be established.

There are many other government initiatives already under way in preparation for the upcoming fire season, despite the royal commission, including unprecedented — —

The ACTING SPEAKER (Mr K. Smith) — The member's time has expired.

Mr R. SMITH (Warrandyte) — I rise in response to the bushfires royal commission's interim report on the bushfires of February this year. Most, if not all, of those who live in the Warrandyte area now know how close the bushfires of Black Saturday came to them. It would have only taken a small shift in wind direction for people in Warrandyte to have experienced the same level of tragedy that unfortunately many other townships experienced. As a consequence of this knowledge, a number of town meetings have been held on fire prevention and home protection, and literally hundreds of people have attended these meetings. It is clear that the threat of fire is on the minds of everyone who lives in Warrandyte, and people need to know that lessons have been learnt and the government is doing everything in its power to mitigate fire risk.

The commission received many submissions on land management and the issue of controlled burns to clear the built-up undergrowth which greatly contributes to the ferocity of fire. The commission has chosen not to address these matters in its interim report, preferring to deal with them in next year's final report. However, the government's minimalist approach to controlled burns and land management presents an immediate danger to the Warrandyte community, and this issue needs to be addressed as quickly as possible.

Warrandyte has been identified as one of Victoria's vulnerable communities, one of 52 so-called hotspots. With this in mind, it is concerning that there are still areas within the Warrandyte State Park where controlled burns have been scheduled for some time but have still not been attended to. It is concerning that one of these areas, Black Flat, an area surrounded by residential houses at the end of Tills Drive, was scheduled for a controlled burn in spring of last year but it was not done until May of this year, exposing those surrounding homes to an increased level of fire risk during the horrific conditions of last summer.

It is concerning that just across the Yarra River in North Warrandyte a burn scheduled for last autumn in an area of the state park around Koornong Crescent has still not been done. It is concerning that in an area of the state

park surrounding Fourth Hill, which was scheduled for burning last autumn and considered a priority for the district, has still not been done. This area backs on to Warrandyte Primary School and is less than half a kilometre from Andersons Creek Primary School. Surely it is not acceptable, with these schools so close, that this burn has been delayed. Surely it is not acceptable, with these schools so close, for the government to not be doing everything possible to reduce the fuel load in this area and lower the risk of an intense fire.

On the subject of Warrandyte Primary School, I want to briefly mention the issue of fire refuges. Warrandyte Primary School has an old school building in the middle of its grounds where in extreme circumstances children and teachers could perhaps take refuge. There is some expectation in the community that other members of the community, perhaps mums and dads of the children who go to that school, will be accommodated in the building in the event of a fire. The reality is that the building would be extremely cramped with students and teachers and that bringing others in would not be feasible. It highlights the need for fire refuges in communities such as mine, and I am glad that the royal commission has included this issue in its recommendations. It is clear that in most cases the work required to locate and build these refuges will not be done prior to this fire season, but my community would certainly support the introduction of an appropriate refuge point as early as possible.

The Brumby government announced that township protection plans would be introduced in each of the communities that have been identified as being at risk. There is currently little detail behind this announcement, and I ask the government to urgently provide a briefing to this side of the house as to the details of how those plans will be finalised and implemented so we can keep our communities informed. My initial understanding of these plans is that much of the responsibility will be offloaded by the state government onto local councils, and it appears the government does not fully realise or understand the cost impact this will have on local municipalities.

Manningham City Council has already made some provision to address these issues, but at this stage it seems clear that the government will be expecting councils to take on a further financial burden. The community demands that the government takes on its fair share of the responsibility and that it does not indulge in an exercise of cost-shifting or an abrogation of its responsibility. In relation to township protection plans, I point out that the Warrandyte Community Association has made a submission in relation to those

plans, and I encourage the relevant authorities to consider those recommendations very carefully. It is also worth mentioning that no township protection plan will guarantee an individual's protection, and we must ensure that communities are not lulled into a false sense of security by the plans.

The final point I wish to mention relates to the emergency communication system. A story in the *Age* last April highlighted that a number of towns were at risk of having no radio coverage between emergency service workers in the event of a bushfire. Warrandyte was mentioned as one of those towns. The report showed that the government had been advised on several occasions that this communication system was at risk, but it still has not explained why it ignored that advice. The royal commission flagged the urgent need for the system to be upgraded, and I hope that the government acts quickly to rectify this.

The Warrandyte community will, as much as it can, take responsibility for its own protection during this coming bushfire season. It needs to be assured that the government is doing its bit to mitigate the risk. To do otherwise would be to ignore the lessons that should have been learnt. Unfortunately it seems at this stage that the government is dangerously unprepared for a disaster.

Mr HOWARD (Ballarat East) — As we are all aware, 7 February was an horrendous day. It sent shock waves across the state regarding the effects of bushfires. It forced all Victorians, especially those living in country Victoria or near bushland, to review their response to bushfire threats. Across my electorate most people were forced to be more aware of the fire threat and to review their own fire responses. All welcomed the government's prompt establishment of the bushfires royal commission so that authorities and individuals can be provided with the best advice about how we can be best protected in the future.

The interim report of the royal commission has come out recently. It includes 51 recommendations, and the government has indicated that it supports all the recommendations and will work to implement them as quickly as possible. We know that even before the interim report was completed and before the royal commission commenced its deliberations responses were already being enacted across the community. Following 7 February more fireguard and other related community meetings were taking place across the state and across my electorate, and not surprisingly they were very well attended. They allowed issues raised following 7 February to be discussed and for people to consider again how they can be best prepared for any

future fires. Among other things residents were reviewing their understanding of the stay or go policy.

Late in February fire broke out in Musk Vale in my electorate. This fire saw most residents determining to leave their homes and seek refuge elsewhere. Fortunately the Country Fire Authority (CFA) and the Department of Sustainability and Environment (DSE) fire crews were able to save all but one dwelling, but stock, fences and native flora and fauna were lost. Since then further community meetings have occurred, and I have been pleased to meet with many constituents who want to share their views about the fires and how we can make ourselves safer in the future.

As well as appointing the royal commission, this government has acted in a number of ways to plan for the future. A new building code has been adopted, further funding has been committed to the CFA and other emergency services as well as to DSE. I was pleased to be with the Premier and the Minister for Police and Emergency Services a little over a week ago when a new regional CFA communication centre was opened in Ballarat. Recently the government declared 52 towns and communities across the state to be of particular concern, requiring the development of individual township protection plans; seven of those are in my electorate of Ballarat East. They include Creswick, Daylesford, Hepburn Springs, Trentham, Greendale, Steiglitz and the Ballarat suburbs of Mount Clear and Mount Helen. I am also pleased that the councils involved have done much work in this area, and I welcome indications of financial support provided by the government via the Municipal Association of Victoria to assist with the development of the town protection plans. I note that the CFA is working with local government and communities to better plan for the coming season. I also note that the bushfire reconstruction authority, headed by Christine Nixon, has been active in working with communities across the state but also with communities in my electorate.

I was pleased that as recently as last weekend Christine visited Daylesford and Bullarto, where she met with residents of the Hepburn shire. They, along with residents across my electorate and the whole state, have welcomed the broad-ranging government response to date. I believe they have also welcomed the recommendations made in the interim report and welcome and look forward to them being enacted and implemented. I am confident they will welcome advice provided to them by the CFA and other authorities, particularly during fire action week, which is to be between 11 and 18 October. I am sure also that the views and inputs of residents will be valuable in the planning ahead, and I know that the majority of the

community will be wanting to work together to make their community safer.

Clearly what happened on 7 February was an unprecedented event from which we have learnt much. We must and will learn from the experience of 7 February and, as a government, with the support of the community, we will respond.

Mrs FYFFE (Evelyn) — I am pleased to make a contribution to the debate on the interim report of the 2009 Victorian Bushfires Royal Commission. I am disappointed that we only have 5 minutes to speak. Not all the members who wanted to speak will be able to speak due to the government guillotining this debate at 6.30 p.m. There are too many important things that we need to discuss for that to happen. This government is not the holder of all wisdom and knowledge; many suggestions have been made today from this side of the house, and the Leader of the Opposition in particular has made several suggestions that the government would be wise to examine and adopt.

The commission heard evidence from a wide range of residents, firefighters, police, victims and lawyers for the government departments, and has made 51 recommendations. In my limited time I want to concentrate on section 4, headed 'Warnings', and in particular, finding 4.244, where the commission notes:

The chronology of events that unfolded after 2005 indicates that although steps were taken ... sufficient priority and urgency was not given to implementing a national warning system.

A report by the emergency services commissioner, Mr Esplin, into the April 2008 windstorm had 35 recommendations and was delivered to the desk of the Minister for Energy and Resources on 15 August 2008, yet copies of the report were not given to relevant bodies until January 2009. This report by Mr Esplin, so clear, so concise and so strong in its message, should have set alarm bells ringing across the whole of government, yet the minister sat on it until January 2009 and released a whole-of-government response only in April this year.

I met Mr Esplin during the all-party Environment and Natural Resources Committee bushfire inquiry. I can only imagine how he would have felt on Black Saturday, knowing that the recommendations in his report had not been acted upon and that the system would not be able to cope under pressure. He must have felt terrible. How many lives could have been saved if this government had listened and acted with the speed that the issues raised in this report so urgently deserved? Mr Esplin's report of 2 April 2008

highlighted the following deficiencies: over half the 25 000 calls for emergency assistance were not answered; there were long delays; Country Fire Authority (CFA) arrangements for diverting overflow calls to local brigades and volunteers meant volunteers received emergency calls without warning and often did not know how to handle them; emergency pager systems became overloaded, leading to delays in error messages; and the CFA's VHF radio system was severely congested.

Does it sound familiar? This report was commissioned following the windstorms in April 2008. If you increase the number of calls not answered and the amount of breakdown in communications of pagers, radios and telephone systems, we had it all happening again on Black Saturday. The recommendations in Mr Esplin's report were clear. This government ignored the recommendations. They should have been implemented.

The work of the bushfires royal commission is to be commended. In particular I commend each commissioner on the way they have dealt with those who have suffered as a result of Black Saturday. The demeanour that they have had when speaking to people both at the hearings and when they have been out in the community was very warming to see. There is, of course, more for the commissioners to do. There is the issue of the production of guidelines for bushfire mitigation by the Office of the Chief Electrical Inspector, which was the predecessor of Energy Safe Victoria. The OCEI undertook to prepare the guidelines in time for the 2003–04 summer period. That has not been done and they are not listed on the ESV website. ESV has also not published any standards for preparation of bushfire mitigation plans or the bushfire mitigation index.

The Auditor-General, in his 2003 report entitled *Fire Prevention and Preparedness*, pointed out:

Fire events can start when high winds blow trees or branches onto lines, conductors clash, poles fail or fuses burn out, sending hot or burning material to the ground. There is a long history of wildfires being started by electricity from powerlines.

Yet the minister has not ensured publication of these guidelines or the standards for the preparation of these plans or the bushfire mitigation index.

There is also the matter of vegetation clearance requirements and funding. Two of the power companies asked the essential services commission for approval to spend additional funds. The then minister refused that request and opposed the appeal and in fact

claimed credit, saying that they were not allowed to spend more on reducing the amount of vegetation.

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

Ms CAMPBELL (Pascoe Vale) — I take this opportunity to comment on the royal commission's report. I come from a position of being the member for a metropolitan electorate, and a person who was touched by the bushfires primarily through family members and workers who lost their lives or property or were injured during the Black Saturday fires and beyond.

From my perspective I want to pick up one particular point in this report. It relates to recommendation 4.2, which is:

The state ensure that the content of bushfire warnings issued in Victoria reflects the principles set out in the commonwealth policy paper *Emergency Warnings — Choosing Your Words* (2008). In particular, all bushfire warnings issued in Victoria must use clear language, avoid euphemisms, and contain explicit information in relation to:

the severity, location, predicted direction and likely time of impact of bushfires on specific communities and locations; and

the predicted severity of impact of the bushfire and whether a specific fire poses a threat to human life.

I draw the house's attention to recommendation 4.2 primarily from the perspective of people within my electorate who, as a matter of course, are not familiar with the impact of bushfires in their own area. They are people who may be holidaying in, for example, the Dandenong Ranges, the Otways or Gippsland, and they very much need explicit bushfire warnings in language that is easily understood. I note that the government has supported this recommendation. Its response is:

Warnings will be based on the principle of maximising the potential to save lives and will be consistent with commonwealth standards.

We have to make sure also that, when the horror of the Black Saturday bushfires diminishes in people's minds, perhaps in 5, 7 or 10 years time, we reappraise them of the importance of all of us understanding these fire warning systems.

I remember sitting in this house on the Thursday prior to the weekend of those horror fires. The Acting Premier stood up and told us how bad things could become. I doubt that there would have been a person listening, be it on the internet, in the house or the galleries or in the media, who would have had any inkling of the dimension of those fires.

When I flew in on Black Saturday from an interstate trip, the whole sky was alight. I thought, 'How could anyone survive in the path of that oncoming fire?'. The whole horizon was a cloud of smoke and flame.

If you had seen it from the air you would have known how bad it was and the breadth of that fire. If you had been in a valley I cannot imagine that you would have had any understanding of how dangerous the surrounding bush could become; you could not envisage how it could become an incinerator. It is really important when people are holidaying that people understand fast-moving fires — for example, if you were in the Otways in the fires of 1993 there was constant reference to the Deans Marsh fires, but if you were in Aireys Inlet or Anglesea there may not have been clarity that those fires were fast approaching. Similarly the Kilmore fire of 2009 was constantly referred to when it was on the outskirts of Warburton.

With those comments I highlight the importance of warnings that those in non-bushfire areas can understand and running ads on total fire ban days explaining the warning system. Finally, just in passing, I want to congratulate those involved who are developing the one website on real-time mapping of fires. I think this will be quite difficult, but it is vital.

Dr SYKES (Benalla) — I welcome the government's decision to support all 51 recommendations from the interim report of the 2009 Victorian Bushfires Royal Commission. However, it is regrettable that it has taken a tragedy of this magnitude for the Brumby government to support recommendations, many of which are common sense and which have been put before the government in a range of reports over the past decade. That said, the Brumby government's response to the bushfires continues to be ad hoc and fragmented, having been described locally as 'a dog's breakfast'. Further, the Brumby government has failed to address fundamental issues such as substantially increasing the amount of fuel reduction burning and equitable funding of fire services.

In relation to the issue of failing to learn from previous experience of the 2003 and 2006–07 bushfires, one particular example is the use of radio stations other than the ABC to be involved in the delivery of emergency information. The 2004 Council of Australian Governments-commissioned report entitled *National Inquiry on Bushfire Mitigation and Management* states on page 136 that recommendation 7.1 indicates and supports the involvement of commercial radio stations in the transmission of emergency information.

The role played by commercial and community radio stations in the Benalla electorate during the recent fires is clearly a must. Gaye Pattison and her team at ABC Goulburn Murray did a fantastic job, but I also acknowledge that Tony Tynan and the 3NE team in Wangaratta did a brilliant job, as did the community radio stations at Alpine Radio 92.5 FM at Mount Beauty and Radio Murrindindi UGFM in the Alexandra-Murrindindi area. Commercial and community radio stations can be complementary to ABC radio. It is a no-brainer that given their local knowledge, passion and commitment, local people should be involved.

Recommendations 5.3 and 5.4 of the interim report address the issue of websites and the need for there to be one website only. This is not rocket science; this is not new. If we go back to the report of the inquiry into the 2002–03 Victorian bushfires, on page 213 the emergency services commissioner, Bruce Esplin, made the point that this needed to be picked up, as does a report of 2006 entitled *Joint CFA/DSE Review of Effectiveness of Information Flow to Communities and Media during Fire Incidents*. A statement was made there by John Schauble:

It would appear that there is a degree of duplication in the website presentations of both agencies.

Mr Schauble also recommended the creation of a single, multi-agency bushfire information site for Victoria.

That is two examples of government failings. There is a third example in relation to information needs. Again I refer to the 2004 Council of Australian Governments-commissioned report entitled *National Inquiry on Bushfire Mitigation and Management*. Pages 151 and 152 state that the inquiry considered that such a warning system should involve:

a consistent warning signal at the beginning of the advice when lives are at risk or there is a major threat to property;

the location, size and intensity of the bushfire threat;

the expected movement of the fire front and identification of threatened communities or properties;

advice on appropriate action by residents or community members under threat.

That advice has not yet been implemented properly. The Brumby government has failed to implement the fundamentals; it has failed to implement the recommendation of the all-party Labor-dominated parliamentary committee that recommended the increase in prescribed burning. To do that you need more resources, and this government has failed to

deliver more resources. You need further improvements in communication, and to have these messages transmitted you need the infrastructure in place, and the infrastructure involves things like mobile phones. This issue was raised with former Premier Steve Bracks, but he failed to deliver.

There are many issues to address. Perhaps I can just summarise it by saying that I have identified some of the failings of this government, but the biggest failing of all is the Premier's failure to accept responsibility for his and his government's inaction and incompetence. Paul Austin of the *Age* called it correctly. Put simply he said, 'The buck stops with the Premier'. The Premier must accept responsibility for his government's failings and he must say to the public that the buck stops with him. He is the Premier and he must say to the public of Victoria impacted by these fires, 'I apologise for what I failed to do'.

Ms BEATTIE (Yuroke) — On 24 February 2009 it was said in this house, 'On our side we are pleased to have joined with the government in every possible way to deal with this crisis.' That was said by the Leader of the Opposition. It is a profound regret of mine that with the passage of time that bipartisanship seems to have fallen away. Let me just remind the house of a couple of things: there are 51 recommendations in the interim report and the government supports every recommendation; there were 51 recommendations put to the government in a very short time and, as we know, some royal commissions can go on for years and years. I would like to congratulate Justice Bernard Teague, Ronald McLeod and Susan Pascoe on the work they have done.

It is only 56 days from the start of the fire season, and this government is doing everything possible. I have visited every CFA (Country Fire Authority) station in my electorate in the months since the fires, and I have said to them, 'You have the support of the grateful Brumby government, you have my personal support and you have the support of a grateful Victorian community'. Those volunteers have expressed to me that they were very grateful for and humbled by the leadership shown to them by the Premier of this state. They were very heartened that the Premier was out in the bushfire areas, acknowledging the work volunteers had done and comforting people in their time of need. Many of them said to me, 'That is the mark of a great leader'. That is what we have in this state.

The opposition and The Nationals seem to have 20/20 vision. Hindsight is 20/20 vision. We can all look back and say what we should have done, but that is all the

opposition does: it always looks back and never looks forward.

Honourable members interjecting.

Ms BEATTIE — That is in stark contrast to what the Brumby Labor government is doing. I want to tell you, Acting Speaker, and those squawking on the other side of the house about some of the things the Brumby Labor government is doing in the lead-up to the bushfire season ahead. We are leading the delivery of a national telephone emergency warning system to deliver warnings to all fixed and mobile telephones — to ensure the system is in place ahead of the fire season. We have provided \$11.5 million for a long-term behavioural change and community engagement campaign to get communities ready for the fire season. To that end the Brumby government has also announced a state fire action week, which will take place from 11 October to 18 October. The focus will be to make Victorian communities as fire safe and as fire ready as possible.

We are establishing a CFA online assessment tool to help residents assess the defendability of their homes and form their bushfire survival plans. We are bringing on 700 DSE (Department of Sustainability and Environment) and seasonal firefighters, with some to start a month earlier than last year and all to be on the ground by the end of summer. We are revising the policy of prepare, stay and defend or leave early to place a far greater emphasis on the protection of life by leaving early. And of course we are providing \$28.9 million to upgrade the preformed incident control centres to new, higher minimum standards and to provide increased specialist capabilities. I could go on and on about what the Brumby Labor government is doing.

We are trying to prepare the state for what could be another terrible, terrible season. I urge those opposite to join with us in helping get communities fire ready for this year instead of using hindsight, carping about things in the past and not talking about things that could happen in the future. We want to make this state fire ready for the next season.

Mr DIXON (Nepean) — This bushfires royal commission interim report is a damning indictment of the government's failure to prepare for the bushfires Victoria recently experienced. It has been pointed out by members asking questions in question time today and by previous speakers tonight that a number of reports have made a number of recommendations, that those reports have come from a number of sources and that their recommendations have proposed a whole

range of changes to communications, fuel reduction burning and all the sorts of things that contributed to the intensity of the fires we experienced, yet we have seen absolutely no action. The government is promising action — it has promised to take up all 51 recommendations of the interim report — but it has poor form on this. It will be very interesting to see whether it actually follows up on this.

