

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 24 November 2009

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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

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Tuesday, 24 November 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.06 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Before calling questions, I welcome to the gallery Madam Yang and her delegation from the Wuxi Municipal People's Congress from Jiangsu Province in China.

ABSENCE OF MINISTER

The SPEAKER — I advise the house that the Minister for Local Government, who is also the Minister for Housing, will be absent from question time today. The Minister for Community Development will answer questions relating to local government and Aboriginal affairs, and the Minister for Health will answer questions relating to housing on behalf of the minister.

QUESTIONS WITHOUT NOTICE

Anticorruption commission: establishment

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's statement in this place on 30 October 2007:

We will not be establishing an independent commission against corruption.

Further, I refer to his statement of 31 July 2008 on questions of accountability and integrity:

... the mechanisms we have already got in place in this state go well beyond the mechanisms in other states.

And on 25 June 2009 he said:

As I have said, the combination of the institutional arrangements we have in place — the Ombudsman, the OPI, the Auditor-General ... give us the best combination of powers, bodies, institutions and practices to ensure that we root out ... corruption that exists —

Honourable members interjecting.

The SPEAKER — Order! Government members will not interject in that manner. The member for Kilsyth is not adding in a positive sense.

Mr BAILLIEU — I ask: given the previous announcement that all of these arrangements will now be reviewed, is this just a political stunt, or is the

Premier in fact, secretly and finally committed to adopting an independent, broadbased anticorruption commission?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question and for what was a fairly broad and lengthy preamble. If my memory is correct, the opposition has had seven different positions on this issue since the last election. That is seven different positions. So this is the flopposition — there is no doubt about that. It is more stunning policy renewal from the flopposition.

What the Leader of the Opposition neglected to mention in his question and preamble was this statement:

Matters involving allegations of serious criminal misconduct and corruption by public officers and local government will remain the responsibility of the state Ombudsman working with Victoria Police.

Have a guess who said that?

Honourable members interjecting.

The SPEAKER — Order! Let me make it clear to government members that that level of interjection is not acceptable.

Mr Baillieu — On a point of order, Speaker, it is clear the Premier is debating the question. The question was simple: is this a political stunt or has he abandoned his position?

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

Mr BRUMBY — I have often said in this place and elsewhere, I believe that we — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Kew not to interject in that manner. Once again I ask government members not to interject in the manner they seem to have perfected already.

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BRUMBY — As is public knowledge, I have asked the State Services Authority to report to me by 31 May next year — by no later than the end of May next year. I am happy to table this document, but it will take 2 minutes to read it. It is to the public sector services commissioner. Peter Allen and Elizabeth

Proust will be undertaking this inquiry, and what I have said in the letter commissioning them to do this review is:

Victoria has a network of oversight bodies that review the quality and integrity of public administration, including the Ombudsman, the Auditor-General, Victoria Police, the Office of Police Integrity and the Local Government Investigations and Compliance Inspectorate.

As part of its commitment to open, honest and accountable government, my government has from time to time reviewed, refined and introduced numerous enhancements to the powers and functions of Victoria's integrity and anticorruption systems, including:

entrenching and strengthening the role of independent office-holders such as the Ombudsman, Auditor-General and Director of Public Prosecutions;

establishing a regime to protect whistleblowers who make disclosures about public officials engaging in improper conduct ...

creating a comprehensive framework to ensure good governance and ethical behaviour across the Victorian public sector ...

reforming Victoria's Legislative Council to make it more representative;

creating the Office of Police Integrity to expose police corruption and to create a corruption-resistant Victoria Police;

establishing the Local Government Investigations and Compliance Inspectorate which focuses on compliance with the Local Government Act 1989 by investigating alleged breaches of that act, implementing a rolling audit program and conducting spot audits of councils' compliance;

amending the Local Government Act 1989 to enact councillor conduct principles; introduce comprehensive rules for avoiding conflicts of duties and provide guidance on the dealings between elected officials and staff; and

introducing the Charter of Human Rights and Responsibilities Act 2006 to ensure human rights are valued and protected within government and the community.

That is the preamble. The letter goes on:

While the government has a high level of confidence in the ethical standards of public officials and the performance of the integrity and anticorruption systems, it is important that we continue to review the performance and effectiveness of the system and make improvements if necessary.

Accordingly, I request that you conduct a review of the effectiveness of Victoria's integrity and anticorruption system, in your capacity as public sector standards commissioner. The terms of reference for this review are:

The public sector standards commissioner is asked to consider whether any reforms are needed to enhance the

efficiency and effectiveness of Victoria's integrity and anticorruption system, including the powers, functions, coordination and capacity of the Ombudsman, Auditor-General, Office of Police Integrity, Victoria Police and the local government investigations and compliance inspectorate.

Finally:

I request that your report is finalised by 31 May 2010. The Secretary, Department of Premier and Cabinet, will discuss resource requirements ...

That is a detailed — —

Mr McIntosh — On a point of order, Speaker, the Premier was clearly quoting from a document. I was wondering whether he could make the press release or the document available to the house, in the usual way?

The SPEAKER — Order! The Premier is being asked to make the document available. He is happy to do so. The Premier should conclude his answer.

Mr BRUMBY — It is an important issue, and I wanted to ensure that the terms of reference were on the record. As I have said before, I have a very high degree of confidence in the individuals and the institutions that we have in place in our state, but it is always appropriate as part of good public administration to review the efficiency and the effectiveness of the institutions that operate in Victoria.

I have made it very clear to the commissioners that their terms of reference are open. They will make those recommendations to government, as I said, by 31 May next year. I have an open mind on what they recommend. We will look at each recommendation on merit, which I might say is a very different view from that of the Leader of the Opposition, who has seven different positions in relation to this matter — flip-flop, flip-flop — including the one he took to the last election.

Women: violence

Ms THOMSON (Footscray) — My question is to the Premier. Can the Premier outline to the house details on *A Right to Respect — Victoria's State Plan to Prevent Violence Against Women 2010–2020*?

Mr BRUMBY (Premier) — I thank the member for Footscray for her question. In the parliamentary gardens earlier today — in fact just before question time — I was pleased to join many members of the house, the Deputy Premier, the Minister for Women's Affairs, the Deputy Leader of the Opposition and members of Parliament from all political parties to

release *A Right to Respect — Victoria's State Plan to Prevent Violence Against Women 2010–2020*.

I was proud to launch that strategy document, and I am proud to be part of a commitment by my government to reduce violence against women in society. I believe this is a breakthrough strategy and will strive to address what has been described as the other side of the problem, which is to create cultural and attitudinal change to stop violence from occurring in the first place. We have put significant additional funding, as well as additional police resources and stronger powers, into addressing domestic violence in particular, but we need to do more now in the area of prevention.

I have often said in this house that respect is one of the values which makes Victoria a tolerant, diverse and inclusive society. The plan we released today recognises that changing underlying causes requires building respectful relationships. Our goal is to create communities, organisations and relationships that are non-violent, equitable and respectful, and I believe this strategy does that.

The plan sets out practical ways to deliver the prevention message in settings where it will have most impact. It will do that in workplaces; it will do it in the media; it will do it through arts and popular culture; it will do it in education and training facilities; and it will do it in sporting clubs and peak sporting bodies. I was pleased that a number of those peak sporting bodies were represented today. We will do it too through local government services, health services and community services.

I think it is fair to say that these measures build on what has been a significant investment in developing effective, integrated police service and justice responses to family violence and sexual assault. As I have indicated, since 2005 something like \$140 million has been invested in family violence and sexual assault reform. At today's launch we were joined by a number of champions, and I want to thank them for their leadership. They are taking an active role within their workplaces, their schools, their sporting organisations and their communities to promote respectful relationships between men and women, and I congratulate them on doing that.

Finally, in further highlighting awareness and preventing violence against women I am proud to be a White Ribbon Day ambassador, along with many members of this chamber. I would like to remind everyone that tomorrow is White Ribbon Day, and I strongly urge all Victorians to support this excellent cause. As a community we have a shared responsibility.

It is not a matter for any single organisation or any single individual; it is a shared responsibility to recognise, to challenge and to prevent violence and disrespectful behaviour or attitudes towards women.

I said at the launch today that we want our state to be the best state in Australia, but we cannot be the best state in Australia if we are not also the fairest state. I believe Victoria is a national leader in its response to violence against women and in bringing perpetrators to account for their behaviour. Through the action plan that we released today — through Victoria's plan to prevent violence against women — we are now taking the lead on prevention. It is a good 10-year plan. It has short, medium and long-term initiatives, and I commend it to the house.

Anticorruption commission: establishment

Mr McINTOSH (Kew) — My question is to the Premier. Will the Premier, as part of his review into the effectiveness of Victoria's integrity and anticorruption system, have the special commissioner determine why no adequate inquiry has been conducted into:

1. allegations the Minister for Roads and Ports compromised secret wire taps to former Deputy Commissioner Noel Ashby;
2. the conduct of the Minister for Health and the cover-up in the hospital waiting lists;
3. the contents of secret Office of Police Integrity (OPI) recordings capturing government members and their staff;
4. the Minister for Police and Emergency Services and the Attorney-General's handling of OPI phone tap warrants;
5. the secret police deal involving the then chief of staff to the Premier, Mr Pallas, and the then minister for police;
6. the involvement of ministers of the government in the Brimbank affair;
7. the conduct of Evan Thornley and the Better Place affair — —

Mr Batchelor — On a point of order, Speaker, I raise with you the requirement for questions to be both factual and succinct. I put it to you that the question and the false impressions the member for Kew has tried to create fail to meet this test in both instances.

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

Mr McINTOSH — I continue:

8. the conduct of the Premier's parliamentary secretary and staff in relation to the city of Casey;
9. the activities of Graham Richardson in secret property deals with the Victorian government; and finally
10. a variety of other scandals, debacles and corrupt activities that have been covered up by this government?

Mr BRUMBY (Premier) — As I said in response to the earlier question, I believe we have got the right systems in place in our state. I believe we have got the best systems in place in our state. Like any area of government, it is always appropriate to review on a timely basis those arrangements to ensure that they are working as efficiently and as effectively as possible. In relation to the question asked by the member for Kew — —

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew!

Mr BRUMBY — I can understand why the member for Kew was demoted in the recent reshuffle. The member for Kew has been responsible for the seven different policy positions that the opposition has had on this issue.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Kilsyth.

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte. I ask the Premier not to debate the question.

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte has been warned and would not wish to be warned again.

Mr BRUMBY — As I have said, I believe we have got the best arrangements in place, but it is always appropriate on a timely basis to examine those arrangements. I have asked two people with impeccable CVs to do that — Elizabeth Proust and Peter Allen. Elizabeth Proust, who was formerly the chief executive officer of the City of Melbourne and the head of the

Department of Premier and Cabinet in the 1990s, is someone with an outstanding record in the private sector. She understands local government, state government and the private sector. Peter Allen understands the public sector as a former department head. I have asked those two people to undertake that inquiry. They will have all of the resources they require to do that.

I just repeat that I think it is appropriate from time to time to review the arrangements that are in place to make sure they are the best possible arrangements. I believe this will ensure we have in place the best possible arrangements in terms of public administration.

Women: violence

Ms MARSHALL (Forest Hill) — Now a real question on a real issue. My question is for the Minister for Women's Affairs. Can the minister outline to the house how the right-to-respect plan will assist the women of Victoria to live free from violence?

Ms MORAND (Minister for Women's Affairs) — I thank the member for Forest Hill for her question. I was very pleased to join with the Premier, the Attorney-General and many other parliamentary colleagues today in the gardens to launch the government's new approach to preventing violence against women. I am very proud to be part of a government that is dedicated to the elimination of violence against women. I am also proud to be part of a government that has made very significant and comprehensive reforms to the way we respond to violence against women in our community.

Some of our reforms have included a new code of practice for Victoria Police. I want to acknowledge the leadership of the former and current police commissioners and the Minister for Police and Emergency Services on this new code of practice. We have new Family Violence Court services, a better coordinated system of response and the new legal framework through the Family Violence Protection Act. As a result of our reforms the system is responding better to women and their children who are affected by violence. Our reforms have led to more women having the confidence to report family violence, more charges being laid and more perpetrators being held to account.

Between 2004 and 2009 there has been a 212 per cent increase in intervention orders sought by Victoria Police. In addition to that there has been a 178 per cent increase in charges laid. The reforms and the results we have achieved have really placed Victoria at the front of

Australia in the way we respond to victims of family violence, but as the Premier outlined, our approach is now about prevention. We need to focus on prevention, because violence against women is still very prevalent in our community and because women constitute the vast majority of family violence victims.

There were over 30 000 incidents of family violence reported to police last year, and many women still live in fear in their own homes. Stopping violence is a very significant challenge. Violence against women has been present in our community for a very long time and is also embedded in our attitudes and behaviours and in some of our social structures. But all violence is preventable, and all violence is unacceptable.

The research that was done by VicHealth that helped us to formulate our plan was informative in telling us that the key determinants that contribute to violence against women include unequal power relationships between men and women, gender stereotyping and broader cultural views about violence. We need a change in attitudes and a change that will effect behavioural change more broadly. Victoria has really led the way in social and behavioural change initiatives. If we can change the way people behave about smoking and putting on seatbelts in cars, then we can certainly change the attitudes people have about violence against women.

We are working with local government, with sporting clubs and, as the Premier said, with media and popular culture in a common approach to rejecting disrespect and violent and aggressive attitudes towards women. Violence is unacceptable. Women have the right to feel safe whether they are in the community, at work or at home. I commend the plan to the house.

Government: accountability

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to his media release of 20 August 2008, which boasts:

When I became Premier, I said I wanted to do more to open up the processes of government and the Parliament to more Victorians ...

...

... to make government and Parliament more open and accountable, including:

...

Transcripts of media conferences and speeches ... for the general public and journalists

I ask: given that we have not seen a media conference transcript posted on the Premier's website for seven months, is this the Premier's definition of open and accountable government?

Mr BRUMBY (Premier) — I do not have the press release to which the Leader of The Nationals refers.

I thank the Leader of The Nationals for providing a copy of it. It is headlined 'Victorian Parliament webcast to begin in August'. Has that begun, Peter? Yes! We could do with a little more honesty in the question.

Honourable members interjecting.

Mr BRUMBY — That is what it says — 'Victorian Parliament webcast' — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals has asked the question, and the Premier is responding to it. I ask members to enable the Chair to hear the answer.

Mr Ryan — On a point of order, I respect your ruling, Speaker, but I ask that in the interests of the smooth running of the Parliament the Premier be warned about posing questions to me across the table.

Honourable members interjecting.

The SPEAKER — Order! I uphold the point of order, and I ask the Premier not to invite interjections from the opposition by asking questions across the table.

Mr BRUMBY — As I say, the press release is headed 'Victorian Parliament webcast to begin in August', and that was when it did begin. It goes on to talk about the initiatives introduced since the time I became Premier, which include the annual statement of government intentions, which is released on the first sitting day of the year and which for the first time informs Victorians of the government's legislative priorities for the year. It talks about the greater transparency around government boards through a new website that has been launched giving the names of all Victorian public body board members and remuneration bands. That is something we never ever saw in the bad old days in the 1990s.

It talks about there being more public information on ministerial travel, with quarterly reports on ministerial overseas travel now being released through the Department of Innovation, Industry and Regional Development website. It talks about webcasting

funding being provided and webcasting now taking place. Then it goes on to say that these things of course build on all of the other things we have done, like instituting the attendance of the Premier and ministers at the Public Accounts and Estimates Committee hearings. Under the Kennett government, premiers and treasurers never ever attended.

Mr Baillieu — On a point of order, Speaker, the Premier is clearly debating the question. He managed in his answer to skip altogether dot point 3, which was the basis of the question. What is the Premier doing?

The SPEAKER — Order! I do not uphold the point of order. The question from the Leader of The Nationals referred the Premier to a press release dated 20 August 2008, a copy of which the Leader of The Nationals was kind enough to furnish the Premier with. It is not within the Chair's authority to direct a minister on the content of the answer as long as their answer is relevant to the question as it was asked.

Mr BRUMBY — In the interests of time, I will not read through all the other democratic reforms — —

Honourable members interjecting.

Mr BRUMBY — I am happy to. They are: fixed four-year terms for both the upper and lower houses; the Premier and all ministers of government attending Public Accounts and Estimates Committee hearings; entrenching and strengthening the role of the Auditor-General, the Ombudsman, the Director of Public Prosecutions and the Office of Police Integrity; and publishing details of all the contracts.

This is pretty different, is it not, to the old days, when you were in partnership with the Kennett government, nobbling — —

Honourable members interjecting.

The SPEAKER — Order! I had turned off the Premier's microphone and was seeking his attention. The Premier will not debate the question. Has the Premier concluded his answer? I ask the Premier to conclude his answer; he has been speaking for some time.

Mr BRUMBY — We have introduced all those reforms, which are about making a more democratic, transparent and accountable government and Parliament. If there has been any oversight in relation to those matters, I will rectify it.

Honourable members interjecting.

The SPEAKER — Order! The member for South Barwon and the member for Eltham are both warned.

Buses: government initiatives

Dr HARKNESS (Frankston) — My question is to 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 recent acknowledgement of the government's investment and success with buses and anything that may put these recent successes at risk?

Ms KOSKY (Minister for Public Transport) — I thank the member for Frankston for his question and his very strong interest in improvements in bus services in his electorate. As members of this house know, patronage across all modes of public transport has been growing over the last few years, and the last 12 months to September indicate that we are still seeing growth. It is steady, but we are still seeing growth in patronage across all transport modes. That is because substantial investments are being made.

In relation to buses, across the state we have seen 5.1 per cent more people using buses in the last 12 months and over the last three years we have seen 25 per cent more people using buses. That is a record since the post-war period of 1950, so we have seen quite extraordinary growth. This extraordinary growth is a direct result of the Brumby government's investment in buses.

Under the Victorian transport plan we have put an extra \$160 million into bus services right across metropolitan municipalities and regional centres. We are providing new routes, longer hours of service, route extensions and increased frequency, and as a result we are seeing that patronage growth. More than 15 000 extra bus trips per week mean we have a lot more people using those extra bus services. Where we have increased and improved services, people really have got on board.

It is not only the Victorian government that believes this is the case. Bus Association Victoria agrees. People are voting with their feet, the association says, in response to improved bus services in Melbourne. It goes on to say that there is a clear relationship between recent investment and patronage. It acknowledges that the investment the Brumby government has made in bus improvements right around the state has led to these extraordinary patronage increases on the bus network.

Last week I was in Frankston, with the member for Frankston, to announce a \$1 million package of

improvements in local bus services both in Frankston and on the Mornington Peninsula. They include three new bus routes — for St Andrews Beach, Chisholm TAFE in Rosebud and the Lathams Road industrial precinct in Carrum Downs — and upgrades and extended hours to three existing routes in Frankston and Langwarrin. The people of Frankston and Mornington were delighted and passed on a direct thankyou to me and to the member for Frankston.

They are all fully funded as part of the Victorian transport plan. There is only one thing that puts those improvements in bus services in jeopardy — that is, the opposition's \$200 million promise to be funded from the transport budget.

Desalination plant: industrial agreement

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's denial that his government was arranging a deal for the CFMEU (Construction, Forestry, Mining and Energy Union) and the AMWU (Australian Manufacturing Workers Union) to install union domination at the desalination construction site. I further refer to a copy of the Victorian desalination project agreement, which provides for control of the desalination construction site to go to — guess who! — the CFMEU and the AMWU. Is it not a fact that members of this government have colluded to install Australia's most militant and thuggish unions on the desalination site as part of an ALP factional deal and that the Premier has simply been too weak to stand up to these militant unions?

Mr BRUMBY (Premier) — Where do you start with the Leader of the Opposition? Let us be clear about this: this is a desalination plant in Wonthaggi which the government committed to and which has been opposed every inch of the way by the opposition — every single inch of the way. Let us be clear about it, the government has made it very clear that it intends to make the investment to secure Victoria's water supply for the future. Every step along the way the government has been opposed by this rabble opposite.

This plan will deliver 150 billion litres of water each year, if required, to Melbourne — absolutely guaranteed. It is being delivered by the AquaSure consortium. The government is delivering this as a PPP (public-private partnership) and those opposite said the consortium would never raise the finance and that this project would never be delivered — wrong again! This project is being delivered by AquaSure. It is the project

proponent; it will make whatever decisions it requires to deliver the project.

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the Minister for Water.

Mr BRUMBY — What a bizarre question! The member for Bass was reported as having said, 'Locals must be given priority to be among the estimated 1700 workers to be employed at the desalination plant'. That is according to the member for Bass.

Mr K. Smith interjected.

Mr BRUMBY — Every single inch of the way — —

Mr McIntosh interjected.

Mr BRUMBY — Your next stop will be the backbench; you will keep moving back — one, two, three!

Honourable members interjecting.

The SPEAKER — Order! I warn the Deputy Premier. The Premier and the member for Kew could leave the chamber and have this discussion elsewhere. If they wish to stay at question time, I ask for some cooperation. The Premier should not debate the question. The member for Kew should not interject in that manner.

Mr BRUMBY — As I have said, the government had a very clear policy in relation to this matter. We said we would build a desalination plant at Wonthaggi. Work has started; construction is under way; we awarded the contract to AquaSure, and it will determine who it employs.

Mr Baillieu — On a point of order, Speaker, you just instructed the Premier not to debate the question. He is clearly debating the question.

The SPEAKER — Order! I do not uphold the point of order. Has the Premier concluded?

Mr Baillieu — Speaker, I have not finished the point of order.

The SPEAKER — Order! The Leader of the Opposition took a point of order saying that the Premier was debating the question. I do not uphold that point of order.

Mr Baillieu — I have not finished the point of order, Speaker.

The SPEAKER — Order! I do not uphold that point of order. The Leader of the Opposition on a further point of order?

Mr Baillieu — On a point of order, Speaker, the Premier was asked a simple question. The Premier had committed that there would be no preferential deal on this site. There clearly has been. He has to explain to the people of Victoria why.

The SPEAKER — Order! Has the Premier concluded? The Premier has concluded his answer.

Road safety: government initiatives

Ms DUNCAN (Macedon) — My question is to the Minister for Roads and Ports. I refer to the government's commitment to make Victoria the best place to live, to work and to raise a family, and I ask: can the minister advise the house what investments the Brumby government is making to improve the safety of Victoria's road network?

Mr PALLAS (Minister for Roads and Ports) — I would like to thank the member for Macedon for her question. I reinforce that the Brumby government is taking action to invest in our road networks, to make our roads safer and also to ensure we are generating thousands of jobs while going about that process of making roads safer and while building for the future of Victorian families.

We have invested around \$7.3 billion in building better roads right across Victoria. Indeed that investment will and does continue. In this financial year alone the government has invested \$1.3 billion in maintaining and improving Victoria's roads. We are doing this because we understand the importance of the connection that roads have with building communities. This government has invested \$750 million for more than 2010 road safety projects right across the state since coming to office. This investment is paying off in a very tangible way.

We have seen since 2001 a reduction in our road toll, of about 31 per cent. This amounts to 720 Victorian lives saved on our roads. But in effect stripping \$200 million from the transport budget to fund an ill-conceived initiative to have armed guards at railway stations would take 570 road safety projects out of our capacity to continue that process of delivery of safety.

Who would want to do that? The opposition!

The SPEAKER — Order! I ask the Minister for Roads and Ports not to continue down that track.

Mr PALLAS — We on this side of the chamber are committed to improving road safety for all Victorians, and we have seen that that commitment demonstrates itself in very tangible ways — for example, six of the lowest road tolls recorded consecutively in the last six years, the lowest overall road toll for Victoria last year and of course the lowest country road toll, again last year.

We are continuing that process. We aim to drive our road toll down to a record low by reducing it by a further 30 per cent over 10 years. These aims could not be delivered if we saw our road safety funding reduced. Ten years ago our road toll amounted to 8.19 deaths per 100 000 Victorians; in 2008 we saw that figure reduced to 5.75 deaths per 100 000 Victorians — a reduction of nearly 30 per cent.

Victoria should not accept a reduction of our emphasis on investment in road safety. Not only is our road toll by population now at its lowest since 1925 but it is also around 20 per cent below the equivalent national toll. As at midnight last night, in the year-to-date equivalent we sit 14 below last year's figure, but of course we are only one mistake from disaster and further loss on our roads. This government recognises that diligence and commitment must drive our efforts in bringing our road toll down.

Delivering improved road safety outcomes is a critical objective. It requires more than a single mention in this place of the road toll; it requires more than two passing references in this place to road safety; what it requires is a consistent, unwavering commitment to the investment that is necessary to save Victorians' lives. We on this side of the chamber are committed, but passing references and flawed ideas are all we hear from those opposite.

Disability services: supported accommodation

Ms WOOLDRIDGE (Doncaster) — My question is for the Minister for Community Services. Yesterday the government confirmed to County Court judge Mark Taft that an appropriate accommodation placement has been found for Michael Rendina, a man with an intellectual disability who has been held in prison since January, and I ask: why is it that for nearly a year Michael Rendina had his human rights abused by this government and only when the minister was embarrassed, after the issue was raised in Parliament and by the media, was the government suddenly able to find appropriate accommodation?

Mr Hulls — On a point of order, Speaker, my understanding is that this matter is still before the court.

The honourable member has cited a particular statement by a judge about a matter that is still before the court, so I would simply ask you to get advice in relation to the sub judice rule, because this is a very important matter and under no circumstances should this Parliament be impinging upon matters that are currently before the court.

Mr McIntosh — On the point of order, Speaker, the which related to the sub judice rule, obviously the matter that has been asked about has been reported publicly in the media and is a factual matter. The question related to government business: what the government did in finding a bed for this man and why it has taken so long. That is not before the court. The reality is that this man's case has been reported in the media. This is a matter of government business, and accordingly the minister should answer the question.

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

Ms NEVILLE (Minister for Community Services) — I thank the member for her question. As the matter is still before the courts, I will be careful about the information I provide. However, as I pointed out in the house a couple of weeks ago, it is this government that has put record investment into disability. Our budget is \$1.3 billion. That includes 850 new places in supported accommodation that this government has built, with further commitments over the last two budgets that will see a further 245 places provided. This has been a priority for our government, unlike those opposite, who cut 10 per cent right off the budget of the Department of Human Services.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. She has been asked a very narrowly based question as to a factual issue, and I would ask you to have her answer that question.

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

Ms NEVILLE — In relation to this particular case, as I have indicated in the house previously, there are a number of very complex matters, especially in relation to this individual's challenging behaviours.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Health! I ask for some cooperation from the member for Doncaster. She has asked the question which the minister is responding to, and I will not have the minister shouted down.

Ms NEVILLE — As I indicated previously, because of the nature and seriousness of the current behaviours, it would be totally inappropriate to place this individual into a community-based supported accommodation service. That is why we have been working with the courts. A proposal has been put before the courts, and that matter will be heard later this week.

Ms Duncan interjected.

The SPEAKER — Order! If the member for Macedon would like to stand in her place at the appropriate time, she will have the call.

Police: Operation Unite

Mr HOWARD (Ballarat East) — My question is for the Minister for Police and Emergency Services. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the government is helping Victoria Police work with other states and territories to stamp out antisocial behaviour on our streets?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Ballarat East for his question. Last Thursday chief commissioners from around Australia met to announce a nationwide crackdown on drunken violence. That crackdown, code-named Operation Unite, will see thousands of police in capital cities and regional cities across the nation engage in a blitz on Friday, 11 December, and Saturday, 12 December, aimed at addressing alcohol-fuelled crime and antisocial behaviour.

In Victoria we will see hundreds of extra police taking to the streets in the Melbourne central business district, and in Frankston, Geelong, Ballarat and Bendigo. Victoria Police has said that commanders will also retain the flexibility to deploy crack units to other locations wherever trouble might flare up.

Labor believes in standards. The police believe in standards. That is why last year we saw over 21 000 people arrested and put in the cells for being drunk — a 23 per cent increase on the year before — making it clear that we believe in social standards. The Safe Streets task force also made over 21 000 visits to licensed premises as part of addressing these issues.

The government and Victoria Police have taken needed steps to combat antisocial behaviour. We have moved to give police tougher powers to deal with troublemakers, including the introduction of banning

notices for entertainment precincts, and we have seen around 2000 of those where people have been thrown out of entertainment precincts. We know only too well that it was Labor that was in support of this while those opposite attempted to oppose it.

We have provided police with a record budget. We have provided police with record resources. When we say we will put on police, we will put them on, and we totally reject the policy of those opposite who promised more police but cut police numbers by 800.

We have seen the work of the Safe Streets task force, we have seen the police establish Operation Razon around licensed premises, and we have seen a new liquor licensing compliance directorate. We will see a new operational response unit coming on next year. That is certainly welcome and can only come about because of the additional police and resources provided to the chief commissioner by the government.

We have seen on-the-spot penalties introduced for a range of public order offences. We have seen a doubling in penalties for weapons offences. We have seen new powers for the liquor licensing director. We have seen the freeze on late-night licences. Of course there is more to do with the announcement that has been made, and indeed there are laws that are to be debated shortly, including move-on powers and random searches. I will not anticipate the matter any further.

Every government in Australia, whether Labor or Liberal, is united behind the nation's chief commissioners. The Australian public is united behind the nation's chief commissioners. The chief commissioners are united, but certainly I recognise that the leader of the Liberal coalition is opposed, and I recognise that the deputy leader of the Liberal coalition is opposed.

The SPEAKER — Order! I ask the minister not to debate the question.

Mr CAMERON — I can assure you, Speaker, that Labor supports the Victorian chief commissioner, Labor supports the nation's chief commissioners and Labor supports Operation Unite.

LEGISLATION REFORM (REPEALS No. 5) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to repeal certain redundant acts relating to companies and related matters and to make a

consequential amendment to the Corporations (Ancillary Provisions) Act 2001.

Read first time.

WATER AMENDMENT (ENTITLEMENTS) BILL

Introduction and first reading

Mr HOLDING (Minister for Water) — I move:

That I have leave to bring in a bill for an act to amend the Water Act 1989 and the Residential Tenancies Act 1997 and for other purposes.

Mr WALSH (Swan Hill) — I ask the minister for a brief explanation.

Mr HOLDING (Minister for Water) — This legislation will respond to the consequences of long-term drought by improving and streamlining the entitlement framework for the allocation of water and making improvements of a technical nature to the recent reforms relating to water shares, take-and-use licences, water register and related water legislation.

Motion agreed to.

Read first time.

ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL

Introduction and first reading

Ms ALLAN (Minister for Skills and Workforce Participation) introduced a bill for an act to re-enact with amendments the law relating to the university named Royal Melbourne Institute of Technology, to repeal the Royal Melbourne Institute of Technology Act 1992 and for other purposes.

Read first time.

SWINBURNE UNIVERSITY OF TECHNOLOGY BILL

Introduction and first reading

Ms ALLAN (Minister for Skills and Workforce Participation) introduced a bill for an act to re-enact with amendments the law relating to Swinburne University of Technology, to repeal the Swinburne University of Technology Act 1992 and to make

consequential amendments to other acts and for other purposes.

Read first time.

VICTORIA UNIVERSITY BILL

Introduction and first reading

Ms ALLAN (Minister for Skills and Workforce Participation) introduced a bill for an act to re-enact with amendments the law relating to Victoria University, to repeal the Victoria University of Technology Act 1990 and for other purposes.

Read first time.

UNIVERSITY OF BALLARAT BILL

Introduction and first reading

Ms ALLAN (Minister for Skills and Workforce Participation) introduced a bill for an act to re-enact with amendments the law relating to the University of Ballarat, to repeal the University of Ballarat Act 1993 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 numbers 63 to 65 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.

NOTICES OF MOTION

Notices of motion given.

Dr NAPHTHINE having given notice of motion:

The SPEAKER — Order! While the Standing Orders Committee is still to finalise its report back to the house on notices of motion, I suggest to the member for South-West Coast that his third notice of motion was clearly more appropriately a members statement.

PETITIONS

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values. In particular we would like to retain the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

By Ms ALLAN (Bendigo East) (41 signatures).

University of Melbourne: faculty of the VCA and music

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria and the Victorian arts community draws attention to the house the following:

That the faculty of the Victorian College of the Arts and music (VCAM) is in serious danger of losing its unique character and role as a specialist arts vocational training institution. This is due to curriculum changes made by the University of Melbourne (without consultation with students, staff or the arts community), and to a systemic funding shortfall.

The petitioners therefore request that the Legislative Assembly of Victoria take action to safeguard the faculty of the Victorian College of the Arts and music as the premier Victorian arts training institution by:

- 1) ensuring that its integrity as a specialist vocational training institution is maintained through freezing any curriculum changes until genuine consultation takes place, and
- 2) that sufficient arts funding is made available to ensure that the VCAM can fulfil its mission and service to students, staff and the arts community.

By Mr HUDSON (Bentleigh) (13 564 signatures).

Trams: Vermont South line

To the Legislative Assembly of Victoria:

The petition of residents and businesses in the eastern suburbs of Melbourne draws to the attention of the house the importance of extending the route 75 tram from Vermont South to Knox — as a public transport initiative with significant social, environmental and economic benefits.

The petitioners therefore request that the Legislative Assembly of Victoria recognise this project as a public transport priority and ask the government to fund the extension of the route 75 tram service to Knox as a part of the 2010–11 state budget and subsequent budgets.

By Ms MARSHALL (Forest Hill) (1448 signatures).

Police: Hastings

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw the attention of the house to moves to downgrade the 24-hour Hastings police station to a 16-hour station, closing at night between 11.00 p.m. and 7.00 a.m. daily.

We, the undersigned concerned citizens of Victoria, therefore request the Legislative Assembly of Victoria to request the state government to immediately return the Hastings police station to 24-hour status, in the interest of community safety.

By Mr BURGESS (Hastings) (61 signatures).

Glenelg Highway: maintenance

To the Legislative Assembly of Victoria:

The petition of residents of Casterton, in the state of Victoria, draws the attention of the house to the condition of the Glenelg Highway, particularly the section between Coleraine and Casterton, which is in extremely bad condition.

The petitioners therefore request that the Legislative Assembly of Victoria give urgent consideration to the considerable repair or replacement of the highway in the next financial year.

By Mr DELAHUNTY (Lowan) (385 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state’s far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (40 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) (25 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) (19 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 retains all current Traralgon V/Line services to Southern Cross station.

By Mr NORTHE (Morwell) (72 signatures).

Liquor: licences

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed

massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases will cause, particularly in many country communities, and review the legislation as a matter of urgency.

By Mr NORTHE (Morwell) (79 signatures).

Housing: cooling

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the need for changes to legislation to make it a standard requirement for Office of Housing properties to have installed cooling facilities in addition to the current insulation requirements. This is requested in consideration of the health, safety and welfare of elderly residents during hot weather.

The petitioners therefore request that the Legislative Assembly of Victoria amend legislation to have a standard requirement that air conditioning and/or ceiling fans are to be installed in Office of Housing properties.

By Mr NORTHE (Morwell) (128 signatures).

Rail: Warragul park-and-ride facilities

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Narracan draws to the attention of the house concerns held over the lack of development taking place at Warragul railway station to provide park-and-ride facilities for commuters.

In particular, concern surrounds the requirement that Baw Baw Shire now develop a master plan for parking within the Warragul CBD together with the Warragul railway park-and-ride upgrade creating added cost and further delays in the completion of the project.

The petition therefore requests the Legislative Assembly of Victoria to direct the government to take immediate action on its previous commitment to establish park-and-ride facilities at the Warragul railway station.

By Mr BLACKWOOD (Narracan) (2787 signatures).

Tabled.

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

Ordered that the petition presented by honourable member for Bentleigh be considered next day on motion of Mrs VICTORIA (Bayswater).

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 Narracan be considered next day on motion of Mr BLACKWOOD (Narracan).

Ordered that petitions 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. 14

Mr CARLI (Brunswick) presented *Alert Digest No. 14 of 2009* on:

- Constitution (Appointments) Bill**
- Education and Training Reform Amendment (Overseas Students) Bill**
- Education and Training Reform Amendment (School Age) Bill**
- Emergency Services Legislation Amendment Bill**
- Fire Services Funding (Feasibility Study) Bill**
- Health Practitioner National Health (Victoria) Bill**
- Liquor Control Reform Amendment (Party Buses) Bill**
- Melbourne Cricket Ground and Yarra Park Amendment Bill**
- Parks and Crown Land Legislation Amendment (East Gippsland) Bill**
- Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill**
- Serious Sex Offenders (Detention and Supervision) Bill**
- Summary Offences and Control of Weapons Acts Amendment Bill**
- Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill**

together with appendices.

Tabled.

Ordered to be printed.

Equal Opportunity Act

Mr CARLI (Brunswick) presented report, together with appendices, minority report, extracts from proceedings and transcripts of evidence.

Tabled.

Ordered that report, appendices, minority report and extracts from proceedings be printed.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Impact of state government decision to change urban growth boundary

Mr SEITZ (Keilor) presented report, together with appendices, minority report, extracts from proceedings and transcripts of evidence.

Tabled.

Ordered that report, appendices, minority report and extracts from proceedings be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General — Report on the Annual Financial Report of the State of Victoria 2008–09 — Ordered to be printed.

Bushfires Royal Commission (Report) Act 2009 — Victorian Bushfires Royal Commission Interim Report 2: Priorities for Building in Bushfire-prone areas, November 2009 — Ordered to be printed.

Crown Land (Reserves) Act 1978:

Order under s 17B granting licence over Torquay and Jan Juc Foreshore reserve

Order under s 17D granting a lease over Scotchmans Creek Linear Reserve Park

Melbourne Central City Studios Pty Ltd — Report 2008–09, together with an explanation for the delay.

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

Baw Baw — C42

Boroondara — C103

Cardinia — C125

Colac Otway — C59

Corangamite — C26

Glenelg — C47

Greater Geelong — C93, C141, C191

Kingston — C81

Manningham — C84

Melbourne — C154

Moonee Valley — C93

Moorabool — C49

Mornington Peninsula — C132

Port Phillip — C74

West Wimmera — C18

Whittlesea — C116

Wodonga — C56

Yarra — C118

Project Development and Construction Management Act 1994 — Nomination orders under s. 6, application orders under s. 8 and statements under s. 9 of reasons for making a nomination order (six documents).

Queen Victoria Women’s Centre Trust — Report 2008–09

Special Investigations Monitor’s Report under s 39 under the *Crimes (Controlled Operations) Act 2004*, S 131T of the *Fisheries Act 1995* and s 74P of the *Wildlife Act 1975*.

Statutory rules under the following Acts:

Alpine Resorts (Management) Act 1997 — SR 136

Births, Deaths and Marriages Registration Act 1996 — SR 133

Building Act 1993 — SR 139

Corrections Act 1986 — SR 135

Gambling Regulation Act 2003 — SR 141

Liquor Control Reform Act 1998 — SR 134

Road Safety Act 1986 — SRs 137, 138, 140

Subordinate Legislation Act 1994:

Ministers’ exemption certificates in relation to Statutory Rules 130, 135, 137, 138, 139, 141

Victorian Industry Participation Policy — Report 2008–09.

ROYAL ASSENT

Messages read advising royal assent to:

17 November

Education and Training Reform Amendment (School Age) Bill

Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill
Local Government Amendment (Offences and Other Matters) Bill
Planning Legislation Amendment Bill
Victorian Renewable Energy Amendment Bill

24 November

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill
Statute Law Amendment (Evidence Consequential Provisions) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Emergency Services Legislation Amendment Bill
Parks and Crown Land Legislation Amendment (East Gippsland) Bill
Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill
Serious Sex Offenders (Detention and Supervision) Bill
Summary Offences and Control of Weapons Acts Amendment Bill
Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill.

PARLIAMENTARY COMMITTEES

Reporting dates

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

That —

- (1) The resolution of the house of 4 December 2007 providing that the Road Safety Committee be required to present its report on the inquiry into federal-state road funding arrangements to the Parliament no later than 30 September 2009 be amended so far as to require the report to be presented to the Parliament no later than 1 July 2010.
- (2) The resolution of the house of 4 December 2008 providing that the Education and Training Committee be required to present its report on the inquiry into skills shortages in the rail industry to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 30 April 2010.
- (3) The resolution of the house of 4 December 2008 providing that the Environment and Natural Resources Committee be required to present its report on the inquiry into the approvals process for renewable energy projects in Victoria to the Parliament no later than

31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 28 February 2010.

Motion agreed to.

BUSINESS OF THE HOUSE

Orders of the day

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

That —

- (1) the orders of the house making the resumption of debate on the second readings of the:
 - (a) Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009;
 - (b) Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009;
 - (c) Fire Services Funding (Feasibility Study) Bill 2009;
 - (d) Education and Training Reform Amendment (Overseas Students) Bill 2009

orders of the day for Wednesday, 25 November 2009, be read and rescinded;

- (2) the orders of the house making the resumption of debate on the second readings of the:
 - (a) Summary Offences and Control of Weapons Acts Amendment Bill 2009; and
 - (b) Serious Sex Offenders (Detention and Supervision) Bill 2009 —

orders of the day for Thursday, 26 November 2009, be read and rescinded; and

- (3) these bills be made orders of the day for today.

Just briefly by way of explanation, this motion will enable those bills that were listed prior to this motion coming forward to be debated tomorrow and on Thursday. It will enable the Parliament to deal with as many of those as we can today through the lead speaker arrangement, after we have concluded the emergency services legislation. This is a procedure that was suggested by opposition members. It is a helpful suggestion, and I thank them for it.

Mr McINTOSH (Kew) — The opposition certainly does not oppose the motion. The reality is that if we oppose the motion we may run out of business for the house to deal with today and tomorrow. I put this down to incompetence on the part of the government. We are facilitating this motion, and we have had discussions

with the Leader of the House about how the business of the house will be conducted. But let no-one be mistaken: this is about a lazy government that is running out of steam, ministers are not doing their jobs. there is no coordination in relation to the business of the house, and the fact is that we have to facilitate this motion for the government in order to enable it to get through the business program. Otherwise there is the potential for the house to be short of business today and tomorrow, and then we will have to sit until extraordinary hours on Thursday night.

It is a fact that the government is getting to the end of its tether. It is running out of steam and it is looking for things to do. It cannot even coordinate an appropriate business program on the various days when the Parliament sits. Let no-one be mistaken: we are facilitating the government to enable it to get through its business program. The government has completely cocked up, so that potentially we could be left with nothing to do either later today or tomorrow. The opposition is being responsible here and fixing up what a lazy government has not done. It is running out of steam and it is not prepared to do the work to ensure the Parliament has an appropriate amount of work to do.

No doubt when we discuss the government business program I will talk about the length of time we will be sitting this week, which again is an indication that the government is trying to ram all these things through in an inappropriate amount of time. The most important thing is that this motion is about the opposition facilitating the government's motion. The government has demonstrated laziness when it comes to organising a business program for a sitting week, and that is an indictment of it. It is an indication that it is running out of steam, and we are all getting sick and tired of it.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Honourable members interjecting.

Mr BATCHELOR (Minister for Community Development) — The opposition is still a bit titillated over the phrase used by the member for Kew.

Mr McIntosh — What was that?

Mr BATCHELOR — It was 'cocked up'. We do not know what that means.

The ACTING SPEAKER (Mr K. Smith) — Order! The Leader of the House should get on with the business program.

Mr BATCHELOR — The opposition is playing tiddlywinks under the bench.

The ACTING SPEAKER (Mr K. Smith) — Order! We are debating the issue of the government business program, and I ask the Leader of the House to get on with that.

Mr BATCHELOR — I certainly will, Acting Speaker. You keep an eye on them, because — —

The ACTING SPEAKER (Mr K. Smith) — Order! I am keeping an eye on you!

Mr McIntosh interjected.

Mr BATCHELOR — The member can rise to the occasion later. 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 6.00 p.m. on Thursday, 26 November 2009:

Education and Training Reform Amendment (Overseas Students) Bill 2009

Emergency Services Legislation Amendment Bill 2009

Fire Services Funding (Feasibility Study) Bill 2009

Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009

Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009.

Summary Offences and Control of Weapons Acts Amendment Bill 2009

Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009

In moving the government business program, we have identified that eight bills need to be concluded by 6.00 p.m. on Thursday. Originally I notified members that we would be sitting late on Wednesday night and going onto the adjournment debate at midnight or thereabouts, and until 10.00 p.m. before the adjournment debate on Thursday night. That was under a proposal to have a business program that contained 10 pieces of legislation. I have decided to reduce that number. Again there were discussions with opposition members and they convinced me. Occasionally the member for Kew can be very eloquent in his

arguments. At other times he is less than eloquent, and we heard a perfect example of that before. I suspect the good burghers of Kew would not be very impressed by the vernacular he used today and would be offended by their member making such a contribution.

The motion for this week's government business program identifies the eight bills. Members are aware that we will be sitting late on Wednesday night and again on Thursday evening. They will also be aware that tomorrow morning the government will move a motion in relation to climate change and the carbon pollution reduction scheme and the things that we here in Victoria will need to ensure accompany that motion.

Members will see that in terms of the bills that are before the house, and in the context of the climate change debate, it will be a weighty, significant and important week in terms of legislation. Each of the bills on the program is important and significant in its own right. With the assistance of the opposition we will hear from the lead speakers first and then go back to the agreed list of bills after those speeches have been completed. That will assist the chamber in progressing this workload.

These various pieces of legislation are important and weighty in their own right and we would like to see them passed in both houses of Parliament this calendar year. That is the reason we are putting in a bit of a concerted effort this parliamentary sitting week in order to encourage the upper house to act similarly in the following sitting week so that these bills can indeed be completed by the end of this calendar year.

Mr McINTOSH (Kew) — Just so the member for Mordialloc understands, we are now dealing with the government business program. No doubt we look forward to her edifying but short comments after this.

The reality is that the opposition does not oppose the government business program. Certainly initial discussions seemed to indicate that we would be sitting late, until 12 o'clock, on Wednesday night and there was indeed a threat to sit until 10 o'clock on Thursday because there are 10 bills to be debated this parliamentary sitting week. The government has now agreed to withdraw two bills from the government business program — the Liquor Control Reform Amendment (Party Buses) Bill and the Melbourne Cricket Ground and Yarra Park Amendment Bill. I will say from the outset that while discussions are continuing in relation to both of those bills there is certainly no agreement that has been formally entered into about the expeditious passage of those two bills

either through this house or indeed the upper house. I note that those discussions will continue.

In relation to the Emergency Services Legislation Amendment Bill which is before the house, there have been substantial discussions about that bill. The opposition recognises and has been informed by the Leader of the House that there is some urgency in relation to that bill, and certainly in a reading of the bill you see that there are some — not 'all' or 'many' but 'some' — recommendations of the 2009 Victorian Bushfires Royal Commission that will be implemented by this legislation and accordingly the opposition is prepared to see that bill expedited through both houses of Parliament, certainly today and indeed in the upper house at some later stage this week, as it certainly understands the urgency in relation to that bill.

Likewise the opposition has had discussions with the Independent member about the second bill on the government business program, the Parks and Crown Land Legislation Amendment (East Gippsland) Bill, which will also be dealt with today. The opposition and the government are prepared to agree that the Independent member will be given 20 minutes rather than the usual 10 minutes to speak on that bill.

As I said earlier, the opposition is concerned that we are repeating the history of this government, which has poured eight bills into this chamber, and we are expected to sit late on both Wednesday and Thursday nights. We will be sitting late on Thursday night until 6 o'clock and there will still be second-reading speeches. I understand that those second readings will not be expedited during the course of the day and will be commenced after 6 o'clock, which means many of us will have to remain here for those second-reading speeches. While it is perhaps relatively easy for metropolitan members to return to their homes after a long sitting week, particularly with a 12 o'clock sitting the night before, country members of course have to travel considerable distances to come to this place. I note that the member for Lowan, who will be making his contribution on behalf of The Nationals in relation to the government business program, has a huge distance to travel as do many other members. It is regrettable that the government, getting to the end of a long sitting year, seems to be running out of steam and demonstrating its laziness. As a result we get all of these bills jammed into one particular week and we are expected to pick up the pieces, not only in relation to abridging the time available for each bill but also by having late sittings to enable all members to make their contribution. It is an indictment of the way the government is conducting its affairs. It is regrettable that we have to pick up these pieces. It is a

demonstration that, when you get to the bottom of it, this government is out of control and unbelievably lazy when it comes to organising its own government business program.

Mr LUPTON (Pahran) — It is interesting to reflect on these particular government business program motions on sitting Tuesdays and the different attitudes towards the amount of legislation that we have before us to debate in a parliamentary sitting week and how the issue is dealt with by the different sides of the house. While the opposition is not opposing this government business program, and in fact there has been a sensible and considerable amount of negotiation between the Leader of the House and the opposition in relation to the number of bills to be debated during the sitting times of the house, it appears on this occasion that we have an agreement on some extended sitting hours, although we will not be sitting as late on Thursday night as we were originally anticipating. That sort of agreement means that we have an appropriate amount of time to deal with the legislation program that is before us.

It is a well-known fact to those of us who have been here for a few years that towards the end of a parliamentary sitting year there are always a number of pieces of legislation that do have some importance, particularly in terms of their timing, to do with the commencement dates of legislation or the way in which the process of amending pieces of legislation transitions out of arrangements that are dealt with by previous legislation passed by this house. There are often situations that arise at this time of year where we do need to make sure that appropriate legislation is passed and that can obviously affect the number of bills that come before the house in these last few sitting weeks. We tend to find that we adjust the sitting hours of the house in order to take those matters into account and that provides us with the appropriate amount of time to deal with the legislation that is on the program. All that is really quite appropriate. That is what I would think the people of Victoria would expect us to do rather than having a bit of a gripe about whether or not we sit past 6 o'clock on a Thursday night.

We are here to do this job, and it is appropriate that we devote the amount of time necessary to do it. That is the spirit of the agreement that has been entered into between both sides of the house. It is a shame that when that sort of agreement has been reached, as we have grown accustomed to, it seems the member for Kew needs to make sure there is an attack on the government in the spirit of parliamentary debate. It is interesting that we see opposition members going around to different parts of Victoria telling different stories to different

people, and when we come into this place to debate something like the government business program we have almost in the one sentence the member for Kew saying that the government is lazy and has run out of steam but also that it is doing too much work. That just indicates the level of confusion in the opposition on this kind of thing. In question time today the Premier talked about the 'flopposition', and that is an entirely appropriate term.

We have a sensible and appropriate amount of legislation that we need to get through this week. That is the nature of things, particularly towards the end of the calendar year. We have agreed with the opposition on the amount of sitting time. We have extended time on Wednesday night and on Thursday to accommodate those matters. That is the appropriate thing for this house to be doing, to be putting our energies into making sure that we pass this very important legislation in the best interests of the people of Victoria. This government business program should be supported.

Mr DELAHUNTY (Lowan) — I want to make a few comments on the government business program. In response to the member for Pahran's statements, the reality is what the member for Kew said — that is, everyone knows Labor governments are poor managers. We know they are poor managers of money and of bringing legislation into this house. The government business program we were told we were to have this week shows this government is a poor manager. On last Thursday and Friday and yesterday we were anticipating that 10 bills would be debated this week. The opposition parties were very unhappy with that and no doubt would have voted against the business program. According to the Leader of the House, the member for Kew was very convincing; that should go on his CV. He achieved a common-sense outcome through good negotiation, and we will now debate eight bills.

The first bill is the Emergency Services Legislation Amendment Bill. We agreed to expedite the process on this bill. It is very important, particularly for country Victorians, that we make sure that this bill gets through before the end of the parliamentary year.

The other concern I raise is the removal from the notice paper of two bills and more importantly the way the debate is to be held this week. With this open and accountable government, people who might be monitoring proceedings on the Web could have been thinking of coming in on Wednesday to listen to the debate on the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill or the Planning and Environment Amendment (Growth Areas

Infrastructure Contribution) Bill. Maybe people, if they are not over in South Australia, were going to come in on Thursday to listen to debate on the Serious Sex Offenders (Detention and Supervision) Bill, but now debate on those bills could take place tomorrow.

Mr Batchelor — The Speaker will ring them.

Mr DELAHUNTY — The Speaker might ring them all and let them know, but we need to make sure that people who want to be involved in these debates have the opportunity to hear and view the debates in this chamber.

The other thing I want to speak about is that tomorrow we will have a late day. According to the Leader of the House we will be going until 12 midnight before the adjournment debate. I am a very proud supporter of the Parliamentary Lions Club breakfast, and I encourage everyone to come along to it tomorrow. It will be a bigger day than we would normally have because of the late sitting — —

An honourable member — An extra sausage.

Mr DELAHUNTY — An extra sausage might help get us through the day. I understand the government's motion on climate change will be debated tomorrow. We again highlight that that does not give country members particularly — and I note the member for Ripon, who is the Minister for Agriculture, is at the table — an opportunity to bring down material that might be important. Thankfully we have faxes and those types of things to get information down here. This is poor management of the government business program.

Country members welcome the earlier finish on Thursday. We anticipated it was going to be — —

Mr Batchelor — What about the internet?

Mr DELAHUNTY — We have it there — and scanners, too. We appreciate the earlier finish on Thursday. We were going to sit until 10 o'clock before going on the adjournment, but my understanding is it will be 6 o'clock, which will give members like the member for Mildura, who might have to catch the last plane out, a chance to get home a bit earlier not only to his constituency but to his family.

The government business program has been a bit of a mess coming into this week. It is the second last sitting week for the year. I heard the member for Brighton ask many months ago why some legislation is not brought forward in weeks when we debate only three or four bills, rather than leaving it all until the end.

Unfortunately that advice was not taken up by the government, which highlights the original point that it is a poor manager.

The member for Prahran spoke about the spirit of the agreement. The agreement has been organised by this side of the house. Thankfully the government has come to its senses and we have a reasonable government business program that will not be opposed by The Nationals.

The ACTING SPEAKER (Mr K. Smith) — Order! I call on the member for Mordialloc.

Mr Hodgett — On a point of order, Acting Speaker, I thought the member for Mordialloc had already spoken on the government business program under the previous item, and I understand a member cannot make two contributions to the debate on the government business program.

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

Ms MUNT (Mordialloc) — I am attempting to make my contribution to the debate on the government business program in the right spot this time. It is always interesting every sitting week to listen to the opposition speak on the government business program, because every week — —

Mr McIntosh — But you do not listen. You got up at the wrong time. You are not listening.

Ms MUNT — The member for Kew is interjecting. He said previously that he was very anxious to hear my contribution, so perhaps he would now like to hear my contribution.

The ACTING SPEAKER (Mr K. Smith) — Order! The member for Mordialloc should ignore interjections.

Ms MUNT — Thank you for that direction, Acting Speaker. I am always interested as I sit here every sitting week to listen to the contributions of the opposition. Whether it supports or does not support the government business program, as the member for Prahran said, it seems to be too much to ask for a hard week's work. We on this side are always willing to come into the Parliament and work for however long it takes to get the job of passing legislation done. That is what we do, but apparently the opposition does not want to work a solid three days, Tuesday, Wednesday, Thursday, of the sitting week. That is too much to ask.

There are some very important pieces of legislation, particularly important for my electorate, that we must debate and pass this week. They include the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill, which is a very important piece of legislation for the bayside electorates. I point out also that the Education and Training Reform Amendment (Overseas Students) Bill is a vital piece of legislation to debate and pass before the end of this year so that it is in place for all the overseas students who will come to Victoria to study next year. As international education is our biggest export earner, it is not too much to ask that members of Parliament put their heads down and debate and consider this legislation before Christmas so that it can be put in place for next year.

I also note what the member for Prahran said about the opposition calling the government lazy and ineffectual, when the opposition does not want to come here and complete the legislative program for the week. We do. We are committed to it. I support the government business program and commend it to the house.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution to the debate on the government business program. I note there are eight bills on the government business program. It is not a matter of whether we want to do the work and get through the eight bills; it is a matter of the government being all over the place. It has no idea what it is doing. We all know it cannot manage money, and it obviously cannot manage time.

We have gone from 10 bills to 8 bills. We have had a motion by leave to facilitate the workload, and we have had an indication that we will sit until 10 00 p.m., then 12.00 a.m. and then 10 .00 p.m. Now we have heard the Leader of the House say we will sit until ‘midnight or thereabouts’. He has no idea. We have government members jumping up seeking the call to talk about anything they choose, whether it be in the order of the daily program or not.

We still have a couple of old items under orders of the day, government business, on the notice paper. We heard the Premier in question time proudly trumpeting his annual statement of government intentions, but he refuses to let any member respond to it. Earlier this year the government trumpeted it, but since then it has just sat on the notice paper. Here we are in the second-last sitting week of the year and we still have not had the opportunity to respond to the statement of government intentions. What a failure that has been.

I cannot fail to mention the Council’s amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. When I was elected to this house

we were dragged back into Parliament before Christmas 2006 to deal with this critical water infrastructure projects bill. However, it is still sitting on the notice paper for consideration of the amendments. The Brumby government is all over the place. It is disorganised, dysfunctional, lazy and incompetent, and it has no idea what it is doing this parliamentary sitting week.

Motion agreed to.

MEMBERS STATEMENTS

Connecting and Cooperating — Social Capital and Public Policy

Mr BATCHELOR (Minister for Community Development) — It was with much pleasure that last week I was able to join author Jenny Lewis to launch her new book, *Connecting and Cooperating — Social Capital and Public Policy*. Jenny says in her introduction that this book is not just about the theory of social capital, networks and public policy but about how those ideas can help us shape policy solutions. This is a ‘doing’ book.