The member for Yuroke said the opposition should be joining the government in getting the community fire ready. I have just been doing that in a very proactive sense. The member may have seen last Thursday in the media — —

The ACTING SPEAKER (Mr Ingram) — Order! Members of the gallery will not take photos.

Mr DIXON — There is a block of land in my electorate of 10 acres right in the middle of the declared fire danger zone of Rye and Blairgowrie — 10 acres belonging to this government. It is impenetrable bush totally surrounded by housing, and in the summertime it is full of holidaymakers. If any fire were to start in that block of land, if there were a north wind or a south wind, the fire would go through and destroy hundreds of homes, and hopefully not hundreds of lives. I have raised this issue in this place. I have written to the minister. The locals have done the same. Every single time I have tried to help make my community fire ready, my efforts have been ignored. The education department has gone in there and mown around the edges. This is 10 acres of impenetrable bush in the middle of a fire danger zone, and this government has done nothing about it. We had to resort to this media exposure to shame the government into action. The government this time promised it would do something by the end of this week; well, we will wait and see what it does about it.

While it is at it, the government needs to go down to another 10 acres of land, also impenetrable bush owned by the education department, which is in the middle of a suburban area adjacent to a school. Again, the local residents and myself have been at the minister to clear this land — to do something about it, not to mow around the edges and put in a 2-metre firebreak. This land needs to be properly cleared out and the fuel reduced. The government has not done that.

Mr Nardella — Where is that?

Mr DIXON — It needs to be done in Rosebud as well as in Rye — it is on the Mornington Peninsula. It is land in fire danger areas this government has declared. It should be cleaned up and it has not been. If

the government wants to put into action what it says it wants to put into action, these are two very good examples of what it needs to do.

Also last week some local residents took me down to the Mornington Peninsula National Park — again, right in the area of Rye and Blairgowrie, which have been declared fire danger zones. The normal practice when any bush is cleared along the walking tracks there adjacent to housing — and as I said over summer thousands of residents will be there who are not normally there — is that the cleared material is simply thrown into the bush. Nothing is taken away. The actual fuel load in the Mornington Peninsula National Park is being added to. Every time the government goes in to clear something, it adds to the fuel load by dumping the debris that it has cleared. That debris dries out and adds to the fuel load underneath the trees. The tea-trees, which are the main vegetation, are highly explosive and the fires that go through there generate great heat. Being adjacent to the ocean, the winds are higher, especially the southerlies.

We have been told that before summer there will be fuel reduction burning at the Mornington Peninsula National Park along the coastal strip but also up at Arthurs Seat. That is very welcome, and it has to happen. Again, the block is adjacent to suburban areas right now, but there will also be thousands of extra residents living in that area over the summer months. There is plenty of material and there are plenty of opportunities for this government to show that it is committed to doing what it has promised to do time and again and to address what it has been warned about over previous years but on which it has not acted. Here is a golden opportunity in an area of very high risk, an area of high fuel loads, very few exits and high population density which has great potential for fire danger this summer. This government needs to act on that now.

Mr NARDELLA (Melton) — This debate today demonstrates a complete failure and lack of leadership by the Leader of the Opposition, the Leader of The Nationals and the shadow minister, the honourable member for Kew, on this very important issue. They are politicising the tragedy of the 7 February bushfires and blaming the government for the bushfires. This absolutely demonstrates why the opposition is not ready to govern. The Leader of the Opposition's contribution to the debate showed that he really did not have his heart in it at all. There is also the disgrace of the Leader of the Opposition attacking the volunteer services who fought the fires on the front line. The Leader of the Opposition made a disgraceful contribution in this house only hours ago.

From the questions raised today in question time, which referred to previous reports, I thought — wrongly, of course — that the opposition had done some work in putting together its questions. I thought that opposition members had actually done some research, but alas, no, they got one of their researchers to read the report. Opposition members have not read the report themselves; they got one of their researchers to do it. Did they care about the wind events? No, of course they did not. Did they ask questions about these previous reports? No. But why? It is because they are lazy. Did they care enough to put in a submission? There were 1200 submissions put in to the royal commission, but not one of the Libs and not one of the Nats put in a submission. Not even the shadow Minister for Police and Emergency Services had the gumption and foresight to get out of his office and put in a submission. That is just a disgrace. Neither the Leader of the Opposition nor the Leader of The Nationals made a submission. None of them have read the report. Why have they not read the report? If they had, they would have read in the preface on page V:

Fire is a recurrent visitor in Australia's environmental history. The flora and topography in Victoria render it one of the most bushfire-prone parts of the planet. Even with this history, 7 February 2009 was a day of unprecedented tragedy in the state. One hundred and seventy-three people died in one of the worst bushfires in Australian history.

Opposition members do not understand this. Why can they not understand a very simple statement?

The preface continues:

Individuals who choose to reside in bushfire-prone areas need to ensure they are well informed about the nature of their environment. When bushfire threatens, they must take responsibility for their own safety and for those in their care. They need to be well prepared in advance and have a realistic appreciation of the risks involved.

Do opposition members understand this? Of course they do not. Why do they not understand this? Because they have no idea.

The preface continues:

Around 2500 people have attended community consultations, made written submissions and/or appeared as lay witnesses before the commission.

Note that not one of those submissions was put by honourable members on the other side of the house. They are too lazy to even think about this in any sort of logical or rational way. Why? Because they are extremely lazy and because they do not really understand the issues. It is disgraceful how the opposition is blaming the government for the bushfires,

the management of the bushfires, and the deaths and injuries that occurred on the day.

Mr Morris — Absolutely!

Mr NARDELLA — The honourable member for Mornington said, ‘Absolutely’. That is on the record. The Acting Speaker needs to understand that the opposition is blaming the government for the bushfires on 7 February. Worse than that, the honourable member for Kew is going back to the future when he says there were not enough warnings given before 7 February. That was discredited weeks ago, and yet here opposition members come back to this awful situation where they are politicising the bushfires.

It gets even worse because they are now talking about the national emergency warning system. The Bracks and Brumby Labor governments have been trying for the last seven years to put this system in. The Howard government would not do it. The Libs and Nats would not allow it to be done. They refused to fund it. They refused to legislate for it. It has only been Rudd and Labor that have delivered this through the Council of Australian Governments. The opposition is an absolute disgrace.

Mr TILLEY (Benambra) — It gives me no pleasure to rise today to speak on this motion regarding the interim report of the 2009 Victorian Bushfires Royal Commission. The report exposes a tragic string of failures by the Brumby government which led to Australia’s worst ever natural disaster.

We are all too aware of bushfires in the north-east of Victoria. Over the last decade our community faced three campaign fires in 2003, 2006 and just recently in 2009. As a proud representative of a rural community which has endured regular bushfire threats over the past decade, I find it absolutely scandalous and a disgrace that many of the commission’s 51 most critical recommendations have been made before in numerous inquiries and reports over the life of this government.

The Premier and his predecessor, and the ministers for police and emergency services both past and present, have no doubt enjoyed spending their 10 long years in government travelling around the countryside spruiking their wares to all and sundry. But behind all the spin, the stage-managed curtain calls, photo opportunities and empathetic platitudes for 10 long years, critical community bushfire safety recommendations have steadfastly been ignored, neglected and not implemented, despite assurances to the contrary by this Labor government.

I draw the attention of the house to just one of many recommendations made over the past decade. The recommendation I refer to was made in 2003 by the emergency services commissioner, Bruce Esplin, following the devastating 2002–03 fires, and I quote recommendation 23.21 from the report of the inquiry into those fires:

That in relation to the provision of information to communities affected by fires and other emergencies, DSE and CFA ensure that:

incident management teams understand that one of their primary responsibilities, in cooperation with the municipal emergency response coordinator, is to keep the community informed as to where the fire is and its likely path, what is being done to combat the fire and any preparations the community should undertake

Does that sound familiar? The response from the government came in the form of a press release on 14 October 2003 from the then Premier, and I quote:

Mr Bracks said the state government would implement recommendations to:

...

Implement better systems and practices for communicating information to communities affected or threatened by bushfires.

Case closed. The problem has been identified and rectified, right? Wrong.

I draw the house’s attention to the current bushfires royal commission’s recommendation 4.2, and I quote from that recommendation that bushfire warnings should:

contain explicit information in relation to:

the severity, location, predicted direction and likely time of impact of bushfires on specific communities and locations; and

the predicted severity of impact of the bushfire and whether a specific fire poses a threat to human life.

Here we are six years after virtually identical recommendations were put to the government, having faced a further two major complex bushfires, with thousands of homes destroyed, 173 lives lost and thousands of hectares of pasture, livestock and the native environment destroyed. This was a recommendation the government welcomed with open arms and faithfully promised Victorians it would implement. Why are the royal commissioners again calling upon the government to do exactly the same thing that Bruce Esplin asked for six years ago? The dirty little secret is that it was not done. It was yet another recommendation that got lost in the spin, the

platitudes and the press management and got put into the too-hard basket. This year's fire season is predicted to be one of the most dangerous in recent memory. I find it perplexing that, despite recent history recording several major fires, the lessons of history are still being ignored by the government.

In the lead-up to the fires we heard nothing but commentary from the Premier. We heard no warnings — nothing of the sort. There is something very wrong in Victoria when the Labor government is ducking for cover. Nothing could make that any clearer than its pathetic attempts to curtail debate on this motion today. We have in place a government which has totally abrogated its responsibilities and let down the community it is entrusted to protect. This has not happened just once; it has failed to deliver time and again. This government cannot be trusted to honour its promises to Victoria. Its failure to act has left Victoria extremely vulnerable.

During the bushfires condolence motion I said no government should be able to abrogate its responsibility or apportion blame. That is exactly what this government is doing. It is using the Country Fire Authority as a punching bag and a scapegoat.

Mr LANGUILLER (Derrimut) — Like other members, it gives me no pleasure to rise to talk about the bushfires royal commission. All of us wish the fires had not happened. The 7 February bushfires that swept across our state and cost the lives of 173 people were among the worst events we have experienced. It would be fair to say that the worst of nature came out on that day but, as has been said many times in this chamber, the very best of human nature followed. We commend those who with extraordinary courage and determination did everything they could to save their lives and the lives of others. We lost 2000 homes and more than 61 buildings across the regions, and those families affected continue to work and rebuild.

I wish to place on record our commendations and congratulations to the commissioners, Bernard Teague, Ronald McLeod and Susan Pascoe, who delivered on time the interim report with recommendations that the government expected and which we have before us.

Importantly the government responded immediately and decisively after the fires. The Premier immediately put in place a royal commission with broad-ranging powers. It provided an opportunity for people to participate and put their points of view, and it gave the state, the government and the opposition a chance to learn from this tragic experience and to ensure that if

such an event were to happen again, we would do better and save lives.

The government's response will embrace all of the recommendations, but it is a sad day for us today because members of the opposition walked into this chamber with a whole range of themes in relation to events which have occurred not only from the date of the bushfires but over the last few years. It is important to place on record for the people of my electorate and for all Victorians that prior to 7 February the opposition had not made any submissions to the government in relation to any policies it thought should be brought about for the purposes of preventing such a tragedy. It made no intellectual contribution or did anything that could 'alert us' to what could have happened. It is equally important to place on the record that the opposition did not make a submission to the royal commission. It is important to place on the record that it never lobbied the former Prime Minister, John Howard, for a national warning system and that John Howard rejected a national warning system but Labor did not.

It is equally important that the outcome of the Council of Australian Governments negotiations, namely the Brumby-Rudd negotiations, will bring about and finally deliver the national warning system, while the opposition in this place and in Canberra did absolutely nothing. The opposition comes into this chamber and suggests that we should have done this and that when it has done nothing. It did not make any submissions to or requests of the government to change any measures that might have led to preventing some of the tragic loss of life. We say it is hypocritical of the opposition to come into this place and say what its members have said today because it did not lobby John Howard and did not put any submissions to us prior to 7 February and the tragic events that took place on that day, nor did it make any submission to the royal commission.

I wish to place on record my appreciation and that of those on this side to all the communities in Sunshine, St Albans, Ardeer and in the western suburbs generally, beyond the electorate of Derrimut, for the extraordinary contributions they make. Clubs of all sorts came through and helped out, because this state is about partnership and friendship.

Mrs POWELL (Shepparton) — I would like to make a brief presentation on the motion before us regarding the interim report of the 2009 Victorian Bushfires Royal Commission. This is a damning report. It evidences the failure of this government to ensure that Victorians were fire ready or even informed of the magnitude of the fires on Black Saturday. There were shocking conditions on Black Saturday. We all know

that and remember the day very well. Leading up to Black Saturday the government knew of those shocking conditions and still failed to prepare the Victorian community for that day.

As shadow Minister for Local Government I understand the important role that local councils are playing in helping their communities to rebuild their lives. The commission's report identifies local government as a significant player in regulating and supporting townships and communities under its jurisdiction. Recommendations have been made that will enable municipal councils to have a preventive role in leading and contributing to some initiatives aimed at helping to make their communities safer and protecting people during bushfires. Councils are now being told to review their municipal emergency management plans to ensure that they include provision for refuges and relocation in preparation for bushfires. The government has said it will support every one of the 51 recommendations in the commission's report, and I hope that this time the government acts on those recommendations.

The government has been warned over many years about the importance of fire refuges and has continually failed to act. It was first warned in 2003 in the Auditor-General's *Fire Prevention and Preparedness* report. The government was told that fire refuges may be an appropriate risk treatment that must be implemented as part of a municipal fire prevention plan. The recommendations of the 2005 *Fire Refuges in Victoria — Policy and Practice* report were also ignored. This 2009 royal commission interim report identifies that that policy has not resulted in any new refuges being established in Victoria and raises questions about the few existing refuges in Victoria. The report states that the lack of refuges in Victoria fails to assist people who are away from their homes in areas threatened by fire, so we are not just talking about the people who live in those areas but also employees, visitors to the area, tourists, travellers and campers.

The royal commissioners say there needs to be a new approach. We need to shift the emphasis from an exclusive focus on built structures which act as refuges and allow the use of other options such as car parks, open spaces, ovals and sporting grounds. The royal commission has made recommendation 8.6, and let us hope the government will pick it up and act on it. It says:

The state to have commenced progressively identifying, establishing and advertising designated community refuges and neighbourhood safer places, giving priority to areas where bushfire risk is identified as high.

The government must act now. We are less than two months away from the new fire season. The Premier has already indicated in this house that this new fire season, which will be upon us in less than two months, could be worse than what we went through on Black Saturday. We are already being warned. As the Minister for Agriculture said, this is warning number one. We have already been warned that this coming summer there could be a worse fire season than we had last year.

People in the community must have confidence that this government has plans in place to protect them and their property. They need to have confidence. We lost 173 lives on Black Saturday. Livestock, native animals, valuable property and homes were lost. The community is still trying to come to grips with that. The coalition supports fire refuges in principle, but we have to look at indemnity — at who is indemnified when those fire refuges are put in place. Local councils cannot be the only ones who have to insure those areas. Councils that have been ravaged by fire are already overwhelmed. Those councils are trying to help their communities to recover and rebuild after the loss of life and property. They need support from this government. They need the government to help them.

The government needs to not just shift responsibility onto local government but to assist local councils to be fire ready for the next season. We need to make sure that the government shows leadership to local communities, to local government and to all the fire and government agencies, including the CFA. This government has to show leadership. It has to act now, before the next fire season.

Ms NEVILLE (Minister for Community Services) — I am pleased to have an opportunity to speak briefly on the interim report of the 2009 Victorian Bushfires Royal Commission. One of the important things this report reminds us of is that 7 February was unprecedented. It was unprecedented in terms of the weather; people remember the extreme temperatures and the extremely windy conditions. The conditions on that day were unprecedented in terms of the build-up due to the drought, the numbers of fires people were fighting on the day and the impact it had on communities. The report reminds us of what a great job our emergency services personnel did on that day, given the number of fire fronts they were facing and their extraordinary efforts to protect both physical structures and human lives.

We have just heard the member for Shepparton talk about how the government did not provide enough information and warnings and did not prepare

sufficiently for these particularly unprecedented conditions. In fact there are a number of parts in the royal commission's interim report that deal with the build-up of information that was provided to the Victorian community by a whole range of agencies and by the Premier. The royal commission's report states that prior to 7 February the state government devoted unprecedented efforts and resources to informing the community about the fire risks that Victoria faced. The report then goes on to list the information that was disseminated and the announcements that were made throughout December and January leading up to 7 February. There was great detail in the information that was provided. The report concludes:

This narrative indicates that a great deal of information on bushfires and the risk of bushfires was broadcast in Victoria throughout the 2008–09 bushfire season, and particularly in early February 2009. This material was generally of a high quality, attracted significant media attention and achieved high media 'penetration'.

The report refers to a number of things that the Premier said leading into that day. These were very stark and, as the report says, 'unprecedented messages' to the Victorian community. On 4 February the Premier was reported as saying that the state was 'set to burn' with or without the extreme heat. Certainly the government took very seriously the conditions on that day, and an unprecedented amount of information was provided to the Victorian community about that.

Of course the scale of destruction and the tragic number of deaths on that day were also unprecedented. Rightly the Premier moved immediately after 7 February to establish the royal commission. We understood, as the Premier said, that this had rewritten the rule book. We needed to provide the broadest terms of reference to a royal commission to ensure that we were better placed to make sure our community was prepared for future fires in this new environment we faced. That is why the government has accepted all 51 of the recommendations made by the royal commission.

The government had already commenced implementation of many of these recommendations prior to the publication of the report, including providing more firefighters for the Department of Sustainability and Environment, revising the policy of prepare, stay and defend or leave early, making changes to building regulations and providing additional money for the Emergency Services Telecommunications Authority. We are taking significant action in this area, and we are very supportive of the recommendations. We know that the summer ahead is going to be extremely difficult. Given the adoption of these recommendations through a number of measures that

we have already been putting in place, it is clear that we are committed to working with communities and working with emergency services to make this state as bushfire ready as possible.

Before I conclude, this is an important time to remind the house that we still have a number of communities and individuals out there who are really struggling to recover from the 7 February bushfires. I know everyone in the Department of Human Services and in the Victorian Bushfire Reconstruction and Recovery Authority continue to work with those communities to assist them in their rebuilding process — not just the physical rebuilding but the rebuilding of their lives.

Mr MORRIS (Mornington) — The events of Black Saturday will remain forever etched in the minds of all Victorians. One hundred and seventy-three people died, and many thousands more had their lives thrown into turmoil, confusion and, for a few, despair. For some the rebuilding has begun and the nightmare has begun to recede, but for others the wounds may never heal. As the royal commission noted, it was truly a day of calamity. Given the time limits the government has placed on this debate I want to restrict my comments to two matters. The first is the role of the restrictions that have been placed on reducing the fuel load, and the second is the implementation of the stay-or-go policy.

The fuel load must be a considerable factor in any consideration of the fires, and not only on public land. The Environment and Natural Resources Committee dealt reasonably well with the issue of public land, although to date those recommendations remain largely not implemented. But there are also considerable problems on roadsides and on private land. For four years at least Country Fire Authority employees and volunteers have been telling me about the problem with roadsides; they said that they are no longer fire breaks but are now fire accelerators. For the Premier to come in here today and suggest that councils alone are responsible for limiting fire clearance on private land is just appalling.

In its media release this afternoon the government admitted that the problem is not with councils but with the planning system, with the regime forced on councils through the native vegetation management framework and through planning schemes. The problem concerns planning applications that need to be advertised and the consideration of objections, which takes six months to deal with. That is the problem, and that is the regime imposed on councils by the government.

The stay-or-go policy was the subject of chapter 7 of the commission's report. The 2004 review of the

stay-or-go policy — the history and assessment — told us we need to distinguish between survival strategies for normal bushfire events and for extreme or mega-events, and how prophetic was that? It goes on to say that this distinction is important as the:

... prepare, stay and defend option may be challenged by extreme bushfire events.

The report also told us that we need to — in other words, the government needs to — define when it is not safe to stay. The population needs to know how early is early enough. The community needs to understand the role warnings play in the decisions people make, and the impact of inadequate warnings. If you do not have an adequate warning, you do not have time to make the right decision.

The report highlights the lack of understanding of the stay-or-go message both at a community level and at an agency level. It identified that there are physical, social and economic barriers, particularly for the elderly and for those with a disability. It highlighted that there are differences between rural communities and interface communities. That is very clear to me as someone who lives in an interface community.

Lastly, the report identifies the growing expectation that people would be protected from risk by authorities. At recommendation 7.1 the commission tells us clearly that despite this warning, almost five years before the event, people could not relate the intensity of the conditions to the likely event in making their assessment on whether to stay or go. Residents still lacked an appreciation that they lived in an indefensible position. They still did not understand that 'early' does not mean 20 minutes before the fire arrives, and there remained an expectation that people would be warned. Little consideration was given to protecting the vulnerable, particularly young children, older people and people with a disability. Seventeen Victorians over 80 years of age died that day, and according to the commission that is double what could have been expected.