There are good reasons for us all to be interested in networks, because they have the potential to deliver real improvements in people’s lives. They generate benefits for individuals and benefits for communities. Jenny has used her network research to help the Department of Planning and Community Development evaluate work on such projects as the Laverton community renewal project, which has delivered a new school precinct, a children’s centre, a community garden and a youth foundation to the Laverton community. We have also used her network tools to help evaluate the delivery of community infrastructure in growth suburbs like Caroline Springs.

As Jenny’s book acknowledges, connecting and cooperating is not a panacea for all our problems, but as it also shows, there is evidence it can make things better. Jenny’s intellectual rigour has helped clarify ill-defined notions of social capital, and she has also expanded on the evidence for how and when policy interventions can and do make a difference. I congratulate Jenny on this book and all that she is doing to improve the whole of our community.

Water: authority dividends

Ms ASHER (Brighton) — I draw to the attention of the house the annual reports of the many water authorities that were tabled in this place some weeks

ago. The water authorities contribute to government dividends and through tax equivalent payments and environmental levies. The government has received from the water authorities during its term in office a total of \$3.5 billion. If this money had been spent on infrastructure earlier, Melburnians and other Victorians would not have had to put up with water restrictions in the way they have. In 2008–09 alone the government collected \$260 million from the water authorities. Since it came to office in 1999 the government has collected over \$3 billion from the four Melbourne water authorities — that is, Melbourne Water, City West Water, Yarra Valley Water and South East Water.

The fundamental problem is that the government failed to invest in water at the time when it should have invested. It talks now about its water projects, but when in 2002 former Premier Steve Bracks said water was the no. 1 issue for Victoria, the government did nothing about it. The government did nothing until it made its announcements many years later about water supply, and because it did not invest at the right time, we still have water restrictions. In his February 2007 report the Auditor-General actually said that it is not sustainable for the water authorities to continue to provide this level of funding to government, and we will see what he says later this week.

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

Judiciary: appointments

Mr HULLS (Attorney-General) — Last sitting week the shadow Attorney-General made some scandalous comments about our judiciary that exposed his blatant disregard for its independence. Respecting the independence of the judiciary and expressing faith in those who occupy judicial office is the stuff of 'first law officer 101', a basic that I certainly understood in my time in opposition. It seems, however, to have eluded the man who covets my position now. The separation of powers, can I say balefully, sat to one side as the member for Box Hill attacked a Supreme Court appointment, implied that the Victorian Civil and Administrative Tribunal was second rate, undermined court leadership and revealed his ignorance.

Victoria's judicial appointments process has never been more transparent. I am determined to appoint the best and brightest, and this demands wide consultation to identify the skills, experience and integrity required. This process includes, rather obviously, the Chief Justice of Victoria, who is always consulted about and fully endorses each appointment to her court.

Instead of using the privilege of this place to challenge members of Parliament then, the member for Box Hill has used it to malign the integrity of a respected judge and, by implication, the Chief Justice of Victoria and the Supreme Court of Victoria itself. I believe the member's statements are an indictment of him and of the Leader of the Opposition for not reprimanding him. Appointing the state's judiciary is a privilege, and the member is a long way from being ready for this or for any other responsibility of government. At least that puts him in very happy company with the rest of his opposition friends — they are just not fit to govern.

Bushfires: fencing

Mr NORTHE (Morwell) — The rebuilding of fences continues in the Gippsland region in the aftermath of the bushfires earlier this year. I take this opportunity to commend all of those who have been involved in the rebuilding process. At the same time I express my concern as to how the job will be completed in the Morwell electorate. In the Traralgon South district, for example, the task has been enormous, with approximately 2800 kilometres of fencing having been identified as needing to be replaced. The appointment of a Latrobe fencing coordinator through the Victorian Farmers Federation (VFF) and subsequent assistance from volunteers has been pivotal in re-establishing approximately 484 kilometres of fencing in this region. Unfortunately, funding for the position of the Latrobe fencing coordinator ceases on 4 December and will leave many landowners uncertain as to how and when fencing will be re-established on their properties.

The level of volunteerism post the bushfires has been nothing short of remarkable. In terms of fencing we have seen not only assistance provided by the local community and service clubs but also the arrival of volunteers from across all of Victoria and from interstate, which has been overwhelming. Groups have arrived from Tasmania and South Australia. The Tasmania Timber Communities group, in particular, has been tremendously supportive and has committed to providing volunteers until the task has been completed. Added to this has been the success of the Gippsland Emergency Relief Fund, which has assisted many landowners with funding for fencing materials, along with the VFF and Yarra Valley wine producers, who have donated much-needed fence posts.

It is imperative that the Brumby government continue to support the position of a Latrobe fencing coordinator in the Morwell electorate post 4 December so that the vital task of rebuilding fences in our community can be completed.

Croatian Film Festival

Mrs MADDIGAN (Essendon) — I congratulate the Croatian community in Victoria on holding the first ever Croatian Film Festival in Australia. It was held at the Australian Centre for the Moving Image and commenced on 5 November. This significant launch was attended by a number of people, including the Ambassador of the Republic of Croatia, Mr Vicencije Biuk, and the Consul-General of Croatia, Mr Antun Babić. The film festival was held over five days and showed a great range of films from Croatia.

It would be fair to say that the general Victorian public does not know a great deal about Croatia and its history or what a beautiful country it is. Having the opportunity to see these films really helped people to understand it a bit better.

Dr Naphthine interjected.

Mrs MADDIGAN — I will leave aside the comments of the member for South-West Coast who, I presume, has never been to Croatia, judging by the ignorant comments coming from his direction.

I would like to congratulate the director of the film festival, Slavica Habjanovic. She and her staff worked tirelessly to put on this festival, which I think was very successful. I trust it will be the first of many Croatian film festivals and I invite the member for South-West Coast to attend the films at the next festival and learn a little more about Croatia.

World clay shooting championships

Dr NAPHTHINE (South-West Coast) — I wish to congratulate the Warrnambool branch of the Sporting Shooters Association of Australia for conducting the very successful 31st Federation Internationale De Tir Aux Armes Sportives De Chasse, known as FITASC, clay shooting championships at its Laang range last week. Special congratulations and thanks go to Steve Chilton, Malcolm Price and the many branch members and volunteers who made this event so successful.

The world championships attracted 672 competitors from 27 countries, bringing over 1500 visitors to south-west Victoria for over a week and putting millions of dollars into the local and Victorian economy. Championship section winners came from Spain, Italy, the USA and Great Britain, but the seniors world champion was Damien Birgan from Australia, our first ever world champion in this sport. There was very strong agreement that this was the best world championships ever held.

Beaches: disabled access

Dr NAPHTHINE — Recently I met with representatives of the Physical Disability Council of Victoria, and among the many important issues raised was the need for the state government to declare certain appropriate beaches in Victoria open for people with disabilities to drive their vehicles onto the beach and enjoy a day with family and friends. It is extremely difficult and usually impossible for people with significant physical disabilities to access most Victorian beaches. Surely along our very long coastline there should be some beaches identified and designated for limited specific vehicle access for people with physical disabilities. Indeed people in South Australia enjoy that sort of access. If we have designated nudist beaches we should be able to have some beaches that provide appropriate vehicle access for people with physical disabilities

Mentone Primary School: 120th anniversary

Ms MUNT (Mordialloc) — I take this opportunity to congratulate Mentone Primary School on the occasion of its 120th anniversary. I was privileged to attend its celebrations on both 23 and 24 October this year. Little five-year-old preppies, former students from many years ago, parents, teachers, the local community and former and present members of the school council and principals attended. The current principal, Mr Chris Chant, and the school community did a wonderful job in organising the celebrations, which included a jumping castle, food, games and music. A very large crowd from the local community all played games, mixed together and had fun.

Mentone Primary School has provided a warm, nurturing learning environment for our local children for the past 120 years and has been a focus for our community. It is a village. One hundred and twenty years ago the original little school building backed on to a sawmill which was connected to a rail siding to the Frankston line. This was where the children played at lunchtime and playtime. This area is now a beautifully presented oval with an artificial turf sportsground, athletics track, play equipment and a basketball court.

The history of Mentone Primary School is interesting and distinguished. Congratulations to the Mentone Primary School community. I wish the school a bright and productive future in the service of the local community in the years to come.

Caravan parks: fees

Mr WELLS (Scoresby) — This statement condemns the state Labor government for its seriously botched recent amendments to the Duties Act which will soon hit many Victorian caravan park residents and holidaying families hard through higher site fees and lease rentals, despite the introduction of a so-called caravan park exemption. The government botched the amendments to the Duties Act from day one through an appalling and arrogant lack of consultation with affected stakeholders, and we now find that many caravan park battlers and holidaying families will be hit by the flawed legislation.

It is the opposition's understanding that the State Revenue Office has recently made a ruling that will see the sale of caravan parks involving Crown land leases subject to stamp duty for the first time. SRO may well point to the exemption for caravan park site leases where the caravan is used as a principal place of residence; however, the reality is that this exemption will provide very little actual protection to residents. Existing owners of caravan parks on Crown land leases will find that the capital value of their businesses has now declined by the value of stamp duty payable by a new owner upon sale. Owners will be forced to try to recover any capital loss in the period prior to any planned future sale by increasing their current business revenue through raising site fees and charges. Likewise, new owners will seek to recover the amount of stamp duty they have paid by increasing fees and charges to caravan park residents and tenants.

Our Lady of the Sacred Heart College, Bentleigh: arts exhibition

Mr HUDSON (Bentleigh) — Recently I opened the student arts exhibition at Our Lady of the Sacred Heart College in Bentleigh. Earlier this year I attended the college's arts spectacular, which showcased the musical talents of the college's students at all levels. However, this arts exhibition brought together for the first time all the arts disciplines at the college — visual arts, design, textiles, music and drama. A wide variety of tremendous art works by students were on display. The exhibition also featured some of the college's very talented music and drama students along with a catwalk parade.

A number of the college's students have received significant awards in 2009 for their work. Particular congratulations are due to Melissa Natoli, who won the curator's prize at the Catholic Education Week visual art show, Jade Kelly, who won first prize in the Glen Iris Youth Arts Awards, and the year 9 students, who

won one of three Dali-inspired photo prizes in the National Gallery of Victoria's online project. Renee Bacongco was one of 50 students selected in the prestigious silk cut print award from a large number of entries across Australia.

Also this year the school's Rock Eisteddfod entry in the raw category won third prize overall in the final and achieved a number of other prizes. The arts exhibition demonstrated just how talented Our Lady of the Sacred Heart College students are across all areas of the arts.

Special thanks are due to Vicki McConville and her team of talented arts teachers who organised the exhibition and Beth Fennessy, who organised the catwalk show. Congratulations also to Michelle Fenton, the performing arts leader, and the school arts captains, Laura Colainni, Tasha Esteves and Natalie Abilmona, who provided such great leadership to the student community.

Toonalook Waters

Mr INGRAM (Gippsland East) — I rise today to congratulate the East Gippsland community on its spectacular effort in a project called Toonalook Waters, a house that has been built as a fundraiser.

The efforts of all those involved is a testament to the have-a-go and positive attitude of the Gippsland people. Faced with the major need to upgrade the oncology and dialysis department at the Bairnsdale hospital, the community has rallied to raise funds for the hospital so that the oncology unit and dialysis department can be a great facility for the future needs of the community.

Local community member Mina Armstrong donated the land from her development near Paynesville; the practical men of the village, led by Mick Campbell, organised local tradespeople, businesses and other agencies, who chipped in not only to build this magnificent home but also to raise all the goods, services, timber, bricks and everything else that has gone into building the house. This house will be a great place for someone to buy. It will be auctioned in a couple of weeks. I encourage everyone to get behind the project, because it is a spectacular testament to what can be done when people get together to assist their local community facilities.

Insurance Australia Group: Kerry Panels

Mr DONNELLAN (Narre Warren North) — I want to bring to the attention of the house the harsh and what I consider to be intimidating conduct of Insurance Australia Group (IAG).

I specifically refer to Kerry Panels and its proprietor Gerry Raleigh. The company has been around for 20 years or more and its work is of very high quality. Sometimes, like all smash repairers, mistakes are made, and like many others they can be dissatisfied with the job. In this instance Mr Raleigh has admitted to making a mistake. Usual industry practice is that the repairer is given various opportunities to either repair the car or buy it back. In this instance IAG has decided, because Gerry Raleigh is a well-known hustler on behalf of small business in the industry, to take him to court. So a car that was worth about \$25 000 has now cost Mr Raleigh alone \$150 000 to go to court. I do not know what it has cost IAG, but I am sure its shareholders would not be impressed with this exercise in deciding that it wants to kill a small business because that small businessman sticks up for small business — not because he has done anything wrong in the past or because a smash repairer has never made a mistake.

The usual practice in the industry is that repairers are given the opportunity to rectify their mistake because they have to give a lifetime guarantee. In this instance IAG has not allowed it, which is inappropriate and shameful.

Water: food bowl modernisation project

Mr WELLER (Rodney) — I bring to the attention of the house a matter which has significant ramifications for some Goulburn-Murray Water irrigators. Goulburn-Murray Water has presented a draft proposal that will mean some irrigators will face a 17 per cent increase per annum in their water prices for the next three years, based on a 60 per cent allocation. The steep increase has been partly attributed to the maintenance costs resulting from modernisation.

The food bowl group has promoted the modernisation project as one which will provide cheaper water for irrigators. The group has said the new system will attract permanent water back into the area, once modernised. But if the costs are going to rise by 17 per cent, greenfield sites further down the Murray will be far more attractive propositions than making an investment in the Goulburn-Murray Water district where such high costs will be incurred.

A Goulburn-Murray Water media statement released on 18 August claimed that modernisation would deliver 'more affordable irrigation services in Goulburn-Murray Water irrigation areas'. The media release further states that under all scenarios the costs of operating, maintaining and replacing assets will require an average annual increase of 1.2 per cent in

Goulburn-Murray Water's revenue requirements each year through to 2059.

The 17 per cent increase proposal is a far cry from 1.2 per cent. In addition the Northern Victoria Irrigation Renewal Project states that the modernisation project will deliver a world best practice irrigation network and ensure that northern Victorian irrigators remain internationally competitive for decades to come. One must ask: how will lifting the price by 17 per cent ensure our international competitiveness?

Yuroke electorate: student awards

Ms BEATTIE (Yuroke) — I rise today to speak to the excellent achievements of the young students in my electorate who I had the pleasure of recognising this month at the annual Liz Beattie Yuroke school awards. Each year I write to all the school principals in my electorate asking them to nominate one student who they believe to be deserving of recognition for their efforts in education throughout the year. Each year I am thoroughly impressed by the achievements of the young people in my electorate; this year has yet again raised the bar for excellence.

Students were recognised for their achievements both in academic and extracurricular activities, notably for contributions made to the life of their school communities. The students of my electorate demonstrate the drive for achievement and the genuine care for each other and their communities, which are prerequisites for not only personal success but for meaningful participation in and a contribution to their communities.

I congratulate and commend the efforts of all students who received an award and thank those proud family members, teachers and school principals who were able to attend on the day to celebrate the great achievements of these young people.

Carmel Hunter

Ms BEATTIE — On another matter, I give my good wishes to Carmel Hunter, who this Sunday will be ordained at St Paul's Cathedral as a priest. Good luck Carmel.

Crime: statistics

Mr MORRIS (Mornington) — The Victorian government and the Minister for Police and Emergency Services are absolutely shameless in their massage and manipulation of crime data to suit their political purposes. The latest attempt to spin the figures is the decision to abolish local crime statistics.

Neighbourhood Watch volunteers believe their organisation may collapse as a result. Why are these changes proposed? It is allegedly in the name of modernising the organisation. I would have thought that with the enormous expansion of information technology and internet access for most households this would be the perfect opportunity to extend the publication of figures on the Web.

No, modernisation in this context means only crime statistics for each municipality are available. While these statistics give some sense of the overall direction of the crime figures, they do not allow people to know what is happening in the area served, for example, by each 24-hour station. Along the Mornington Peninsula there are three 24-hour stations. The consolidated results are totally meaningless in the local context. It is no comfort to people in Mornington to know that even though their figures are going through the roof, the overall picture is not really bleak because improvements have been made in Rosebud, Rye and Hastings. The whole thing is absolute nonsense.

Crime is local. While it may suit police to manage a police service area, it is still the local community in each location that is affected. By all means publish consolidated figures on the Web, but be honest and provide the local figures too so people can tell what is really going on.

Mobil: Altona refinery

Mr NOONAN (Williamstown) — I recently had the pleasure to attend a number of functions to mark the 60th anniversary of Mobil's Altona refinery. Production at the refinery began in July 1949, with a capacity of just 2200 barrels of crude oil a day, which was about 3 per cent of current production capacity. As Victoria's population expanded following World War II, demand for petroleum products prompted a significant expansion of the refinery in the 1950s. Further investment was made in 1970 to allow the refinery to largely replace imported crude oil with locally produced oil, which flowed from the discovery of crude oil in Bass Strait in 1967. The refinery's owner, Mobil Refining Australia, upgraded and modernised the refinery in 1997.

During the past decade significant effort and investment has helped reduce the plant's impact on the environment to the extent that greenhouse gas emissions from the refinery have been cut by over 40 per cent since 2001. The refinery has also implemented a number of projects to improve water efficiency and has met new standards for cleaner petrol and diesel fuels.

Today the refinery is one of the state's largest, producing up to 13 million litres of refined petroleum products each day, which is enough to fill more than 300 000 cars. These extraordinary figures would not be possible without a committed workforce, so I congratulate refinery director Glenn Henson and his 350 workers for their dedication and hard work. Finally I want to acknowledge the contribution Mobil makes to our local community, supporting projects that focus on the environment, health, education and the arts.

Mildura: trade training

Mr CRISP (Mildura) — I welcome the resolve of 12 district secondary colleges in my electorate, including Catholic and independent schools under the auspice of the Northern Mallee Local Learning and Employment Network in reapplying for funding through the Department of Education, Employment and Workplace Relations. Trade training is vital for country Victorian youth, and the remoteness of Mildura does not allow attendance at facilities nearby.

The Mildura bid will need the continuing support of the state government via the Loddon Mallee region of the education department. The Mildura bid was the no. 1 choice of the Loddon Mallee region and should continue to be no. 1 in the next round. There will be considerable cost to review and resubmit Mildura's application, a cost that should be shared with government and schools. I urge the minister to support Mildura's ongoing application for a trade training centre.

James Cook University: MBD Energy algae research centre

Mr CRISP — On Friday, 20 November, I attended the opening of the MBD Energy algae research centre at James Cook University (JCU) in Townsville. MBD Energy is a Melbourne-based company commercialising the use of algae — in the presence of sunlight, CO₂, nutrition and water — to produce biodiesel and stockfeed. MBD Energy plans to convert CO₂ to energy, using algae. The JCU research facility will allow research to be conducted on a scale that will allow deployment of the technology at coal-fired power stations.

I congratulate MBD for their \$3 million investment in CO₂ recycling. Algae technology offers another example of emerging options to deal positively with greenhouse gases.

Tertiary Scholarship Fund

Mr STENSHOLT (Burwood) — Recently I had the good fortune to attend this year's award ceremony for the Tertiary Scholarship Fund. I congratulate the organising committee on its wonderful initiative: Chap Chow, Wing Lam, Philip Chui, Tom Huynh, Jeff Teng, James Ling and Miss Attie Lam. The fund has received strong ongoing support from Mr Yin Lam of the Mekong Noodle House with a gift of \$10 000 a year for five years, and this year support has also been provided by Ms Cina Choi of the Nam Poong Soon Association and Mr Dee Lin of the Kimurakan Japanese restaurant.

I congratulate the award winners: Andrew Cookson from Deakin University, Haiou Zhou from Monash University and Sally Huang from La Trobe University. The awards are open to all — to any full-time tertiary student in Victoria. I commend the open selection process and the judges past and present: Professor Kwong Lee Dow, Professor David Holm, Professor Damien Ryan, Dr Hong Xu, Dr James Leibold, Dr Khee Pang, Dr Lynne Lee, Ms Chen Guosheng, Dr Nina Weerakkody and Dr Heather D'Cruz.

The awards are given on a twofold basis: academic excellence and community involvement. All the awardees had to score strongly in both categories. I also commend those who missed out on awards, because the contest was very close, with quite a number of people having been put up. I commend everyone involved in this superb program which fosters excellence in our community.

Anticorruption commission: establishment

Mr McINTOSH (Kew) — As the house knows, the Premier has announced a review of anticorruption measures by the Ombudsman, the Office of Police Integrity and the Auditor-General and the adequacy of those anticorruption bodies. In relation to those matters, I would suggest the Premier might like to refer to the special commissioners who are investigating things such as — and this is very dear to my heart — the tendering process the government undertook in relation to Kew Cottages, and particularly the appropriateness of the government acting as the owner, planning authority and developer of that project; the activities of former ministers involved in obtaining confidential leaked database information and disseminating that to attack political opponents; and also the leaking from the database in relation to Ms Kay Nesbitt.

On top of that there are a number of other matters that commissioners should be looking into, including the cash payments that have to be made for people to gain

access to and have audiences with the Premier and other ministers — they can have those as long as they make appropriate donations to the ALP. There are also the activities of ex-Labor ministers and Labor mates in the awarding of government contracts in relation to major infrastructure projects. I also ask the Premier to refer to the commissioners specifically the Victoria Police business information and technology services and the irregularities in the tendering processes there.

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

Leona Zajsek

Mr LANGUILLER (Derrimut) — Held on Monday, 5 October 2009, the 'Leona's Republic' dinner raised \$50 000 in aid for two-year old Leona Zajsek from Zagreb, Croatia. Leona suffers from juvenile myelomonocytic leukaemia, a serious form of the disease that does not respond to chemotherapy. Unable to receive treatment in Croatia, Leona was admitted to the Freiburg children's hospital, Freiburg, Germany, in May 2009. The hospital requested a deposit of 200 000 euros.

Leona's story first drew public attention through an interview with her mother, Daniela, by Kristina Kukolja on SBS Radio's Croatian language program. Angelina Molluso, whose father passed away after having suffered from the adult form of the same disease, and Aleksandra Rogulic, then joined Kristina Kukolja to organise a fundraising dinner for the Zajsek family. It was held at a Melbourne restaurant, Hellenic Republic.

I particularly wish to congratulate SBS Radio Melbourne, SBS Radio journalist Kristina Kukolja, photographer Aleksandra Rogulic, Angelina Molluso and Andrew Latella, His Excellency the ambassador of the Republic of Croatia in Australia and New Zealand, Mr Vicencije Biuk, and the consul general of the Republic of Croatia in Melbourne, Mr Antun Babic, on the roles they played. I wish to commend all the celebrities who attended the dinner. Over 140 guests helped raise funds under very difficult circumstances and I commend them all for their great effort.

Helen McDonald

Mr LANGDON (Ivanhoe) — On Wednesday, 18 November, I had the great privilege of attending a celebration of the life of Helen McDonald. Born on 12 September 1926, she departed this life on 13 November 2009. Helen wrote her own eulogy to spare her beloved family the ordeal. She wrote:

I go knowing I have been dearly loved by my parents, sister, husband Jim, daughter Gale, son-in-law Fraser, my beautiful granddaughter Gabby and my gorgeous great-grandson Fraser and of course all my loyal and cherished friends who are too numerous to mention by name.

She also wrote:

I say to my Labor Party friends, 'the true believers': keep the flag flying and always look to the 'light on the hill'. To my Collingwood friends the message is still the same: 'one glorious day in September' we will make it again. To my much-loved Heidelberg friends, who have always been there in times of need: keep it as beautiful a place as it is now and I hope it will always be.

I would like to say to Helen: you shared your life with so many of us. Thank you. We are all grateful to have known you.

The ACTING SPEAKER (Mr K. Smith) — Order! The member's time has expired and the time for members statements has also expired.

NOTICE OF MOTION

Withdrawal

Mr BATCHELOR (Minister for Community Development) — The first item of government business is the notice of motion standing in my name. I would like to not proceed with that today and ask that it be removed from the notice paper.

Mr McINTOSH (Kew) — The opposition does not oppose the withdrawal of the notice of motion that the minister refers to. Indeed I think it is important to note that it is perhaps associated with a bill that is currently before the house — the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill — and it certainly would appear that, until that bill is dealt with by this house, and perhaps by the upper house, it is a matter of some enormous controversy and this motion is perhaps dependent upon the outcome of that particular bill. I note that there is that linkage, and it is really dependent upon discussion of most of that bill. At this stage I will not foreshadow the opposition's position on that bill, but I cannot see any reason why the motion should not be withdrawn from the notice paper.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 11 November; motion of Mr BATCHELOR (Minister for Community Development).

Mr RYAN (Leader of The Nationals) — I want to tell the house about Kelvin and Jill Goonan and their son Paul and son-in-law Chris. I also want to tell the house about another fellow by the name of Bill Culhane. I met these people last Wednesday when I travelled to Mudgegonga. I went to north-eastern Victoria in the company of the member for Benalla and we spent a very productive day meeting a variety of people both at Mudgegonga and during the course of the afternoon at Kancoona. Throughout the other parts of the day we were at Myrtleford, Bright and Benalla, and in each instance we were able to have great conversation with a variety of folk about a variety of issues.

Meeting Kelvin and Jill was a truly compelling experience. I told them at their house that I was going to tell the Parliament something of the experience that they went through on Black Saturday. Kelvin was suitably taken aback but I said I would do it here anyway and I now do so.

These folk — certainly Kelvin — have lived on their property at Mudgegonga for some 49 years. On the evening of Black Saturday they fought the fire which, after much expectation, arrived at about 11.30 p.m. There were a couple of false starts and because of wind changes and the fickle nature of these cursed things, for a while they thought they might have got out of it. Alas, it was not to be, and they bore the full brunt of the fire between about 11.30 p.m. and midnight. They were successful in the sense of saving their home, and they did so after a mighty joint effort aided by their son Paul and son-in-law Chris. Eventually the fire blew right across the valley where their house is located onto the hill on the other side, and they were able to save their home.

Unfortunately, they lost four haysheds, a big shed containing farm machinery, and their stockyards. The bridge across the creek which gives access to their property was burnt out. They lost the farm machinery that was in one of the sheds. They lost three turkeys and they lost a number of other stock besides, about 30 in number. Primarily, though, and most importantly, their lives were spared. For that they were of course very grateful, and that remains the case.

Going to the property, as I did last week, is a quite remarkable experience. I walked with Kelvin up the back track behind the new shed which has been constructed since the fire. He pointed out and explained to me how the whole thing unfolded that night. He talked about the enormity of the wind and the walls of sparks that were coming at them — the absolute and sheer horror of the whole event. Then we talked about the things that had happened subsequently.

Nature has again taken its toll on these folk. Since that terrible night of Black Saturday they have had three flash floods on their property. The beautiful creek, which otherwise has run through the property and into a dam of about 5 metres in depth, is now the site of what looks like an aerodrome tarmac across the top of that dam. It is completely filled with rubbish which has been washed down from the adjoining area of public land. Unfortunately, Kelvin and Jill's property, which is on around 125 acres or thereabouts, adjoins an area of public land. They have inherited onto their property the wash which has come down the creek. It has gone into their dam and then in turn on three occasions has washed out all the work which has been done to replace their bridge.

They have a big pipe in place across that access track but whenever they have put the fill back in, it seems nature has invariably waited for them and the fill has been washed out again. I drove up the track the other morning in the company of two absolutely delightful ladies, Cheryl and Anne, who are two of the local workers providing assistance to many of these folk who are still caught in this nightmare. Whenever they drive through the track it is a real exercise, and the Leyland Brothers would be proud to get through. How Cheryl did it, I am not quite sure — I was in the front passenger seat, with teeth rattling — but we got through.

It was a remarkable thing to stand on that property and have Kelvin and Jill retell the story and to relive it with them — to sit at the kitchen table, see in the album the photographs of happier days, and hear these people talk about the enormity of the assistance they have received from various sources. They have had funding for the new shed. To this day the two lovely ladies with whom I was travelling have been out consistently giving them a hand, and by degrees they are pulling themselves through this dreadful nightmare.

I left their property and went up to Bill's place, which is the former schoolhouse. He and his wife acquired the property some years ago, and in the course of my visit to the household I heard the stories of the efforts of this man on the night; they were nothing less than

remarkable. He took a chainsaw in the literal dead of night, got into his vehicle and went down a road through which he had to cut his way to get access. He saved the homes of two or three other people. In the course of all that, unfortunately he drove his vehicle straight head-on into a road marker which had been folded over by the heat. It pierced and destroyed the radiator, and he has had to have that replaced at a cost of about \$1000. For some reason or another he has not been able to be reimbursed for that expense, and we will be pursuing that for him.