Black Saturday was an extreme event. In many senses it was the perfect firestorm. Fuel load, temperature and winds all combined with devastating effect. But it is equally clear that the government, through the 2004 report, was well aware of the deficiencies of the stay-or-go policy as it stood, and it failed to act. Had it done so perhaps some of the 113 lives lost within the structure of a house may have been spared.

Ms RICHARDSON (Northcote) — I am very pleased to rise to speak on the royal commission's interim report into the 7 February bushfires. I would

like to take this opportunity to commend the work undertaken by Bernard Teague, Ronald McLeod and Susan Pascoe, who all responded to the community's concern and the government's concern about the need to prepare an interim report in preparation for the impending fire season.

What occurred on 7 February was of course a disaster of monumental proportions. We lost 173 lives, over 2000 homes, over 60 buildings, thousands of hectares of bushland, stock and native animals. The devastating scale of the fires on that day left every Victorian shocked and saddened. The Premier responded very quickly by establishing a royal commission with a wide range of terms of reference in order that we could learn the lessons of what was the worst disaster in our nation's history. As the Premier said, it was to leave no stone unturned.

What is clear is that the fires on 7 February rewrote the book on firefighting and what we must do to prepare for future fire seasons. As a consequence of climate change Victoria will face more extreme weather conditions increasing the likelihood of large-scale devastating fires. In January and on 7 February many longstanding temperature records were broken. Added to that Victoria was experiencing a severe drought with record low rainfalls. Yet if you listen to members opposite very little regard is given to the enormous climatic changes that are taking place all around us that contributed to that terrible day. Of course no regard is given by members opposite to the threefold increase in funds that the Labor government has committed to firefighting services in this state since it was elected. When we came to office Victoria received the second lowest spend on fire services of any state. Today post the Kennett Liberal years we spend more on fire services — over \$700 million — than any other state.

But of course there is more to be done, and that is why the Premier has announced that he will adopt every one of the 51 recommendations made by the royal commission. That is why Labor is supporting every single one of those recommendations. The Premier has made it clear that we need to do absolutely everything we can to ensure the state is fire ready in the coming season. Key royal commission recommendations include priority for neighbourhood safe places, new fire-risk indexes, a protocol with emergency broadcasters et cetera. All of these measures will go a long way to ensuring that this fire season is not as devastating as the last.

Motion agreed to.

Sitting suspended 6.30 p.m. until 8.02 p.m.

ROYAL ASSENT

Message read advising royal assent on 18 August to:

Children Legislation Amendment Bill
Human Tissue Amendment Bill
National Parks Amendment (Point Nepean) Bill
Tobacco Amendment (Protection of Children) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Gambling Regulation Further Amendment Bill
Justice Legislation Further Amendment Bill
Major Transport Projects Facilitation Bill.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Community Development) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 3 September 2009:

Cemeteries and Crematoria Amendment Bill
 Energy and Resources Legislation Amendment Bill
 Gambling Regulation Further Amendment Bill
 Liquor Control Reform Amendment (Licensing) Bill
 Justice Legislation Further Amendment Bill
 Major Transport Projects Facilitation Bill.

Moving this motion just after 8.00 o'clock on Tuesday is an indication that this week not only do we have a delayed start in the government business program — which was achieved by agreement — but also we will probably need to sit later tonight and later tomorrow night, depending on how we go tonight. There are six bills. Some of those will be able to be progressed quickly through the chamber because of their nature and the nature of agreement, leaving the remainder of the time available for government business to debate a number of bills. I will be working with the opposition to work through the program and try to achieve a managed result between these six bills by 4.00 p.m. on Thursday. I commend the motion to the house.

Mr McINTOSH (Kew) — The opposition will be opposing the government's business program. The reason we do so is that whatever else was important

about this week it was a perfect opportunity for a significant debate about the royal commission interim report. While we have had that debate, it did not have the most satisfactory outcome. Earlier this year we took an entire week to deal with the biggest natural disaster in this state's history, and importantly every speaker had 15 minutes to make their contribution. The vast majority of us, apart from the lead speakers, only got 5 minutes today. Whatever else has been set in concrete, everybody knew that the reporting date, which was set by the government back in February, was 17 August. That was something the government prescribed. That was something the royal commission accepted and it reported. This is the first sitting week after that interim report, and I think the government was just trying to hide behind its business program so there was not any proper debate and scrutiny. I do not mean 5-minute contributions; we should have had 15 minutes each. Most importantly, there are a number of speakers on the opposition benches who did not get to speak — —

Dr Napthine — Hear, hear!

Mr McINTOSH — The member for South-West Coast wanted to speak on the report and had attended a meeting about it this morning but was unable to speak due to the effluxion of time.

On top of that, we have these six bills. Yes, they are all significant bills and they deserve proper debate. I am just saying that this week is not the appropriate time for that to occur. The government could have had its business program organised, having known for six months that this would be the first sitting week following the royal commission's interim report into the bushfires and knowing the report would contain a number of recommendations that would need to be discussed and expanded upon in appropriate debate, similar to the one we had earlier this year. These six bills, according to the government, will necessitate us sitting until 11 o'clock tonight and until 11 o'clock tomorrow night.

It is a matter of some concern that we are being punished because we had the temerity to ask for — in fact, demand — an opportunity to make some contributions on the royal commission's interim report. Today 36 speakers were each limited to only 5 minutes in which to make their contributions to the debate, which had to be completed by 6.30 tonight — a mere three and a half hours. An earlier debate on the bushfires was considered to be such a significant event that everybody who wanted to speak was allowed 15 minutes.

As a result of our concerns, we now have to accommodate the needs of the government by sitting late tonight and tomorrow night. The government could have organised the conduct of that debate during the course of previous sitting weeks or it could have been conducted in future sitting weeks. Accordingly, the opposition will be opposing the government's business program.

Mr STENSHOLT (Burwood) — I rise to support the government business program. The role of this house is to pass legislation but also to consider matters that come before it in an appropriate way. That is exactly what the government has been doing today. A number of bills have to be considered by the house this week, and a program has been put forward by the Leader of the House. Arrangements have been made today to deal with the royal commission's bushfires interim report, and of course we also need to deal with the six bills coming forward this week. The proposals before the house on the government business program are appropriate, and I support them.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals I rise to also say that we will be voting against the government's business program. Our opposition is mainly as a result of the royal commission interim report which was tabled a couple of weeks ago. We had to fight tooth and nail to debate that report this week, but there was still not enough time for three of our members to speak on that report. The member for Rodney, the member for Mildura and the shadow Minister for Agriculture all wanted to contribute to that debate. Members who did get the opportunity only had 5 minutes. That really limited their opportunity to talk not only about things that were in the interim report but things that were important to their electorates right across rural and regional Victoria.

As the member for Burwood said, we need to debate legislation in this Parliament in an appropriate way. I highlight to the house that we have not been given the opportunity to appropriately consider the royal commission's interim report. If people want to bring it on, they should bring it on.

This week we also have six bills to consider, and all of them are important for regional Victoria. We want the opportunity to appropriately debate them.

We are now going to have to sit to 11 o'clock tonight and until 11 o'clock tomorrow night. So much for the so-called family-friendly hours — —

An honourable member — You are not afraid of hard work, are you?

Mr DELAHUNTY — I am not afraid of hard work. I have been used to doing it. As country members we are used to pulling our weight and punching above our weight. I repeat, the government's business program is not fair to our members. Therefore we will be voting against it.

Mr HODGETT (Kilsyth) — I rise to make a few brief comments on the government business program. As has been stated, we oppose the government business program for this sitting week. Whilst I acknowledge there are six pieces of legislation we need to get through by the 4.00 p.m. guillotine on Thursday afternoon, not enough time has been allowed for the debate on the interim report of the bushfires royal commission. Whilst I welcome the debate on that report, we were only allowed 5 minutes for each speaker — 36 speakers in effect gagged and limited to 5 minutes each. That is not good enough, and therefore we oppose the government business program.

Ms CAMPBELL (Pascoe Vale) — I rise to support the government business program. I cannot believe members of the opposition are bleating about this program. They had the opportunity to lodge as many submissions to the royal commission as they wanted, and did they? No! They had the opportunity when it really counted, and did they get involved? No! What is really important here — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Pascoe Vale that this is a very narrow debate on the government business program and she should confine her remarks to the question before the house.

Ms CAMPBELL — I support the government business program. We have adequate time to debate the legislation that we have had presented to us by the Leader of the House, and we should get on with doing just that.

House divided on motion:

Ayes, 42

Allan, Ms	Howard, Mr
Andrews, Mr	Hulls, Mr
Barker, Ms	Kairouz, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Morand, Ms
Carli, Mr	Nardella, Mr
Crutchfield, Mr	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Donnellan, Mr	Pallas, Mr
Duncan, Ms	Pandazopoulos, Mr

Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr

Perera, Mr
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Wynne, Mr

Noes, 30

Asher, Ms
Baillieu, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Naphthine, Dr

Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mr
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

MEMBERS STATEMENTS

Carbon Capture Summer School: programs

Mr BATCHELOR (Minister for Energy and Resources) — Congratulations to all the students, mentors and organisers of the 2009 Carbon Capture Summer School, which took place in Lorne last week. Particular congratulations go to Ms Fen He from China and Mr Mischa Werner from Switzerland, who were awarded best student prizes. Some 60 students from around the world gathered in Lorne for five days of intensive study of carbon capture and storage science and technology. I attended the closing ceremony, and I was very impressed with the students I met. They spoke very highly of the program, but were not so impressed with the wintry weather that they experienced at the beachside resort as part of the Northern Hemisphere's summer break.

The conference is held in a different country each year, and with the sponsorship of the Labor government this year it was held in Australia for the first time. Previous countries where the conference has been held include Germany and Canada. This was also the first time a site visit to a working carbon capture and storage project had taken place as part of the conference. As members would know, Lorne is a short distance from the CO2CRC Otway project at Nirranda, and the students were very excited at the prospect of visiting a real carbon capture and storage project, notwithstanding the

strong winds and rain that are typical in that part of the Otways. The project — —

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

Greyhound Racing Victoria: board appointments

Dr NAPHTHINE (South-West Coast) — The failure of the Minister for Racing to make timely appointments to the board of Greyhound Racing Victoria (GRV) is making it difficult for the board to effectively carry out its important duties. Under the Racing Act the board of Greyhound Racing Victoria has five members and for its meeting a quorum of three is needed. On 27 July two board members, Gloria Gilmore and John Wardle, retired due to expiration of their appointment time. I thank them for their services to Greyhound Racing Victoria and to Victorian greyhound racing, but their retirement has left only three members on the board. I am advised that it is causing some difficulties in holding meetings when all three are needed to achieve and maintain a quorum.

In early June the minister advertised for expressions of interest for appointment to the board of Greyhound Racing Victoria — indeed at the time the minister said that succession planning was vital for Victorian greyhound racing. However, three months after placing these advertisements — and 36 days after two members of GRV completed their terms — no appointments have been made. The Victorian greyhound racing industry and the board of GRV have been let down by the failure of the Minister of Racing to make timely appointments to the board. There are many challenges and important decisions facing greyhound racing and GRV, and they need a full board to make those decisions and take greyhound racing forward for Victoria.

Grand National Steeplechase

Dr NAPHTHINE — I also take this opportunity to congratulate the Victoria Racing Club, Racing Victoria Ltd and the Melbourne Racing Club Sandown management team on the success of the Grand National jumps day on Sunday.

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

Waverley RSL: Norman A. Smith scholarship

Ms MORAND (Minister for Women's Affairs) — Last Thursday evening I was delighted to attend the 24th annual award presentation of the Norman A.

Smith memorial scholarship at the Waverley RSL. Year 10 secondary students who live in the city of Monash or go to school in the Waverley area are eligible for this scholarship. Students undertake a research project. They are allocated the name of a World War I Waverley honour roll person, and they need to research and write up the history of that ex-serviceman. They also sit a 90-minute exam, including an essay on a topical theme. There were 44 entries this year, with 5 finalists and 1 winner.

I congratulate the finalists, Jessica Lu, John Wong, Lauren Pecora and Aneesh Tiwary, and the winner, Shanvi Kulkarni, who is a year 10 student at Glen Waverley Secondary College. Shanvi's ambition is to become a doctor and work in rural and regional Australia. The winner receives a \$5000 scholarship over two years. I was very impressed with all the students who spoke of their future ambitions. They were all very deserving finalists, and expressed their gratitude to the Waverley RSL. They were grateful for the support and for the opportunity to research a Waverley honour roll serviceman to provide them with personal insight into those servicemen's war experiences. I congratulate John Coulson, the chair of the RSL's committee, Geoff Dare, the vice chair, and committee members Geoff Tilley, Richard Bennetts and Gary Kirby.

Road safety: roadside vegetation

Mr DELAHUNTY (Lowan) — The Brumby government has again failed in its duty to protect Victorian road users, especially those using regional roads, by ignoring the issue of roadside vegetation. Last week Victoria had damaging wild storms, which created havoc on roads. These storms were highlighted by newspaper articles, including one which appeared on the front page of the *Hamilton Spectator*, which states:

A number of trees and branches were brought down across roads ... keeping local police and SES busy.

...

Police from Hamilton, Cavendish, Casterton and Merino were forced to clear roads and direct traffic with a number of trees falling across roads.

Another article in the *Wimmera Mail-Times* of 28 August headed 'Wild bus ride home from school' states:

Year 11 student Renee McCuish said her school bus was travelling from Goroke to Karnak when a section of road was covered in trees.

In 2003 I raised concerns in this house about vegetation close to roads causing a traffic hazard. I welcomed the

2005 Road Safety Committee report which recommended a code of practice for roadside safety based on the principle that the safety of road users should always have precedence. Western Victorians have raised with me their concerns about vegetation and they are worried about the safety of trees near roads. Most of our regional roads are in 100-kilometre-an-hour speed zones, so falling branches are a major safety issue. Roadsides represent a conservation asset. I am aware that the environment is fragile, but the preservation of roadside vegetation must come second to the safety of our road users.

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

Srebrenica: massacre commemoration

Mr LANGUILLER (Derrimut) — On behalf of the Premier and the government I attended the 14th central commemoration in Queen's Hall for the victims of genocide in Srebrenica, together with the president of the Australian Council of Bosnian-Herzegovinian Organisations. We remembered and expressed our sorrow for those who died in the Srebrenican genocide. For the first time across the European Union countries will officially commemorate the atrocity of 14 years ago. The instituting of a day of remembrance pays tribute to the victims of the massacres and sends a clear message to future generations. The resolution of the European Parliament is another important step in the process of healing and reconciliation. However, when the most fundamental of human rights have been violated reconciliation can be slow and painful, but it is nevertheless important.

Each year through this commemoration we must draw renewed strength and determination that the horrible events of Srebrenica must never be repeated anywhere in the world. The best way to honour the victims of Srebrenica is to learn from the past and build a better future. We all need to be more vigilant and to strongly oppose the actions of inhumanity and persecution. The tragedy of Srebrenica will forever haunt our history.

Bushfires: youth support

Mrs FYFFE (Evelyn) — I have been asked to speak out on behalf of the young bushfire survivors, in particular those students attending Yea High School. *YouTube* is a forum that these young people use to talk about their feelings and trauma. The language they are using suggests they feel left out and disempowered. Part of the problem stems from a lack of continuity in counselling services which is preventing them from developing trusting relationships with counsellors. The

real worry is that those affected by the bushfires who are currently in year 12 have the added pressure of VCE (Victorian certificate of education), getting into university and concerns about finding work. Once this year is over they will not have school counselling available to them. What is going to happen to them? Will there be any follow through? I urge the government to look after these vulnerable young people and ensure they get the necessary support.

Vietnam veterans: memorial service

Mrs FYFFE — Tuesday, 18 August, marks the 42nd anniversary of the Battle of Long Tan, also known as Vietnam Veterans Day. I was honoured to attend and lay a wreath at the memorial service for Vietnam veterans on Sunday, 16 August, at the Yarra Junction cenotaph. The memorial service, which is celebrated at a different part of the Yarra Valley each year, attracted many familiar faces from Lilydale and Mount Evelyn.

Despite the pouring rain it was a rousing service that was made all the more touching by two young school captains from Healesville High School. Joe Kay delivered a poignant speech and Clare McPherson read a moving poem called *The Stone* to honour those who had fallen in battle. It was a privilege to attend.

Country Fire Authority: Diamond Creek brigade

Ms GREEN (Yan Yean) — Recently I had the pleasure of attending the annual Diamond Creek fire brigade dinner, which so many members told me was the best ever. These fabulous firefighters, their loved ones and business and community supporters deserved a fun night out after their efforts in the most difficult of fire seasons past.

The brigade management team made a great decision in dispensing with the usual guest speaker arrangement and instead simply offering great entertainment with Bob Valentine and band, which included his daughter Lauren Gillard and which kept us all dancing until late.

I am so proud of the men of the management team for selecting not one, but two fabulous female firefighters for the prestigious firefighter of the year award in Fiona Spargo and Jess Murphy. These two awardees, along with others, are the next generation of Diamond Creek firefighters. Fiona Spargo was also recruit of the year, Shane Zammit received the captain's award and 17-year-old Josh Allan was voted by his peers as the most valuable member.

Service awards were presented by operations officer Tony O'Day to Christo Ferguson for 5 years service, to Rod Miloschew for 10 years service, to Ron Smith for 15 years service and to Peter Bury for 20 years service. In a break with tradition members of neighbouring brigades were invited as honoured guests, including firefighters from Arthurs Creek, Hurstbridge, Wattle Glen, Kinglake, Plenty and Eltham. The Diamond Creek police and Diamond Creek service clubs, including Rotary and Lions, the Nillumbik historical society, Bendigo Bank and St John's Anglican Church were all there to thank the Diamond Creek fire brigade members for their efforts. Well done to the brigade management team for giving members and their supporters such a great night. I look forward to continuing to work with them in the future.

Environment: Bayswater North land

Mrs VICTORIA (Bayswater) — Recently a truckload of sludge was deliberately dumped on land beside the rail line in Bayswater North. According to sources, it was dumped with permission from the Environment Protection Authority. However, further investigation showed that the company transporting this waste did not comply with the conditions specified. The recent rains then flushed the mound into the Dandenong and Bungalook creeks and their surrounding environs — important habitats for a multitude of flora and fauna.

Where was the Environment Protection Authority? On several occasions this land has been used as a tip for railway rubbish, and when I expose the practice in Parliament the rubbish is hauled away. This is simply not good enough. The EPA needs to have stronger powers against environmental vandalism and must be given the resources to enforce those powers.

Performing arts: 6PAC touring company

Mrs VICTORIA — An outer eastern gem has been sparkling lately, with a master craftsman and his team the driving force. The Knox Community Arts Centre has been host to cabaret stars, stunning international performers, children's programs, drama, comedy acts and so much more. Under the stewardship of Richard Mitchell, the 6PAC touring company has been set up and is the foundation for the content presented at Victorian Association of Performing Arts Centres venues. Not only does that mean an excellent variety of shows tour our state but it also fosters artists and encourages their learning about budgeting, production, publicity and so much more. Congratulations to all involved for their forward thinking and passion for the arts

Eltham North Primary School: environmental programs

Mr HERBERT (Eltham) — I rise to congratulate Eltham North Primary School on its fantastic new initiatives to help prevent plastic bottles from ending up in our landfills. Principal David Foley recently announced that commercially bottled water and soft drink bottles would be banned from the school as part of its green policy.

The school has installed waste-cutting water fountains from which reusable bottles can be refilled to further enhance the school's environmental sustainability. I cannot think of a better illustration of how, through education, we can take steps to achieve a more sustainable future. This terrific initiative to reduce waste is reflective of the ingenuity, hard work and commitment of the entire school community at Eltham North: teachers, students, parents and the principal. I congratulate them all.

Eltham North is well known across Victoria for its strong commitment to environmentally sustainable practices, and this initiative follows from many others, including the construction and cultivation of a veggie garden and a butterfly garden, which is a habitat for the Eltham Copper Butterfly. In addition the school was first in the prestigious Victorian ResourceSmart schools competition in the category of energy smart schools.

Eltham North continually prides itself on breaking through the barriers of sustainability. It continually encourages students to adopt innovative practices, which is good for our world and good for student education. I commend them on their efforts.

Nick Gottschalk

Mr INGRAM (Gippsland East) — I rise today to pay tribute to Mr Nick Gottschalk, who passed away in Bairnsdale on 20 August 2009 aged 80 years. Born near Berlin on 8 May 1929, Nick came to Australia in 1952. By 1954 he had qualified as a medical technician through the Royal Melbourne Hospital. Working first in Warragul he was the lone male in the nurses annex, where he met his future wife, Helen.