He is a remarkable man. The real pity for him was not only the damage to adjoining properties and the dreadful horror suffered by so many of his neighbours but that he had a three-year-old yearling called Timberjack. I remembered the horse's name as it had raced once; it had had a win and had every prospect of winning again. Coincidentally, it was set to race on Black Saturday, but the meeting was called off.

Apparently the horse was saved from the stables and subsequently taken to Shepparton and then to Albury-Wodonga. For 10 weeks vets donated their services to keep that beautiful animal alive. The owner thought that it would be all right and that he would be able to save it, but then it broke a fetlock and had to be destroyed. You have to wonder: how much do these people have to bear before enough is enough?

In this debate I want to highlight that we are all very aware of the struggles that so many of these people continue to endure. On that dreadful day, Black Saturday, 173 people were lost, and there are thousands upon thousands of people like those I have just described to the house. Their status in things is also reflected in the evidence I understand was given by Professor McFarlane at the commission this morning. He talked about how, as I have said many times, this is a generational thing for many of these people. Some of them will never recover.

As I understand from the evidence given to the royal commission this morning, an eminent psychiatrist was talking about the impact on the different communities and on their people, and about the need for us as a state to ensure that we do the right thing by the people so dreadfully affected by the impact of this appalling tragedy, because in some cases it is going to be decades before they are able to recover.

In some cases, whether we like it or not or are uncomfortable about it or not, people feel forgotten. It is imperative therefore that we keep reflecting on the fact that 78 communities were so severely impacted. I know that all members of this Parliament universally —

no matter the colour of politics or the Independent member — have constant thoughts in mind of the way these people across the state who suffered in that nightmare have been impacted.

This bill arises from the work of the royal commission and touches upon some of the recommendations that arose out of its interim report. The royal commission continues its work, and we hear daily the summaries of evidence. Many of us have been in the commission itself, listening as the evidence unfolds. The commission is doing good work, it must be said.

Out of all of that, there are points that I will quickly refer to. The first is to applaud again the extraordinary work of volunteers, as well as those in the Department of Sustainability and Environment (DSE) and the other agencies who have contributed and continue to contribute so much, not only in the fires earlier this year but also because now they are faced with having to stand alone again at the starting point of the current bushfire season. For those volunteers, the plaudits cannot be too great.

In that same context I must express again for the record my great disappointment that the CFA (Country Fire Authority) is not represented at the commission; it should be so represented. When the commission determined that only those parties whose conduct was under scrutiny would be entitled to representation, on that day surely the obligation should have been on the government to ensure that the CFA was represented.

One does not need to refer to any specific piece of evidence; I think the totality of commentary going through the commission is such that that case is made beyond doubt. The government has accepted the commission's 51 recommendations in its interim report and says it wants to implement them.

We believe an ombudsman should be appointed to ensure that those recommendations are implemented. One of the things people have often said to me as I travel through the fire-affected areas is that they have heard it all before. They have been through these processes before, they have seen recommendations of this ilk before, and they say they want to in fact have them implemented. That is why I proposed on behalf of the coalition that we have someone who is a complete third party reporting to the Parliament — not to the government, not to the opposition but rather reporting to the Parliament — on the way in which the recommendations are implemented. At the time the Attorney-General said that that proposition was an affront — I believe that was the expression he used —

and suffice to say, the general commentary was that it ought not be done.

Of course we now know that the government has appointed a monitor, former chief commissioner Neil Comrie, to report to the commission on government implementations. I say to the government: do not do it halfway or part of the way; go the whole way and appoint an ombudsman who is going to be there not only for the second interim report, which has been tabled only today, but for future years and future times because this is a generational issue. We need someone there on a permanent basis. I believe that case is all the more important because the recommendations reflect so much of what has happened before. Other reports over the years have talked about the fact that 000 was always going to be in trouble again if there was another disaster in the nature of that which happened on Black Saturday.

The issue of a single website had been referred to before. The issue about standard emergency warning signals had been talked about before. The introduction of a telephone-based warning signal had been recommended previously. The bushfire information line upgrades had been talked about before. The necessity for an integrated fire management planning scheme had been talked about before. These things and others have been mentioned before; they have not been implemented, and it is again why I say on behalf of the opposition that we need an ombudsman in place.

There are many examples also where the government, in its concern to try to implement appropriate steps to deal with what the Premier has described as the dire threat of this fire season, has made promises, and those promises have not been fulfilled. I say to the government that it is vitally important, particularly over an issue such as this, that the public have absolute faith in the fact that when things are said, they are done. To have any slippage in that regard strikes at people's confidence.

We saw instances of the bushfire survival kits not being ready in a hard copy when they should have been there. We have had the recent debate over the past week about the issue of Elvis and the availability of that helicopter.

The ACTING SPEAKER (Mr Ingram) — Order! Whilst lead speakers get much more latitude than other speakers, I would appreciate it if the member would refer to the bill and keeps his comments relative to the legislation.

Mr RYAN — A range of similar issues are pertinent to that particular point.

This bill consists of four parts. Those parts are reflective of the recommendations that have been made in some elements through the interim report, and for the purposes of examining those elements of the legislation, I want to make brief reference to some components of the different provisions.

The explanatory memorandum to the bill deals with various issues to which the legislation relates. Part 1 deals with the purposes, and they are as I have generally outlined. Part 2 deals with the amendments to the Country Fire Authority Act, and they are split into two divisions. A number of points are dealt with in the first of those divisions. Division 2 deals with the duty of the chief officer to warn the community and provide information about bushfires, and it nominates persons to whom that duty may be delegated. This arises out of the evidence before the commission as to the need for the chief officer to be empowered and to carry the obligation of doing what the provision now constitutes.

Further provisions set out the process that will apply to the identification, designation, assessment, maintenance and decommissioning of neighbourhood safer places. They also have been the subject of a lot of discussion over the past few weeks, and I will say more about those as we proceed. The neighbourhood safer place is defined as a place that may, as a last resort, provide shelter for people from the immediate life-threatening effects of a bushfire. Accordingly, it is important to understand that these are not refuges. That is not their purpose. They are as described.

The councils whose districts are wholly or partially located in the country area of Victoria are required to identify, to designate, provide signage, maintain and annually assess the suitability of these neighbourhood safer places. They are also to advise the Country Fire Authority of those neighbourhood safer places within their municipal district. The authority is then in turn required to publish a consolidated list of those neighbourhood safer places, or NSPs as I will call them — it is a terrible acronym, but I will use it for the sake of time — on its website and to provide that list to a number of agencies specified in the legislation. The councils may prepare a municipal neighbourhood safer places plan, which is to identify the suitability, designation, inspection, maintenance and decommissioning of the NSPs. I will return to that provision shortly.

The councils are also required to identify designated NSPs in their municipal fire prevention plans. In addition to that, and under this act — that is, under the Emergency Services Legislation Act — the Country Fire Authority is required to assist the municipal

council in meeting its responsibilities with regard to the development of those NSPs. The authority may issue an updated series of assessment guidelines from time to time, and they are broadly recognised at the present time as being, I think, 110 metres if there is a building and 140 metres if there is not, but I stand to be corrected. It is understood that the process for identification and designation of the NSPs may take some time. Originally the intention of the government was to have this done by about November this year, as I understand it, but now it will not be concluded until about July next year.

Division 4 within this section talks about the fact that where there is a designated NSP on non-council land, any liability for death or injury arising out of its use as an NSP during an actual or threatened bushfire will transfer instead to the municipal council in whose district it is located. The intent of that is so that eventually the indemnity provisions which apply in favour of those councils in the unfortunate event of a death or injury for anybody occupying an NSP will then apply.

I also refer to the fact that in part 2 of division 2 there are provisions that relate to Volunteer Fire Brigades Victoria, which is to be represented on the board of the CFA. After years of discussion it is now the single unified representative association of all CFA volunteers. In effect this provision will ensure that those positions which were held by the two individual entities before this amalgamation process occurred are maintained.

Part 3 of the bill contains amendments to section 16 of the Emergency Management Act. Those amendments arise out of the discussions before the commission about having a contemporary command and control structure. We need to make sure that we have a proper organisational flow so that when these fires have to be fought, everybody knows exactly the hierarchy of arrangements.

In essence the chief commissioner, who has recently completed a review of those command and control arrangements, has proposed — and it has been accepted — that changes will be made. The review has recommended that the fire agencies adopt a single hierarchy of control for fire emergency response. As set out in the explanatory memorandum, that comprises a state controller. Then there are area-of-operations controllers who are subordinate to the state controller, and each of those has a responsibility for a specified geographic area of operations. Finally, there are the incident controllers who are subordinate to an area-of-operations controller, and each of those has

responsibility for significant fire incidents. It seems to me that that series of amendments is going to substantially assist in this all-important issue of command and control when fires have to be fought.

There are some important matters to reflect upon in the course of this debate. The first is the involvement of local government. I understand why there is local government involvement and why, in a relative sense, it is so extensive. On the one hand the interim report recommendations 8.2, 8.6, 8.7 and 8.8 in essence refer to the involvement of local government in developing each of the outcomes those recommendations contemplate. That is clearly understood, as far as that goes.

On the other hand I understand that each council has been provided with about \$7000 for the purposes of compliance with obligations they now face under the provisions in this legislation. I ask the government to revisit this matter. After talking to different councils around country Victoria, and particularly those in the 52 locations featured as being most under threat, I understand that the amount of work to be done is enormous. The government should therefore revisit the issue of local government being given more financial assistance than is presently extended to it. As an adjunct to that issue, local government will need ongoing support to maintain its obligations. The government needs to revisit the commitment it has made in regard to financial support.

The next point I raise is of considerable significance. I refer to those provisions regarding the availability of the indemnity to local government. Specifically I refer to new section 50F(1), which deals with municipal council neighbourhood safer places plans. It says:

A municipal council may —

and I emphasise the word ‘may’ —

prepare a plan (a Municipal Council Neighbourhood Safer Places Plan) ...

If we then look at new section 50G, which is headed ‘Municipal councils to identify and designate neighbourhood safer places’, subsection 1 states:

A municipal council, the municipal district of which is located wholly or partly in the country area of Victoria, must —

and I emphasise the word ‘must’ —

identify and designate places as neighbourhood safer places in its municipal district.

Taking those two provisions at face value, on the one hand under new section 50F a council is not obliged to prepare a plan, but it can if it so chooses. On the other hand, under new section 50G a council is obliged to identify the neighbourhood safer places: there is no choice.

Turning to the provisions of new section 50O, which has the subheading ‘Police defence’, it states:

For the purposes of any proceeding for the death of or injury to a person arising from —

- (a) the use of a designated neighbourhood safer place; or
- (b) a failure of a municipal council to designate a neighbourhood safer place —

an act or omission by a municipal council, —

this is the point I wish to highlight —

which is in accordance with a policy in its Municipal Council Neighbourhood Safer Places Plan, does not constitute a wrongful exercise or failure ...

The prospective problem here, as I read this, is that councils are not obliged to prepare a plan, yet the indemnity is linked to that optional action on their part. If you look at it the other way around, you see that a council that does not prepare a plan — and it is not under an obligation to do it — would not have the protection of the indemnity which is offered by way of the policy defence. That seems to me to be a problem. It is not tenable for us to operate on the basis of saying, ‘Oh well, of course councils are going to get themselves a plan. They would be dills not to because they will not be able to access the policy defence’. That is not nearly good enough. We need to have a clear position here. If the policy defence is to apply, then there needs to be a direct link with an obligation on councils to have to prepare a plan as set out under new section 50F. I ask the government to have a look at that matter when the bill is between houses.

As to other elements of the bill, I appreciate the complexities of all of this, but a lot of councils have gone a fair way down the track in getting this work done. It is imperative that the government communicate to those councils the content of this bill in all its convoluted form because from my discussions with them it is clear some are going to be playing catch-up. They have started going off at tangents that might not necessarily comply with the terms of this bill. That position could have disastrous consequences for the 52 towns that have been nominated as at high risk. I invite the government to consider the fact that, as I understand it, none of them is in north-eastern Victoria,

an area which was subject to the fires. That is something that needs to be revisited.

My final point is that the description of the delegation powers available to the chief officer talks about delegation capacity to a prescribed agency or a prescribed person. We do not want to get to the point of being too distant from where the original recommendation started. The intention was to vest the obligation in the chief officer, and it is important that we ensure we do that as closely as we can.

This is important legislation. There are elements in it that should involve further consideration. We support the principle of what the government is looking to do by way of its implementation of the recommendations, but we have some concerns about those matters I have raised here today. I ask the government to have regard to those issues, because they have been raised on the basis of trying to get the best outcome for everybody. After all, it is that thought that we all have in mind when we address matters of this ilk.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Emergency Services Legislation Amendment Bill. The need for this bill arose out of the Victorian bushfires royal commission's interim report. The government made a commitment to implement the recommendations of that interim report and to legislate expeditiously to achieve that. This Parliament owes nothing less to the 173 people who were lost and to the thousands of people who lost their homes as a result of the fires on Black Saturday.

We also have a duty to all Victorians to do whatever we can to provide the appropriate mechanisms to assist them — whether it be people in local government, other community members or householders — to prepare themselves in the safest way. It is also imperative that we provide the greatest level of support to Victoria Police and to our emergency services agencies so they can do their important work in protecting the state and also assist in recovery.

One of the first components of the bill amends the Country Fire Authority Act to give the CFA's chief officer the responsibility to issue warnings and to provide information to the community concerning the risk of bushfires, which was a specific recommendation of the bushfires royal commission's interim report. The bill goes further than that.

I will respond to the concerns of the Leader of The Nationals, who said that you do not want too much delegation and too many decisions being made too far away from the chief officer. The reason for the power

of delegation is that we could see a situation where — and I hope we will not be looking at such a situation — the point of origin of a fire is in the Metropolitan Fire Brigade's district or in the area of responsibility of the Department of Sustainability and Environment. The bill empowers the chief officer of the CFA to delegate power to each of the chief officers of our two other fire agencies, which I believe is important.

The second component of the bill which I want to address is the requirement for municipal councils to identify and designate neighbourhood safer places and to include them in their municipal fire prevention and emergency management plans. This was also a specific recommendation of the royal commission. It is very important that neighbourhood safer places be provided, but they will be there only for when other options and other elements of a householder's plan have failed. Community members should be under no illusions. A neighbourhood safer place should not be their first option. It will be available only for when other plans have failed, and it should be a place of last resort. It will not be a refuge; it will be a neighbourhood safer place. Those who find themselves either living in or visiting an area that is threatened by a bushfire need options.

New hazard warning levels have now been introduced. They are not just levels of extreme fire danger and a total fire ban day; we now have three gradations within the category of code red: catastrophic, severe and extreme.

I reiterate that on days declared code red catastrophic the only safe place to be is not in a bushfire-prone area, and people living in those areas should contemplate leaving the day before or at the very latest before 10 o'clock on the day. Some people will make the decision to stay and defend, but I really hope they make an informed decision and they make sure that children and old people are not present at those properties and that people are very well equipped. Fires can start quickly and things can go awry and people may need a place of last resort. That is why this bill empowers municipal councils to establish a neighbourhood safer place. It may be a structure or an oval which is more than 310 metres from vegetation. People should really keep in mind that they are a place of last resort.

The bill provides immunity for CFA officers when giving advice on home defendability. It amends the act to provide that, in the event of a bushfire, the chief officer and other members of the CFA may advise the community or any person on ways to improve the defendability of a home or other building.

The bill makes technical amendments to allow for representation of Volunteer Fire Brigades Victoria on the board of the CFA. In the last 12 months the rural and urban associations of CFA volunteers have amalgamated into one body, Volunteer Fire Brigade Victoria, and I commend them for their efforts in that. We now need to change how they are referred to in the Country Fire Authority Act so that that very important representation of volunteers on the CFA board can continue.

The bill also amends the Emergency Management Act to accommodate the revised emergency management arrangements developed by Victoria Police following the review of the command of control arrangements. I commend the control arrangements in section 16 of the act. They apply not only to fires that are burning or that may occur but also to fires that have occurred to ensure that the control arrangements can apply in the recovery effort. It is really important to clarify that. The bill amends the Emergency Management Act to remove the existing at-the-scene-of-the-fire limitation on where an officer of a control agency appointed under section 16 may exercise the powers of the chief officer of the CFA, and provides for the appointment of assistant controllers and the transfer of control-of-response activities.

It is very important that we in this Parliament continue to work collaboratively with local government, our fire agencies and everyone across the Victorian community to do whatever we can to keep our state safe and also look closely at the recommendations of the royal commission and its interim report that form the basis of the bill before the house today.

I continue to offer my support to volunteers and career fire officers who are making themselves ready. They have already had to undertake firefighting efforts, and they are working very closely with communities in their preparation after an exhausting season last year. It is not easy for them to saddle up again. I offer them my continued support, and I know all members of the house do so as well. I hope fire officers come home safely to their families. I thank their families for their continued support for the volunteering efforts.

I offer my support particularly to Karen Barrow, who is the second lieutenant of the Kinglake West brigade. She has had a particularly harrowing few days. I offer my support to her and commend her for her bravery in the work she has undertaken and also in giving evidence before the commission this week. I am glad Victoria Police is going to investigate the intimidation that it seems she may have suffered.

In conclusion, I commend the Emergency Services Legislation Amendment Bill to the house. I wish it a speedy passage. I am pleased the opposition is supporting it. It is important that all members of the house make a very strong statement so that our fire agencies, our volunteers and our communities are supported to be safe, and that there is a great fire effort in the forthcoming fire season.

Mr MULDER (Polwarth) — I stand to join the debate on the Emergency Services Legislation Amendment Bill and to point out that the opposition is not opposing the bill. The bill raises some serious questions, particularly in relation to the community that falls under my watch in the Polwarth electorate, including the Otway Ranges. We were lucky throughout the early part of a year that had Black Saturday. A serious fire broke out at Weering, west of Colac, and we were very fortunate that there was a wind change at the last minute. In short, that fire did not find its way into the Otways. Had the fires continued on at Weering for another hour or two, we could have found ourselves in a similar situation to what other communities faced on the other side of the state. We could have had serious loss of life and serious loss of property had a bushfire entered the Otways.

Our Country Fire Authority (CFA) people, the volunteers and the professional personnel who operate in the area, have an office right next to mine in Colac. I know the preparation and the work that was put in by them leading up to last summer. They are at it again as we speak. There is an enormous amount of work going on. They are very professional in the way they go about their work. They get great support from the volunteer CFA groups throughout the region and we are hoping and praying as we move into the fire season that we do not get what was expected last year and what we are facing again this year, a serious bushfire season and a fire breaking out in the Otways, because there are some significant challenges out there.

The government has been skulking around, trying to catch up with some of the cool burn work that should have been done over previous years. There has not been enough work done in relation to fuel reduction throughout the Otways. That is the greatest fear that we face. You only have to go for a drive down some of the overgrown tracks through the Otways to understand that if we do have a fire and get those catastrophic conditions, it is going to be a tough one. It is a very dangerous situation and a dangerous set of circumstances with those predicted hot summer periods. The fuel is sitting there on the floor of the forest. It is only going to be the professionalism of the CFA, the work of the volunteers and hopefully the

work that has been carried out by councils and the CFA in relation to some of the provisions of this bill, which I will speak on, that will prepare us for the bushfire season.

There are some things that really concern me in relation to some of these provisions. Following the Weering fire and following the situation we had with Black Saturday, our community got together and we had a very large meeting in Colac. That meeting was videoed and we sent a copy to the royal commission and a written submission highlighting a whole host of areas that we believe need to be addressed to make our region particularly safe as we move into the next fire season.

I refer to recommendation 8.6 of the 2009 Victorian Bushfires Royal Commission's interim report, where 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.

Recommendation 8.8 states:

The state to have developed uniform signs for designated community fire refuges and neighbourhood safer places in Victoria.

Quite clearly the intent of the royal commission was that the state would take on board these particular recommendations. I know that the Leader of The Nationals has pointed out the fact that those recommendations all of a sudden seem to have been handballed over to local councils. I know that some of the councillors in my area are very concerned about the implications and possible litigation in relation to council having to all of a sudden shoulder all of this responsibility. As has been pointed out previously, councils have been handed about \$7000. That amount would hardly cover the cost of administration in terms of the workload that councils are supposed to take on board in terms of preparing these safer places.

It was reported in the *Colac Herald* of 9 October that in the Otways, in my electorate, the 52 Victorian towns at risk included:

Barongarook, Barwon Downs, Carlisle River, Deans Marsh ... Bambra ... Pennyroyal, Forrest, Kawarren, Lavers Hill, Lorne, Marengo, Peterborough, Wye River, Kennett River and Separation Creek.

These towns are all in the Otways and all in my electorate. Out of the 52, a significant number of those towns are actually in my electorate. I know that having gone through the process of councils going around and identifying what they believed were potential safer

places, a number of those locations and smaller towns and settlements were identified as not having an area that was considered suitable as a neighbourhood safer place:

Barongarook, Forrest, Marengo, Barwon Downs, Beech Forest, Kawarren, Lavers Hill and Wye River.

The government has created a fair bit of confusion within the community. The question being put to councillors is why these particular locations do not have a safer place when other locations in the Otways do. We understand that the CFA turns up once the area is identified and puts its template across it and works out whether or not it meets the safer place criteria. If it does not, then it cannot be declared a safer place. What has not been answered is what additional work is required in those particular areas to create a neighbourhood safer place and why those areas were ruled out. I know that comments were made early on in relation to some of these locations, that the rugged terrain, the thickness of the bush and perhaps the roads in and out may have contributed to these areas being ruled out, but the communities are aware and do not understand how this template process works and why some of these areas have been excluded from having a safer place category. This is something that the government has not picked up on and worked out.

There is still a lot of confusion out there. The previous member spoke about the issue in relation to people wanting to understand that these safer places are not your first point of call. Your first point of call is to get out if indeed there is a fire danger. I do not believe that message has got through quite yet. With all the money the government spends on advertising, it could put money into getting clear and concise messages out to people in this situation. There is utter confusion in my community about what is being proposed, why some of these areas have been ruled out, what the templates are, what the government's catastrophic warning actually means and how these neighbourhood safer places fit into it. People really do not understand it. As a local member I am going to have a problem as we approach this fire season when we have visitors flowing in from Melbourne, many of whom come from non-English-speaking backgrounds. I am concerned that the information and the message is not concise. It simply is not clear at this point in time. The government has a significant amount of work to do on this.

Looking at this bill, in terms of passing the responsibility over to councils for municipal council neighbourhood safer places, councils are required to prepare the plan and identify and designate the safer places. All of a sudden people believe this entire

process is the responsibility of the council, and that is weighing heavily on the shoulders of individual councillors.

Under 'Appropriate signage for designated neighbourhood safer places' a municipal council must ensure that appropriate signs are in place. What if they get knocked down, damaged or are blown away by shotguns, as louts have been known to do in the past? If something goes terribly wrong so that it ends up falling back on the shoulders of councillors, we will struggle to get people to put their hands up in the future. They did not ask for this; it is being imposed on them. I am really concerned as to what this is doing to the state of mind of councillors as they move into the bushfire season.

It is one thing to provide legislative protection to a local council in terms of litigation that says they cannot be held responsible if something goes wrong, but nothing can overcome the personal cost to councillors who live in those communities and work with people on a day-to-day basis if something goes wrong. We can have a look, for instance, at the work that the Colac Otway shire would have to put into identifying all those locations, making sure they fit the CFA requirements and going down the pathway of signage and upkeep as we move forward from year to year.

There has been no indication, as I understand at this point in time, as to what future funding is going to be provided to municipalities to pick up the cost of this. There is a real concern that it is just going to be pushed back onto ratepayers, even though these safer places are going to be provided not just for people who live there permanently but also for people who come from Melbourne or interstate to visit these areas during holiday periods.

I do not believe local ratepayers should have to pick up the full cost of this program. It is one thing to throw the responsibility onto the shoulders of local councils, but it is another thing to ask ratepayers to pick up the full cost of it, because when you drill down and ask yourself what is the root cause of what we are facing, it is failed environmental policy and failed policy in relation to the management of Crown land. That is why we are in the situation we are in today. We should never have been put in this position.

Ms BEATTIE (Yuroke) — I rise to support the Emergency Services Legislation Amendment Bill. As we know, this legislation comes in response to the interim report of the Victorian Bushfires Royal Commission. It is enabling legislation to amend the Country Fire Authority Act to ensure that the CFA chief has the responsibility to issue warnings and

provide information to the community concerning the risk of bushfires, to require municipal councils to identify and designate neighbourhood safer places and to include them in municipal fire prevention and emergency management plans. I will say a bit more on that later.

It will also provide for the giving of advice by CFA officers on home defendability to be covered by the immunity provision in section 92 of the CFA act. It will do that by amending the CFA act to provide that it is the power of the chief officer to advise the community or any person on ways to improve the defendability of their home or other building in the event of a bushfire.

Make no mistake, Acting Speaker, we are headed for another dreadful summer. We have already seen record high temperatures in November, and dry conditions still endure. We have seen the first catastrophic warning issued in New South Wales. There are many who do not believe it will happen. We see the federal Liberal Party in turmoil with its own people who still do not believe in climate change, but climate change is happening. Our climate has changed forever, and therefore we have more and more bushfires, catastrophic events and extreme weather conditions.

I want to talk a little about neighbourhood safer places; many other members have talked about them. They are places of last, not first, resort. The royal commission has heard harrowing evidence of people staying to defend their houses. We in Victoria are no different to the rest of Australia; we have the great Australian dream of having our own home, but I suggest to people that no home is worth the risk of losing your life. Neighbourhood safer places are meant to be used only in extreme circumstances. You cannot pick up your goods and chattels and take them along, and you cannot take your pets along.

I want to touch on a couple of points the previous speaker made with regard to municipalities identifying neighbourhood safer places. He referred particularly to his area, where many people from Melbourne go to enjoy their holidays, and said perhaps it should not fall to the council, via the ratepayers, to provide the safer places. When people go on holidays to a particular place, that council area often enjoys a great economic fillip from the contribution of tourism. It is not just the ratepayers who pay.

By economically stimulating municipalities, people get to share. I do not know what the member is suggesting. In catastrophic conditions will people have to take a passport to these places to identify where they are from before they are allowed into the safer place? Or if they

are from Melbourne, will they be locked out? I am not quite sure what the end result would be.

I will touch on a couple of the other purposes of the bill. They are to amend the CFA act to impose a duty on the chief fire officer of the CFA to issue warnings and provide information to the community concerning the risk of fires. A lot of people were consulted when this legislation was being amended. The Department of Premier and Cabinet, the Department of Treasury and Finance, the Department of Planning and Community Development, the Department of Sustainability and Environment, the Country Fire Authority, the Metropolitan Fire Brigade, the Municipal Association of Victoria and Victoria Police have all been consulted on the bill. I am sure there were many suggestions made, and we will see this bill come into action although the fire season has already commenced.

It is good to see this bill before the house. The government said it would respond to the interim report of the royal commission, and this is part of that commitment to respond. The Brumby government takes seriously its commitment to implement the recommendations of the royal commission.

The bill also implements arrangements for managing the risk and reliability issues associated with the establishment of neighbourhood safer places as endorsed by the legislation committee of the cabinet. It also amends the Emergency Management Act to accommodate the revised command and control arrangements for Victoria Police and provides for the representation of Volunteer Fire Brigades Victoria on the CFA board.

There is sufficient time for the introduction and passage of the bill before the end of the year. We have introduced it now, and it will have effect after it goes through the upper house. This is an important bill, possibly one of the most important we will see come to this house. It is safe to say there are many people who are very nervous about the upcoming fire season, and there are many different points of view. The previous speaker talked about a failure to implement various policies. Some people will say that they should be able to live in a place surrounded by bush without any rules surrounding the clearing of that bush. Other people will say that all the bush should be cleared. I know that members in areas that have a great deal of vegetation around them are often affected by people in various segments of their community saying, 'We want the bush cleared', and others saying 'We do not want any clearing to occur'. It is a great conundrum.

This is a good bill. It demonstrates that the Brumby Labor government is absolutely committed to doing its utmost to protect the people of Victoria in the upcoming fire season, although part of that responsibility rests with people themselves — to make good decisions, to implement everything that is at their fingertips to make sure they are safe and, as the very last resort, to go to the neighbourhood safer place. If you live in an area that is fire prone and you hear the warnings, I would say that you should get out immediately. If you live in a fire-prone area and it is a bad-weather day with a catastrophic warning, you should not stay at home. You should go somewhere else. Nothing is worth the cost of your life or the lives of your loved ones. A house can never replace a life. With those few words, I commend this bill to the house, and I am very pleased to day that the opposition is not opposing it.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Emergency Services Amendment Legislation Bill of 2009. I wish first of all to put my comments in context — that is, that this bill implements some of the recommendations of the bushfires royal commission. However, as the Leader of The Nationals noted, many of the 51 recommendations of the 2009 bushfires royal commission were in fact recommendations arising from investigations into other fires, most recently the 2003 fires and the 2006–07 fires, which unfortunately have not been acted on. As a result Victoria remains dangerously unprepared for the forthcoming fire season.