In 1962 Nick and his wife settled in Bairnsdale, where he established a fortnightly blood bank which ran with the support of volunteers for 25 years. Nick joined the Bairnsdale Apex Club, beginning a lifelong love of community work. He served as a Bairnsdale councillor from 1971 to 1984 and as mayor from 1977 to 1978.

Nick became involved in scouting in 1966 and was a continuing supporter of the Bairnsdale fire brigade. He was a member of the Rotary club of Mitchell River, a justice of the peace, a volunteer with the Bairnsdale Production Line Theatre, a neighbourhood watch coordinator and a teacher's aide at Bairnsdale Secondary College. He helped establish Meals on Wheels, he volunteered with the East Gippsland Art Gallery, the local historical society, the Bairnsdale and District Table Tennis Association, as well as establishing table tennis for Noweyung students. Along with John Gale, Nick established the 'Keen-Ager' group in Gippsland. The table tennis program also received a VicHealth award for excellence in health promotion through physical activity.

Nick's passions were wide. Another one of his exploits was boomerang throwing, for which he won an Australian title. He volunteered with the International Red Cross, and served in Sudan, Kenya and Port Moresby.

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

Yuroke electorate: basketball clubs

Ms BEATTIE (Yuroke) — Tonight I would like to congratulate the Greenvale Basketball Club based in my electorate, which has recently celebrated a terrific result in the Broadmeadows Basketball Association's junior domestic competition.

The Greenvale Grizzlies had 38 teams in the competition, from under 10s to under 18s, with 18 teams securing a place in the finals and 10 teams winning their premiership games. This is a fantastic result and I congratulate all the players who made the finals.

I also congratulate the hardworking and dedicated committee, consisting of Paul Byron, Lance Corby, Heather King, Robert Malcolm, Fran Baker, Marianne Gusman and Marcia Zourbanos. Without the commitment of these committee members the club would not be able to operate, and their dedication is to be commended.

I also congratulate the Broadmeadows Basketball Association's Lady Broncos on their historic third successive Big V State Championship, with a thrilling 75:73 victory over Waverley. I congratulate the Lady Broncos for this outstanding result and in particular Katrina Hibbert, who received the most valuable player award.

There is no doubt that the success of these teams is the result of the dedication of many people: the players, coaches, team managers, club executives, and supporters, some of whom are in the house this evening. I wish the Greenvale Basketball Club and the Lady Broncos all the best for the upcoming season, and I hope these excellent results can be repeated in 2010. Congratulations to all.

Insurance: fire services levy

Dr SYKES (Benalla) — Today we heard the Premier state in question time that expenditure on the fire services levy has increased threefold in the term of the state Labor government. What we did not hear was the source of this increased funding. For that we only need to look at the front page of last week's *Weekly Times*. Journalist Peter Hunt writes:

The Victorian government is earning more in stamp duty on farm business and household property insurance than it contributes to the state's fire budget.

The government's 2009 budget papers show it expects to earn a whopping \$677 million in stamp duty on all types of non-life (property, motor vehicle, mortgage and other) insurance this year.

Analysis by the *Weekly Times* shows about a third of the stamp duty — \$225 million — is collected on fire-related property insurance.

Yet this financial year the government will contribute just \$88 million to the CFA's budget and \$34 million to the Metropolitan Fire Brigade budget, while Treasury pockets the remaining \$103 million in stamp duty revenue.

The fire services levy is now a massive 84 per cent for farm and business insurance in country Victoria, and the people who pay this insurance are also the volunteers who, without question, jump on the fire truck and work for days, weeks or months to combat megafires, many of them on public land. Meanwhile, those who do not insure contribute not one cent to the funding of fire services. This is grossly unjust.

Austin Health: volunteers auxiliary

Mr LANGDON (Ivanhoe) — I rise to congratulate the members of the Austin Health volunteers auxiliary for all their hard work in raising much-needed funds for the Austin Hospital. In the past year alone the auxiliary has raised an amazing \$117 000 through a gift and opportunity shop run in the West Heidelberg Bell Street mall.

Each month I have the privilege of hosting their meetings in my office, and they are a truly delightful group of people. I would especially like to thank the office-bearers for all their hard work: Merna Kent,

president; Joan Baker, vice-president; Thelma Kallinikos, secretary; and Nance Rogers, treasurer.

The operation of this shop would not be possible without this extraordinary bunch of volunteers. I noticed at a recent Austin Hospital volunteers meeting that several people received volunteer awards. I would like to congratulate the following people: Beryl Culverhouse, Monica Haupt, Jan Howe and Sandra Stevens for 5 years of service; Joan Garrett for 10 years of service; and Norma Molloy for an outstanding 30 years of service.

I commend all the volunteers for their hard work, and particularly those who received awards for 5, 10 and an amazing 30 years of service. Well done to the Austin Hospital's volunteers auxiliary.

Croydon South Primary School: site

Mr HODGETT (Kilsyth) — The waste, incompetence and stupidity of the Brumby government is everywhere we look. In June I asked for the land and buildings at the site of the former Croydon South Primary School to be made available for community use. The response from the Brumby government was to spend taxpayers money to board up the buildings and lock them up so as to block any community use and to shut the local residents out of the site.

The money squandered on this site, when the Brumby government knew full well of its pending closure at the end of 2008, beggars belief. An amount of \$100 000 was spent on reroofing the buildings in June 2008 and the school closed at the end of that year. An amount of \$83 000 was injected into a total upgrade of the oval, only for the school to close, and \$54 000 was used to upgrade the administration and office area.

A \$50 000 water wise state government grant was given for a 30 000-litre water tank to be installed. The pipes were all replumbed underneath the school, and this project was completed, signed off and was ready for use two weeks into December 2008 — two weeks before the school closed. What amounts to an absolute disgrace is the fact that this tank was moved on Friday one week ago. I spoke to the plumbers who informed me that the tank was full of rainwater — 30 000 litres — and they were told to dump it down the drain.

We are all being told to save water, so why was this water not put to use? Why would they not fill up a water truck and move this water, or let the local community know it was available for their use? No, this lazy, incompetent Labor government instructed the

workers to dump the water down the drain. These foolish, reckless and farcical acts show the incompetence of the Brumby government and are an embarrassment to the Premier. It is not good enough. We deserve better.

Essendon electorate: bowls clubs

Mrs MADDIGAN (Essendon) — I would like to pay tribute tonight to all the great volunteers who assist with bowling clubs in my electorate. Last weekend saw the opening of the bowling season, and I had the pleasure of attending the opening at three bowling clubs in my electorate: the Aberfeldie Bowls Club, which will celebrate 100 years of operation next year; the Strathmore Bowls Club, which turns 55 next year; and the Maribyrnong Park Bowls Club.

Bowls provides an enjoyable pastime for many people, and if you look at my electorate, because it is an old electorate, you see it has a large number of bowls clubs. They could not exist without the great volunteers who work with them. The bowls clubs do a large amount of work, not only in assisting themselves in terms of bowling activities but many are very active in providing their facilities to the community at large. Many clubs now have programs with some of the schools in the area to enable young students as well to enjoy bowls. Some of the clubs in my electorate also have some active bowls programs for people with a disability, which many members of the community have found enjoyable.

I am always impressed by the great deal of voluntary work undertaken by people involved with bowls clubs, and also the cheery and enthusiastic manner in which they go about their business. I congratulate all of my bowls clubs on that great effort and on their great openings last weekend.

Climate change: Latrobe Valley

Mr NORTHE (Morwell) — I comment tonight on the Brumby government's climate change green paper, and do so following my attendance at a community forum conducted in Morwell last week. Whilst the opportunity to attend the forum was welcomed, the uncertainty that confronts the Latrobe Valley community was obvious amongst those in the audience.

With respect to the energy industry, the green paper refers to this government's priority of helping vulnerable regions, businesses and communities adjust to a carbon price, particularly in the Latrobe Valley. In reality this is a motherhood statement that does not

contain specific detail on how the Brumby government will assist the Latrobe Valley region, moving forward.

Local businesses and the community in general do not have a high level of understanding of the impacts of state and federal government energy or climate change policy, and in particular I refer to the Rudd government's ill-conceived carbon pollution reduction scheme. Both governments have failed to deliver clear, concise and succinct information to the community, and this has created much angst in the Latrobe Valley.

As we transition away from the current brown coal electricity production practices in Victoria, the community is anxious to understand what plans are being developed to ensure employees in the brown coal industry are afforded the opportunity to be retrained or reskilled so that they may have future employment opportunities in the Latrobe Valley. Unfortunately the Victorian government's climate change green paper fails to deliver certainty and confidence for the Latrobe Valley, and this is disconcerting for our region.

David and Nathan Catherwood

Mr NORTHE — I congratulate Dave Catherwood and his son Nathan on their success in West End's grand final premiership in the under-10 competition in Traralgon.

Alcohol: Victorian action plan

Mr FOLEY (Albert Park) — Last week I hosted a community meeting at St Kilda to bring together residents, liquor licensees and the various regulatory and health agencies charged with implementation of the Victorian Alcohol Action Plan. The meeting heard from John Rogerson of the Australian Drug Foundation; Inspector Lisa Hardeman from Victoria Police, Sue Maclellan, director of Liquor Licensing Victoria; and Murray Smith from the civil compliance unit of Responsible Alcohol Victoria.

The highlight of the meeting was that it brought residents from one of Melbourne's traditional entertainment precincts and one of our most densely populated areas together with those charged with curbing the current deep-seated growth in alcohol-fuelled violence to learn and debate strategies in the state's alcohol action plan.

The five-year plan is all about an integrated approach to policing and community safety, regulation and compliance of alcohol in the club and pub sector, and education and cultural change.

The extra resources and the commitment to ensuring safety and residential amenity were paramount, and the clear message that increases in violence against the person and property are no longer to be tolerated were all welcomed by the meeting. The meeting established broad community support for St Kilda's safe, diverse and controlled alcohol future. I look forward to working with the agencies and the community in building this outcome. It is certainly going to be my hope that this time around, given the opportunity to support the program, those parties opposite will take that opportunity rather than play politics with issues, as they have in the past.

Bushfires: fuel reduction

Mr WAKELING (Ferntree Gully) — In the wake of this February's tragic bushfires the Brumby government recently announced 52 fire hot spots around Victoria. One of these hot spots is the Dandenong Ranges, which border the electorate of Ferntree Gully. In making this announcement the Brumby government failed to explain how it proposes to reduce forest fuel in the Dandenong Ranges. I have recently spoken to many Boronia and Ferntree Gully residents who reside near the Dandenong Ranges National Park. They have expressed their deep concern about the government's inaction on this important issue. I call upon the Brumby government to explain to my community what steps it will be taking to reduce forest fuel in the Dandenong Ranges National Park.

Knox Battle of the Bands

Mr WAKELING — I recently had the pleasure of presenting students from Fairhills High School with the Knox Battle of the Bands award. The event was extremely well organised and demonstrated the positive activities of teenagers throughout the Knox municipality. I would like to pay tribute to the seven schools involved for their fantastic efforts, and particularly to the work of St Joseph's College students Cain Hill and Ryan Newman for a top-class effort in coordinating the entire event.

Fairhills Primary School: principal for a day

Mr WAKELING — I take this opportunity to thank Fairhills Primary School principal, Cheryl Williams, as well as the staff and school community for allowing me to participate in the principal-for-a-day program and spend a day with them as principal. The day gave me a great insight into the goings-on at one of our local primary schools, and it is an extremely informative and enjoyable program. Congratulations to

all involved. It allowed me to see firsthand what great work is taking place in a local primary school.

Boronia Bowls Club

Mr WAKELING — I would like to thank the Boronia Bowls Club for allowing me to open the green last Saturday. It was a fantastic event, and I look forward to working with the club over the coming year.

Rotary Club of Pascoe Vale: Savernake project

Ms CAMPBELL (Pascoe Vale) — Congratulations to Pascoe Vale Rotary. President Chris Lang earmarked the drought relief and bushfire program as a particular focus for the club this year. Past president Barry Membrey of the Rotary Club of Belvoir Wodonga, through district governor-elect Alan Anderson, identified a worthy town in which the Pascoe Vale Rotary Club could carry out a project. Savernake was chosen; it is a small town and community in the southern Riverina area about 20 kilometres from Berrigan. It has a small school with 16 to 20 students, two small churches and a community hall. The community hall is the hub of the community, and there is no doubt it is what holds the people together. It is where they can all come together and enjoy each other's company.

The community is made up of farmers who have had a difficult time in the last 10 years due to the worst drought in living history. The president and Monty Montgomery went up to Savernake in June, where they met up with three members of the community hall committee and they organised Christmas in July. People up there were surprised that a club from Melbourne wanted to do something in the Riverina. They worked with another Rotary club to ensure a mobile picture theatre was available to the community. It showed recently released movies, which provided some much-needed entertainment. The community hall had confirmed 63 adult and 32 child attendees and more arrived on the night. Congratulations.

Mount Erin College: principal for a day

Dr HARKNESS (Frankston) — Meeting school staff, discussing topical issues with year 12 students and sitting down with supportive friends and student leaders were some of the jobs that I undertook last week as Mount Erin College's principal for a day. It was terrific to have the opportunity to be a hands-on principal and see one of our many great government schools in action and the superb job our principals and school staff do.

Mount Erin is a centrepiece of the Frankston community and a fantastic example of a school investing in its students, resulting in terrific educational outcomes. Principal Allen McAuliffe and assistant principals Murray Sydenham and Karen Lee have been making enormous improvements to educational and learning outcomes at Mount Erin. Both staff and student opinion data are very strong and extremely positive. All the data at the school is trending upwards, and the culmination of these trends is reflected in the high number of tertiary offers to leaving students. Indeed last year Mount Erin was a leading school in the region for tertiary offers.

Frankston Heights Primary School: upgrade

Dr HARKNESS — In other fantastic local education news, Frankston Heights Primary School will now be completely modernised thanks to the state and federal governments. The Brumby government is boosting the federal government's stimulus package spending on Victorian government schools by a further \$88 million, including a massive funding boost for Frankston Heights.

This great school is set to become even better. Through our continued investment in Victorian schools we will ensure that Frankston Heights students receive modern buildings, which will include innovative learning environments that will equip these kids with the skills necessary for 21st century jobs. The energetic and hardworking principal of Frankston Heights Primary School, Mr Simon Anderson, is over the moon about the announcement, and the school community is incredibly excited about the positive outcomes this combined funding will provide its students.

We are standing shoulder to shoulder with the federal government to ensure that young Victorians have the best educational facilities in the history of this state. Education is definitely the Brumby government's no. 1 priority — —

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

Strathdon community centre: children's art competition

Ms MARSHALL (Forest Hill) — It is with great pleasure that I bring to the attention of the house the Strathdon community's annual children's art competition, which was held on 7 August at the Strathdon community centre. This event has been held annually for the past six years and continues to bring the whole community together. This year it was great to

see a number of fantastic Forest Hill schools participate in the competition, including Burwood Heights, Camelot Rise, Livingstone primary and Orchard Grove primary.

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

NOTICE OF MOTION

Withdrawal

Mr BATCHELOR (Minister for Community Development) — I advise that I do not wish to proceed with government business, notice of motion 1, standing in my name.

CEMETERIES AND CREMATORIA AMENDMENT BILL

Second reading

Debate resumed from 29 July; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — I rise to speak on the Cemeteries and Crematoria Amendment Bill 2009. The opposition parties do not oppose this piece of legislation; however, in examination of the legislation I will raise some issues of concern, and there are some issues I would like the minister to address in his summing up.

The overall intention of the bill is to make amendments to the Cemeteries and Crematoria Act 2003. The main purpose of the bill is to tighten up and improve management practices at our major metropolitan and regional public cemeteries and crematoria. The proposed changes have been formulated particularly in response to the highly critical reports of the sector which were published first by the Auditor-General back in 2006 as a result of issues that occurred in our major cemetery trusts in 2005 and then by the State Services Authority (SSA), which brought down its final report in June 2007.

The Auditor-General's report of 2006 entitled *Review of Major Public Cemeteries* was highly critical of the administrative and financial management and governance practices of several Victorian cemeteries. In fact the Auditor-General considered some of those practices to be potentially illegal. I raise that particularly because this sector is under the control of the government and overall management responsibility is set down in legislation under the current government.

There were some grave issues of concern that the government had failed to manage the sector appropriately.

The State Services Authority's final report, entitled *Review of Cemetery Trusts* and dated June 2007, noted that:

... the Victorian cemetery sector faces sustainability risks under existing legislative and operational arrangements. In particular the devolved administrative model under which cemetery trusts manage current and future obligations on a stand alone basis puts the longer term viability of many cemetery trusts at risk.

Perhaps I can just go back a little and quote from a couple of media articles relating to the very serious issues that occurred, for instance, at Springvale Necropolis in 2005. I quote from an article in the *Herald Sun* of Monday, 17 October 2005:

Trustees and senior executives at the state's biggest cemetery have spent more than \$1 million on parties, travel, golf days, dining, staff gifts and other expenses in just 30 months.

This information was obtained as a result of a freedom of information request in relation to the Necropolis. I suppose at the time there was concern — and I think it was reasonable — and it was thought and expressed that there had been a lack of oversight by the minister at that time and a lack of oversight by the government. The community was very shocked by what had occurred, and very rightly so.

When the Auditor-General brought down his report in 2006 an article in the *Age* by Peter Ker noted the following:

Free burials, payroll theft, interest-free staff loans and excessive salaries were among the sins revealed in a damning report into Victoria's major cemeteries and crematoriums yesterday.

Victorian Auditor-General Wayne Cameron found that cemetery assets across the state were at risk of unethical behaviour, wastage and corruption.

...

Yesterday's conclusions highlighted unethical behaviour at many of Melbourne's 13 major cemeteries. The Fawkner Crematorium and Memorial Park featured most prominently for a range of incidents including:

Payroll fraud, where an employee unlawfully directed more than \$98 000 into four bank accounts.

The loaning of cemetery funds, interest free, to staff.

A \$98 000 payout to an employee who resigned after a police investigation.

Almost \$27 000 worth of personal cheques cashed in at the centre.

I think the issues that were raised in the Auditor-General's report really brought the community's attention to the lack of proper management of the sector by the current government. In fact, the Auditor-General in the foreword to his report noted the following:

This review of major cemeteries found that the cemetery industry has evolved with little direction or regulation by the state. The role of the Department of Human Services, as a central administrator for the industry, is not clearly defined and understood by all stakeholders and its effectiveness has been hampered by poor communication and the lack of effective governance arrangements.

That is the background that we faced in relation to this sector, and it provided an enormous challenge for the State Services Authority to try and address some of the issues and come up with a model that would in fact see a change to what had occurred. The State Services Authority made eight specific recommendations to improve management and governance practices and offered four alternative new models for restructuring cemeteries and crematoria. They were: one, a single authority; two, eight regional cemetery authorities; three, a modified status quo; and four, the status quo — that is, what was already there. The State Services Authority preferred the first recommendation of a single authority, which it wanted to name the Victorian cemeteries authority. Despite the succinct recommendations made by the SSA, the bill does not implement any of its models but instead introduces what was described to us at our briefing as a hybrid of models 1 and 2 — that is, the establishment of two classes of cemetery trust.

At this point I would like to thank the department for its briefing, which took a long time and went into a lot of detail but at least it provided a goodly amount of time to appraise us of what had occurred. At that briefing the model that has now been put forward was described as a hybrid of models 1 and 2.

Under class A — I am talking about the two classes — cemetery trusts would fall into two metropolitan cemetery trusts: the greater metropolitan trust and the southern metropolitan cemetery trust. There would be four regional cemetery trusts: Ballarat, Bendigo, Geelong and Mildura. All other trusts would be considered class B cemeteries; we are talking about over 500 small cemeteries that a lot of people in small towns in particular volunteer to look after and play a very strong role in. I think that the trust members in those cemeteries are very keen to maintain a strong involvement in their local cemeteries.

The 14 large cemetery trusts that have now been collapsed down into six are the following: Altona, Andersons Creek in Warrandyte, Ballarat, Bendigo, Cheltenham, Fawkner, Geelong, Keilor, Lilydale, Mildura, Preston, Templestowe, the Necropolis and Wyndham.

As I said, the bill creates two classes of trust, class A and class B, and they are based on what was described as an economic scale. The department secretary will have the power to audit class A and class B trusts, and one presumes that that responsibility will now be taken very seriously. The two major cemetery trusts cover the metropolitan area, which is a very large general cemetery trust. There has been some discussion about whether that trust is too large, but it was described to us as economically viable. Some of the trusts were seeking to perhaps have that trust divided into two sections and so have an eastern region trust, but the case was not made — and I think the minister did consider this — for that division to take place.