The second step in putting my contribution in context is to make reference to the fire-affected areas in the Mudgegonga, Rosewhite and Kancoona area, which the Leader of The Nationals, who is also the shadow minister for bushfire response, and I visited last week. Communities in that area are recovering from the 2003 fires, the 2006–07 fires and now, in November 2009, also from the devastating 2009 fires. Those people feel forgotten. It is really playing on their minds and it needs to be addressed. The government needs to show these people that it cares. One of the ways of showing that it cares is to take action. These communities also feel frustrated because lessons of the past have not been learnt.

In relation to the bill, one of the key things that irks the local people is that the need for a simplified chain of command with greater local input in the decision-making process has not yet been adequately addressed. I should say that the system of command that has operated up until now has tended to be effective in campaign fires. Those are fires that run over days and weeks, where you can have a system feeding

up to the central management, with the central management making more of the decisions and then feeding them back down. However, even in campaign fires there are many missed opportunities with timing, controlled burns and back-burns because they cannot be done through that system of management within the window of opportunity that is presented.

The other thing is that when you have fires that move as quickly as the fires of Black Saturday did, that system of management simply does not work. We had a previous experience in the January 2006–07 fire season with the so-called Tatong fires, which moved very quickly for a short time. Assets were saved and the containment of the fires was achieved as a consequence of the local brigade members, the volunteers, operating on adrenaline and raw courage and with a good skill level because of their basic training and many years of experience. I have to say that there was also an element of luck there that no lives were lost.

We need to modify the system of management. Bringing in one line of command and giving one person the responsibility to deliver the warning message is a key part of an improvement to the system. It is one thing to clarify who is responsible for issuing the warning but the next thing is that those warning messages must be accessible and clear. We have already found in the recent start-up of this fire season that people have had difficulty in accessing the websites providing warning information for Victoria and that the messages have not always been clear. If you look at the website information that is available in New South Wales, you will see that there is great opportunity for improvement in the accessibility and clarity of information available in Victoria. I should also note, in relation to the hard copy information linked to fire preparation and warning, that the Premier opened Fire Action Week in early October but the hard copy information was not available until at least four weeks later, and some of it was withdrawn after only a few days because of some minor editorial errors. Again, it is one thing to have a clear line of responsibility and apportioning of responsibility but you need to also have accessibility of the message.

The next thing you need for the message to get through is infrastructure in place for those messages to be delivered. In my electorate of Benalla there are many localities where the infrastructure is not in place for these warning messages to get through. We have communication black holes in much of the Strathbogies, in the Tolmie area, in the Woods Point area, and in the Mudgegonga and Kancoona areas. Having one person clearly assigned the responsibility of issuing a warning is fine, but if that warning cannot be

received by those who are at risk, then what is the point of issuing a warning?

What we need is improved maintenance of the landline system. We also need an upgrading of the mobile telephone coverage. I should say there has been an appalling amount of buck-passing going on there, with the state government promising on the one hand to do everything possible to rebuild and set in place appropriate early warning systems but when it comes to mobile phone coverage saying that it is a federal government issue. The federal government then says, 'No, that is a commercial business issue for Telstra or Optus', or we get the line, 'We are working on it.' That is unacceptable. In a situation where billions of dollars of losses have occurred and lives have been put at risk, there is simply buck-passing going on between the state and federal governments.

That is the longer term situation. In the shorter term a solution has been put forward by members of the Kancoona and Mudgegonga communities. People in the Kancoona community were in a communications black hole, but on their own initiative they worked to minimise livestock and property losses in the February fires through a very effective communications tree, a so-called telephone tree. The community used telephones while they functioned, and when the landlines went down they used UHF radios. The Kancoona community is now saying, 'It is now nine months after the fires of February 2009 and we have had no help to put in place a better system to protect ourselves and our families'. Their solution is quite simple; it is to provide more UHF radios to ensure that the 65 families at risk can all be connected through a communications tree. The cost of filling that communications black hole would be \$10 000, \$20 000, maybe \$30 000.

It is a similar situation in Mudgegonga. The Country Fire Authority (CFA) fire captain, Andrew Cross, and one of his lieutenants, Cindy Lucas, have the makings of a solution. They have a proposal to put in place five communication trees; five hubs with 20 families connected to each hub. The cost would be in the order of \$10 000 per hub. What is happening? Nothing! The shadow minister for bushfire response and I are going to work with those communities to try to help them get up to speed.

Touching briefly on the neighbourhood safer places, it has been said that the government is going to contribute maybe \$7000 per local government area to help put them into place, but the cash-strapped Alpine, Murrindindi and Mansfield shires, which were hurt so

much by the 2009 fires and earlier fires, need substantial financial support, way above \$7000.

We also need to look at the risk assessment system that was undertaken by the government. In ranking the so-called hotspot communities, it looked only at the consequences of the fire getting to those communities; it did not look at the probability of the fire hitting them. When you look at the probability of the fire hitting those communities you see that many communities in north-east Victoria should have been in line for substantial financial support to help them prepare and reduce their risk, but they have received next to nothing from this state government. The Alpine shire in particular has done it tough.

In relation to the CFA providing advice to help people assess the defendability of their properties, many CFA volunteers are struggling to recover from the trauma of fighting the 2009 fires and struggling to recover their own properties which were damaged by the fires. They are experiencing very large calls on their time and their emotional commitment. In the words of the government, 'There is much more to be done to prepare Victoria for the forthcoming fire season'. At this stage, as a result of the inaction of the Brumby government, we remain dangerously unprepared.

Ms DUNCAN (Macedon) — It is a pleasure to rise in support of the Emergency Services Legislation Amendment Bill. Listening to some of the comments made by members of the opposition — and I guess it is the nature of the opposition — their little mantra does nothing constructive to assist us with preparations for this fire season. Those of us who actually live in fire-prone areas need these messages to be clear and consistent. We do not need people to go around scaremongering and trying to create an urban-rural divide. We hear this again and again, particularly from the member for Benalla, but from members of The Nationals generally. They are constantly trying to create this urban-rural divide.

It is interesting to note that when anyone else dares to get up and speak on behalf of a rural community, members of The Nationals cringe and curl as if to say, 'How dare someone speak on behalf of our constituents; we represent country Victoria'. I am here to tell you that the Labor Party, this government, represents country Victoria as well and can speak on behalf of it. It galls me to hear the member for Benalla say that Labor represents country Victoria poorly.

Let us cast our minds back to the seven dark years of the Liberal-Nationals coalition, when country Victoria was consistently referred to as the toenails of Victoria.

Members of The Nationals have very selective memories. On Sunday I had great pleasure in reading the *Sunday Age*, let me tell you.

Living as I do in a fire-prone area I recently attended my local community fireguard meeting, and it is very pleasing to see the number of people who are now coming to fireguard meetings right across this state and to see the level of preparation that is being undertaken. We see that on every level the preparation for this high-risk season is unprecedented in the history of Victoria. It is unprecedented on every level: people on the ground and money being put into resources. On any level the member for Benalla would care to point out, the preparation for this fire season is unprecedented.

This bill does a number of things, but most of the focus of this debate is on the implementation of neighbourhood safer places. It is important that we are very clear on the message of what a neighbourhood safer place is and equally, what it is not. There is some concern and confusion in the community, not helped by the opposition, about what neighbourhood safer places do, what they can do and what they cannot do. The government continues to sell the message, but it is increasingly frustrating to listen to opposition members and even the mainstream media, which continually refers to refuges in the context of neighbourhood safer places. Some people are very inaccurate with their language, and it is important that we are very precise with our language in indicating what these places are.

The first thing I will say about neighbourhood safer places is that they are a place of last resort for people to go when their personal bushfire plan has failed. A neighbourhood safer place should be used only where people who have a policy to 'prepare, stay and defend' find that various things have gone wrong and they are unable to maintain their plan or in the event that people's plan, like mine, is to leave their property early and for whatever reason that cannot happen, especially when a fire commences close to your property and particularly on a catastrophic day when we know the fires will run very quickly and it will become dangerous very quickly.

It is not a place to go to early in the day if you are a leave-early person; it is not a place to sit out the day and have your local council providing services — that is not what these places are about. These are places of last resort. The bushfires royal commission described them as a plan B or plan C. In our local fireguard area people have plans A, B, C and D as various fallback positions. This government is creating neighbourhood safer places in response to the recommendations made in the interim report of the royal commission.

I also indicate that these places will not be purpose-built buildings. They are existing buildings that have been assessed as capable of providing a degree of protection from direct flame contact and radiant heat during a fire. They are places that it is hoped will be safer than one's home. Areas and buildings are now being assessed by CFA (Country Fire Authority) inspectors based on criteria designed by the CFA to ensure they meet the key criteria — namely that the open-air sites be at least 310 metres clear of forest and other fuel sources, or in the case of structures 140 metres clear. In other words, they will be far enough away to offer protection from radiant heat, which is the big killer with bushfires.

We also know there are places that are high fire-risk areas — I have a number of towns in my electorate that are so designated — where it will be difficult to find a place where anyone can reasonably say, 'This area is safer than your home; this will be safer than your plan A'. It will be a fact that the areas looked at do not meet the critical criteria and it would be irresponsible to suggest a safer place is safer than your home when it is not.

It is very important that the community understands that it is not just a matter of saying, 'That is a good place; it has a nice car park; it has reasonable access, so we will designate that as a neighbourhood safer place'. That is not what it is about. We need to have confidence in the CFA — I have incredible confidence in the CFA — and councils that they will go about this in a systematic way and that these places, once they have been designated and have met the criteria will be safer than plan A, if that is what has failed.

As I have said, these are not relief centres, refuges or places where people can access support and services. These are places of last resort, places to wait out the worst of the fire and presumably then move on to a safer place. As I said, the criteria specifies appropriate separation distances between fire hazards, and it is important that the community understands that science is being applied to this. It is not just about what is convenient.

Once so designated, the council must record the neighbourhood safer place in its fire prevention plan and its emergency management plan. It will be the case that where councils are unable to designate a neighbourhood safer place because there is no area to meet the criteria, they must record that fact in their plans. Councils will also be required to provide the CFA with a list of neighbourhood safer places by 30 September each year.

The government recognises that it is not possible for every council or the CFA to complete these processes for this fire season. We need to be careful and precise about these things. For that reason there will be a period of grace for councils up until 30 July 2010 before they will be required to use their best endeavours to comply with the requirements. After that they will be required to identify a safer place or make it clear why they cannot designate a safer place or why it does not exist. These places will be used only in circumstances of great danger. These are not places to go on a total fire ban day as a person's plan A. As I said previously, these are places of last resort.

During the debate the house has heard concerns about the burdens on councils. I am not underestimating the role that councils play and the work they are putting in to prepare their municipalities for this fire season, but the bill provides councils with a statutory defence similar to that which is used in the Road Management Act. Councils will not be alone in this.

The CFA, the Department of Sustainability and Environment and the government will work closely with councils to ensure that we all survive this year's fire season. As has been said and as all the indicators would suggest, this season is going to be every bit as bad as last season, but we hope that with the unprecedented amount of work that has gone on and with the heightened community awareness of all the issues involved and the clear government messages, that while we may have serious fires, we will not have the same result that we saw so tragically in February this year. We all must take responsibility for this fire season. The government has taken unprecedented action. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Emergency Services Legislation Amendment Bill 2009. The purpose of this bill is to amend the Country Fire Authority Act 1958 to confer on the chief officer a duty to issue warnings and provide information to the community in relation to bushfires in Victoria, to make provision for identification and designation of neighbourhood safer places (NSPs), to provide for the representation of volunteer members of brigades and to amend the Emergency Management Act 1986 in relation to the control of response to fires and for other purposes.

There is perhaps no greater fear than the realisation that your life is in immediate and serious danger but you have nowhere to run. This is the dilemma facing thousands of residents across the Yarra Ranges who are waiting to be notified of the location of a neighbourhood safer place. Even more distressing is

that this last resort is no guarantee that a person is going to survive. To put the debate about NSPs in perspective I would like to quote from an article by Paul Grundy which appeared in the *Age* of 30 October and is entitled 'Any plan to combat bushfires must include designated safe areas'. It states:

The essence of an effective emergency response plan is that it is robust, that it will continue to work in spite of malfunctions in some parts of the plan.

...

The most significant malfunctions lie in incorrect identification of the threat — location, direction and intensity of the fire and prediction of wind changes — and in failures of communication of the threat of fires in progress.

The threat is not addressed through ensuring that every single criteria is met in terms of protection before the approval of an NSP. NSPs are for when people are caught off guard and there is nothing more they can do. Sadly the identification of these areas is, I believe, being obstructed unreasonably, and I believe the obstruction is a result of fear about making the wrong decision.

The Country Fire Authority (CFA) claims the limitations of NSPs include that they have a limited capacity and do not guarantee safety; that they do not cater for animals; that persons using NSPs should not always expect emergency services to be present; that they do not provide meals, amenity or cater for special needs — for example, those of infants, the elderly, the ill or the disabled; and that they may not provide shelter from the elements, particularly flying embers. We know the risks, but in an emergency we need protection.

If perfect NSPs cannot be found, the state government must fund councils to make places safer. The bushfire commission recommended that the state identify NSPs in areas of high bushfire risk by this fire season. In making the identification of NSPs the responsibility of councils, this government is passing the buck to councils, which are still coming to grips with the destruction caused by the February bushfires. Alison Cran is an exceptional senior manager at the Yarra Ranges Shire Council, and she is fully tied up with the recovery from the bushfires. The Yarra Ranges council has put so much into helping people with the bushfires that it should be receiving more help than it is currently receiving.

In August the Premier announced a \$500 000 grant to the Municipal Association of Victoria to help councils prepare the township protection plans and identify the NSPs, but when consulting the Shire of Yarra Ranges

today I was advised the shire had received a small portion of this funding — only \$6990.91 — which does nothing to assist in the retrofitting of any potential NSPs. Council has no budget for these works which could save lives. The cost would be extensive and well beyond the council budget. The shire has identified 63 possible refuges, but it is waiting for the CFA to sign off on them.

The council feels it has a lack of support from the state government on this. The government signed over full responsibility — that is, liability — to councils, leaving a lot of questions unanswered. This bill answers some of the liability questions. However, councils are unsure who they can go to to ask questions when seeking clarification on guidelines — for example, with the buffer zones on NSPs, Yarra Ranges council wants to know if you have 150 people congregated in the centre, does this push out the buffer zone perimeter as opposed to when just one person is standing in the middle of a reserve? Also, when the requirement is that cars be parked 150 metres from a congregation point, in case of an explosion, are people expected to walk 150 metres? A lot of this is not quite realistic. I understand the council's concerns.

Yarra Ranges council representatives are also scratching their heads and are anxious about where they are going to find a place that meets the clear-zone requirement, given the council is in a treed area. For instance, the forest is apparently just 30 metres away from Olinda's community house, which really is not a good option for an NSP, but I think you could still use it in an emergency. It is impossible to get it completely perfect up in the Dandenongs.

The council has made a good suggestion that the government look at designating major centres where people can go on extreme or catastrophic days before a fire hits. These would give old and disabled people somewhere to go with better facilities well in advance. These places would not be made to be excessively comfortable, because you would not want people just hanging out in them unless there were a need, but they would perhaps be more serviceable than NSPs.

It is worrying that the government is behind in the identification of the NSPs. In its implementation report the state government pledged to complete the identification and assessment of NSPs in 52 high-risk townships by mid-November. At the passing of this deadline no safer places had been identified. Imagine the emotional strain this is taking on families living in any of the 52 high-risk towns who are uncertain what this summer's weather will bring after a very unsettling spring.

In the event of a bushfire the Dandenongs are considered one of the most vulnerable places in Victoria, and yet they are unlikely to have an NSP because no site meets the strict CFA criteria. Despite the early arrival of the bushfire season, it will be almost Christmas before residents of any of the 52 high-risk townships are told where they can go as a last resort.

I can quite understand that people in the chain of command may feel gun shy after the catastrophe of February; however, we cannot leave residents without options when they are stuck. VicRoads data reveals it would be extremely difficult for residents in the Dandenongs to leave at the last minute. With a population of around 15 000, people are likely to be restricted to just a single road to escape on. Just imagine the gridlock and panic! I was shocked that none of the towns in my electorate of Evelyn were identified in the 52 high-risk areas, given we have some densely treed and highly populated areas with narrow stretches of road. Mount Evelyn is a prime example.

It is my understanding that councils do not have to provide an NSP if there is no local place the CFA will approve of or if the only place is on private land and the owner does not consent to its use as an NSP. I understand that councils can also decide themselves that it is not appropriate to designate an NSP if they are concerned with things such as ease of access. I accept that in some areas it might be totally unsuitable to nominate an NSP. However, I question how many places could have been suitable if the government had completed its fuel reduction program and special consideration had been given to clearing and constructing suitable places where currently none exist.

The government is running out of time. It is nine months since the February bushfires and still there is an air of unpreparedness. In the Yarra Ranges we are already nervous; stress was evident on the recent hot days. We are living on the edge and we want to be prepared. This government announces very important and urgently needed responses and sets the rules but some of them are vague and unclear and then they are just handballed to the local council without the support and resources needed to implement the government's demands. We need to have more than just an announcement that we are going to look at NSPs. We need to help our people to be prepared. Most people actually do now have fire plans and are making their decisions, but it is the unexpected, it is the fire that comes that no-one is expecting, that is going to cause the problem.

I have to ask: why can we not have local community practice drills for the Dandenongs or in Warburton?

There are fire drills at large companies, in high-rise places and here at Parliament House so that we can practise evacuating. Why do we not have practice drills for voluntary evacuation, practice drills for where to go and who to notify? It could be done community by community. It could help our people — Victorians in these high-risk areas — to know what to do if a fire should suddenly come up unexpectedly, as happened in the Dandenong Ranges bushfires when a fire was lit and just roared up the hillside. Even though you may have planned to leave the day before, if it is a deliberately lit fire, you often cannot get away.

Mr EREN (Lara) — I am also pleased to be speaking in support of the Emergency Services Legislation Amendment Bill. I know that there are other members who want to speak on this bill so I will be courteous and keep my comments as brief as possible.

After the tragic fires that occurred in January and February this year the government established a royal commission to ensure that we are doing all that is in our power to try to prevent such terrible events occurring again. This decision to have a royal commission was the right one. There is a famous saying which I am sure all politicians would know: you should never ask a question that you do not already know the answer to. Possibly this would have made any other government very nervous about having a royal commission, but not the Brumby government. We made this decision because, as brutal as it may be, we genuinely want to know what we as a government can do to try to prevent this type of tragedy happening again.

Earlier the Leader of The Nationals indicated that there should be an ombudsman who investigates this, but rest assured that if we had made a decision that an ombudsman should investigate this, The Nationals would have got up and said, 'No, there should be a royal commission into this'.

Dr Naphine — No, he said he wanted an ombudsman to make sure the recommendations are fulfilled. You did not even listen!

Mr EREN — These are the mixed messages which come from the opposition from time to time, and I can hear the member for South-West Coast carping on again. He was not even in the chamber when those comments were made. Those are the totally irrelevant views of the opposition which just opposes things for the sake of opposing. Now that we have a royal commission inquiry in place, the opposition is not happy with that. It wants an ombudsman to investigate also.

The good intentions of the many hundreds of people out there who have been and are still trying to come up with ideas of how we can prevent this tragedy from happening again and doing what can be done physically and practically does not mean that we will not have another bushfire; we probably will. I know that in my electorate, for example, there is the township of Anakie which had its share of bushfires only a couple of years ago; there were severe bushfires in that region. There is Lara and all the grasslands and the You Yangs, and so I know the dangers that are prevalent at the moment. We are certainly doing what we can.

I was at the annual dinner for the Lara Country Fire Authority recently and some 100 volunteers and CFA personnel were there. Everybody is nervous about the upcoming bushfire season but rest assured that everybody is as prepared as possible. I am very proud to say that the brand-new CFA fire station that we have built in Lara is assisting in a major way. I am very hopeful that all of those CFA volunteers and personnel are equipped and ready to tackle any bushfires that may occur. There were some 51 recommendations made in the royal commission interim report and we announced that we will take on board those recommendations. We are in the process of trying to prepare for a bushfire season which will probably be worse than the previous one.

This bill gives the chief officer of the CFA the explicit power to issue warnings and provide information to the community in relation to bushfires in Victoria, and advise the community or any person on ways to improve the defendability of a home or other buildings in the event of a bushfire. This bill also requires local councils to record the existence of neighbourhood safer places in municipal fire prevention plans and municipal emergency management plans.

The neighbourhood safer places are places of last resort for people to go when their own bushfire plan has either failed or cannot be implemented. Many speakers before me have indicated that of course they are a last resort. They are places for people to go when they feel like there is nowhere else to go and they are options for people when all else fails, as was said earlier. These places are by no means guaranteed to be safe in the event of a bushfire and it is important that the public understands this. They are simply existing buildings that have been assessed as meeting the strict guidelines of the CFA as somewhere for people to go should they find themselves in a situation of imminent danger during a bushfire. The purpose of the neighbourhood safer places is to give people an alternative to taking a high-risk last-minute journey.

The CFA has been working tirelessly to prepare itself and the Victorian people for the current fire season. It has produced an online self-assessment tool for householders to assess the defendability of their homes and a step-by-step guide to designing a fire plan. I encourage all Victorians to use these vital tools to help them prepare for a bushfire. Although I said we cannot entirely prevent a bushfire, we can do our very best to prepare for it. This bill shows our commitment as a government to doing the best we can to prepare for the upcoming bushfire season. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I rise to speak on the Emergency Services Legislation Amendment Bill 2009. The bill makes a number of changes that come out of the bushfires royal commission, and I think all members of this place acknowledge the importance of the recommendations that have been released in the interim report. I think they also anticipate further recommendations and seeing the changes that they will potentially bring about to make our state safer.

I read the interim report with a great deal of interest, particularly the neighbourhood safer places section which is reflected in this legislation. As someone whose electorate went through two extremely large and dangerous bushfires in 2002–03 and 2006–07, I know the challenges that those fires placed on my communities, and many of the issues that come up in this legislation were identified by me and others during those campaigns. It is good that we are seeing some of the issues raised not only by the royal commission but also by this legislation.

One of the areas of deep concern is the warning system. I used my personal experience of 2002–03 and 2006–07 fires to explain some of the challenges of the warning system. This legislation delegates to the chief officer responsibility for warnings. One of the challenges, which has been fully debated in the interim report, is how you get the message out to the community in an effective and timely manner in a consistent way which clearly articulates the level of risk, the level of threat and the level of response which is required from individuals? That is a very difficult thing to do.

There has been an enormous amount of debate about the sirens that are heard on radio as a precursor to warning messages. In 2002–03 that system was used extensively during the bushfires in East Gippsland. It became a cry wolf scenario, where because the messages were heard very often, that created difficulty when there was a really urgent threat. How do you distinguish between a warning when there is an urgent

threat and the messages that are heard every few minutes on radio when new information comes in? How do you articulate to the community that there is a real escalation of threat to either an individual community or the broader community?

Thankfully my area did not suffer the full extent of the fires that was experienced in the last tragic episode, but understanding what happened in 2002–03 and 2006–07, it is very difficult after being briefed every day over a two-month period of bushfire activity to hear those messages relayed on radio. I do not think the royal commission has fully investigated or articulated the fact that, given the experience with those fires, we must get those messages right. We must get the terminology right. Even though there is an enormous effort being made through the CFA and DSE (Department of Sustainability and Environment) to get that right, getting across to the media how to articulate that message to the community is very hard.

There have been really disappointing examples, such as the Cape Conran fire. That was just a prescribed burn which was managed very well and posed no risk to the public, yet half of Melbourne thought that half of East Gippsland was on fire and that it was threatening properties and people. I had a number of people ask me how safe my parents' place was, which is 50-odd kilometres away. That is the challenge when messages are not articulated in an effective and careful manner.

I thank the government for the briefing from the department and the minister's office. It is important that we discuss this, because it is a very difficult thing to put on the shoulders of local government. I clearly acknowledge the previous speakers who have indicated that neighbourhood safer places are not the first resort as places for people to go when there is a fire. In East Gippsland we have many areas that are tourism centres. People drive in and out of such townships. I use the example of Bemm River, which is 25 minutes from the highway, and from the highway intersection it is a drive of a good half-hour or more to get back to Orbost. Effectively you have an hour's drive in any direction to get anywhere that is not totally surrounded by bush, on a highway which has heavy vegetation abutting the road. How do you articulate to someone who might be passing through that area the level of risk if a fire develops on the road? For the information of members, Bemm River is one of the towns that was identified as an at-risk town.

The council identifies a number of areas for the community, but it is currently battling bureaucracy. There is one site that the community would like to have as a neighbourhood safer place or a refuge — I

distinguish between the two; I understand they are two different things — and would like to have the vegetation cleared from the block. It is DSE land, so there are a whole range of different challenges concerning land ownership and park frontage; there is private property interspersed with the DSE land and parkland with public and private infrastructure on it. The community would like to have this one site cleared and managed in a much better manner. It has been pushing for a number of years to have DSE put in some reasonable firebreaks around the public-private interface.

Bemm River is a very small town with vegetation in the middle of it and with a river with tea-tree swampland behind it on one side. You are basically hemmed in there, and from there you have a good half-hour drive in good conditions out to a highway. The community needs some type of area that is safe. We can describe it as a neighbourhood safer place, but there are people in that town who have no premises — no dwelling or asset — to go back to defend. If a fire occurs and we say, 'They should not be in that town', where should they go? Where do they go if the day is designated as a very dangerous or difficult day and if they are in the middle of a couple of hundred square kilometres of state forest? We have put onto local councils the job of identifying and managing safer places. The community wants one, and the council says it cannot necessarily protect one; it might meet the criteria, but there are real challenges in the way this system will be implemented.

When I first made comments in relation to the royal commission interim report I said we must have real, heavy and serious protection for local government bodies if we are going to put this responsibility on them. There is a need to protect local governments when they make decisions in good faith — and I know there is protection in this bill — to try to provide infrastructure or assets and they go about it with their best endeavours to meet the requirements.

If they cannot meet the requirements in a place like Bemm River, how do we then protect local governments if they decide they will not provide a neighbourhood safer place in a particular community? They will still need protection then because of the liability and the risk that is imposed on councillors or council officers — they must have that legal protection.

There are a number of other provisions in the legislation. Overall these are very difficult issues. It is very difficult to prepare legislation that reflects not only the recommendations of the royal commission but also the need to ensure we do not overly state the protection someone might get from a neighbourhood safer place. I

believe a lot more work needs to be done to provide protection in these communities, and I am sure that is going to be part of further discussions at the royal commission.

As to the advice on defendability of buildings, and the chief officer may advise on that and delegate that, it is important that the legal protection is there for those officers going about their normal duties. I support the bill.

Mr STENSHOLT (Burwood) — I rise to support the Emergency Services Legislation Amendment Bill 2009, which as other speakers have said, relates very much to the interim report of the royal commission and its 51 recommendations. It picks up a range of those, as well as being part of the preparation this year and also in future years in dealing with bushfires.

I should record the appreciation of both myself and the people in my electorate for the work of the emergency services. I know there is not a lot of danger from bushfires in the electorate of Burwood; we only have one very large park — Wattle Park — and I know Parks Victoria has a fire management plan very much in place for that, so I can reassure locals that Parks Victoria has such a plan.

That having been said, the community in Burwood is right behind the emergency services and the work they have done and continue to do — whether it be the Country Fire Authority (CFA), the State Emergency Service, the Metropolitan Fire Brigade or the Department of Sustainability and Environment (DSE) — particularly the work they did last season in extraordinarily difficult situations and the preparations they have been making this year.

As other speakers to the debate have said, the preparation being made this year is unique and extensive. It has never happened before to such an extent, and of course we know that the effort put in last year has really underlined the fact that Victoria is very much a fire-prone state. The amount of funding spent on fire prevention and fire suppression, to put it in economic terms — we cannot just talk about the personal terms — was over \$1.4 billion. The state government put in nearly \$1 billion in that regard in so many parts, whether it was in fire prevention or suppression by DSE — I think it was \$186 million; it spent a large amount of money — or by the state government, which spent an extra \$600 million in fire suppression in what was a unique and unprecedented emergency situation last season. Of course we hope that is not repeated, although we do worry about the conditions that may come up next year.