These class A trusts will have enhanced statutory functions and accountabilities. They will comprise between six and nine members, including the chair. These six to nine members will have to be people with skills and experience, and this is going to be very important. They will be appointed by the Governor in Council, presumably on the advice of the minister.

Members will now be paid in accordance with government guidelines for the remuneration of these bodies. Class A cemetery trusts will have a statutory role to assist and guide the smaller class B cemetery trusts in their designated catchments, so formalising their current role. Their current role appears to be to offer assistance, and that is now more formalised. Class A trusts must establish a community advisory committee, and the Secretary of the Department of Health is able to establish guidelines about membership, composition and procedure of these committees.

I assume that particularly in the case of the metropolitan trusts, as distinct from the regional trusts of Bendigo, Ballarat, Geelong and Mildura, it will be very important that community advisory committees, if they are to be meaningful — and that will be the big question — are not committees for mates. They should be committees of people who know and understand the local community and can have some proper input, and the broader community will be looking to see that that happens. Trusts must give preference to members of the community who understand the local area and culture et cetera, and people such as stonemasons and funeral directors are to be excluded. They must prepare and

submit annual plans and strategic plans to the secretary of the department, and those plans must reflect government planning policy. I am not quite sure what the explanation of that is, but I am sure the minister will help us through that.

As I have indicated, the bill will convert the existing Bendigo, Ballarat and Geelong cemetery trusts into class A trusts without making many changes to the structure or composition of those legal entities. Those three regional trusts will have the same enhanced duties and accountabilities as other class A trusts generally. The three regional trusts have responsibility for about 19 cemeteries all up. Members of those trusts will continue to hold office for a three-year period, and subsequently their members will be appointed by the Governor in Council, presumably on the advice of the minister, so there will be a sort of transition period for those regional trusts.

The bill enables the establishment of future class A trusts and the conversion of class B trusts into class A trusts and vice versa. For anyone who thinks the class A trusts that are there now will always be the same, that may not be so. It is possible for class B trusts to be put in a group and called class A trusts, so the structure we see today may not be the structure in 5, 10 or 15 years time but something quite different. I hope the smaller cemetery trusts understand that this legislation does not set in concrete the current structure.

The duties of the Mildura and Murray Pines general cemeteries will be transferred from the Mildura Rural City Council to the newly created Mildura Cemetery Trust, which is the fourth regional class A trust. As I have indicated, the bill provides for the establishment of two new metropolitan class A trusts and the transfer of property, rights and liabilities to those new entities.

The Greater Metropolitan Cemetery Trust will be the successor in law of the following public cemeteries, all of which previously reported to the Parliament under the Financial Management Act: Altona, Fawkner, Keilor, Preston, Wyndham, Andersons Creek, Lilydale and Templestowe. The Southern Metropolitan Cemetery Trust will be the successor in law of the Cheltenham and Regional Cemeteries Trust and the Necropolis Springvale, which are two major cemetery trusts.

The majority of trusts by way of number will be class B trusts, or the smaller trusts, and they will continue to be governed by volunteers. Their statutory framework will by and large remain unchanged. As I have indicated, class A trusts will have a statutory role to assist class B trusts, particularly if class B trusts request assistance.

Class B trusts will still apply to the department for moneys for equipment, maintenance and so forth.

There is one area which is new and has raised some concern. Class A cemetery trusts will now have greater financial responsibility in terms of the payment of members of their trusts. The secretary of the department will lay down the fee that has to be paid to trust members, but under this legislation a levy will have to be paid by class A trusts. The levy will be charged at a minimum rate of 3 per cent and a maximum of 5 per cent. The indication given in the briefing was that it will be based on annual earnings. I want to raise that a little later, because there seems to be some confusion about what the levy will be a percentage of. The government's claim is that the money which is to be collected from class A trusts will be used to provide a source of funds for the improvement, governance, administration and support of cemetery trusts. Both the Auditor-General and the State Services Authority called for such improvements, but neither recommended a levy, as I understand. Although it has been claimed by the government that they did recommend a levy, in fact they did not.

The departmental officers told us that the assistance to be given by class A trusts to the remaining class B trusts was to be funded through the levy to provide for governance training, improvement in records management and data systems, development of standard documentation and guidance on trust rule making in consultation with local communities. The government also says the levy will assist in supporting small cemetery trusts in rural areas and help with the purchase of equipment and storage. However, I do not believe these claims are supported by clauses in the bill, in that the money that will be collected will go straight into consolidated revenue. It is not hypothecated into any fund held by the department. That means that there is no obligation in law for the government to spend that money on cemetery trusts or on assisting with anything.

The government says that is its intention, but there is nothing in this legislation that binds the government to doing this. Therefore, if the government fails to provide funding to the trusts and the class A trusts have to meet increased expenses, one only has to guess that the people who will pay by way of fees are those paying to have their loved ones buried in cemeteries. The responsibility that class A trusts will have towards class B trusts is another added financial responsibility. While the government will be collecting additional money, there is no obligation for it to spend that money on cemetery trusts.

Mr Andrews interjected.

Mrs SHARDEY — The minister will have a chance to answer this, and I am sure he will take that opportunity. If the government were serious about its obligation being believed and understood, it would have written it into legislation.

I seek some clarification on a particular measure in the bill, clause 18Q, which provides that:

... each Class A cemetery trust must pay an annual levy on its gross earnings as reported in the annual financial statements for that Class A cemetery trust ...

The departmental officers said they believed a trust would have to pay a percentage of the gross revenue earned. In his press release of 30 June the minister talks about the 3 per cent being 3 per cent of gross profits. There is a difference between gross revenue, gross earnings and gross profit. It is a long time since I studied accounting at university, but I would have thought that gross earnings would be gross revenue minus the cost of the goods that are sold. You can go to the income statements of any of the cemetery trusts to look at those figures. If we are talking about gross earnings, the amount levied would be smaller than if it was based on gross revenue. If we are talking about gross profit, as the minister suggested, then it would be gross earnings minus administrative costs such as wages and depreciation. Once you take taxes away from gross profit you get down to net profit, but we are not talking about net profit.

I would like the minister to explain whether the legislation is right, the department is right or he is right. I would like to know what we are talking about 3 per cent to 5 per cent of. If he is able to clarify that then perhaps he can clarify exactly how much money will be collected. Initially it seemed to be an amount somewhere between a little over \$2 million to a little under \$4 million per annum, but if the definition is incorrect then it could be something far less or far more. I ask the minister to address that issue.

The Victorian Auditor-General found that it was a failure of the Labor government to put in place appropriate governance and financial management policies for Victorian cemetery trusts that led to the unethical behaviour we saw in the past. It led to wastage and corruption in many of our cemetery trusts. The same government is introducing this levy, or if you like a type of tax, on cemetery trust revenue. As I have said, that money will go straight into government coffers without any surety that it will actually be spent on improving the management and performance of cemetery trusts for the Victorian community. One would hope that would not be the case, but it will take

some assurance by the minister and the government that in fact that will occur.

Mr Andrews interjected.

Mrs SHARDEY — Sometimes what one says and what one does can be two different things. I think the community will be waiting with bated breath.

I quote from a letter from one of the cemetery trusts:

... Payment of levy. This whole section talks about a levy to be placed on class A cemetery trusts to defray the costs of administering the act et cetera. This money is to be paid into the Consolidated Fund. What accountabilities are in place to ensure this money is used for the purpose it is set aside for and how do class B cemetery trusts access it for perpetual maintenance?

That is a question that was put by the Lilydale Cemeteries Trust, and I hope the minister will take seriously that question and provide an answer to the house.

Under the bill administrative changes can be made to the act to provide for the reopening of cemeteries or parts of cemeteries which were previously closed. This is something cemetery trust members spoke to me about. Some trust members had hoped this would have come forward in previous amendments to the legislation. For instance, it now means that in closed cemeteries like the one at Templestowe they can use those graves that are no longer being used, and this is a positive thing.

To summarise some of the issues, the model proposed by the government does not include any of the real recommendations of the State Services Authority. It is a bit of a halfway house. The model may work, but it certainly is not one of the models that were recommended to the government. As I stated earlier, concerns have been raised about the Greater Metropolitan Cemetery Trust covering such a wide area. That will have to be monitored.

Training requirements for cemetery trust members are to be voluntary, whereas a condition of becoming a cemetery trust member could be a requirement to participate in a minimum number of training hours. It would have been reasonable to ensure that people take up training, rather than making it completely voluntary.

I have talked about the new levy, which is another type of tax and is of some concern to many people. As I have already stated, most of the recommendations are not included in the bill. It remains to be seen how this whole bill comes to grips with the problems that have been faced in the past.

I look forward to the government's response to some of the issues I have raised, which are substantial. With that in mind, I end my remarks.

Mr LANGUILLER (Derrimut) — I rise today to speak in support of the Cemeteries and Crematoria Amendment Bill 2009, and I take this opportunity to commend the minister on the statement of compatibility he made. As an active member of the Scrutiny of Acts and Regulations Committee, Acting Speaker, you would be aware that this is one of the bills that came before the committee.

The government takes very seriously burial and memorial grounds. They are regarded as special places by our community. As the minister said correctly in his second-reading speech:

These sites are monuments to our collective history, and provide an important role in helping us to respond to loss individually.

It is important to note from the outset that these reforms have been supported by the large number of volunteer trusts which the bill retains as well as by the Cemeteries and Crematoria Association of Victoria (CCAV). I take this opportunity to read into the record the letter dated 28 August sent by Darryl Thomas, president of the association, and received by the government. I read this correspondence because it summarises and responds very well to many of the questions and concerns raised by the opposition. It reads as follows:

Cemeteries and Crematoria Amendment Bill 2009

The Cemeteries and Crematoria Association of Victoria (CCAV) would like to commend the Cemeteries and Crematoria Amendment Bill 2009 which seeks to make amendments to the Cemeteries and Crematoria Act 2003. The primary purpose of the amendment bill is to improve the governance and accountability of cemetery trusts and to improve the administration of the Cemeteries and Crematoria Act 2003.

The CCAV supports the minister's undertaking that the money provided through the levy will be reinvested into the cemetery sector for further education, provision of equipment and general improvements to cemeteries and the industry into the future. Following consultation with the cemeteries and crematoria sector, the minister has undertaken to record and report the allocation and disbursement of these moneys via the Department of Health's annual report. This will ensure that all details relating to the levy remain transparent at all times.

The CCAV appreciates the consultation the government has undertaken over time in relation to the formation of the amendment bill. CCAV continues to offer support for the cemetery industry to progress under the revised legislation in order to meet the needs of the community and future generations of Victorians.

This summarises exceptionally well many of the so-called concerns and questions raised by the opposition. In addition, it is important to confirm that the government has worked extensively with the cemeteries and crematoria sector to ensure that these reforms appropriately address the needs of the sector.

It is also important to place on the record that following the announcement of the government's proposed reforms in 2008, two cemetery advisory groups — one metropolitan and one regional — were established to provide feedback on the development of the reforms. Those groups included staff and trust members from all the affected cemetery trusts as well as the peak sector organisation, the Cemeteries and Crematoria Association of Victoria.

In addition, it is important to place on record the commitment made by the minister to publish in the Department of Health's annual report information about the expenditure of the funds levied on the sector. The fact is that the levy will not result in class A trust fees being higher than elsewhere in the sector.

It is important that government members respond to these matters which have been put to us. First, the bill fixes an initial levy rate of 3 per cent of the gross annual earnings of the class A trusts. It also enables the responsible minister to vary the levy if required by instrument of publication in the *Government Gazette*. The levy can be either decreased or increased to a maximum of 5 per cent of the gross annual earnings of the class A trusts. It is important to record also that the funds raised from the levy have to be paid into consolidated revenue.

There is already significant variation in fees within the sector. To suggest otherwise is simply incorrect. Each cemetery trust sets its fees independently and must account for the differing costs of its ongoing maintenance obligations. Across the 14 trusts which will form the new class A trusts the average price for a basic burial is around \$2600. The price for the same service at a large cemetery — for example, the one in Burwood, which will not be subject to these reforms of the levy — is currently \$4498. The result of the existing variations in price is that the cemetery services provided by class A trusts will not be uniformly higher than other trusts and in many cases will remain lower than the non-levied trusts.

It is important that we explain the purpose of introducing this levy. Opposition members raised governance, as did the sector, and this is precisely one of the issues that will be addressed by the levy. The levy will be used for very practical and ongoing

measures to support cemetery trust members in carrying out their roles and to improve the administration of cemeteries. The governance training will be provided to members of more than 500 cemetery trusts across the state and to new members of cemetery trusts as they take on the role in the future. It is particularly important in some regions and especially for the many smaller and medium-size cemeteries and crematoria in regional and rural areas

A major records management project will also be rolled out to assist cemetery trust members to improve their records management system, to identify and fix any problems that they encounter and to consolidate their records and ensure that proper storage, copying and treatment of historic records is maintained.

I said earlier that currently the Department of Human Services provides grants to small cemeteries when funds are available. The levy will provide a sustainable source of funds to assist small cemetery trusts, particularly in rural areas, to maintain the cemeteries. The question might be asked: for what further purpose will the levy be used? The uses of the levy have been described by the minister. I suggest opposition members read the second-reading speech, which outlines clearly the purposes for which the levy will be used.

In summary, I remind members that, firstly, there is support in the sector for the amendments and for the bill before the house, and secondly, the government has worked extensively with the cemeteries and crematoria sector to ensure that the reforms respond appropriately to the needs of the sector. Following the announcement of these measures in line with the government's proposed reforms in 2008, two cemetery advisory groups were established, one in the metropolitan region and the other in the rural region. I encourage members to read the correspondence I received from the Cemeteries and Crematoria Association of Victoria, because the association, the sector and all of those involved in the consultative processes made it quite clear that these are good reforms which have long been warranted. I am very proud and happy to have led the debate on this matter and the very good reforms introduced by this government and the minister.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Cemeteries and Crematoria Amendment Bill. The Nationals in coalition are not opposing this legislation. The overall intention of the bill is to make amendments to the Cemeteries and Crematoria Act 2003. The main purpose of the bill is to tighten up and improve management practices at major metropolitan and regional cemeteries and

crematoria. The proposed changes have been formulated in response to highly critical reports on the sector published by the Victorian Auditor-General in July 2006 and the State Services Authority in June 2009.

The provisions of the bill are to create two classes of cemetery trusts: class A and class B. Class A trusts will have enhanced functions and capabilities, as set out in the bill, and will apply to our largest cemetery trusts, principally in the metropolitan area, Ballarat, Bendigo, Geelong and Mildura. Class B are smaller cemetery trusts and remain essentially unchanged. Class A trusts will comprise six to nine members who will be appointed on a skills basis by the Governor in Council and will receive payment as members of public bodies. Class A trusts, as I said, will be principally located in Bendigo, Ballarat, Geelong and the metropolitan area.

The legislation allows for conversion from a class B to a class A trust and vice versa. Responsibility for the Mildura and Murray Pines cemeteries will be transferred from the Mildura Rural City Council to a new trust which will be a class A trust. The existing liabilities of the cemeteries will be transferred to the new trusts. There will be an annual levy on a class A trust of 3 per cent to 5 per cent of gross earnings to provide for governance training, record management, documentation, rule making and, as we have already heard, government grants back to other trusts.

There are some issues I would like to talk about. There are over 500 cemetery trusts in country Victoria, and most small rural cemeteries are managed by volunteers. We should pay tribute to these people who run very small cemeteries on a shoestring. They are wonderful, and every country town has such a group. The bill gives the Department of Human Services enhanced powers to audit cemetery trusts. Audit costs for small rural cemeteries are an issue. The cost increases for burial or cremation will also be an issue.

Country residents find that advisory committees are more about talking than listening, so they have concerns about the advisory committees that are going to be set up under class A cemeteries. They are also concerned about the transparent guidelines for the conversion of trusts and about who manages the levy and how the cemeteries access it. There is a feeling that this is a cash grab by the government. Some \$2 million to \$4 million will be generated by this levy, and people are wondering whether this is a death tax in disguise.

They are the issues out there that people are concerned about. The levy under a class A trust is very large — as I said, it will generate \$2 million to \$4 million. It is not

hypothecated — that is, it goes into general revenue. It is at the discretion of the government where and how that money is used and how it comes back. As I said earlier, some people see this as a small death tax in disguise. The effects of trustee remuneration and the levy on costs at the end of life are things people have expressed concerns about, particularly in country areas.

Remuneration guidelines will be determined by the government sector executive remuneration panel. We are told that in Mildura's case that is about \$5000, but in the case of a city cemetery it is about \$6000. However, I am yet to be convinced that that will be the overall cost of running these trusts. There is also a need for a charter of responsibilities for the trustees. Their role and function needs to be quite clear so they know what they are meant to be delivering right from the start.

The smaller cemetery trusts — most of the 500 — are supposedly going to be assisted by the larger trusts, and we have some concerns about what that assistance will be. Will it be genuine help with paperwork or will it be interference in how the trusts are run? Country people who look after those small cemeteries are very proud and protective of them. They will be very suspicious of anyone who comes in and says, 'We are here to help', because that might mean, 'We are here to take that away'. The work those volunteers do is important, and the pride they have in their cemeteries is quite remarkable.

Murrayville, a small community which is on the South Australian border and is in my electorate, is an example. On my first visit there a look around the cemetery was included in the tour by a couple of proud locals who just had to show it to me as their local member; such is their commitment.

As a politician you probably get to attend a few more funerals than most people, and I have noticed that the cemeteries are well kept and well cared for. Small cemetery trusts are concerned that even small amounts of auditing costs loaded onto them will become a burden in running trusts that do not have a lot of burials in a year. They run on a shoestring, and they are hypersensitive about the financial position of their trusts.

In Mildura the Nichols Point cemetery was the original pioneer cemetery in the Mildura region. The cemetery's annual report indicates that the Nichols Point Cemetery is about 5 kilometres east of the Mildura city centre and is adjacent to the Murray River flood plain. When there was a serious flood in 1956 it was necessary to row coffins and mourners over the river for burial. Luckily,

or perhaps unluckily, we are yet to have another flood of that seriousness. With our current shortage of water I would volunteer to row if it would make a difference. The original cemetery block was set up by the Chaffey brothers in 1891 and has been added to on a number of occasions — in 1975 and 1977. The land was reviewed as a cemetery under the Cemeteries Act and gazetted on 7 April 1898, with the first burial occurring shortly afterwards. The cemetery is approaching its capacity and includes a war graves section which was established after the Second World War for the servicemen of the air force training base at Mildura, where quite a number lost their lives during that war, and a lawn cemetery was added in the 1970s.

Because the Nichols Point Cemetery was filling up, the Murray Pines Cemetery was established in Mildura. That cemetery is located to the southern corner of the airport. It seems to be fairly traditional for cemeteries in larger areas to be located at one end an airport and for a golf course to be located at the other. As a pilot I find golf courses preferable when things go wrong when taking off or landing. The cemetery is a bushland reserve and includes a mausoleum with the capacity for 100 crypts.

I pay tribute to the management of those two cemeteries and to Mildura Rural City Council. Currently three trustees are councillors. The arrangement is that the council operates these cemeteries, and the current trustees from the council are councillors Nick Cavallo, Judi Harris and Max Thorburn, who have inherited considerable responsibility for those cemeteries and have managed them well. With that solid management we now need to convert and move the trusteeship of those cemeteries, and Mildura Rural City Council is yet to decide how it will make that transition from its trusteeship to another. We will have to watch for that.

To sum up, although The Nationals are not opposing this legislation we have some concerns which mostly revolve, as they always do, around money — that is, the costs of paying the trustees and the 3 per cent levy on gross turnover of major trusts and how that will be managed and come back to those communities. Those issues are cause for considerable concern, particularly when the sums add up to a considerable amount of money. Mildura is concerned about that levy. We understand the need to run these cemeteries in a proper and fitting way. I think that has been done in the past, although it has not been easy. The cemeteries will make that transition, and people are concerned that this government may not hand back to the Mildura community the money that the people in that community feel they deserve. The Nationals are not opposing this legislation.

Debate on motion of Mr BROOKS (Bundoora).

Debate adjourned until later this day.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Debate resumed from 12 August; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr CLARK (Box Hill) — The Energy and Resources Legislation Amendment Bill 2009 is a bill that makes a range of amendments to safety laws regarding mining, quarrying, gas and electricity to improve mining area work plan provisions and to allow directional drilling into petroleum tenements from adjacent land.