There are a range of provisions in this bill which serve to clarify some lines of responsibility in particular, which I think is very important. It is very important that as far as humanly possible there are very clear messages out there, and the royal commission has underlined that in respect of the chief officer of the CFA being the one. The government has inserted that provision in the act; through this bill the chief officer will have the responsibility to issue warnings and provide information to the community concerning the risk of bushfires. The bill provides some standing delegations in that regard, particularly in relation to DSE.

It is very important. I know the various fire services over the last few years have been working together in improving their capacities and capabilities. The tragedy of early this year has further underlined that, and further steps have been taken to achieve that. As I have just mentioned, the bill affects that in terms of the chief officer.

I also note that in regard to the lines of command and who is doing what, and to make sure that it is well organised, Victoria Police recently completed a review of the emergency management arrangements. The bill amends the Emergency Management Act to accommodate those revised arrangements, which can be seen in parts of this bill — for, example in clause 9, which provides that the chief officer and the agencies responsible for suppression of fire may at the request of a coordinator or of their own volition, by agreement, appoint the chief officer or an officer of one of the agencies to have the overall control of response activities.

It is very important that we have clear lines of command and clear responsibilities in that regard, so I very much welcome those particular changes to the bill because clear warnings and clear information as well as clear lines of command and responsibilities are very important when you are dealing with emergency situations like the one we faced this year and like the ones that we hope we do not face next year.

However, Victoria being such a fire-prone state we have to realise that there will be situations which will come up again. Hence other provisions in this bill — for example, the neighbourhood safer places and the arrangements for those in terms of councils in that regard — make sure they are in various plans of councils' municipal fire protection emergency management plans, certainly by 1 July 2010. They will be expected to try as hard as possible to make those arrangements up until then, but after that they have to make sure that they are actually done.

There are a range of other matters in the bill in terms of liabilities, including making sure with regard to advice on the defendability of buildings that the liabilities of the authorities are properly handled under the act.

There is also a provision regarding the volunteer fire brigades, that they have a recognised role in regard to the CFA board. This is with regard to the Victorian Urban Fire Brigades Association and the Victorian Rural Fire Brigades Association, to make sure they are represented. They are established under the act, but Volunteer Fire Brigades Victoria, which brings together those two bodies that I mentioned, represents all the CFA volunteers.

This provision enables the bodies to nominate someone to be represented on the CFA board. It is very important in this regard too in dealing with severe emergencies like this that everyone has a recognised voice and is able to contribute to this. If there is anything that the royal commission has shown, it is that everyone has to be involved, that everyone has to take not just responsibility but also is recognised for what they can contribute and what they can provide in the face of emergencies, whether that is individuals in terms of the fire plans communities in terms of making sure they go along to local meetings to work out what can be done; neighbours helping each other in understanding what is required; councils having emergency plans; local CFAs and the wonderful job that they do making sure they provide good advice and they are well equipped, and also that DSE, similarly, is providing the expertise in regard to possible emergencies when they come up.

I think this bill provides a response to some of the initial aspects of the royal commission in areas which are very important, and the Minister for Community Development outlined this when he introduced the bill to the house. This legislation is obviously and clearly a work in progress, as indeed the royal commission is in progress, and there are many issues which will have to be looked at as we go on.

As the previous speaker mentioned, we have to face very difficult issues, and there are not necessarily simple solutions. There is going to be an interim process that we all have to go through in order to come up with the best solutions — and solutions which we will continue to work on.

The government has put in extensive efforts right across the board to prepare for this fire season. We all hope it will stand the Victorian community in good stead as it faces a particularly dangerous fire season this year. I commend the bill to the house.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mrs POWELL (Shepparton) — I am pleased to speak on the Emergency Services Legislation Amendment Bill 2009. As has been said by other coalition speakers, the coalition will not be opposing the legislation, which is a response to the 2009 bushfires royal commission interim report and which was tabled in this house in August. The bill is fairly small in its target but it deals with a number of issues.

It deals with the duty of the chief officer to warn the community and to provide information about bushfires. It nominates the persons to whom that duty may be delegated. It also deals with matters surrounding neighbourhood safer places. As the shadow Minister for Local Government, I would like to concentrate my contribution on the impact of the bill on local government — which will be fairly substantial.

The government has said it will implement all of the recommendations contained in the interim report, obviously because of the Black Saturday bushfires on 7 February. The interim report contains a number of recommendations, and the bill deals with just a few of them. One is a shift in emphasis from built structures as refuges to the use of other options such as parks, open spaces and public amenities. Councils were originally concerned about refuges, and I know the Municipal Association of Victoria gave evidence to the bushfires royal commission over its concerns about refuges. Its chief executive officer, Rob Spence, gave evidence about the reason why some councils decommissioned the refuges or sought not to designate them after the 2005 fire refuges policy.

That goes to the heart of some of the reasons why councils are concerned about implementing the neighbourhood safer places. There was no guidance from the state government; there was certainly no funding for the refuges; the cost of making the buildings compliant was going to be a cost burden on local government; and also again, there was the issue of who was going to bear the cost to local government of any indemnity or any public liability because of the refuges. Similar concerns have been raised with me about the neighbourhood safer places and the role and responsibility of local government in the management and implementation of those places.

I want to read from the executive summary to the bushfires royal commission interim report, where it talks about what local government will be responsible for. It says:

Local government is a significant player in regulating and supporting townships and communities under their

jurisdiction. Recommendations have been made that will enable municipal councils to have a preventative role in leading and contributing to some initiatives aimed at helping to make their communities safer and to protect people during bushfires. They are being asked specifically to review their municipal emergency management plans to ensure that they include appropriate provision for refuges and relocations that may occur during bushfires.

The reason why I read that is because the recommendation from the royal commission was that the state government, not local government, should deal with the issue of neighbourhood safer places. In fact the state government has shifted the responsibility onto local government, and certainly it has shifted the cost onto local government. I want to read further from the interim report of the royal commission.

Recommendation 8.5 states:

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

Recommendation 8.6 states:

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.

It shows the royal commission asked the state government to implement those plans, but the government put that responsibility onto local councils. Another responsibility would be shifted from the state government onto local government.

I have been meeting with about 45 councils from around the state, many of which were affected by the bushfires. Their concerns are varied. The bill clarifies some of those areas, but it also raises some other serious concerns for councils. The issues are about the guidelines. Some councils are saying to me they will not be able to meet the criteria. I think they only received the guidelines in the last week or two, so they have now been told to effect the bushfire plans and to identify their neighbourhood safer places when they did not have the guidelines. A number of councils have said to me there is no way they are going to be able to meet the guidelines or the criteria that are designed to identify or assess a neighbourhood safer place.

The other issue relates to public liability and who is responsible. The state government identifies in the bill that local councils will be responsible for the costs and for the liability in certain conditions. The Leader of The Nationals raised a concern that I would like to reiterate in relation to clause 50F, which states:

50F Municipal Council Neighbourhood Safer Places Plan

- (1) A municipal council may prepare a plan (a Municipal Council Neighbourhood Safer Places Plan) in relation to —
 - (a) the identification, suitability and designation of places as neighbourhood safer places; and
 - (b) the inspection, maintenance and decommissioning of designated neighbourhood safer places.

It goes on to talk about other issues.

The Leader of The Nationals raised the issue of the defence for councils if there is a serious incident, accident or death and asked that his query be clarified while the bill is between the houses, because the defence is linked to the municipal plan, which says they only 'may' have to do it, whereas the policy defence contained in clause 50O states:

For the purposes of any proceeding for the death of or injury to a person arising from —

- (a) the use of a designated neighbourhood safer place; or
- (b) a failure of a municipal council to designate a neighbourhood safer place —

an act or omission by a municipal council, which is in accordance with a policy in its Municipal Council Neighbourhood Safer Places Plan, does not constitute a wrongful exercise or failure by the municipal council, unless the policy is so unreasonable that no municipal council in that municipal council's position acting reasonably could have made that policy.

We ask the government to have a look at that while the bill is between the houses because we want to make sure our councils and our communities are protected.

The bill does clarify some of those issues. There are some significant costs to councils. There will be the issue of the signs. The government has allocated about \$7000 to each council. That would go nowhere towards the cost of the signage and getting the information out to the communities. The signage and information about the neighbourhood safer places would not be for the use of only the local people in those communities. They would be also for people who travel around the state — that is, people who visit or are tourists in that municipality. We need to make sure that those people also are protected.

We have also been told that there was a lack of consultation with local government. That goes against the agreement between the state government and local governments. The state government's agreement with the Municipal Association of Victoria (MAV) says that before any legislation comes in, particularly if it will impose a financial burden on local councils, the state government should consult with local councils.

Representatives of the MAV and local councils around the state have told me there was no consultation with councils about their responsibilities, the guidelines, the impacts on them, and the work of having to identify, assess and maintain neighbourhood safer places. Local councils are asking who will be responsible for upgrades. If a safer place has only one road in and out, who will actually maintain or upgrade that safer place and construct another road? Will it be the state government or the local council? The council may not get insurance if there is only one road in and out. So there are still some questions that need to be answered.

A number of smaller councils are struggling financially because millions of dollars have been spent on replacing and repairing assets and road infrastructure because of the fires. Councillors and officers are worn out trying to rebuild their communities, and now the state government is imposing these imposts without the support, funding, guidance and leadership that local councils are looking for.

I pay tribute to those councils that have been bringing those communities through the bushfires and other bushfires. Nine months after the fires they are continuing to try to make sure their communities are fire ready. Many of them are not. I urge the state government to show some leadership to the local councils, which should not bear the responsibility for these neighbourhood safer places. The state government has removed itself from its responsibilities and has pushed them onto local government, as it usually does.

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING SPEAKER (Ms Beattie) — Order! Before calling the member for Pascoe Vale, I acknowledge the presence in the gallery of former minister Mary Delahunty.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed.

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak in the debate on this important piece of legislation, the Emergency Services Legislation Amendment Bill. I am pleased that I have the opportunity to follow the shadow Minister for Local

Government, who has made a number of claims. It is worthwhile putting on the record what the government has said about neighbourhood safer places and refuges.

I am a bit concerned that the opposition could be putting out in the public arena the idea that neighbourhood safer places are in fact refuges. The government has made it perfectly clear that neighbourhood safer places are sites of last resort. They are sites that are designated by local government as a safer place to go to either when people's first — and perhaps second or even third — fire plan has failed to be implemented or to provide the result they had hoped for or when people cannot actually implement a plan themselves. The fact is that a neighbourhood safer place can be a public spot; it does not necessarily need to be a structure. People in the community need to be aware of this. I think they do understand this, based upon the advertising that has gone on and the discussion that has occurred in the media. In the event that we have the kind of bushfire that we had on Black Saturday, there may not necessarily be a place locally that will provide them with a total fire refuge. We as a community have to be fully aware that should we have the kind of extreme fire danger that we had on Black Saturday, the safest course of action for many people will be to remove themselves physically from an area where they usually reside or work. It is important that that message gets through. It is important that those people who decide to stay and defend are fully aware that their personal property may not provide them with the safety that they once expected. I think that message is getting through to the wider community. As a Parliament and as members of Parliament working within government we need to collectively ensure that people understand that they should never confuse a neighbourhood safer place with a refuge. I think that local government is working really hard to ensure that.

The comment was made by the shadow Minister for Local Government that without input from the state government, local government is struggling. We all, regardless of which side of the house we are on, have to acknowledge that a huge reinvestment has gone into the bushfire-affected areas. There has been considerable rebuilding of infrastructure. There has been a considerable amount of work within the public sector, which has had assistance from volunteers. People might be saying that this process has not progressed as quickly as they would have liked. The reality is that a huge financial investment has been made. In my own electorate, which is not in a bushfire-affected area, two of the most outstanding residents of Moreland have been involved, through the public service, in bushfire rebuilding and in work on identifying safer places.

A considerable amount of work has also been done by VicRoads. I note that the minister at the table is the Minister for Roads and Ports. An outstanding contribution has been made by Nial Finnegan, who normally looks after the north and north-west metropolitan areas of VicRoads. He is an outstanding public servant. He, with so many others in VicRoads, has worked tirelessly both during the bushfires and in the months since to make sure that structures and roads have been rebuilt and the government has invested. To claim that the government has not made such investments is untrue.

The claim has also been made that a couple of questions which were raised by the shadow minister and Leader of The Nationals need to be answered. I understand a commitment has been given that those questions will be answered, and I am sure they will be answered to the satisfaction of the two members.

In relation to a single road in and out, where local councils are concerned I would suggest that a fairly obvious thing for them to do would be to communicate the specifics of their concerns to the relevant public servant or minister. This government has been absolutely responsive to local communities, as has the public service.

The final point I wish to make is on the initial comment I made, that neighbourhood safer places are not refuges. Local government has been given the responsibility to designate the relevant sites, and concerns by local government in relation to legal liability have been answered by clause 3 of the bill, which inserts new sections 50M and 50O into the CFA act. They have also been answered in that councils will now have a statutory defence along the lines of those that apply in relation to council road management schemes under the Road Management Act if they have complied with their policy — that is, the municipal council neighbourhood safer places plan — and the policy is reasonable.

With those few words I trust that the concerns raised by the shadow minister will be addressed to her satisfaction, because I believe there are answers. This is good legislation, and we are working collectively to ensure that Victoria is a safer place.

Mr HODGETT (Kilsyth) — I rise to make a contribution to debate on the Emergency Services Legislation Amendment Bill 2009 and state at the outset that we are not opposing it. I will move straight to the purposes of the bill and the main provisions. The bill establishes that it is the duty of the chief officer of the Country Fire Authority (CFA) to warn and provide information to the community in relation to bushfires,

but also provides for this duty to be delegated to other prescribed persons.

The bill makes it the responsibility of councils to identify neighbourhood safer places, or NSPs as we have been referring to them, where possible and the responsibility of the CFA to assess the suitability of these places and post a list of approved NSPs on the CFA website. I will come back to make a number of comments on this point. I specifically want to talk about neighbourhood safer places as they have been the subject of contributions by members this afternoon and this evening.

The bill makes it the responsibility of councils to provide signage indicating the presence of an NSP and to maintain and review the safety of NSPs on an annual basis. It transfers the liability for death or injury due to the use of a neighbourhood safer place during an actual or threatened bushfire to the relevant municipal council when the NSP is located on non-council land. It provides a policy defence for councils in the event they are sued for damages following the death or injury of a person using a neighbourhood safer place or where they have failed to identify an NSP.

It amends the Country Fire Authority Act to reflect the merging of the Victorian Urban Fire Brigades Association and the Rural Fire Brigades Association to become Volunteer Fire Brigades Victoria and continues provision for volunteer representation on the CFA board.

I have a number of issues and areas of concern with this piece of legislation. The first is in relation to neighbourhood safer places. The commission recommended that the state identify NSPs in areas of high bushfire risk by this season. In making the identification of neighbourhood safer places the responsibility of councils, in my view the state is effectively passing the buck; it is unclear whether councils will receive additional resources in line with this increased responsibility.

This is outlined in the legislation at new section 50F, headed ‘Municipal Council Neighbourhood Safer Places Plan’, which states:

- (1) A municipal council may prepare a plan (a Municipal Council Neighbourhood Safer Places Plan) in relation to —
 - (a) the identification, suitability and designation of places as neighbourhood safer places; and
 - (b) the inspection, maintenance and decommissioning of designated neighbourhood safer places.

New subsection 50F(4) states:

A municipal council must —

- (a) publish its Municipal Council Neighbourhood Safer Places Plan on its Internet site; and
- (b) make the Municipal Council Neighbourhood Safer Places Plan and any documents incorporated in the Plan available at its municipal offices for public inspection during normal office hours free of charge.

New section 50G is headed ‘Municipal councils to identify and designate neighbourhood safer places’. I do not intend to go through every part of the bill, but the point I make is that local councils have enormous responsibilities in relation to fuel reduction, municipal emergency management plans, community education and community safety issues, and now they are being loaded up with responsibility for neighbourhood safer places.

In effect local government has been asked to provide signage, to maintain and manage the neighbourhood safer places and to undertake an annual assessment of the designated NSPs. In my view this is just another cost being imposed on local government.

I am certainly aware that the Municipal Association of Victoria (MAV) now has a cost-shifting agreement with the state government, so I fully expect the government to examine the cost impact on local government and make good the funding, commensurate with the increased responsibility of performing this task.

I heard the figure of \$7000 mentioned in contributions. The \$7000 being handed around could not cover this. I ask that the valuable work undertaken by local governments, particularly by the Shire of Yarra Ranges in my area, not be insulted. If the government wants to be fair dinkum, it has to honour that cost-shifting agreement it has with the MAV, examine the cost impact and come good with the funds for local government performing this task. Another area of concern is whether the councils are happy with the policy defence provided by the bill, and the member for Polwarth has spoken extensively on this issue.

The government is behind in identifying NSPs. In its implementation report the state pledged to complete the identification and assessment of NSPs in 52 high-risk townships by mid-November 2009. As at 19 November no neighbourhood safer places had been identified on the CFA website. That is a disgrace. Areas other than the 52 nominated by the state government, including some of the areas hit by Black Saturday’s fires, will

have to wait until July 2010 to learn if they will have a local neighbourhood safer place. That is not good enough.

Councils do not have to provide an NSP if there is no local place that the CFA will approve or if the only local place is on private land and the owner does not consent to its use as an NSP. Councils can also decide themselves if it is not appropriate to designate an NSP if they are concerned with such things as ease of access or egress.

Finally, with regard to advertising neighbourhood safer places the CFA will have to maintain a list of them on its website and pass this list periodically to the State Emergency Service, the MAV, the VBIL (Victorian bushfire information line), Victoria Police and Department of Sustainability and Environment. However, it is unclear who will be responsible for advertising the existence of neighbourhood safer places, particularly for the benefit of people who are not residents of the given areas, such as tourists and campers.

Each year hundreds of thousands of domestic and international visitors come to my local area or nearby, to the Dandenong Ranges and the Yarra Valley. They come to see Puffing Billy, the Healesville Sanctuary and the concerts at Rochford Winery by international artists, just to name a few attractions. The commission certainly recommended that the state be responsible for advertising designated neighbourhood safer places.

In conclusion, whilst The Nationals in coalition do not oppose the bill, we have a number of issues with it, particularly, as I have spoken about extensively, with neighbourhood safer places. We are not opposing the bill. However, it is abundantly clear that the government has a lot more work to do to protect Victorians from bushfires.

Mr CARLI (Brunswick) — It is with great pleasure that I rise to speak in support of the Emergency Services Legislation Amendment Bill. First of all, this is a response to the interim report of the Victorian bushfires royal commission and, as the previous speaker said, there is more to do to ensure that Victoria is protected from the ravages of bushfires. Bushfires are obviously a part of life in Victoria and we need to do everything we can to avoid the kind of tragedy that occurred in February of this year. This bill is part of the government’s commitment to ensuring that we have an adequate response, with adequate measures to deal with the threat of tragedies like those that occurred on Black Saturday.

There has been a lot of discussion about neighbourhood safer places. There has been a sense from the opposition that the state government is passing the buck. I do not think that is fair at all. We have a situation where there obviously needs to be a level of cooperation. The Country Fire Authority (CFA) and local government need to work together to be effective. Under this legislation local governments will be required to identify and designate neighbourhood safer places and indicate them in their municipal fire prevention and emergency management plans. That seems to me a fair thing for them to do. They have to prepare the plans and they are very well equipped to deal with issues in their communities. That is why local government in Victoria is great: it is equipped and it is able to understand the needs of local communities.

We have 52 sites in Victoria that the CFA has identified and assessed as being at greatest risk. They were where the commitment was. Those assessments are now with local government and it now needs to deal with them. That is fairly self-evident. It is not enough to have just the CFA do the work. Local government has a level of understanding and is equipped to act on the initial assessments that have been done by the CFA. It seems to me that this legislation calls for greater cooperation between local government and the CFA. As we know, we have to have greater cooperation to be effective in dealing with the threat of bushfire.

Neighbourhood safer places are sites to be used beyond individual household fire plans. They are really to be used where a fire plan may fail. They are the plan B, if you like, that is available to locals or to visitors, tourists or others who are caught in a fire front. The importance of having a neighbourhood safer place is that an existing place is identified. It may be a building or an oval. It is a place of last resort. Although it can be a refuge it is not necessarily a refuge. People should go to the neighbourhood safer place when their own personal fire plan fails. Everyone who lives in or near our wonderful bush in Victoria needs to have a functioning fire plan, but where that fails and they need an alternative, then these neighbourhood safer places can be used. It is really important, though, to recognise that they are not refuges. They are an option for shelter during a bushfire.

Fire refuges and other areas of shelter can certainly coexist, and other options are available. A neighbourhood safer place is an existing site which has been identified and assessed by the CFA, found to meet CFA guidelines and passed on to local government to assess to ensure that any possible variations or additional matters that have not been considered are taken into account. The neighbourhood safer place can

then be defined, marked, signposted and included on a website so that when a fire front comes through it will be available as a place of last resort.

This is but one of the many measures that need to be and are being introduced or undertaken in Victoria. We are obviously coming into a major fire season; in fact, the fire season has already begun. If the evidence that has been available in recent months is any indication, this has the potential to be a catastrophic fire season. Clearly this is just one component of a multifaceted approach to fire safety and fighting the terror of bushfires in Victoria. I wish this legislation swift passage.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Emergency Services Legislation Amendment Bill. I wish to commence my contribution with some comments on division 3 of part 2 — ‘Neighbourhood safer places’. A neighbourhood safer place is defined in the legislation as:

... a place that may, as a last resort, provide shelter for people from the immediate life-threatening effects of a bushfire.

It is very clear that people should make appropriate plans rather than rely on neighbourhood safer places, which are to be very much a last resort. However, I am particularly concerned that division 3 effects an enormous shift in cost and responsibility from state government onto local councils.

The Brumby Labor government said it would adopt all of the 51 recommendations of the interim report of the bushfires royal commission but with respect to neighbourhood safer places it immediately handballed the responsibility and the cost to local government, which is unfair and unreasonable. The member for Brunswick suggested that local government is the appropriate body to undertake some of these tasks. I agree with him. The local council is the appropriate body, but councils must have the appropriate resources and support from the state government to do that task. What we have in this legislation is an abdication of responsibility by the state government, with a transfer of cost and responsibility onto local government without appropriate resourcing.

Proposed section 50G(1) in new part IIIA, inserted by clause 3, says that country municipalities:

must identify and designate places as neighbourhood safer places ...

That is interesting, because it seems to contrast with proposed section 50F(1), which says:

(1) A municipal council may prepare a plan ...

The Leader of The Nationals identified the conflict in the bill which states in one clause that general municipalities 'may' prepare a plan while the requirement in another clause is that municipalities in country areas 'must' prepare plans. That needs to be clarified while the bill is between here and another place. But it is clear from proposed division 3 that councils will have responsibility for such issues as the identification, inspection and maintenance of neighbourhood safer places and the publishing of lists of signage. That is summarised in proposed section 50I(1), which says:

- (1) A municipal council is responsible for maintaining all designated neighbourhood safer places in its municipal district.

The bill will place enormous responsibility on municipal councils in regard to the identification, maintenance and establishment of neighbourhood safer places in terms of signage and communication. However, the state government, which is ultimately responsible, has given municipal councils the equivalent of \$7000 each to perform that task. That is an absolute pittance and will not enable councils to undertake any of the work involved. Again this is an enormous shifting of cost and responsibility from the state government onto local government.

It is an absolute disgrace that the state government should say it accepts responsibility for the implementation of the 51 recommendations of the bushfires royal commission, yet not adequately fund local government for this task. Is it any wonder that here we are, towards the end of November in a fire season where fires are already occurring, yet none of the neighbourhood safer places around the state has been identified?

Neighbourhood safer places also need to meet CFA guidelines and must be certified by the CFA, which provides some checks and balances, but it also must be recalled that they are an absolute last resort. When we talk about last resorts we have then got to look at how we should protect our community if neighbourhood safer places are to be an effective last resort.

I use the example of the community of Nelson in my electorate. It is a picturesque and popular township on the Victorian-South Australian border at the mouth of the Glenelg River. It has a permanent population of only 226 people, who are great people, but in the summer and from November right through to Easter many thousands of summer holiday tourists go there for the fishing and the national parks. It has been identified as one of the 52 high-risk communities.

Fundamentally there is one road through Nelson: the road to the east to Portland and the road to the west to Mount Gambier. To the north is the 27 300 hectare Lower Glenelg National Park which poses a huge fire risk to Nelson. Indeed, local residents at a community meeting in April identified Nelson as another potential Marysville, so it is absolutely vital that Nelson have a neighbourhood safer place identified within its community. That is yet to be put in place. We have seen no evidence of the state government moving towards identifying a neighbourhood safer place in Nelson.

We also need a comprehensive fire safety and prevention plan, and this is where people in the community of Nelson are frustrated. They have been trying since April to get a comprehensive approach to fire protection and fire safety for the community, but while the government is saying it is doing a lot to help them, the communities are being frustrated by the very agencies of the government that says it is trying to help.

For example, Parks Victoria has refused to cooperate with the community on a significant firebreak on the northern edge of the town, along the southern edge of the national park. The most significant thing that could happen to protect the community of Nelson would be a firebreak on the southern edge of the national park to protect it from fires blown by northerly winds into that community, but Parks Victoria has refused to cooperate.

The Department of Sustainability and Environment recently stopped the local committee of management from clearing dangerous vegetation and creating safe access for fire vehicles on the back of the river; there has also been a significant lack of fuel reduction burning and maintenance of fire access tracks in the Lower Glenelg National Park. We have this wonderful contrast between the government saying it wants to make communities safer — and it has identified Nelson as one of the 52 high-risk fire areas — and government agencies and departments stopping people from making their communities safer.

I move to another community, Bolwarra-Gorae, which is another of the 52 high-risk fire areas. A significant fire burnt over 200 hectares of the Cobboboonee National Park last Friday. Far be it from me to say, 'I told you so'. When the government made the Cobboboonee a national park I said there would be major fires in that area because of the government's mismanagement; already fire has destroyed 200 hectares in that park.

I visited that area on 19 November at the request of local landowners who were irate at receiving notices to

install 5-metre firebreaks on the edge of their properties. They are happy to do that, but the grass at the edge of their properties is a few inches high and being grazed by stock. Right next door is the roadside with vegetation undergrowth of 3 to 4 metres and overgrown trees with canopies over the road. There is a massive fire risk along those roadsides and along the rail lines which are a state government responsibility. It is the same in the neighbouring Cobboboonee National Park, which is again a state government responsibility.

The local landowners are doing the right thing; the state government and its agencies are creating the fire risk. It is hypocrisy for the state government to be sending notices to landowners about fire breaks when it is not meeting its own responsibilities. The state government needs to accept responsibility for protecting those areas. You have to ask yourself why, since the year 2000, have we had massive megafires in Victoria. Most of those megafires have been started, exacerbated and grown on land, the management of which was and is the responsibility of the Bracks and Brumby governments.

It is an indictment of the failed government policies, the mismanagement of national parks and Crown land, the lack of adequate fuel reduction burning, the lack of adequate maintenance of fire access tracks and the proliferation of rules and red tape preventing the Country Fire Authority and local landowners from making their roadsides, homes and properties much safer.

If communities were allowed to manage vegetation on the roadsides, not only would they be an effective firebreak but they would act as a place from where you could do back-burning in the face of a fire and they would act as a protective mechanism. This government has a problem of its own making with fire, and it is about time it accepts responsibility for that.

Mr DELAHUNTY (Lowan) — I contribute to this debate on the Emergency Services Legislation Amendment Bill on behalf of the Lowan electorate. The main purpose of the bill is to confer on the chief officer of the Country Fire Authority (CFA) a duty to issue warnings and to provide information to the community in relation to bushfires; and secondly, to make provision for the identification and designation of neighbourhood safer places. The legislation does other things, but I will confine myself to those two points.

The legislation has been introduced as a result of the interim report of the Victorian Bushfires Royal Commission which made 51 recommendations, and it is good to see that the government is finally doing

something in relation to the interim report. Like my colleagues, I am not opposed to the legislation. We need to protect our communities and to provide them with the appropriate information, but more importantly, we need to prepare ourselves for this coming summer.

It is nine months since Black Saturday, 7 February. Two of the early fires in the state were in my electorate. As a result of a fire at Coleraine, which burnt some fences and property, Mr Smeets suffered burns on 50 per cent of his body, but thankfully he is recovering fairly well. He has had great support from the health-care system and more importantly from the community at Coleraine, particularly the Bendigo Bank and the company he worked for. A big fire at Horsham resulted in the loss of 11 houses, a lot of fences, outbuildings and machinery, and importantly the great Horsham golf club. That facility had been built for only eight years, but it was wiped off the map. We are still looking for support from government and other sources to rebuild that fantastic facility. The golf course is rated as the 27th best public golf course in Australia, so it is a quality golf course. However, the facilities have not yet been replaced.

As I said, I am not opposed to the legislation, but as has been mentioned by other members, the interim report made 51 recommendations and we need to remember and be reminded that 26 of those recommendations were in previous reports during the term of this government but nothing had happened. That is why the coalition has been pushing hard to get the Ombudsman to make sure that the government implements the interim report, as it said it would. I know the government has appointed a monitor, but he does not have the same power as the Ombudsman, who could ensure that the 51 recommendations were implemented.

The first purpose of the bill is to confer on the chief officer of the CFA a duty to issue warnings and provide information to the community in relation to bushfires. Importantly, the government has finally agreed to a memorandum of understanding not only with the ABC, which provides great coverage across the whole of Victoria, but with commercial radio stations. In my area I highlight the great work done by the ACE radio network. During the February fires and other fires in the Grampians in 2006 and 2007, this network played an important role in keeping the community informed. The ABC does not cover every area, but only a small percentage of our community. The ACE radio network, particularly its FM channels, covers a broad cross-section of the community, particularly the younger members of the community, and we need to make sure that all people are informed. I congratulate the ACE radio network on the work it has done.

We need to make sure that signage is erected on highways. Some signage has been erected by councils indicating that in emergencies people should tune into the local ABC radio network in their community. That signage needs to be changed to incorporate the local commercial radio networks, particularly the FM radio stations that are listened to by many of our younger people. We need to ensure that they receive the information they need about bushfires or other emergency services.

I have heard on the ABC in Melbourne, and other radio stations have raised this with me, that we must ensure we have local knowledge in regard to the information coming from the CFA. Too often we receive reports from Melbourne which have been through a long filtering process, so that often it is too late and very much out of date. In assessing this information no-one can provide accurate answers, because they do not have the local knowledge. I ask the government again to ensure that there is local knowledge with these announcements.

The member for South-West Coast spoke about the fires at Dartmoor and the Cobboboonee National Park. A lot of people heard about the fire and tuned in to their local radio station. The people who I spoke to tuned in to radio 594, the ABC network from Horsham. It has a large transmitter which broadcasts from Broken Hill to the sea, which is an enormous coverage and a lot of people listen to it. Unfortunately the information being broadcast about the bushfires was not coming from that radio station but from the radio station at Warrnambool.

I have told the ABC in Horsham that if it looks up the CFA or Department of Sustainability and Environment webpages and sees there is a fire at Dartmoor, it needs to inform listeners that if they want up-to-date information about the fire in their area, they need to tune in to the local radio station in their area. Radio station 594 in Horsham covers an enormous area, including three or four other radio stations. In such situations the regional ABC network needs to make sure that it informs people what radio station they should listen to if there is a fire.

The other issue I want to talk about is the responsibility under this bill to provide for the identification and designation of neighbourhood safer places. I stress the word 'safer', because the safest place is not to be in the middle of the fire. An NSP is a fallback position, a place of last resort for people who might get caught in the fire. In my area Dunkeld is one of the 52 towns for which it has been identified as being critically important to get a fire plan in place and also to designate a neighbourhood safer place.

I looked at the legislation, and I heard the Leader of The Nationals speak about this, and I again highlight proposed section 50G(1), which is on page 7 of the bill:

A municipal council, the municipal district of which is located wholly or partly in the country area of Victoria, must —

I repeat, 'must' —

identify and designate places as neighbourhood safer places in its municipal district.

I know that since Dunkeld was identified as one of the 52 high-risk towns, Dunkeld's local council, to which I have been speaking, has been trying to identify a neighbourhood safer place. However, unfortunately when it started doing work on this it did not have the guidelines from the government. Again, the government has been far too slow. The fire was nine months ago, and there has been plenty of talk but little action. The council got the guidelines from the CFA only last week.

I have a copy of a media release put out today by the council — the Southern Grampians Shire Council — about the Dunkeld township protection plan having been approved. It states:

CFA and Southern Grampians Shire Council have been working cooperatively to develop the Dunkeld township protection plan in conjunction with other stakeholders since Dunkeld was identified as one of the state of Victoria's 52 high-risk townships earlier this year.

The township protection plan does not —

And again I say 'does not' —

identify a neighbourhood safer place for Dunkeld.

The council did not have enough time with the guidelines, and it was concerned about how it was going to meet that challenge. As we know, Dunkeld is on the southern edge of the Grampians — it is the southern gateway to the Grampians. The council knows what the population of Dunkeld is, but it was unsure how many people would come out of the Grampians and would require this facility. It did not know what car parking would be needed, and it did not know how access to the NSP would operate.

I heard the shadow minister speak about this issue before, and the member for Shepparton spoke about the question of how the insurance companies would look at this in terms of protecting councils. I have spoken to the Horsham Rural City Council in terms of its protection plans for fires. It too was disappointed it did not have the criteria in relation to neighbourhood safer places early enough. Again I highlight the fact that many of

the councils across my area will not have these neighbourhood safer places identified. Importantly, that is because of the slow action of the CFA and the government in relation to this.

I finish off by saying that I really wish the CFA volunteers and all the emergency services personnel all the best during what I fear will be a very dangerous fire period. I think we are underprepared.

Mr HOWARD (Ballarat East) — I am pleased to add some comments on the emergency services legislation before the house. As the member for Ballarat East, I clearly have many towns and villages across my electorate that are surrounded by bushland and forest, and the residents of those towns are clearly very aware of the fire risk they face and of the issues that have been so clearly brought to our attention since 7 February.

I am pleased that this legislation clarifies a number of issues. It is recommending interim activities following on from the bushfires royal commission set up by the government. It recognises that the CFA (Country Fire Authority) has responsibilities to inform the public of issues associated with fires and to clarify issues associated with the declaration of neighbourhood safer places. Nine towns in my electorate have been identified as high-risk towns, but many other villages in the Wombat State Forest area, around Daylesford, in the southern parts of my electorate as well as in Ballarat itself — with Mount Clear and Mount Helen — have been identified as areas of high concern.

Many of the residents of these areas, as well as other parts of the electorate, have been thinking even more clearly through their bushfire preparedness plans over recent months. It has been great that there have been so many CFA community fireguard meetings and other information meetings held in the townships across my electorate over recent months to inform people of the issues they need to be aware of in developing their own protection plans. It is clear that as a government we cannot take responsibility for everybody and that people need to think their own plans through and to recognise whether they need to leave.

Clearly, as we saw in Daylesford in the latter part of February this year, many residents realised — with the Muskvale fires — that they needed to think of their lives ahead of their property and leave when their properties were in the path of a fire. That is a sound message that people are understanding now: that they need to leave if they believe there is a risk. People now understand that in many cases, especially on code red days, some properties in bush areas will be undefendable and they will need to leave.

As many other members have already identified, neighbourhood safer places are places of last resort. Ahead of time you should prepare, probably to go elsewhere if you are in these identified high-risk places. I trust that many people across my electorate are now much more aware of the dangers of wildfires in our area and are making their own plans. This piece of legislation helps to set in place some of the requirements that need to be met. I am continuing to work with many residents to ensure that they will be as well prepared as they can be. It is great that many authorities have been working to provide further information. I commend this bill. I am sorry I do not have more time to speak. This is a very important part of the jigsaw that needs to be put in place to protect people in this coming fire season.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Emergency Services Legislation Amendment Bill 2009 and to say that The Nationals in coalition are not opposing this bill.

The purpose of the bill is to amend the Country Fire Authority Act 1958 to confer on the chief officer a duty to issue warnings and to provide information to the community in relation to bushfires in Victoria, to make provision for identification and designation of neighbourhood safer places (NSPs) and to provide for the representation of volunteer members of fire brigades and to amend the Emergency Management Act 1986 in relation to the control of response to fires and for other purposes.

The main provisions in this bill are mostly to do with neighbourhood safer places. It establishes the duty of the chief officer of the CFA (Country Fire Authority) to warn the community and provide information in relation to bushfires but also provides for this duty to be delegated to other prescribed persons. It makes it the responsibility of councils to identify neighbourhood safer places where possible and the responsibility of the CFA to assess the suitability of these places and post a list of approved neighbourhood safer places on the CFA website. It makes it the responsibility of councils to provide signage indicating the presence of an NSP and to maintain and review the safety of an NSP on a regular, annual basis. It transfers the liability for death or injury due to the use of an NSP during an actual or threatened bushfire to the relevant municipal councils and when the NSP is located on non-council land. It provides a policy defence for councils in the event they are pursued for damages following the death or injury of a person using an NSP or where they have failed to identify an NSP. It amends the Country Fire Authority Act to reflect the merging of the Victorian Urban Fire Brigades Association and the Victorian Rural Fire

Brigades Association to become Volunteer Fire Brigades Victoria, and continues provision for volunteer representation on the CFA board.

There are a number of issues and concerns with this legislation which flow from the bushfires royal commission, which recommended that the state identify NSPs in areas of high bushfire risk by this season. In making the identification of NSPs the responsibility of councils, the state is effectively passing the buck and it is unclear whether councils will receive additional resources in line with their increased responsibilities. Whether councils are happy with the policy defence by the bill is also a concern.

In my electorate I have consulted with the Mildura Rural City Council on the issue of identifying NSPs and have received some concerns back from the council. Its main concern is that this has to be undertaken now, when the fire season is already upon us. The council informs me that it is pulling out all stops to introduce the new system of neighbourhood safer places and trying to educate people about them. However, its difficulty is the time delay. It is already fire season in the north of the state. The council is going to struggle to identify the NSPs that are required within the Mildura area. Although we are dry in the north, there are a couple of communities that do come to mind. The community of Hattah that sits in the Hattah-Kulkyne National Park is one such area; it is a small community but I think it will need an NSP. Similarly the community of Murrayville will also need one; that community has been in touch already.

In relation to how an NSP is to be assessed, I make reference to the CFA's *Neighbourhood Safer Places — Places of Last Resort During a Bushfire — Interim Assessment Guidelines*. Across every page of this document is stamped the word 'interim'. We are again asking councils to do a great deal on something that is not determined, and one cannot help but worry when you are doing things in a rush and you are dealing with something that is interim whether that will be a satisfactory legal defence should that be tested by death or injury.

I quote from the section of the document headed 'Background':

The 2009 Victorian Bushfires Royal Commission interim report stated that people need a range of options to increase their safety in the event of bushfire. The royal commission identified three options ... They are:

community fire refuges

neighbourhood safer places

privately identified safer places.

Under the section headed 'Concept' it states:

A neighbourhood safer place is a space which is a place of last resort for individuals to access and remain in during the passage of fire through their neighbourhood without the need to take a high-risk journey. It is intended to provide a place of relative safety, but does not guarantee the survival of those who assemble there, and should only be accessed when personal bushfire survival plans cannot be implemented or have failed.

There are other areas covered in that section but I will not read them out at this stage.

The document also identifies some limitations of NSPs:

They have a limited capacity and do not guarantee safety.

They do not cater for animals.

In previous experience I have noticed that when you attempt to evacuate people, getting them to leave their animals behind has been incredibly difficult. I know the member for Benambra is a former police officer and would have been involved in evacuations and I am sure he would understand how hard it is to get people to separate from their pets. If you take the pets to the refuge or safer area, you then spend all your time settling the arguments about the pets coming in. The pets get into conflict and then soon after the pet owners come into conflict; it is difficult. These are some of the issues we have such a short time to get across to people.

The document continues in relation to limitations:

Persons using neighbourhood safer places should not always expect emergency services to be present.

I think that is going to be a significant issue in the mindset of many people. Further:

They do not provide meals amenity or special needs (e.g. for infants, the elderly, the ill or disabled).

I think that too is going to be something where there will be a community expectation. If you have any of those categories of person and you are threatened, you are going to take them there anyhow. We are going to get into difficulty with that. Finally:

They may not provide shelter from the elements, particularly flying embers.

I know NSPs are a last resort, but I think it is very difficult to plot a course with what are interim measures being passed to council and the liability issues that flow from that. I really hope the policy defence that is offered does not need to be tested, but if it is, that there are resources for our councils to get through this. This has been a handball to our councils at very short notice

and presents them with enormous difficulties. I cannot help but feel that we know we are dangerously unprepared for this fire season, and I am very concerned that we are passing that risk to local governments with very little resources and very little time for them to manage that risk in a way that may or may not be seen by the courts at a later date as adequate. I think we are dangerously unprepared and we are treading dangerously, particularly with our local governments.

In the meantime I know that local governments will be reasonable servants and will do the best they can with this and so too will the communities and the CFA; it will fall on the CFA groups to assess these areas. The council identifies them, but the CFA has to assess them. If those places fail that assessment, the council and the CFA will go back to the beginning and start again. This is a complex and difficult issue. It has come from the royal commission and we are not opposing it, but we are concerned about the time lines involved.

Mr TILLEY (Benambra) — I rise to make a contribution to debate on the Emergency Services Legislation Amendment Bill. The introduction of this bill gives us time to pause and reflect on how lucky we really are to be Victorians. In Victoria today there are near enough to 60 000 citizens who, at a moment's notice, stand ready to jump on board a fire truck to defend you, me, our homes and properties. They do it for no pay. I have had the privilege to meet and talk with a wide range of Country Fire Authority volunteers not only in the electorate of Benambra but right throughout the state of Victoria. They do it without wanting any recognition in particular or great parades in their honour. They do it because they see it as a way of making a contribution to their respective communities and to the greater parts of Victoria. They do it because they really do care, not only for people but also for their properties, assets and of course our state.

The Victorian community and I are indebted to them for their commitment and the duties that they carry out. That is why at all times we must ensure the maximum is done to ensure their safety during fire and that everything that can be done will be done to ensure that when they are called into action in the first place we minimise the devastation that we have seen over the last decade and in particular since the February 2009 fires.

In summary, the Emergency Services Legislation Amendment Bill seeks to amend the Country Fire Authority Act 1958 and the Emergency Management Act 1986 to principally:

Establish that it is the duty of the Country Fire Authority Chief Officer or the legislated delegate of his choosing to

warn the community and provide information in relation to bushfires.

Makes it the responsibility of municipal councils to identify neighbourhood safer places and where possible the responsibility of the CFA to assess the suitability of these places and maintain a list of approved neighbourhood safer places on the CFA website.

The bill will make it the responsibility of councils to provide signage indicating the presence of neighbourhood safer places and to maintain and review the safety of neighbourhood safer places on an annual basis. I seek to address these two points, in particular, and will go into further detail in a moment.

We realise that these neighbourhood safer places are a last resort, as we have heard throughout this debate, and we fully understand that, but the devil is in the detail of this bill.

The bill transfers the liability for death or injury due to the use of a neighbourhood safer place during an actual or threatened bushfire to the relevant municipal council when the neighbourhood safer place is located on non-council land.

The bill will also provide certain defences for councils in the event that legal action is brought against them for damages following the death or injury of a person using a neighbourhood safer place or in a situation where a council has failed to identify a neighbourhood safer place.

Finally, the bill seeks to reflect the merging of the Victorian Urban Fire Brigades Association and the Rural Fire Brigades Association to become Volunteer Fire Brigades Victoria and deals with volunteer representation on the Country Fire Authority board. This transition has taken some time: we see that on the face of it with both urban and rural brigades it seems to be working, but times and interests change, and around Victoria that debate will continue. But in the time since the transition we have seen some positives from that amalgamation. As the shadow minister for bushfire recovery declared, the coalition will not be opposing this bill.

The bill is disappointing in many ways and is yet another subtle indicator that Labor is now running out of puff after 10 long years — and I will keep saying it again and again: it is running out of puff, and it cannot do the job of protecting Victorians from the devastating effects of bushfire. In the electorate of Benambra you can drive from Chiltern all the way to Corryong and you will see no reduction in the forestry loads. There is nothing happening. The government has had 10 years — a significant opportunity.

With the amount of time left available to me, I will go in particular to clause 3 of the bill, which defines a 'designated neighbourhood safer place' as:

... a place designated by a municipal council as a neighbourhood safer place.

The bushfires royal commission recommended that by this season the state identify neighbourhood safer places in areas of high bushfire risk.

In recommendation 8.6 of its interim report the royal commission stated:

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 high.

Unless I am mistaken nowhere in that recommendation did the royal commission recommend that the government buck-pass this most important issue to municipal councils.

In making the identification of neighbourhood safer places the responsibility of councils, the Premier of Victoria and the Minister for Police and Emergency Services, who is at the table, are passing the buck and not living up to the commitment they promised faithfully to Victorians to implement every recommendation of the bushfires royal commission.

On this point, it is unclear from the debate so far whether the government will provide resources to carry out this job and maintain these sites or if it will become yet another unfunded mandate.

It is well known that the government is behind in identifying neighbourhood safer places, and we have heard that throughout contributions made to the debate this afternoon and this evening.

In its implementation report the government pledged to complete the identification and assessment of neighbourhood safer places in 52 high-risk towns by November this year, but we have only got a couple of days left before the end of November, so let us hope that in the last week we can make up some lost ground.

I note from a local perspective that in not one of those towns in north-east Victoria, nor in my electorate of Benambra, which has faced three major complex bushfires in the last decade, has this been addressed.

We are now well and truly into the start of the fire season in November. No neighbourhood safer place has been identified on the CFA website as was committed to by this government.

Areas outside of the 52 nominated by the government, including some of the areas hit by Black Saturday's fires and the two other major complex fires of this decade, will have to wait until July 2010 to learn if there will be a designated neighbourhood safer place in their community.

Councils will not have to provide a neighbourhood safer place if there is no local place the CFA will approve or if the only suitable place is on private land and the owner does not consent to its use as a neighbourhood safer place. Just last week Victoria had extremely warm conditions. If members came out of the city and went into country and rural Victoria to see how quickly our rural areas have dried out just in that week before last weekend's rain, they would be simply astonished — and I am more than happy to send them photographs.

An honourable member interjected.

Mr TILLEY — A picture paints a thousand words. The councils can also decide for themselves that it is not appropriate to designate a neighbourhood safer place if they are concerned with such things as ease of access. By continuing to buck-pass, the government is not going to get the job done — pure and simple.

I refer again to the bushfires royal commission's recommendation 8.6, and in particular to the commission's recommendation that the state be responsible for advertising the location of neighbourhood safer places. The points continue. It is buck-passing; it is unfunded. It is not the place of last resort, but it is everything else that has not been addressed, and unfortunately 10 years on Labor continues to let Victorians down when it comes to bushfire preparedness and public safety.

Under Labor, for 10 years we have witnessed 25 critical bushfire safety recommendations which have all been ignored, and I have spoken about that a number of times in this place. Today we have seen more bushfire safety recommendations only half dealt with when their full implementation was promised faithfully by this government. I will say it once again: they are all running out of puff.

Throughout the aftermath of Black Saturday we have witnessed a government, a Premier, and a Minister for Police and Emergency Services scramble for political cover.

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

Mr CAMERON (Minister for Police and Emergency Services) — May I thank the Leader of The Nationals, the members for Yan Yean, Polwarth, Yuroke, Benalla, Macedon, Evelyn, Lara, Gippsland East, Burwood, Shepparton, Pascoe Vale, Kilsyth, Brunswick, South-West Coast, Lowan, Ballarat East, Mildura and Benambra for their contributions.

I thank the Liberal Party and The Nationals for their support. I know a lot has been said, so I will only make a few comments.

Mr Ingram interjected.

Mr CAMERON — Sorry, I will take that back: I thank the Liberal Party for its support, I thank The Nationals for their support and I thank the honourable member for Gippsland East for his support.

Certainly, Acting Speaker, I think you would have to say that in the last decade, when we came to government and looked at fire prevention and fire services, we were the second-lowest funded amongst the states. Of recent years we have been the highest, and we continue to be. We have seen the budget of the CFA tripled. Certainly, though, record budget and record resources to the CFA — and record training is another thing — really come to nothing without the tremendous volunteers who make up the CFA. They are the people who give us the enormous surge capacity in the event of a bushfire.

One of the things that came out of the 1939 royal commission was the recommendation that the CFA come together. Previously Victoria had a disparate fire brigade in that some brigades belonged to the Victorian Urban Fire Brigades Association — that was like a club — while others were in the Victorian Rural Fire Brigades Association. When the CFA was amalgamated in 1946 the urban association and the rural association continued to represent those brigades. It has taken 63 years, and a lot of effort in recent years by many senior volunteers, to bring about the formation of Volunteer Fire Brigades Victoria.

This bill formally recognises that achievement. I pay tribute to all those people — I will not name them personally as there have been so many — involved in bringing that about. We support them and all of the CFA volunteers, some of whom are members of this Parliament. It is a large organisation with 59 000 volunteers; that is the nature of the CFA.

Municipal councils are a key part of the emergency management framework — for example, we have the municipal fire prevention planning process and the municipal emergency management plan. Councils play

a key role in an emergency and a key role in relation to recovery and relief. As part of that forward planning, one of the very important roles they will be playing is around neighbourhood safer places.

The member for Gippsland South raised some issues relating to new sections 50F and 50G. He did that in a fair way, and I have been able to get back to him. New section 50G states that a municipal council must identify and designate places as neighbourhood safer places. That is a key issue: we want these places to be designated and identified, and the councils are required to do that.

However, new section 50F talks about how councils may prepare a broader plan. When that happens councils will have indemnity, as described in new section 50O. Having a statutory defence requirement is a provision councils are used to — for example, this is a scheme used in the Road Management Act. That scheme has worked well with councils, and the government believes this scheme will also work well because it knows that councils will want this statutory defence provision.

I understand that the Municipal Association of Victoria (MAV) has prepared some templates. While I am talking about the MAV, I wish to pay tribute to its chief executive officer, Rob Spence, who has worked so hard in helping to bring all of this about.

Other issues covered in the bill seem to be broadly supported, and I again thank all members of the house, including the member for Gippsland East, for their support of the bill. It will now be dispatched to the Legislative Council, where we trust it will have a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

**PARKS AND CROWN LAND
LEGISLATION AMENDMENT (EAST
GIPPSLAND) BILL**

Second reading

Debate resumed from 10 November; motion of Mr BATCHELOR (Minister for Community Development).

Ms WOOLDRIDGE (Doncaster) — I am pleased to rise to lead the debate for the opposition on the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009. I am very pleased to say at the outset that the coalition will be supporting this bill. It is always slightly unexpected when this government fulfils an election commitment, but we cannot get too excited about this one because this bill is only a partial fulfilment of the legislative aspects of the promise.

One of the things I want to raise is the commitment to the other parts of the promise and making sure that it happens. While we have some reservations, the opposition believes that the government is committed to deliver on its promise, and we hope that will happen. I would also like to note that in 2006 the Liberal Party committed to the protection of additional old-growth forest in East Gippsland.

The coalition supports the appropriate protection and expansion of our current parks and reserves. However, it is important that local communities and local businesses are engaged in the process. This engagement is particularly important in East Gippsland to ensure a viable and sustainable forestry industry, and this needs to happen hand-in-hand with the expansion of the parks. The government says there will be no net job losses to the timber industry as a result of this legislation. The coalition will be steadfast in its efforts to ensure that this government stays true to that very important commitment.

While this bill will enhance parks and reserves right across different parts of Victoria, its most significant impact will be felt in East Gippsland. As we all know, Gippsland is home to some of our most breathtakingly beautiful landscapes, forests and parks, and I have spent many happy times enjoying them. The main purpose of this bill is to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to permanently protect an additional area of East Gippsland forest of approximately 45 000 hectares.

It is important to note that there is an additional 4000 hectares to the 2006 government commitment, which stated that 41 000 hectares of state forest would

be added to the conservation reserve system in East Gippsland. By expanding the parks and reserves in East Gippsland, additional areas will now be protected in the Croajingolong, Errinundra and Snowy River national parks. The establishment of a link between the Errinundra and the Snowy River national parks will create a continuous expanse of parkland.

Clause 15 of the bill creates the Tara Range Park, taking in old-growth forests from the Tara Range and lower Snowy River. As Tara Range is actually going to be classified as another park, deer hunting by stalking will be permitted in the area. In addition, 12 new or expanded nature conservation reserves will be created under the Crown Land Reserves Act. Included in this will be the Goolengook block.

As part of this redesign, the new and expanded conservation reserves aim to represent a wide range of old-growth forests, including both wet and dry forests. One criterion in determining the boundaries has been that the proposed reserves include at least 50 per cent old-growth forest. As a result, in this legislation forests that contain, for example, only 30 per cent growth are excluded from conservation. I will return to that a little further on in my speech.

The second aspect of the bill relates to additional land that will be added to eight other parks across Victoria. This legislation promises to enhance the parks system across other parts of Victoria. It will add 2400 hectares to eight other parks including the Alpine, Brisbane Ranges, Grampians, Greater Bendigo, Great Otway and St Arnaud Range parks, the Lerderderg State Park and the Otway Forest Park. The additional hectares extend throughout Victoria and add significant ecological or cultural value to the parks and to local communities.

While the coalition will be supporting the bill, we maintain some reservations, as are flagged. I would like to talk through them and to quote from some of the groups represented who have an interest in the bill, first of all in terms of timber jobs. This has been an important aspect from the perspective of both the government and the coalition. There is no doubting that our forest industry in East Gippsland is critically important to the Victorian economy. Each year the East Gippsland local government area records approximate forestry turnover of more than \$120 million and provides livelihood for many in the eastern part of our state.

As I mentioned, there has been a commitment from the government that this legislation will not hinder the access to timber resources or result in any job losses to the timber industry. The government promised this in

its 2006 election commitment, and the minister promised it again in his second-reading speech. In fulfilling this commitment the government has said it will make available 136 000 cubic metres per annum for timber production. To achieve the timber volumes, some land previously classified as special protection zones will now be transferred to a general management zone and therefore will be made accessible for timber production. The coalition is very concerned that as yet the government has failed to do the work to confirm the new special protection zones and general management zone land boundaries. Until that is done we have reservations about the veracity of the promise to make the timber available. While detailed work has been done to identify the boundaries of the parks to fulfil the government's election commitment, there has not been a commensurate amount of work done to fulfil the second part of the election commitment — that is, to ensure sufficient resources to ensure no net loss of jobs. This was confirmed during our bill briefing. Very clearly that work has not yet been done and still needs to commence.

This reservation is not limited simply to this side of the house. Timber Communities Australia has expressed its concerns, and I quote:

For too long, timber communities have been on the receiving end of flawed government ...

It believes:

You only have to look at the leakage of young people out of a town like Orbost to realise that job opportunities are scarce to the point of being non-existent. That situation has come about through continued shrinkage in the timber industry, loss of confidence to invest in advanced equipment and a general lack of confidence in the future of the industry has all come about by the continual sell-outs by the government in the form of election promises —

made at the expense of local communities.

Along similar lines, the East Gippsland Forest Management Cooperative, made up of 12 harvest and 15 haulage contractors, says it is concerned that the government is undermining local industries in East Gippsland. It believes that the tender process of government-owned VicForests (VF) has forced contractors either to accept government-funded packages or to obtain a short-term position if they wish to remain in the industry. I quote from the cooperative:

We are now in a position where H & H —

harvest and haulage —

contractors are operating at a reduced capacity through VF's inability to market the residual quality product.

The cooperative went on to say:

Tender prices were evaluated on the actual contract volume. If VF's inability to market products continues H & H contractors may be forced into liquidation.

Unfortunately, all of this has come from a government that continually claims to protect and invest in sustainable local industries.

In addition to the commitment of resources, the government has also agreed to make a \$1 million contribution towards a small log line to extend the range of timber able to be processed. We know the full cost of a small log line is approximately \$6 million, so the \$1 million is actually a small contribution to that overall cost. We have been given the government's assurance that the resources will be available for this new line. It is critical that they have the resources to ensure the ongoing viability of jobs in the area. However, currently it is unclear how this part of the promise will be fulfilled as there is no easily identifiable company interested in putting the log line in place. In the briefing process we asked for further information from the Minister for Environment and Climate Change, but unfortunately he was unable to provide any further information about how progress is going in relation to that small log line.

In terms of managing the overall process, in 2007 the government established an industry transition task force (ITT) with the aim of addressing the concerns of the timber industry and local communities. The ITT's final recommendations were reflected in an agreement between the government, timber industries and the Construction, Forestry, Mining and Energy Union. This was a respected process, and I have to say one that gave the industry much comfort both through the process and now with the bill. We have been assured repeatedly by the government that this bill and the associated commitments meet the terms of the ITT agreement which has been very important to all the parties.

It would be good to hear in the debate in this house, but particularly in the other house, the minister's commitment to deliver on all aspects of the ITT agreement, not only on the parks aspect, which is the subject of the legislation we are debating today, but also on the non-legislative elements of the ITT agreement and, most importantly as I have said repeatedly, on the no net loss of jobs.