The provisions relating to area works plans approval arrangements and directional drilling authorisations appear to be worthwhile measures. Much of the rest of the bill is technical; however, there are a number of concerns about the potential for excessive red tape being created by some aspects of the new mines and quarries safety regulations. Overall the coalition parties will not be opposing the bill, but we hope the concerns that I will raise relating to the risk of excessive red tape and to unfettered powers to impose a new levy on industry will be addressed and responded to by the government and that some other aspects of the bill can be clarified.

I will deal firstly with the amendments made to the Mineral Resources (Sustainable Development) Act 1990. Those amendments will require the holder of a mining licence or extractive industry work authority to notify the chief inspector of what is to be defined as a reportable event, which is an event such as one that presents a risk to the geotechnical stability of a mine or quarry. The bill will enable the chief inspector to request a detailed report from a mine operator on such an event.

The bill will also enable a minister to declare mines or quarries which present a significant risk to public safety, the environment or infrastructure. If the minister does so declare a mine or quarry, that mine or quarry will be required to prepare and implement a stability plan and may be required to undertake geotechnical monitoring. The bill will also provide for a mine stability levy to be imposed on Latrobe Valley region coal mines.

Separately the bill will enable the Secretary of the Department of Primary Industries, as a referral

authority, to delegate functions to an employee. The bill will require extractive industry work authority holders to submit certain operational information to the secretary where requested and allow area works plans for mining or explorations licence-holders to be approved in advance of the approval of specific sites within the area of the works plan.

The coalition parties understand that the provisions allowing approval in advance of the designation of specific areas, for area works plans is designed to accommodate two considerations, the first being that the exact drilling or exploration program within a particular area might not be known at the outset of that program because the successive drillings or other exploration which may occur might be determined in light of what is found from the earlier drillings or explorations, and this is designed to accommodate that.

We also understand that it is designed to accommodate the issues and delays that have arisen in relation to Aboriginal heritage investigations. The intention is that an area works plan can be considered and approved in advance of obtaining Aboriginal heritage evaluation and clearance in relation to specific sites within the area which is intended to be drilled or otherwise explored.

From the feedback we have received from industry, this amendment is expected to be a beneficial step forward. In some senses it may be regarded, at least in part, as a workaround solution to the problem of Aboriginal heritage delays rather than a direct solution. Nonetheless, it is going to be an improvement in reducing or removing delays, and for that reason it has been welcomed by industry.

The major amendments to the mineral resources legislation relate to the issue of safety, and they arise predominantly from the issues that arose with a Latrobe Valley coal mine some time ago where a wall collapse posed significant safety issues. A detailed investigation was held into that collapse. The measures in the bill are the result of that investigation. Clearly it is in everyone's interest to ensure that mines operate safely. Particularly in past years and in other parts of the world there have been and unfortunately continue to be many serious accidents in mines. We are fortunate that in recent years in Victoria we have generally had a very good safety record.

The provisions in the bill attempt to improve the safety situation through two main measures. The first is to specify that in relation to what are defined as reportable events, if one of those events occurs the mine operator must provide a report to the chief inspector of the occurrence of that reportable event. That is an

obligation contained in new section 41AC that is proposed to be inserted into the Mineral Resources (Sustainable Development) Act. 'Reportable event' is defined to mean an event that is prescribed as a reportable event for the purposes of the section.

Like so much of the bill, the operative provisions are to be contained in the regulations rather than in the legislation itself, which makes a full evaluation difficult. One of the key unresolved issues as far as the industry is concerned is what exactly will be prescribed as a reportable event. I look forward to the minister's further explanation of that issue during the course of the debate.

Similarly the power of the minister to declare a mine is very open ended. It is based on the minister's assessment under new section 7C, which says the minister must not make a declaration unless the minister is satisfied there are geotechnical or hydrogeological factors within the mine or quarry that pose a significant risk to public safety, the environment or infrastructure. These are very open-ended terms, and the industry is keen to obtain a further indication from the minister as to the circumstances and range of mines that are likely to give rise to a declaration.

Clearly if the declaration power is exercised in relation to only a limited number of mines where compelling evidence of safety risks exist, that is an entirely different issue from the minister deciding that a large number of mines across Victoria satisfy the criteria and will be declared. The industry, on the basis of the limited information it has been able to obtain from the Department of Primary Industries, believes that is what may happen and that a range of mines across the state will be declared. Obviously we want to ensure that mines are as safe as possible and that regulations and inspections work as effectively as possible to achieve that.

The industry has raised a further concern about the nature of the regulation that will follow if a mine is declared. If a mine is declared, it follows that a lot more information will have to be prepared and provided to the government. New section 41AB as proposed will require the holder of a licence in respect of a declared mine to provide a report containing the prescribed particulars to the department head in accordance with the regulations. There is also a requirement for an application to vary the approved work plan in respect of a declared mine, and that application must contain the prescribed mine stability requirements and processes. On the one hand you may well consider that this will be important to ensure that potentially hazardous mines are safe and that there is proper scrutiny to ensure that.

However, on the other hand the industry argues that the provisions create the risk of moving to what it believes is a highly prescriptive regulatory model as distinct from an outcome-based regulatory model that has come to be regarded as the more effective way of regulating safety in these complex industrial-type processes in recent years.

In a sense it is difficult to evaluate these competing contentions in the abstract. We really need to know what exactly is being proposed in the regulations, how detailed they are going to be, how prescriptive they will be versus how outcomes-based they will be, and to what extent they will be able to contribute to the improvement of mine safety. It is one thing to provide a whole lot of information to government officials; the question is what they will do with it. Are these reports that will have to be prepared and lodged with the chief inspector to be reviewed by experts? Are those reports going to guide the conduct of the chief inspector or are they simply going to gather dust on a shelf?

Regrettably the Bracks and Brumby governments do not have a good record in relation to red tape. They have talked a lot about red tape reduction, but when you look at the statistics you find the opposite is the case. For example, in the nine years since January 2000 the Bracks and Brumby governments enacted over 12 000 pages of new laws but repealed fewer than 6100 pages of old laws. One is entitled to ask whether the new regulations to be generated under these provisions will simply lead to more and more pages of prescriptive requirements and a greater regulatory burden on the mining sector without any appreciable gains in improved mine safety. We very much look forward to the government providing more information on that issue during the course of the debate so that this place and the other place are better able to evaluate this aspect of the legislation.

Linked to these increased regulatory requirements is a new mine stability levy to be imposed on the Latrobe Valley region coal mines. This is yet another Brumby government new tax. We seem to be contemplating these taxes with great frequency these days. The government says this levy is designed to raise around \$1.25 million out of what it says is an extra \$2.5 million in the cost of regulation of the Latrobe Valley coal mines.

The coalition parties certainly do not have any breakdown of how that \$2.5 million cost is arrived at. We understand it is to pay the costs of the technical review board, the costs of some extra research and development at Monash University and the costs of extra staff for the chief inspector. Again, I would

welcome further information on the composition of that \$2.5 million extra cost being provided by the government.

One other notable aspect of the amendments relating to resources is the amendments to the Petroleum Act 1998 to create a special drilling authorisation to enable a petroleum licence, lease or permit-holder to access their area from adjacent land in onshore Victoria by way of directional drilling. As I said at the outset, this seems to be a worthwhile initiative. We understand it is intended primarily to enable better access to offshore petroleum deposits through directional drilling from onshore. However, the legislation is drafted in such a way that it would allow petroleum resources in one part of onshore Victoria to be accessed from another onshore location via directional drilling.

The benefit of this provision is that it will enable less costly, or in some cases more safe or less environmentally threatening, access to deposits than conventional drilling from within the licence or permit area itself, and we certainly hope it will work effectively to achieve that aim.

The mechanism provided, in broad terms, is that a party can be granted a special drilling authorisation over another area which simply authorises it to drill into the primary area for which it already holds a tenement. Most of the other aspects of its entitlement to access the area from which the drilling will be carried out will operate on a similar basis to that of its having an exploration licence or permit or other tenement over the area from which the drilling will be conducted.

There is one particular aspect of that provision on which we would seek clarification from the government and that concerns the question of how proximate to the primary tenement will be the area from which the drilling is conducted. The reason for raising that point is that the second-reading speech talks about the two areas as being adjoining areas. However, the legislation talks about the areas being adjacent, and there is, in fact, a difference between the two words. The *Oxford English Dictionary* defines 'adjacent' as:

Lying near or close (to); adjoining; contiguous, bordering. (Not necessarily touching, though this is by no means precluded).

It is derived from the Latin term 'adjacentem' which, as the dictionary points out, is the present participle of the word 'adjacere', which means to lie near.

Mr Batchelor — Without touching.

Mr CLARK — The minister interjects, ‘Without touching’, and that is the nub of the issue.

For example, is it to be permitted that there can be some other piece of land or indeed body of water lying between the area into which the drilling takes place and the area from which the drilling takes place, or do they need to be contiguous? This could obviously be important. For example, if there is parkland or a township or other obstruction or reason the areas cannot be contiguous, can the drilling take place across that area from an authorised area that is not contiguous? Again, I look forward to the minister confirming formally, on the record, what he has indicated by interjection.

There is another issue that has been raised with the coalition parties in relation to the special drilling authorisations, namely that they only apply to petroleum. The question has been raised with us as to why these special drilling authorisations are not similarly authorised for geosequestration where it might be desirable to access an underground cavity for the depositing of geosequestered gas. Again I will await the minister’s response on that issue.

In relation to energy legislation, the bill amends the Electricity Industry Act 2000 and the Gas Industry Act 2001 to enable retailers to notify customers of changes to standing offers prior to the issue of the next bill to the customer following the change to the standing offer, rather than as the legislation requires at present, which is to give that notice together with the next bill. This seems a useful piece of additional flexibility.

The bill also amends the Gas Safety Act 1997 to require a label regarding standards compliance to be affixed to type A gas appliances, which the coalition parties understand — from the very helpful briefing with which we were provided by the departmental officers — refers to consumer appliances or whitegoods. This is to conform with new national labelling standards that are being introduced.

The bill also amends the Electricity Safety Act 1998 and the Electricity Safety Amendment Act 2007 to redraft and change in various respects the procedures relating to electrical safety obligations that are placed on distribution and transmission businesses and generators and on other entities. Those provisions are contained in clause 4 and following of the bill.

Many of them are definitional changes. For example, there is a new definition of complex electrical installation introduced in the bill. There is also a new definition of what is referred to as energy efficiency

electrical equipment. One industry expert who has provided feedback to the opposition has, with some justification, objected to that description on the basis that the term ‘energy efficiency electrical equipment’ really does not have much meaning. The coalition parties understand from the briefing that this refers to electrical equipment which is required to meet specified standards of energy efficiency.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr PALLAS (Minister for Roads and Ports).

Mr CLARK (Box Hill) — We understand this specification comes from the minimum energy performance standards scheme, which is an interjurisdictional scheme that sets standards of energy efficiency for equipment. The definition is intended to replace what is currently described as ‘proclaimed equipment’, which is not a particularly informative term either. However, the main issue we raise in relation to these provisions is not so much what is in them as what is not in them. There is a range of significant issues relating to safety in both gas and electricity that one may well have expected to see reflected either in this bill or in other measures the government is announcing.

Concerns have been raised with the opposition about the adequacy of inspections of gas mains and pipes and gas installations such as those at schools and about the adequacy of safety enforcement by Energy Safe Victoria (ESV). The 2007–08 annual report of Energy Safe Victoria states on page 34 that:

Detailed management plans for the long-term safety of assets will be an explicit requirement of the Electricity Safety (Management) Regulations and the Gas Safety (Safety Case) Regulations, which are currently in the process of being remade for introduction next year.

The annual report gives quite extensive detail about what is expected to be included in asset management plans to be required under the regulations. However, when one looks at the Gas Safety (Safety Case) Regulations 2008, one sees that none of the requirements referred to in any annual report appear to be included in the regulations. It is hard to see how the regulations provide an adequate legislative basis for ESV to either specify or enforce those requirements. It is also unclear what level of inspection or auditing, if any, of the safety of gas mains, installations of gas companies or of the gas companies own inspection and maintenance programs is being undertaken by ESV or is intended to be undertaken under the new regulations. Ensuring the safety of those gas facilities, which are

located in many places throughout the community, is quite an important issue for the community. One might have expected more on this issue to be included in the legislation.

Similarly, there are many important and unanswered questions about the adequacy of provisions in the Electricity Safety Act 1998 in relation to bushfire mitigation. This was the subject of a review by the Auditor-General in 2003 in a report entitled *Fire Prevention and Preparedness*, in which he recommended that the Office of the Chief Electrical Inspector:

- ... document its wildfire mitigation process;
- ... develop standards for the preparation of bushfire mitigation plans and the bushfire mitigation index;
- ... improve data collection and performance reporting on wildfire mitigation outcomes; and
- ... sponsor national research into best practice ...

Some guidelines were supposed to be produced as a result of that but they appear not to have been produced. They are not published on the ESV website, although many other guidelines are published there. Nor, as far as I can ascertain, has ESV published any standards for the preparation of bushfire mitigation plans or the bushfire mitigation index.

There are claims by ESV about the standard of power companies bushfire mitigation plans. However, because neither guidelines nor standards for the preparation of those plans have been published, the community is effectively being asked to take ESV's work on trust because it is not possible to verify the standards which have been achieved. It is also difficult for the ordinary citizen to find out what is in bushfire mitigation plans because the law introduced in 2000 requires electricity companies' mitigation plans to be made public for inspection only at the company's head office during ordinary business hours. In comparison, for example, in New South Wales, those plans are required to be published on the company's website. There is very little information available on the extent to which or the effectiveness with which ESV audits or enforces compliance by the power companies with the plans as submitted and approved. Indeed, the legislation makes no provision for audit or enforcement of the plans. It is one thing to have a plan; it is another thing to carry out that plan.

Over the summer past we have seen how crucial this issue can be for the safety of Victorians. We would have expected some of these matters relating to safety in the energy industry to be dealt with in legislation

brought to this house. Sadly, these matters have not yet been dealt with. They remain areas crying out for reform and improvement, preferably prior to the next summer season, to make sure that everything possible is done to mitigate any risk of bushfires as a result of electrical installations. There are issues on that subject before the courts, and they are likely to be considered by the royal commission. I do not want to say anything that pre-empt or prejudices what the courts or the commission may find. Regardless of what may have happened in the past, looking to the future these are issues that are crying out for reform and improvement.

Mr HARDMAN (Seymour) — I rise to speak in support of the Energy and Resources Legislation Amendment Bill 2009. It is a pleasure to follow the member for Box Hill and his well-researched contribution to this debate. The bill in part implements the state government's response to the mining warden's report on the Yallourn mine batter failure inquiry by making legislative amendments to the Mineral Resources (Sustainable Development) Act 1990. Members will recall the Yallourn mine batter failure on 14 December. A failure occurred as a result of a large block of coal sliding across the mine floor. It was an environmental disaster for the La Trobe River, which was diverted into the mine.

The bill will also support the government's commitment to ensuring an efficient and secure energy system and reliable delivery of energy services. As well, this bill will deliver on the Brumby government's commitment to improving public safety, the safety of infrastructure and the protection of the environment in relation to mine, quarry and petroleum operations.

The legislative amendments relating to mining will require all mines and quarries to notify the Department of Primary Industries of reportable events and if requested to report on these events. In response to the member for Box Hill's queries about what the regulations are and what will be regarded as a reportable event, the information I have is that these will be events such as explosions, outbreaks of fire, slope failure or failure of slope stability control measures, damage to infrastructure that presents a significant risk to safety, the uncontrolled outburst of gas and the unexpected or abnormal inrush of fluid, surface water or groundwater.

The bill will require also that some mines and quarries adhere to additional risk-management requirements as part of their work plan requirements. The legislation will require that the three Latrobe Valley coalmines pay an industry levy to fund half the implementation costs of the government's response to the mining warden's

report, and they will do this on an annual basis. Those mines include TRUenergy Yallourn mine, the International Power Australia Hazelwood mine and the Loy Yang Power Partner 3 mine.

The bill will also amend the Petroleum Act 1998 to create an authorisation that will enable the holder of a petroleum title under the Petroleum Act 1998 or the Petroleum (Submerged Lands) Act 1982 to undertake exploration and production operations in their petroleum title area from a piece of land in onshore Victoria that is adjacent to their petroleum title area. Again the member for Box Hill went into some explanation there, and obviously sometimes it is environmentally beneficial to drill in that particular way. It is always important that we have regulations that support our environment.

A range of miscellaneous amendments are being made to a number of bills, including the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Electricity Safety Amendment Act 2007, the Gas Industry Act 2001, the Gas Safety Act 1997, the Mineral Resources (Sustainable Development) Act 1990 and the Resources Industry Legislation Amendment Act 2009. Those amendments are mostly of an administrative or technical nature. They are about improving and promoting compliance and flexibility under the energy consumer protection framework, promoting certainty around safety obligations applying to different electricity entities and streamlining regulatory enforcement in the areas of minerals and extractive regulation and energy safety. With no further ado I commend this bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Energy and Resources Legislation Amendment Bill 2009, which The Nationals are not opposing. The purpose of the bill is to improve public safety and protection of the environment through reducing the risks associated with mine collapse as a result of geotechnical information gaps, to reduce costs to Victoria's petroleum industry while reducing the potential for impacts on the environment associated with petroleum operations by allowing directional drilling and to make minor and technical amendments to promote administrative efficiency and further streamline regulatory requirements in the areas of energy safety and earth resources.

The provisions of the bill are fairly extensive, because they cover a wide-ranging area. They are to improve infrastructure safety in mine, quarry and petroleum operations, in particular in relation to mining wardens, and they stem from the Yallourn mine batter failure inquiry report. I will leave discussion of what happened

at Yallourn to my colleague the member for Morwell; that mine is in his electorate, and I am sure he will elaborate on that during his contribution.

The bill also provides for special drilling authorisation to allow for subterranean cross-boundary drilling; compliance and flexibility for energy retailers in customer notification on prices for energy; gas compliance safety through the addition of a label to demonstrate compliance with a safety accreditation scheme in Australia and New Zealand; and clarification of safety obligations on electricity distribution, transmission and generation companies. That last provision is of interest to me, because that does need definition. One of the things that crosses my mind in relation to safety operations is defining what equipment is involved. When we saw through the second-reading speech that this bill was about securing our energy future, I wondered whether it would include power factor correction equipment that may be involved to a greater extent than we see now. Power factor is an energy efficiency issue, and people who have problems with it generally have it at their switchboard or entry into their businesses. Just what equipment does this need? In trying to get at what the minister is really on about with all of this stuff, a few definitions would be useful.

Further, the bill provides for administrative revisions to the Mineral Resources (Sustainable Development) Act 1990 to allow departmental delegation to manage referrals under the Planning and Environment Act 1987 and to streamline area work plans for mining or exploration. So there are some issues. As I said earlier, the Brumby government's involvement in the mine batter prior to the failure is something I will leave to the member for Morwell.

The need to effectively develop country Victorian resources and for country jobs is important, and in this area delays and red tape are a complication. One of the areas I am concerned about is that this bill is mostly dealing with some of the petroleum issues but there are other mining operations in Victoria, and in particular it is that red tape and also some of the other areas where we have concerns.

The bill also looks at the current plethora of energy suppliers and charges. Canvassing needs to be about more than just retailers: standing tariff obligations have to be clarified. Particularly in that highly competitive market, there are a number of other things that I think need to be clarified.

The smart meter rollout is also something that is of concern. Some customers are now starting to worry

about the smart meters. We are having a customer debate about smart meters. Although the Brumby government has made smart meters a priority, there are already some families who feel that they will be disadvantaged by smart meters, and we know that there are some people who will be advantaged. Victorian families need some reassurance about smart meters, particularly those people who live at home, who will be using power consistently through the day and who may well be disadvantaged by these smart meters; they will be the people who can least afford to be disadvantaged because they are on fixed incomes. Smart meters have been recognised as the way of the future but there are some difficulties with that and they need to be addressed.

The Brumby government also has an obligation to ensure that there is sufficient energy in the network for it to be safe and meet the needs of Victorians in the future. That is something that we are becoming increasingly concerned about — our baseload exhaustion as we move forward and similarly with our peak load requirements in power. I know we have arrangements to move power interstate; however, slowly but surely as Victoria grows — and we often hear in this house how proud Victoria is that so many people are choosing to live here — we will have the issue that everyone who comes to Victoria expects to walk in, turn the light on and turn the tap on, and we are expected to provide those services.

That leads me to some discussions which are very much out there at the moment, and there are a number of people writing material about our energy needs. One of them is the managing director of Alcoa of Australia, Alan Cransberg, who writes:

In the past few years, world leaders have acknowledged energy security as pivotal to national security and economic sustainability.

What we have to work out is how we achieve long-term energy security in conjunction with addressing climate change; that will be one of Victoria's greatest tests. This is not just my concern. The Prime Minister also has that concern.

Cransberg writes:

... energy security underpins economic prosperity at every level — for the nation; the state; the region; for industry; for businesses; for the householder. Our own Prime Minister acknowledged this when he linked the roles of government, business and the international community, last year, saying: 'energy security is now recognised as a key factor in geopolitics and a major driver of long-term national security strategies.'

We need to think about a long-term energy plan for Victoria. I am concerned that Australia's and Victoria's energy security needs to be thought about in a 50-to-100-year context. I do not think we are doing that, and I think we need to do that. We must ensure that proper attention is paid to Victoria's needs for future generations. Energy is one of the lifebloods of Australia. We have been extremely distracted in recent times by a water debate, but for Victoria, where manufacturing is a major industry, energy is an absolutely key factor.

To move on to other areas in this legislation I think we need to look at, there are drilling authorisation issues that were raised by the member for Box Hill. I would like to support his concerns about words such as 'adjoining' and 'adjacent', particularly as the second-reading speech talks about adjoining and the legislation talks about adjacent if there is a body of land in between. There is also a surveying term which talks about vermiculation of lots and that allows them to be technically joined or adjoining but separated. It could be via a rail line, rail reserve, road reserve, an irrigation canal or pipeline. That needs to be considered. I also support his concerns about limiting that directional drilling to petroleum. The bit I would particularly like to contribute is in relation to geothermal. We have just issued geothermal licences. Angle drilling might be extremely useful to develop those geothermal resources, so we need to consider that.

The other area that I am concerned about is the minister's comments on how we raise the levies. The mine stability levy is a concern, and the minister can declare increases from time to time. What I need to understand is what sort of mines will be declared. There are mineral sands mines in my electorate and they move away overburden to access those mineral sands to a depth of 40 to 60 metres. Will those mines be declared? Will that be an additional cost and impediment to the development of those valuable job-creating and wealth-creating resources within Victoria?

The Nationals are not opposing this legislation but there are some concerns. It is a time to reflect on our energy future and to make sure that we have a plan going forward to ensure future generations have the energy they need.

Debate adjourned on motion of Mr HOWARD (Ballarat East).

Debate adjourned until later this day.

GAMBLING REGULATION FURTHER AMENDMENT BILL

Second reading

**Debate resumed from 13 August; motion of
Mr ROBINSON (Minister for Gaming).**

**Government amendment circulated by
Ms NEVILLE (Minister for Mental Health)
pursuant to standing orders.**

Mr O'BRIEN (Malvern) — The Gambling Regulation Further Amendment Bill 2009 delivers another 112 pages of amendments to the 1138-page Gambling Regulation Act. I congratulate the minister on 1250 pages in total. This must be a new milestone, particularly for a government that talks loud and long about how it is committed to reducing red tape.

I state at the outset that the opposition does not oppose this bill, but we do have several serious concerns that I will explore in the course of this debate. In noting these concerns at the outset, I would just state that if they develop into something which turns out to be a serious problem with the application of some of the amendments proposed by the government in this bill, we will certainly be calling on the government to review these matters should the government still be in power. If the opposition is in the government's position, we will be reviewing them ourselves. There are some measures here which we are prepared to give the benefit of the doubt, but I would have to say, particularly in relation to the streamlining of application processes, it is very much a lineball position, and we will certainly be keeping a very close watching brief on how these turn out, as we expect the government to do also.

There are many elements in this bill, which facilitates the transition to the new gaming machine regime in 2012: the new wagering licence, the new keno licence and the new monitoring licence proposed in the bill. Given the size of this bill and the limited time available for debate I will necessarily have to be both fairly brief and fairly selective in dealing with it this evening. I also note that the member for South-West Coast, the shadow Minister for Racing, will deal with those elements of the bill relating to the wagering and racing industries.

Part 1 of the bill deals with preliminary matters while part 2 contains gaming machine and gaming machine entitlement-related amendments. I skip to clause 11, which concerns prohibited interests in gaming machine entitlements, which will operate from 2012, and particularly the restrictions on any one entity

controlling more than 35 per cent of hotel electronic gaming machine entitlements and restrictions on any club controlling more than 420 club electronic gaming machine entitlements. These restrictions are very important. They are important to the opposition and they are important to the community. We do not want to see monopolies created in the operation and ownership of these gaming machine entitlements. We think it is important to have diversity and competition in the industry, and that is why we are very supportive of these restrictions. I pay due credit to a member for Western Victoria Region in the other place, Peter Kavanagh, whose initiative it was to insert the 420 club electronic gaming machine entitlement restrictions.

Clause 11 provides that the minister must declare in the *Government Gazette* a day on and after which it would be unlawful to hold a prohibited number of hotel or club gaming machine entitlements. There is nothing in the bill itself that would prohibit the minister from making that declaration nine years after the entitlements, at best, if the minister were so inclined. I sought advice from the minister's advisers on this issue during the briefing on the bill, and I appreciate the minister telephoning me this evening. I hope I am not misquoting him, but I am sure that since he is sitting at the table he will let me know if I am. I understand his intention is to make the declaration provided for in clause 11 within 28 days after the settlement of the gaming machine entitlements on the entitlement holders. I am getting a nod in return, so I think I am thereabouts. That is obviously very important to the effective operation of these ownership restrictions, and we welcome the minister's assurance to the opposition in that regard.

Clauses 13 to 16 deal with applications for approval of premises for the operation of gaming machines. Clause 13 provides that a proposed application for the approval of premises must be given to the relevant responsible authority before it is made. The process that is being set up is that a local council should receive notice that it is intended to apply to the Victorian Commission for Gambling Regulation to have a premises approved as a venue for the conduct of gaming. Under this clause council must within 37 days notify the VCGR whether it intends to make a submission. I pause at that point to note that the government in this provision appears to be using local council as a proxy for the broader public interest.

Some people would be concerned about that. Some councils would be active and vigorous in seeking the community's views on whether or not a new gaming machine venue should be approved in a particular area, and those local councils which are vigorous in seeking

public views and communicating those should be commended. I place on the record the opposition's concerns that there may be local councils that would not be as diligent, and given our understanding that there is no obligation on the VCGR to generally notify the Victorian community when an application is received to approve a premises as a gaming venue, in the absence of a local council taking diligent steps to notify those people who would be most directly affected, the ability of interested parties to make a submission could be compromised simply by the fact that they are unaware such an application is being made to the commission.

This clause will certainly increase the onus on local councils to ensure that when a local council is notified of a proposed application for the approval of a premises as a gaming venue, local councils should notify their communities that they have received this advice and seek out community views at the earliest possible opportunity. The timing of that is also important given that the VCGR must be notified by council within 37 days of whether it intends to make a submission.

Clause 14 also provides that any submission must be made by the local council to the VCGR within 60 days. I raise the question whether the 60 days is enough time. The reason I ask is that in many submissions dealing with applications for approval of gaming venues a lot of technical evidence and expert evidence is sometimes needed, and I wonder whether 60 days is fair to councils. We must remember the applicant may well have been planning this proposal for months or even years before it gets to the point in time where it decides to make application to the VCGR, so the applicant can, as it were, have all its ducks in a row by having all its evidence and submissions ready to be put to the VCGR. The council gets only 37 days to let the VCGR know if it is going to make an application, and then it has a maximum of 60 days, subject to the possibility of a 30-day extension for exceptional circumstances, but in general it will have only 60 days to make a submission.

I question whether this is sufficient time for councils to make submissions of the quality and depth that will be necessary to provide a counterpoint to what are likely to be quite highly developed applications and evidence put forward by applicants. This is one of those issues that the opposition will be keeping a close watching brief on to ensure that councils and local communities are not unfairly disadvantaged by this proposed new process.

Under this bill the VCGR must then determine an application within 60 days or it is deemed to have been refused. It has been argued that this is analogous to planning applications that go to local government. The

effect of a deemed refusal is that the applicant is then free to approach the Victorian Civil and Administrative Tribunal (VCAT) to seek to have the matter heard there.

I should say I have consulted with industry and the community sector on this bill, as the house can imagine, and RSL Victoria has certainly expressed some concerns to me about this. It has received some advice that suggests that the consideration of an application for approval of a gaming venue is not analogous to a planning application before local council and that given the specialised knowledge and evidence that is generally required in relation to VCGR matters, the time line is insufficient. I certainly respect the views of the RSL. It is a fantastic organisation that has acted responsibly in its participation in the gaming industry in Victoria since its involvement in it.

We take those concerns on board and through the Parliament bring them to the attention of the government. I reiterate that we expect the government to also keep a close watching brief on this matter, and if it appears the VCGR is not able to undertake appropriate investigations and assessment of evidence in relation to applications within that 60-day time frame, then the matter should be reviewed.

A point which is also made is that in the 2008 Court of Appeal case dealing with the Shire of Macedon Ranges, where the shire was opposing the move to install poker machines at the Romsey Hotel, the court seemed to make it pretty clear there was a need for local community views to be properly taken into account, and it has been argued that that could be compromised through this new process. One other point the RSL makes is that the Court of Appeal decision relating to the Romsey Hotel set out a procedure whereby in the event of an appeal going forward, there is a requirement for the VCGR to appear at that hearing and seek to defend its judgement. If the proposed clause goes through, that assistance will not be available to VCAT. That is advice that the RSL has received. I would appreciate the government's response on that.

If the VCGR had not made a decision within the 60-day time frame, I would hope it would not be precluded from then making a submission to VCAT. I am aware that in municipal council planning applications, for example, if the council has not made a decision within the statutory time frame, it can then nonetheless consider the matter and say, 'Had we been the decision maker within the time frame, this would have been our decision for these reasons'. That can then be communicated to VCAT so that VCAT has the benefit of the council's views. I would hope that in this case,

the VCGR would not be precluded from putting its views forward to VCAT simply because it might be a day or so outside the statutory time frame. I would appreciate the government's views on that point. It is a very important point that has been raised by the RSL. I think it would like to have that matter dealt with.

Mr Robinson interjected.

Mr O'BRIEN — The minister must remember that I am only 12 pages into the 112-page bill and half my allotted time has already expired, so I will have to move on briskly. There are also similar provisions relating to applications by venue operators to amend their permit conditions to increase the number of electronic gaming machines. Rather than going through those procedures again I simply note that the same compressed time frames and requirements on the VCGR apply in those circumstances. There are some matters pertaining to the new licences — the new monitoring licence, the new wagering licence, the new keno licence and, to an extent, the existing lottery licences — that I would like to draw to the house's attention.

There are a number of provisions which are essentially replicated in relation to monitoring, wagering, lotteries and keno. Perhaps if I just take the monitoring licence as an example, it can speak for the others. In relation to clause 33, the monitoring licence provides that licences can be unilaterally amended by the minister at any time. Now obviously this is a significant power that the bill seeks to provide to the minister. A licence is a very valuable asset. There is, I would expect, a hotly contested process from various entities who wish to be the licensee and who are proposing to pay the state of Victoria a significant sum of money for the right to hold that licence.

The amount that those bidders will be prepared to bid will in part be dependent on what they think the licence will enable them to do. Any uncertainty which is thrown into that process will have the effect of depressing the value of the licence, and taxpayers will get less money than they otherwise could expect to receive. To give the minister the power to unilaterally alter the terms of the licence at any time without compensation is something that most people would regard as extraordinary.

Certainly if it were a contract between private individuals, you would not be likely to enter into a contract which could let one party unilaterally amend the terms of that contract at any time, for any reason, without compensation. In fact, courts would strike it down under the government's own fair trading legislation as being an unfair contract. Yet here we are

with the government inserting a clause in the bill to provide that the government can undertake the sort of unilateral changes to contracts that it would not permit a company to do in relation to an individual.

I think it is important to note that this is an extraordinary power the minister is seeking. It will undoubtedly have a depressing effect on the value of the various licences, because anything which increases business uncertainty and increases uncertainty as to what may happen down the track is bound to have that effect. I think the government really needs to justify why this sort of extraordinary power is required in the bill and assure the Parliament that the negative impact this power will have on the value of the wagering licence, the monitoring licence, and the lotteries and keno licences is worthwhile.

Similarly there are also provisions — again I will speak in relation to the example of the monitoring licensing, which is dealt with in clause 63 of the bill — whereby the minister can force the existing licence-holders to provide any information or documents in their possession or under their control. The proposed power is provided in fairly unconstrained terms. There is no exemption or consideration of commercial-in-confidence matters. This contrasts with the government's own approach, under which commercial in confidence is often used as a convenient excuse for not releasing material sought under FOI.

Confidential information is so broadly defined in the Gambling Regulation Act that almost everything, I think bar the minister's shoe size, is excluded from public disclosure as being confidential information. I am also very familiar with the use of the confidential information provision in the act to avoid the release of documents during the inquiry into the government's dodgy practices with the lottery licences tender. For the government, which has previously been very keen to protect confidential information at any given opportunity, to say it can provide for licensees to provide any information — it does not matter how commercially sensitive or confidential it is — again seems to be a bit of a turn-up for the books.

I also ask the question: does the minister know what documents he wants from the relevant licensees, and has he asked for them? I suspect the minister does not know what documents he wants and has not asked for them. It would usually be the appropriate approach to seek the cooperation of relevant licensees first and, if that cooperation is not forthcoming, to then seek to exercise a statutory power. Given no evidence has been put forward that relevant licensees would not be cooperative, I think the government needs to do a little

more to justify the use of what seems to be the legislative sledgehammer approach that is contained in the bill.

Similarly in relation to the minister having a lot of power in relation to licensees, clause 30 relates to monitoring licensees and provides that the minister can force a licensee to enter into an agreement with the minister or with another person and to specify terms. Again this contains no compensation. It has the effect of transferring risk to the licensee and away from the state. It will diminish the value of the licences that are on offer, and will therefore diminish the terms to taxpayers.

Another aspect of the bill which bears some examination is the proposal to restrict the opportunities for public hearings on amendments to venue operators' licences to increase gaming machine numbers. Clauses 108 to 110 of the bill deal with these matters. At the moment hearings of the Victorian Commission for Gambling Regulation are pretty much all conducted in public unless exceptional circumstances apply. The bill proposes some circumstances where decisions of the VCGR will not be made through public hearings but rather applications to increase the number of gaming machines at particular approved venues will be done on the documents rather than by public hearings.

The first thing I would say is that any time you want to have decision makers making decisions that give a perception of doing it behind closed doors there is a real perception problem. I am not entirely sure the government has made clear why this provision is essential. We understand the need for some approval processes to be streamlined. That is why I said at the outset that we do not oppose the bill, including this measure. But we think anything that potentially reduces the ability of the public to participate in the processes regarding gambling approvals, or even to observe the process regarding the determination of gambling licensing approvals, is something for which a pretty strong case should be put forward.

Clauses 108 and 109 provide that if there is a proposed increase to the licence of a venue that is an increase of 10 per cent or less of the number of gaming machines at that venue then the commission may determine the application without conducting a public hearing. There is a subprovision which says that where there has been such a 10 per cent or less increase in the previous two years the ability to hold a hearing behind closed doors would not apply. I think that is a sensible measure. It stops a venue from increasing 10 per cent by 10 per cent every month or every six months, and in such a way aggregating the ability to have

increased gaming machine entitlements located at a particular premises.

Clause 109 also provides other circumstances in which a public inquiry can be avoided — that is, if the relevant municipal council has not made a submission to the VCGR, or if the municipal council has made a submission but the venue operator that is making the application for the increase in numbers and the council has agreed to the commission not conducting a meeting or an inquiry in public for the purposes of the decision. Again this raises a question that I referred to earlier. The bill is really looking at using local councils as a proxy for the broader community interest.

If you have a local council which is diligent and which makes it its business to advertise these sorts of matters to the local community that would be affected by it, you might think it is not unreasonable to use council as a proxy. But there may be councils which are not particularly diligent or which do not particularly take into account community concerns about gambling and problem gambling. They may not undertake the sort of advertising that is appropriate.

I would say to the government that as a result of these measures if the public is being locked out not only from an opportunity to make submissions but also from an opportunity to observe the process of the commission in its decision making, because these hearings will be held just on the documents behind closed doors with no public inquiry, then that is going to be on the government's head. A pretty strong case needs to be put forward as to why decision-making processes which have been held in public should be put behind closed doors.

Streamlining the process is one thing, but the move away from public hearings is something for which the government has not made an adequate case. I look forward to hearing the contributions from government speakers on why that is going to be such an important measure in streamlining the application process for venues seeking to increase the number of gaming machines they have. That could conceivably involve an increase of 9 gaming machines. A venue which currently has 90 machines could go to 99 machines without a public hearing. Many people would consider an extra 9 machines a significant amount that would be deserving of a full public hearing.

Another matter I would like to raise in the brief time available to me relates to the provisions in clause 51 for the purchase by the state of gaming machine entitlements. The government has made provision for what might happen in circumstances where the regional

caps are lowered, so that existing gaming machine entitlements, or gaming machine entitlements under the new post-2012 regime, might be in place and might then have to be reduced. Alternatively there might be a decision taken by this government or a future government to reduce the total number of gaming machines across the state from the current 27 500 outside the casino. I notice that the government has said that it does not propose to do that, and I can assure the public that the opposition does not propose to do that either, but it is important to have in the legislation measures that would deal with any such move.

The question which is raised by these measures in the bill is: if the government proposes to extinguish these entitlements, what measures are in place to ensure that the previous entitlement holders get fair compensation? The bill seems to be quiet on how that compensation would be determined, whether there would be any rights of appeal, whether it would be independently determined and in fact whether some people might miss out entirely. That would appear to be an issue.

Clauses 59 and 60 of the bill remove provisions for unrestricted gaming machines — that is, machines that are not subject to spin rate restrictions and auto play facility bans. The opposition supports that measure. We still do not understand why the government has not decided to apply that same measure to the casino. Again, there is a growing perception that the government is prepared to have one rule for all gaming operators and another rule for the casino. With those final comments I reiterate the opposition will not oppose this bill.

Debate adjourned on motion of Mr HUDSON (Bentleigh).

Debate adjourned until later this day.

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

ADJOURNMENT

The ACTING SPEAKER (Mr Seitz) — Order!
The question is:

That the house do now adjourn.

Colanda Residential Services: funding

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Community Services and concerns the future of Colanda Residential Services in Colac. I call on the minister to commit to the retention

in Colac of disability services currently delivered by Colanda, the construction of two new group homes and the delivery of adequate disability support services which will ensure the continuation of the longstanding provision of these services in Colac.

Colanda Residential Services was established and commenced in 1976 with 192 beds spread across 8 residential units. The centre now comprises 7 units and delivers services to 129 adults. The families of residents have endured many difficult times over the ensuing 30-odd years in relation to the uncertainty of whether the centre would close and the attendant consequences for their family members. In that time a number of events have occurred which have given rise to their fears, and decisions have been taken without appropriate consultation. For example, in 2004 I raised the issue of the closure of the hydrotherapy pool at Colanda with the then Minister for Community Services. The community and many groups who use the pool were unaware that the minister had made this decision until I raised the matter in Parliament. To date no replacement facility has been provided.

In 2007 families were again put under stress by the government's announcement that Colanda's future was to be put under the spotlight by a study into the centre's future needs. After a lengthy consultation process with all key stakeholders, a final report was released in July 2008. The stated outcome of this report is that 120 of the current residents will remain at the centre and 10 residents will be moved into two new group homes to be built in Colac and Geelong. It appears that this outcome is satisfactory to the families of the current residents.

However, it is important to bear in mind that all change brings some challenges. The Colac community has been living harmoniously with Colanda residents since 1976. Colanda has become an integral part of the Colac community and a significant employer of local people. The challenge for this government is to ensure that this relationship remains, that an appropriate level of delivery of disability support services is maintained, that the construction of the group homes is undertaken in a timely manner and that the Colanda residents are not disadvantaged by the recommended improvements and/or demolition of buildings on the current Colanda site.

It is also vital that staff at Colanda are consulted about the proposed changes and supported with appropriate training resources. Families and staff alike deserve certainty about the future of disability services in Colac. I call on the minister to commit to a process which will deliver that certainty.

Berwick Springs Sports Club: pavilion

Ms GRALEY (Narre Warren South) — The matter I raise is for the attention of the Minister for Sport, Recreation and Youth Affairs and it concerns the Berwick Springs Sports Club pavilion. The action I seek is for the minister to provide advice to the Berwick Springs Sports Club community on how it can progress its application for an extension of its facilities.

As I have visited the many sporting clubs in my electorate and have witnessed families and individuals enjoying and participating in outdoor activities, I have noticed that many of these clubs are continuing to grow and some are growing very quickly. The Berwick Springs Sports Club is experiencing growth in football, cricket and netball, which are all popular with local families. In last year's cricket season there were 83 boys and 1 girl playing in cricket teams. There were also 75 children, both boys and girls, doing the Milo In2 Cricket program. The club expects to have as many as 120 children in teams and up to 100 children in the Milo In2 Cricket program this coming season.

In the football season there were five teams all playing on one ground, with a further 125 children in the Auskick program. There are around 110 children in 5 teams, and there are 7 netball teams that have around 60 children.

This has all been created within the last two years from there being no club, no pavilion, no teams and no children. These are fantastic numbers given where this club has come from in just two years. I give my heartiest thanks to the sports club president, Matthew Osborne; vice-president, Paul Bulka; Jan Mann and John Perry for the endless volunteer hours they have put in to get this club up and going successfully. Some of these people do not even have kids playing at the club, but they are committed to the Berwick Springs community and they recognise the invaluable role a sporting club can play in creating safe, healthy and happy new communities.

The sports club had a new pavilion built, but these facilities have already been outgrown. I attended the football jumper presentation night, and I can tell members it was a tight fit in the pavilion, with many parents and children left outside. Residents and sports club members have told me they feel not enough consideration was given to growth in the local area when the pavilion was being designed. They believe the new pavilion should have been built on a larger scale in the first place. This was not done, and it is now necessary for the club to seek additional facilities and space.

My electorate is a fast-growing, family-oriented area, and investment in sporting facilities is of significant importance to residents. As a government we encourage families to be active and involved in sport. I ask the minister to provide the local community with advice on how the Berwick Springs Sports Club can apply to upgrade its facilities in the near future.

Sea Lake and District Health Service: future

Mr WALSH (Swan Hill) — The adjournment issue I raise tonight is for the Minister for Health. It concerns the Sea Lake and District Health Service. The action I seek from the minister is that he meet with the Sea Lake health service and help it to resolve its future operation. The Sea Lake township has a population of about 700, and the health service's catchment surrounding Sea Lake has about 2000 people in it. Sea Lake is 75 kilometres from the nearest health service at Swan Hill and 180 kilometres from the regional referral hospital at Bendigo. It has an ageing population and the dubious distinction of rating in the top third for social disadvantage in Victoria.

The Sea Lake and District Health Service has been working since October 2006 to meet federal and state government policies and initiatives, while at the same time trying to deliver a health service and meet health-care needs for an ageing population. Over that time there have been several reports. These have included the Axten report, the Kelly report and the Baade Harbour report. During that time there have also been continual meetings between both departments and the health service. One of the thrusts that resulted from those reports was that Sea Lake should become a multipurpose health service, and that proposal was embraced at the time.

In 2007 I took the chair and the chief executive officer of the health service to meet with the Victorian health minister at a community cabinet meeting in Birchip to try to resolve its future. One of the options was a merger with Mallee Track Health and Community Service, which covers the area around Ouyen to the north of Sea Lake, to form a multipurpose health service. That offer was taken on board quite enthusiastically by the boards of Sea Lake and Mallee Track but late last year they were informed by the department that that was no longer an option. At that time the Sea Lake health service requested a further meeting with the minister. At this stage that meeting has not taken place.

Currently Sea Lake has a doctor but it needs a viable health service to make sure it keeps its doctor. If that doctor should ever leave, the community will definitely

need a viable health service to make sure it is able to recruit a doctor to replace him.

The Sea Lake and District Health Service continues to provide an excellent level of high-care service to its community on its minimalist budget. However, the board realises that that is unsustainable. It is frustrated at receiving the run-around from both departments in trying to resolve its future structure. The action I seek from the minister is that he urgently grant Sea Lake and District Health Service a meeting so that its representatives can sit down with him and try to resolve the future structure of the service and how it can continue to deliver a health service for that community.

Libraries: Williamstown

Mr NOONAN (Williamstown) — I wish to raise a matter for the Minister for Local Government. The action I seek from the minister is that he consider an application submitted by the Hobsons Bay City Council for Living Libraries funding to assist with the construction of a redeveloped library in Ferguson Street, Williamstown.

This major project, which is due to begin around the middle of next year and to open in December 2011, will provide the residents of Hobsons Bay with a much-needed modernised facility with a focus on local history, the arts and cultural activities. The new library will replace a much smaller building that has long passed its use-by date and can no longer provide the level of service that is required by the community. This new building will allow space for an enlarged catalogue, specialised collections for indigenous and maritime interests, greater access to technology and increased space to deliver activities and programs. It will share a common foyer with the neighbouring historic Williamstown town hall and include a cafe and other integrated areas, which will see the whole precinct become a vibrant community hub where people gather not only to carry out research and study but also to enjoy arts, culture and other events.

It is anticipated that the new library, which will service a population base of around 25 000 people, will each year on average receive up to 290 000 individual visits, lend up to 400 000 items and provide 20 000 hours of internet access.

The state government's Living Libraries program has already played an enormous role in energising libraries right across the state and turning them into community hubs with the support of local government. Since 2001, 106 public libraries have benefited from the Brumby

government's Living Libraries program, which has invested \$31.5 million in projects statewide.

The Hobsons Bay municipality has already been a worthy recipient of past funding. In fact, the Altona North library recently received a \$500 000 Living Libraries funding grant and a further \$250 000 from the Community Support Fund. I am pleased to say the minister recently visited the site to turn the first sod, so he is familiar with the benefits this project will bring to the Altona North, Newport and Brooklyn areas.

The new facility in Altona North has a strong emphasis on providing information services and learning opportunities, particularly to the area's large and diverse migrant population, many of whose members face a range of challenges. The Altona North library should provide the minister with every confidence that the proposed library to be redeveloped in Williamstown will be a state-of-the-art facility which will deliver the community long-lasting benefits.

In raising this adjournment matter, I want to pay tribute to the passion of local councillor Angela Altair, who has been the driving force behind this particular proposal. Angela has also served for many years as the president of the Williamstown Literary Festival which has showcased the work of many Victorian authors and writers. Clearly this particular project comes with my full support.

Schools: funding

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the Minister for Education. The action I seek is for the minister to intervene in the Building the Education Revolution (BER) funding application process and allow the regional project managers to use more flexibility in the design and use of the templates for new buildings. I have two primary schools in my electorate which are having great difficulty in practically and cost-effectively locating the template models on their school grounds because the project managers do not have the flexibility to alter the size of the building templates or make additions to their structure that would be cost-effective and of great benefit to the school community.

Warragul North Primary School committee president, Michael Mills, has raised this matter with me on behalf of his school community. The template that has been developed will not fit into the logical and most appropriate location on the school grounds. The project managers are suggesting a range of options. One is to demolish part of the gymnasium, which is quite modern and if reduced in size would not be able to cope with

the activities that are currently conducted in the facility. The second is to locate the new classroom block on the oval, which will reduce the recreation area for the students, or on the current basketball court, which would have to be relocated at considerable expense to the school. A simple solution is to reduce the size of one wing of the template during construction. It will then fit in the most favourable location with no loss to other school amenities. The project managers are saying they do not have the flexibility to do this.

Similarly, Willow Grove Primary School committee president, Karyn Thomas, has a problem because the project managers do not have the flexibility to link the new school building with the old school via a 3-metre covered walkway, which will improve safety, access and linkages between classrooms. Willow Grove Primary School is a small school of 73 students. It is imperative that they get the best outcome possible from this funding opportunity.

The inflexibility of the current process will lead to a less than best value for dollar project delivery. Both these primary schools have a committed group of teachers who are well supported by their parent committees. Both have raised considerable money and provided many hours of in-kind labour to put in place school facilities at no cost to the education department. Willow Grove has developed its library and art room through the hard work of its school committee. It is a terrific effort for a school of its size. Warragul North had its basketball court resurfaced and upgraded through its own fundraising and donated labour. These are just two examples of the determination of these school committees to give their students the best facilities possible.

I call on the minister to match their enthusiasm and endeavour with a common-sense and cost-effective approach to the design and implementation of the BER building templates, by allowing more flexibility in the process.

Bushfires: children's support services

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Children and Early Childhood Development. The action I seek is that the minister ensure that permanent facilities are provided in a timely manner for children's services in Kinglake, Flowerdale and Marysville, where the kindergartens and children's services centres were destroyed by the Black Saturday bushfires.

The Department of Education and Early Childhood Development has worked with communities to

establish temporary facilities for these kindergartens as well as a child-care centre in Kinglake West to cater for the children and families impacted by the bushfires. After the fires the communities were very clear about the need for these children's services to be up and running as soon as possible. This focus was a great credit to the committees of management, the parents and the teachers who worked tirelessly with the Victorian Bushfire Reconstruction and Recovery Authority and the Department of Education and Early Childhood Development to make things happen.

The current temporary facilities are not ideal, although I must say they are as good as if not better than the facilities of some of the rural schools I taught at during my time as a teacher. On behalf of my constituents I thank everybody who has helped to make things happen, including those at the Flowerdale Primary School and the Kinglake Ranges schools, as well as the Acheron community, which is allowing the Marysville kindergarten to use its hall.

Many charitable and corporate organisations and individuals have also assisted the children's services to get going as well, both in the temporary facilities and in the future permanent facilities. Today I met with Graham Hawkins. He and his brother have started an organisation called Kinglake Kids, which has raised about \$180 000 to build an even better kindergarten than money from insurance and normal government resources would have been able to build. That is only one organisation and represents only some of the many individuals who have helped children's services to be re-established.

The important role that children's services play in binding a community cannot be underestimated. Parents and caring community members have made this very clear following the fires and they have made it a very high priority. All three communities are looking to build co-located facilities to ensure the best outcomes are available for all children in the future. Co-location makes rebuilding a bit more complex, but it is important that the new permanent facilities are built in a timely manner so that people can return to routine as quickly as possible.

Ambulance services: mobile intensive care units

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Health. The action I seek is that the minister and the government provide a clear career path and financial recognition of the additional training skills and qualifications and responsibilities attained by MICA (mobile intensive care ambulance) paramedics as part of their enterprise

bargaining agreement negotiations. Paramedics are essential for our community in providing emergency response, and MICA paramedics provide that additional level of response for critical patients. My area is very well serviced by Air Ambulance Victoria and the MICA paramedics based in the Latrobe Valley. These services provide essential coverage for patients with head injuries, heart attacks and cardiac problems or serious car accidents as well as providing paediatric care.

MICA paramedics need additional skills and training, including 10 years service as a paramedic and at least 12 months of additional training just to go through the selection process. Whilst many paramedics do this work because they love it, there needs to be a clear recognition of increases in skill levels and responsibilities that those paramedics need to obtain those qualifications. Clearly current pay scales do not provide the incentive for paramedics to go through the additional training so they can provide the service that our community demands and wants.

I think any member of this place would be very concerned about the level of resignations of MICA paramedics across the state. Compared to pay scales of interstate paramedics or similarly qualified professionals in our region, the base-level rates will severely disadvantage paramedics and discourage them from taking these increased responsibilities.

I call on the government to provide a clear pay and career path for MICA paramedics which will recognise the additional skills to ensure that our communities, particularly those people in isolated rural communities, get the best quality paramedic care and emergency response that they all require. For many people this is the only emergency response that they will get. Paramedics do a great job. It is essential that their skills and training are recognised so that we do not continue to experience the drain of paramedics to interstate services which provide a greater recognition of paramedics skills.

Trams: Vermont South line

Ms MARSHALL (Forest Hill) — I raise a matter for the attention of the Minister for Public Transport. The action I seek is that the minister increase the number of services provided on the no. 75 tram route to accommodate the growing number of patrons using the service, particularly during the peak and shoulder peak times. Even the smallest increase in services will make it easier for the people of Forest Hill and other people along the no. 75 tram route to access and return home from the city.

In particular residents of Vermont South have been vocal in requesting extra tram services to deal with the growing number of passengers at peak times, especially in the evenings after work. I have heard firsthand from my constituents of the cramped conditions when they attempt to ride on trams from the city after work. One constituent in particular remarked that she had started wearing a name tag as she felt it rude to be pressed against somebody for such a long period of time without them even knowing her name. Seniors have informed me that they battle in the hotter months as the temperatures rise on the trams. Even with air conditioning, temperatures soar due to the congestion.

Extra services are needed to deal with the current overcrowding — many of the constituents that I have spoken to have experienced overcrowding on this particular tram route — and to entice more Forest Hill residents to utilise Victoria's world-class public transport system. Additional services mean that commuters are given more choice of when they can travel by tram. Over the last few years the tram route has seen an unprecedented increase in the number of passenger trips, and this is not an isolated trend. Patronage figures for Victoria's tram network for the 2008–09 year revealed an increase of 12.5 per cent on the previous year, with more than 178 million people boarding.

A safer, more affordable and dependable public transport service, an increasing population and a stronger commitment from people to lead more sustainable lives and act to reduce car usage have been highlighted as the main reasons for this recent surge in patronage. In the face of this, it is reassuring to see that the Brumby government is taking action to ensure that Victoria's metropolitan public transport system provides for the people of Forest Hill and all Victorians. Investment is being made across all modes of public transport — tram, bus and train — to create a safer, fairer and more sustainable system. As part of this commitment, Forest Hill particularly has seen an increased and extended bus service, with all services now operating till 9.00 p.m. Nunawading train station will also be upgraded as part of the Springvale Road grade separation project, which forms part of the Brumby government's \$38 billion Victorian transport plan.

What is needed now for the people of Forest Hill are additional tram services providing a more flexible, integrated and higher quality public transport service. This will deliver for the community a number of benefits, including making it easier to reach shops and services, reduced traffic congestion, reduced greenhouse gas emissions and — —

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

Rail: Wodonga bypass

Mr TILLEY (Benambra) — I wish to raise for the attention of the Minister for Public Transport the matter of the Wodonga rail relocation project. The action I seek from the minister is for her to meet with the local community in the Benambra electorate in regard to specific community concerns that were left unanswered after her stage-managed performance in Wodonga last week.

For 10 years the Labor government has been promising the residents of Benambra the completion of the Wodonga rail relocation project. The project has been a quintessential example of this Labor government's inability to deliver on major project promises. For a decade there have been press releases, press conferences, photo opportunities, sod turnings, ribbon-cutting ceremonies and memorandum-of-understanding signings, yet despite this being a project first funded by the former coalition government, in 10 years this Labor government has failed to get the job done.

The local community, both businesses and residents, wants answers. What the community wants to know is: firstly, when will construction of the bypass be completed and the bypass opened for rail travel; secondly, when will the first passenger service between Wodonga and Melbourne depart; thirdly, how many services will run daily and what will the timetable arrangements be; fourthly, what rolling stock will be provided for those services and will the government ensure that the rolling stock will have facilities and equipment that is guaranteed to work, such as functioning toilets, adequate air conditioning and appropriate types of bogies under the carriages to enable the service to reach speeds of 130 kilometres per hour; and fifthly, will the government honour its 2001 commitment to the local businesses regarding the future of the rail spur?

In Wodonga there has been a lot of construction activity on the site, yet the community is still in the dark as to when the first train will roll down the track, how many services there will be and what trains will be in service. This situation is not good enough. Throughout the course of the Wodonga rail relocation project locals who have wanted to travel to Melbourne on public transport have been forced onto coaches which depart from Wodonga and then connect with a V/Line service in Seymour some 3 hours down the road for another hour-long journey.

Enough is enough. It is time for the minister to come clean. I again call upon the Minister for Public Transport to do her job, stop the politics and fully inform Benambra residents as to precisely what is happening with the Wodonga rail relocation project.

Frankston Mechanics Institute: hall restoration

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the Minister for Community Development. It is pleasing that the minister is in the chamber to hear my adjournment matter. I call on the minister to support a Victorian community support grant application that has been made by the Frankston City Council for the Frankston Mechanics Institute hall restoration.

For years I have publicly supported the development of this historical and significant building into a community facility for the people of Frankston and Frankston South. I know the member for Narre Warren South is well aware of this particular building and the proposals for it. Along the way I have had to fight people who have wanted to turn it into a hotel and use it for their own financial gain.

In 2005 it was identified that there was a lack of community meeting space in the area. The Frankston Arts Centre — I know a lot of members are familiar with it — which only last week received additional funding is a wonderful complex but it is too large for the needs of many community groups in the Frankston area. Plans have been developed to turn the Frankston Mechanics Institute hall into a facility that will provide meeting spaces, a community kitchen and a performance space. The building has historical significance for the people of Frankston. The land was given to the community by the landowners in 1873 and the building was finished in 1880. The money to build it was raised by holding 'penny lectures', with people coming from far and wide and contributing a penny to hear guest speakers. Since that time it has been used for a wide array of community activities. The community used to gather in this hall when troops returned from overseas battlefields.

The restoration is reliant on significant federal and state funds. An application for \$300 000 has been made through the Victorian community support grant program. I am also aware another significant amount of money has been requested from the commonwealth government. I am proud to support the grant applications and I call on the minister to help restore this facility so that Frankston can continue to be a great place to live, work, invest and raise a family.

Responses

Mr BATCHELOR (Minister for Community Development) — The member for Frankston is once again showing his strong support for community development initiatives in the Frankston area. A number of initiatives that he has supported have led to significant benefits for his community. I remember attending the Frankston youth strategies symposium with the member late last year when we launched a very impressive youth strategy for the area. The Brumby government has also committed just over \$1 million in grants and other funding through the Frankston Partnership to deliver real solutions to the issue being faced by some members of the Frankston community. Just last week I visited Frankston and was given an update on the wonderful work that is being done by the Frankston Partnership, led by the Brotherhood of St Laurence.

I understand the restoration of the hall that the member for Frankston spoke about is a very important project for the people of Frankston and Frankston South. Everyone who has lived in the Frankston area for a significant time has a story to tell about the hall. The locals in the Frankston area have fond memories of the time they have spent in the hall and around it. It has been used as a meeting place for local community groups, for council meetings, as a courthouse, as a kindergarten, for public dances, as the member for Frankston mentioned, and it was Frankston's first public library. It has had a very long and proud journey serving the community of Frankston.

I also understand that the project that is being organised is expensive and is expected to cost in the vicinity of \$3 million. In that context, I join with the member for Frankston in calling on the federal government to support its part of the project. I also congratulate the member for Frankston on leading the charge to have this facility protected so it is not taken away from the community and put into non-community hands. This hall could very easily have been turned into a hotel or some other — —

Mr McIntosh interjected.

Mr BATCHELOR — That is right. I understand that it could have been turned into a hotel or adapted for some other private use, which would not have met the needs of the local community, certainly not the needs of the local member.

This community development has been talked about for some time, and it is a project that will be very significant for the local area. I am advised that the

project proposal will be directed by community engagement and this will inform the potential uses that this hall can be put to and will meet the best needs of the local arrangements, and will help inform the best management process that would deliver the best outcome for this project.

Already a number of letters of support for this project have come in. Some people want to use the facility as a tenant, others want to use it for entertainment performances or perhaps as a meeting place. The Victorian community support program is the appropriate place. We are aware of the member's advocacy and of the application that he is supporting and all these matters will be taken into account when this application is given the appropriate consideration.

Mr ROBINSON (Minister for Gaming) — The member for Polwarth raised for the attention of the Minister for Community Services a concern about the retention of disability support services in Colac. I will pass that matter on.

The member for Narre Warren South raise an issue for the attention of the Minister for Sport, Recreation and Youth Affairs about the Berwick Springs Sports Club organisation and requests for further funding for facilities. I will pass that matter on.

The member for Swan Hill raised for the attention of the Minister for Health the situation of the Sea Lake and District Health Service and its future operation. I will pass that matter on.

The member for Williamstown raised for the attention of the Minister for Local Government a City of Hobsons Bay Council Living Libraries program funding request. I will pass that matter on.

The member for Narracan raised for the attention of the Minister for Education concerns about templates from local schools with respect to the Building the Education Revolution program. I will pass that matter on.

The member for Seymour raised for the attention of the Minister for Children and Early Childhood Development concerns about permanent facilities for children's services in Kinglake, Flowerdale and Marysville. I will pass that matter on.

The member for Gippsland East raised for the attention of the Minister for Health an issue about career paths and recognition for mobile intensive care ambulance paramedics. I will pass that matter on. I am sure the minister would be happy to talk to the member for Gippsland East about all of that.

The member for Forest Hill raised for the attention of the Minister for Public Transport a request for further service improvements to the no. 75 tram route in her electorate which is going gangbusters and that is great. I will pass that matter on.

The member for Benambra raised for the attention of the Minister for Public Transport concerns about the Wodonga relocation project and requested a meeting with local community representatives. I will pass that matter on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 11.28 p.m.