Unfortunately the government has chosen to keep the ITT agreement and the final recommendations hidden. In the briefing we asked for a copy of the agreement from the minister, but we were refused access to the document because we were told it is cabinet in

confidence. We have talked to the industry, and it has said that as long as we are getting assurances from the government that those commitments and the ITT agreements are being delivered, then it has confidence in the bill. Unfortunately we cannot see the agreement to know whether that is the case.

It is important also to talk a little bit about the government's attempts at consultation in relation to the Goolengook block, which unfortunately turned out to be nothing but a farce — a hollow attempt at engaging voters in an election year. After requesting that the Victorian Environmental Assessment Council (VEAC) undertake an investigation of the Goolengook Forest management block in 2005, Labor withdrew the request in December 2006, less than one month after being elected. During this time the VEAC collected a lot of submissions, and people went to a lot of effort to make known their views on the Goolengook block. They held community forums and commenced an investigation, only for it to be quashed by the government. It was disinterested in the views and advice of those affected by any changes made to the Goolengook block.

Timber Communities Australia has stated:

We firmly believe that locking up productive forests like the Goolengook will further damage East Gippsland communities.

It is unfortunate that the process was not completed and instead was stopped very much as a result of what happened. As I said, it was stopped only one month after this government was re-elected.

It is also important to get the perspective of the environmental groups because I have received a number of representations from environmental groups which are disappointed with aspects of this legislation. Among these are the Wilderness Society, Friends of the Earth, the Victorian Rainforest Network, the Victorian National Parks Association (VNPA) and the Australian Conservation Foundation (ACF). Primarily they are disappointed that the legislation does not go far enough and that it fails to accurately reflect the government's 2006 election policy which committed to immediately protecting all significant last stands of old-growth forest.

Of particular concern to the environmental groups is the exclusion of Ferntree Creek and Big River, which were proposed for protection in the government's 2006 commitment. A joint media release by the ACF, the VNPA and the Wilderness Society states:

Even old-growth forests such as Ferntree Creek and Big River, which were originally promised protection, have now been removed from the proposed reserve system. And half the

forests allocated for protection by the government are actually already in reserves. The whole thing just does not make sense.

The government's response to this broken promise was that Ferntree Creek and Big River forest types —

Mr Crutchfield — On a point of order, Acting Speaker, the member appears to be reading from a document. I ask that the member table the document because she has not drawn breath in reading from that particular document.

The ACTING SPEAKER (Mr Howard) — Order! Is the member reading from a document?

Ms WOOLDRIDGE — When I am quoting I am reading from a document, but I am referring to notes for the rest of my speech.

The ACTING SPEAKER (Mr Howard) — Order! Is the member prepared to table the material she is quoting from?

Ms WOOLDRIDGE — I do not have the backup papers for the quotes, but I am happy to provide them to the member when I am able to get the exact quotes that I am quoting from, as I would do for Hansard.

The ACTING SPEAKER (Mr Howard) — Order! The documents can be tabled with the Clerk at an appropriate time.

Ms WOOLDRIDGE — Yes, and I will provide them to Hansard as we always do.

The ACTING SPEAKER (Mr Howard) — Order! They will be provided to the Clerk?

Ms WOOLDRIDGE — I have said yes.

The ACTING SPEAKER (Mr Howard) — Order! The member, to continue.

Ms WOOLDRIDGE — The government's response to this broken promise was that the Ferntree Creek and Big River forest types were already represented by other protected areas. They also claimed that the forests would be difficult to appropriately manage and that some of the more mature trees located in the forest would be needed to fulfil the government's commitment towards ensuring its resource commitments to the timber industry. However, to quote a statement issued by the ACF, the VNPA and the Wilderness Society:

Old-growth forested water catchments are essential for Victoria's future water security because of the high water yield they provide. They are also the biggest ... carbon stores

on earth and provide the best habitat for forest-dependent native wildlife ...

Sending them to the paper mills of Japan is a shocking failure by the government to demonstrate leadership ...

A conservation and campaign manager to the Victorian National Parks Association stated that:

With little of our old-growth forest left, this announcement leaves many old-growth areas exposed to the logging industry and tragically many of these areas will be felled in the coming months.

Environment East Gippsland described this legislation, and I quote — please excuse the language — as ‘another attempt by the government to put polish on a turd’.

Many of the key environment groups are also disappointed that other forests which are under threat due to logging, such as Brown Mountain, Stony Creek and Bungywarr, were not included in the government’s planned conservation reserves. While many of the forests include some old growth, the government has had a number of criteria for redesigning the new and expanded conservation reserves in East Gippsland.

I think it is important to outline what those criteria were. They are as follows: one, to maximise the inclusion of the best examples of significant old-growth forest stands; two, to maximise connectivity of the proposed reserves with existing conservation reserves; three, to maximise practical management and operational boundaries; four, to minimise inclusion of strategic fuel-reduction burning corridors; five, the old-growth forest should be at least 50 per cent of the area of the proposed reserves; six, to minimise the impact on approved timber harvesting coupes — —

Mr Foley — On a point of order, Acting Speaker, it is my understanding that standing orders require that a member not read a speech. If the member is reading a speech, I would ask her to table it for the Parliament.

The ACTING SPEAKER (Mr Howard) — Order! I think the member knows that she should not be reading from a speech but that she can refer to notes.

Ms WOOLDRIDGE — I will continue to refer to my notes to make sure my speech is accurate, but if the member does not approve of the concerns of environmental groups and timber industry groups in relation to this bill, perhaps he should do some work to make sure that some of these concerns are reflected in legislation in the future.

As I was saying, there are very important issues about the decision making in relation to the criteria by which

the boundaries of these national parks were determined. The final and seventh criteria is that representation of different old-growth forest types, wet forest and dry forest, are taken into account.

The resulting boundaries are a reflection of the commitment to 41 000 hectares, no net loss of jobs and the criteria which I have just outlined. The community wants to understand the basis on which these boundaries have been put in place, and this information will be very helpful to them in understanding the logic behind the bill. Having said that, it is important to understand that the passage of this bill will ensure that 97 per cent of old-growth forest is totally protected in East Gippsland.

Another area of concern, and one that we consistently see in many aspects of how this government performs, is the total lack of consultation other than through the ITT process. I would like to thank the department and the minister’s office for their willingness to provide us with a briefing on this bill. During this briefing it was made abundantly clear that the government’s attempt to undergo consultation on this legislation has been narrow and limited at its best. As I have said, the ITT was consultation, but the outcomes of that have not been circulated more broadly. What we have heard from many groups — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Howard) — Order! There is too much conversation going on across the chamber. I ask members to listen to the speaker.

Ms WOOLDRIDGE — We are disappointed but not surprised that despite this bill being on the government’s agenda for many years — as we know, it was a 2006 election promise — there was a lack of consultation prior to the bill’s second reading with key groups such as the Victorian Association of Forest Industries, which is a key group, one would have thought, when it comes to the consideration of these issues. The Construction, Forestry, Mining and Energy Union did not have further consultation in relation to the form the bill took. Affected councils had not heard from the government in relation to this matter, as was the case for others affected by this legislation, such as tour operators, other licence-holders and groups such as the Prospectors and Miners Association of Victoria. In fact today I was contacted by the Minerals Council of Australia about the failure of the government to undertake any consultation with such an important group. It is consistent with the performance of the government that we see again and again a failure to

engage with broader groups that are affected by the legislation that this government introduces.

I would like to spend just a few minutes on this government's incredibly poor record in managing our national and state parks and other public land. One of the things we consistently hear from the opposition in debates on public land and the creation of new parks is our great level of concern about the failure of the government to effectively manage this land.

We have heard many members in the past reflecting widespread concern right across the community when they lament that this government is the neighbour that nobody wants. To be specific, it is the neighbour from hell. It is the neighbour that allows weeds to proliferate and grass to grow 5 or 6 feet tall, the neighbour that has allowed many of our parks to be overrun by vermin or feral animals and the neighbour that keeps the threat of bushfires at our doorstep through its failure to control the build-up of fuel. The failure of the government to undertake appropriate prescribed burns over the past decade is a classic example of its failure to appropriately manage public land.

Our precious forests and parklands certainly need protection. They need to be protected as well from this government's mismanagement and failure to adequately maintain and care for our bushlands. Simply locking up our forests is not the solution to the protection and sustainability of our environment. Good environmental outcomes can be achieved only with an injection of resources and with sound management. While we support this bill and want to further add to our protected public lands, we seek a commitment from this government that the expansion of our parks and reserves will be matched by adequate investment to ensure our parks are satisfactorily protected.

Having said this, I want to reiterate that the coalition will be supporting this bill. The bill partially fulfils an election commitment made about East Gippsland's parks. The Liberal Party also went to the 2006 election with a commitment to protect additional old-growth forest in East Gippsland. As a result of the ITT process the timber industry has signed off on the arrangements. I reiterate that we will monitor very closely the implementation of the non-legislative parts of the government's commitments.

We seek assurances from the minister that there will be no net loss of jobs or resources from the timber industry, that the review of the special purpose zones will be quickly under way and that appropriate land is reclassified as general management zones so that the timber industry will have some confidence about which

land will be available for it to undertake its business. We will steadfastly hold this government to account on all its commitments to ensure greater environmental sustainability and support for our forest industries.

We support this bill, but there are commitments the government is still to make. We seek those assurances from the government and the minister to make sure of their commitment to protect our national parks and to ensure that the timber industries and communities are sustained for the future. With those comments, I commend the bill to the house.

Mr CRUTCHFIELD (South Barwon) — It gives me great pleasure to rise to speak on the Parks and Crown Land Legislation Amendment (East Gippsland) Bill. I note that not just the Liberal Party but the coalition is supporting the bill, and I thank the member for Doncaster for that piece of information and the affirmation from the member for Rodney. It makes me a little worried to have both parties, and particularly The Nationals, supporting a natural resources management bill. In the last parliamentary sitting week we had debate in this place on the red gums bill, which went through due process. The Liberal Party would normally support such a bill with respect to the Victorian Environmental Assessment Council and its predecessor land council, but it was not supported as an enduring legacy for Victorians.

Thankfully the government has the numbers in the lower house, so the bill passed and went to the upper house. It is with some degree of confusion that I note the Liberal Party is supporting this bill. I welcome the support of both the Liberal Party and The Nationals and hopefully the member for East Gippsland, whose area it concerns. Although I suspect he may have some reservations, I do not know which way he is going.

The history is that under our Victoria's national parks and biodiversity commitment in the 2006 election we committed to expanding the reserve system in East Gippsland and particularly the areas of old-growth forest, including the Goolengook block, the icon areas containing the key rainforest stands and threatened species and importantly a contiguous link between the Snowy River National Park and the Errinundra National Park.

Mr Cameron — On a point of order, Acting Speaker, the honourable member for Doncaster has left the chamber with the notes she said she would table, and I ask if you would make arrangements for those notes to be tabled.

Ms Asher — On the point of order, Acting Speaker, I was listening to the speech and the points of order that were raised by the member for Albert Park. The member for Doncaster is going to provide the quotations, as she undertook to do.

The ACTING SPEAKER (Mr Howard) — Order! The member agreed to provide the quotes to the Clerk, and I will be following that matter up with the Speaker after this debate.

Mr Cameron — On the point of order, Acting Speaker, I would ask that you have a look at the *Hansard* when you speak to the Speaker and ask her to look at the fact that she was going to table the notes.

The ACTING SPEAKER (Mr Howard) — Order! I understand that matter and will be following it up with the Speaker.

Mr CRUTCHFIELD — This is an area I have a degree of passion about. I was in the area with my wife three weeks ago when we had a couple of days off. I took a day off from birdwatching, camping and fishing to inspect this area firsthand. I have been a frequent visitor to the Snowy River National Park. With some Department of Sustainability and Environment and Parks Victoria staff I flew into Delegate, drove to Bendoc and had a close look on the way over the Yalmi River area abutting the Snowy River National Park, over Goolengook, the block that the member for Doncaster appeared to say she wants to log, which confuses me, and a number of additional areas that have been added to the public estate. I had a close look at the Brown Mountain area and inspected one of the five great iconic short walks. We have committed to an old-growth walk in the area of Goongerah and Bendoc, and I can certainly attest to the sensitivity of the biodiversity values of that walk.

The government made that commitment in 2006 with respect to 41 000 hectares. We have made a commitment to adding 4000 hectares to the public estate. Some 16 000 hectares have been added to the Snowy and 11 000 hectares to Errinundra, including the Goolengook forest. I know the passions that some of those areas in East Gippsland evoke both from the timber industry perspective and among conservation groups. I can say from personal experience that my late brother spent many a week at Goolengook clambering up trees, and he managed to get arrested a number of years ago under the previous government. It has been a long fight for conservation groups, and whilst this is particularly welcome I think my brother may be rolling in his grave about some old-growth areas that have not been protected.

This is a good outcome. The election commitment in 2006 was that there should be no loss of resources and importantly no loss of jobs. This is a commitment the minister has endorsed, and I want to compliment the minister on the negotiations he has undertaken with a plethora of public interest groups, the public service and internally. I think this is a wonderful outcome. Whilst many on the conservation side will not be entirely happy with the outcomes, I think it is a significant step forward in terms of protection of old-growth forest. I am personally disappointed that all old-growth forest cannot be protected. Under the current mechanisms, under the current regime and certainly under our current commitments that is not possible. I understand the Wilderness Society's arguments. I certainly endorse its arguments about the Australian National University study, which showed that our eastern forests are one of the largest carbon stores on earth and therefore should play a major part in reducing our emission profile in Victoria. Perhaps we will hear more on that tomorrow in the climate change debate.

I also see that at some time in the future there will be a further transition into plantations. Whilst that is certainly not a discussion for now, I think it is a discussion for the future. I note that the member for Doncaster raised concerns about SPZs (special protection zones). She certainly seemed to be suggesting that we should be logging —

Mr Ingram — It's not going far enough, she said.

Mr CRUTCHFIELD — Indeed. She suggested that we should be logging SPZs. SPZs are there for a reason.

Mr Ingram — Are they?

Mr CRUTCHFIELD — They are special protection zones, as the member for Gippsland East should know, and does know, and we should not be endorsing the logging of those particular areas. I understand that the review we are undertaking as a commitment through the regional forest agreement process, which is something that we have to do, looks at SMZs (special management zones) and SPZs. I certainly do not support the member for Doncaster's view that we should log every SPZ to the ground, although I suspect that is the member for Rodney's view — that is, that any tree that stands still long enough should be chopped down. It is certainly not a view that I support.

Our commitment has been honoured. I think it is a very sellable, very mature response to what always has been and always will be a debate about conservation versus

resource use. That debate will continue to evolve. It will continue to evolve even more when the climate change debate continues, just as the debate in the Liberal Party room that began at 10 minutes past 8 o'clock tonight in the Victorian Parliament has. I certainly support what has occurred. There are a number of individuals who should be congratulated on the outcome. I would be particularly interested in the member for Gippsland East's contribution.

Again it is a Labor government that has protected old-growth forests. It is a Labor government that has gone further than any other government in history in terms of national park development, both land and marine. This is a bill that we are eminently proud of and that future Victorians will look back very kindly upon us for.

Mr WELLER (Rodney) — It gives me great pleasure this evening to rise and speak to the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009. The Nationals in coalition will be supporting this bill. The main provisions of the bill are expanding the parks and reserves in East Gippsland. This will add areas to the Croajingolong, Errinundra and Snowy River national parks and the Tara Range Park. Also included will be a link between Errinundra and Snowy River national parks and the creation of 12 new expanded nature conservation reserves, enhancing a park system across other parts of Victoria. Some 2400 hectares are going to be added to eight other parks: the Alpine Park, the Brisbane Ranges, the Grampians, Greater Bendigo, Great Otway and St Arnaud Range national parks; the Lerderderg State Park; and the Otway Forest Park.

The criteria for redesigning the new expanded conservation reserves in East Gippsland were to maximise the inclusion of the best examples of significant old-growth forest stands; maximise connectivity to the proposed reserves with existing conservation reserves; maximise practical management and operational boundaries; minimise inclusion of strategic fuel reduction burning corridors; ensure that the old-growth forest is at least 50 per cent of the area proposed for reserves; minimise the impact of approved timber harvesting coupes; and ensure the representation of different old-growth forest types, both wet and dry.

In his contribution the member for South Barwon commented on what the member for Doncaster said about a commitment the government made that 136 000 cubic metres of timber would be available to the timber industry. The member for South Barwon is inferring that he does not support that commitment. To achieve that timber volume some land previously

classified as special protection zones may be reclassified as general management zones. He does not support that, so he does not support the timber industry. We were supporting this bill on the basis that there would be no job losses, yet the member for South Barwon was saying that he was not going to guarantee the amount of timber to the timber industry, even though the timber industry has the understanding that it has been guaranteed 136 000 cubic metres of timber. The member for South Barwon speaks as though he has no commitment.

Mr Ingram — They were also under the understanding that you would stand up for them.

Mr WELLER — That's right.

Mr Crutchfield — You haven't seen him support it yet.

Mr Ingram — No. He said he'd support it.

Mr Foley — In coalition.

Mr WELLER — In coalition.

The DEPUTY SPEAKER — Order! The member for Rodney does not need assistance.

Mr WELLER — You're exactly right.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I just said the member for Rodney does not need the assistance of other members. The member for Rodney, to continue, without interjection.

Mr WELLER — I might just say that the members who missed it should read *Hansard* in the morning.

Clause 4 of the bill, which I support, amends section 30I of the act. It enables the minister to grant a reasonable right of access to a park to a person whose land abuts or surrounds a specific park. This is a specific provision for where a farmer whose land adjoins a park occasionally needs to have access to go in and cut down a limb that has fallen across the fence — —

The DEPUTY SPEAKER — Order! It is time under standing orders for me to interrupt the business of the house. The member for Rodney will have the call when this bill is next before the chamber.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Middleborough Road, Box Hill: grade separation

Mr CLARK (Box Hill) — I raise with the Minister for Roads and Ports the further works required to properly complete the Middleborough Road grade separation project. I ask the minister to restore pedestrian access to Box Hill cemetery, provide a suitable path for bikes and pedestrians, and clean up and make safe the land between the railway cutting and neighbours' back fences.

The Middleborough Road grade separation project was announced late in the 2002 election campaign. Little more was heard about it until mid-2006 when the government released a final design with no opportunity for public input. The government undertook the works over the summer of 2006–07 and the workers departed, leaving a number of problems. A highly valued pedestrian access path to Box Hill cemetery from the north across the railway line from Sagoe Lane was removed and not replaced when the cutting was made to lower the railway line. This has continued to cause ongoing grief and distress to visitors to the cemetery, many of whom are old and infirm. Parking to the south and west of the cemetery is minimal. Visitors who park in side streets to the east of Middleborough Road are in danger of being hit by rapidly moving traffic when they attempt to cross Middleborough Road.

Members of the substantial Greek and Italian communities in Box Hill and surrounding suburbs in particular continue to feel very strongly about this issue, given the importance they attach to being able to make regular visits to the graves of loved ones. The crossing's removal has also cut north–south pedestrian access across the railway line for Box Hill locals.

I first raised the importance of the crossing with the then minister on 1 July 2006, well in advance of the project being commenced. I have raised it with the government on numerous occasions since, most recently with the current minister in my letter of 28 October, to which I have not yet received a reply. The government, perhaps on the advice of VicRoads, has raised various issues, but investigation has shown them to be unfounded. Initial concerns about practicability were based on the assumption that extended disability access ramps, and therefore substantial footings, would be required. A subsequent on-site inspection with VicRoads officers and

examination of the depth of the cutting established that the footbridge could be constructed virtually level, provided the sides of the footbridge were enclosed.

An assessment I arranged by an expert who specialises in the off-site construction and onsite installation of pedestrian and light vehicle bridges has concluded that it would be feasible to construct a suitable footbridge offsite, thereby greatly reducing the complexity and cost of the job. A footbridge with a fully enclosed wire mesh canopy would cost approximately \$460 000.

Secondly, the pathway alongside the railway between Sagoe Lane and Middleborough Road has never been properly completed. At present it is just rough gravel and slopes steeply and unsafely down to Middleborough Road. Thirdly, between Sagoe Lane and the Box Hill district centre there is no pathway at all, just overgrown rubbish and litter from the late-night troublemakers who cause problems for residents of Bishop Street. This entire stretch could be transformed into a much-used and valued bike path and pedestrian path running all the way from Middleborough Road to Bank Street.

I appreciate that the minister inherited these problems from his predecessor, but I ask him to do the right thing by the residents of Box Hill and surrounding suburbs, undertake these remaining works and make the grade separation project a source of satisfaction rather than grief for local residents and cemetery visitors.

Public transport: passenger safety

Ms MARSHALL (Forest Hill) — I raise an issue for the Minister for Police and Emergency Services regarding safety around train stations in metropolitan Melbourne. The action I seek is for the minister to ensure that public transport users benefit from an enhanced police presence dedicated to patrolling our public transport network.

As we head into summer and the Christmas season, more and more people will be making the most of the extra daylight hours and warm weather and making their journeys home late at night. Many residents in my electorate of Forest Hill utilise the neighbouring rail stations of Mount Waverley, Glen Waverley and Nunawading, the no. 75 tram and various bus routes. It is their right to feel safe when waiting for and using these services and making their way home from activities such as work, school or shopping.

The crime rate on public transport has almost halved since 2000, so I was shocked when I was approached at a recent mobile office by a constituent whose

school-age son had been the victim of harassment and both physical and verbal assault. My constituent's son was standing on a railway platform with five friends in their school uniform at 3.30 in the afternoon when they were approached by a group who appeared to be in their late teens.

The group made a number of demands regarding money and his iPod. When he refused he was grabbed and verbally threatened with being stabbed. This happened before a platform of people all seemingly too afraid to get involved. Through the good fortune of timing, the boy's train arrived and his friends managed to pull him free and board the train without the older group. Once the boy returned home he eventually confessed to his mother about his harrowing trip home.

Parents should not have to worry about the safety of their children on public transport, but unfortunately this is not always the case. Some residents are nervous about utilising public transport services, particularly when having to wait between connections. People loitering, marking graffiti or being aggressive or generally antisocial can cause the casual user to forever resort to driving their car. For those without the luxury of a car, particularly students, it is not such an easy decision.

What we need in my electorate is a strong message to offenders that their actions are simply not tolerated. Residents need to know about the great amount of work that has been and is being done to make our public transport system safe for everyone to use comfortably. That is why I welcomed the Brumby government's commitment to fund an extra 50 transit police to further boost safety on the public transport network, especially at night. This will go a long way to ensuring the safety of passengers as they complete their journeys.

I must commend local police for the attention they have given this situation of late. In June this year Inspector Robert May told the *Whitehorse Leader* about Operation Safe Stations Whitehorse, aimed at focusing police patrols around transport hubs in the area. I was delighted to hear that this operation, which was carried out simultaneously in other suburbs of Melbourne, was considered a resounding success and that more operations are being planned for the future.

Again I call on the minister to ensure that the Brumby Labor government continues to commit to safe streets, particularly around our train stations, for the residents of Forest Hill.

Gippsland Water Factory: funding

Mr NORTHE (Morwell) — I raise a matter for the attention of the Minister for Water. I ask the minister to ease the financial burden on Gippsland Water ratepayers by contributing further funding to the Gippsland Water Factory and publicly releasing the Deloitte review, when completed. This review is investigating the cost blow-outs associated with the Gippsland Water Factory.

The concept of the Gippsland Water Factory is a good one. It will treat up to 35 million litres of wastewater daily from up to 15 000 homes and businesses across Gippsland. Of that water, 8 million litres will be utilised for industrial purposes through Australian Paper. It will also free up about 3 billion litres of fresh water each year for use in Gippsland.

Over time the cost of this project has escalated from an estimated \$128 million in 2005 to an approximate cost now of \$250 million. Many times in this house I have called upon the government to contribute more than the \$50 million it initially contributed. The member for Brighton today spoke about the government reaping \$3.5 billion in water dividends from environmental levies over the last 10 years and how these moneys should and could have been invested in water projects. In the case of the Gippsland Water Factory the ratepayers of Gippsland Water are footing the bill to a large degree.

Over time I have been approached by many pensioners and concession cardholders in my electorate who are struggling to pay their bills. If members compare the increase in water bills with the concession rate that applies to water and sewerage, they will get some understanding as to why they are struggling. Recently a pensioner came to see me and made the point that in 2007–08 her water rates had increased by some 28 per cent, while at the same time the concession rate had increased by only 14.8 per cent. In 2008–09 the concession rate increased by 14.2 per cent but her water rates went up by some 26 per cent. In monetary terms, factoring in the concession rate, the bottom line is that this pensioner and other people in our community are paying approximately 63 per cent more for their water than they were two years ago.

In relation to the Deloitte review, I wrote to the Minister for Water some time ago about the minister providing me with an update on the review. The minister stated in his response:

The Deloitte review of the Gippsland Water Factory project has not been finalised. Until it is, it is not possible to make a judgement about which parts, if any, will be released publicly.

In my view that statement is not good enough for the Gippsland community. I call upon the Minister for Water to ensure that he makes the review public once it is completed. I also ask the minister to ensure that the Gippsland Water Factory is appropriately funded by the government to ease the financial burden on Gippsland Water ratepayers.

Consumer affairs: Victoria Electricity

Ms MUNT (Mordialloc) — I raise a matter for the attention of the Minister for Energy and Resources. I call upon the minister to take urgent action to ensure that Victorian families, particularly our most frail and our seniors, are protected from door-to-door sales representatives claiming to be representing the state government.

Recently, with the Minister for Consumer Affairs, I hosted a consumer affairs forum in my electorate to which hundreds of people came. Since that time I have visited many bowls clubs, RSL clubs and seniors clubs to talk on matters of consumer affairs, in particular door-to-door selling. As a result, many constituents and others in my electorate have visited me at my office, contacted me and spoken with me at my mobile offices or when I am out about the increasing number of door-to-door sales representatives visiting their homes.

In particular I have heard from people I have met and spoken to many stories about Victoria Electricity. People are telling me they have been targeted by insidious sales techniques and pressure selling. My constituents have advised me that when they answer their front door, a sales representative informs them that they are representing the state government and would like to see their electricity bill to ensure they are not paying too much. Because residents believe the sales representative is representing the state government, they are making their electricity bills available, only to be told that in fact they are paying too much and should sign up with Victoria Electricity, which will charge them less. Not only are these sales pitches wrong, but they leave many in our community confused, not knowing whether they should trust this advice. In particular they worry about whether they should trust someone who tells them they come from the state government.

I have many examples of constituents who have come through my electorate office door, telling me they have been convinced by the sales pitch to change their energy company. One was a 90-year-old man who was coerced over the course of an hour into signing a contract on the spot with Victoria Electricity.

I have been emailed by the managing director of Victoria Electricity, Simon Draper, who says that unfortunately one or two of the sales representatives can knock on a lot of doors in a few days. However, I have found this is a widespread problem going over many months and that this is occurring over a large part of my electorate.

I call upon the minister to take action to ensure that Victorian families, particularly our most frail and our seniors, are protected from these door-to-door sales representatives.

Police: Cressy

Mr MULDER (Polwarth) — The matter I raise is for the attention of the Minister for Police and Emergency Services and concerns a permanent replacement for police officer Ted Ivermee, who retired from the police force on 30 October after loyally serving the Cressy district for 28 years. Ted Ivermee will be missed by the Cressy community, but not by the lead-footed motorists who rarely escaped Ted's due diligence and the manner in which he carried out his duties.

The police station currently sits idle and the Cressy community is concerned that an announcement has not been made about a replacement officer for the community. I call on the Minister for Police and Emergency Services to ensure that an officer is appointed to the Cressy police station as a matter of urgency.

Providing occasional coverage from the overstretched resources at the Colac and Beeac police stations is no substitute for a permanent police officer at Cressy. Residents await an announcement from the government about the newly constructed police station. I challenge the minister to match his and his predecessor's rhetoric with action. Nothing short of a permanent officer will satisfy the people of Cressy and district.

In July 2005 the former Minister for Police and Emergency Services, the adventurous Tim Holding, opened a new \$280 000 police station in Cressy, trumpeting that:

This fantastic new station provides members with a terrific working environment ...

The problem is there is no police officer to enjoy this terrific working environment. In 2009 that fantastic new station that the then minister referred to in 2005 is locked — yes, a \$280 000 brand-new police station is locked.

In 2005 the then minister went on to say:

The role small country stations play within their communities is often above and beyond the traditional policing role, with members involving themselves with local schools, sporting clubs, community groups ...

In his 28 years at Cressy, Ted Ivermee followed that script to the letter, setting the bar very high for any replacement. While the community would need to adjust to a new face after so many years, the assurance of the Minister for Police and Emergency Services in this house on 15 October this year that there has been an increase of 1400 police in the government's first two terms and that 500 recruits have gone through the police academy should surely provide one officer who would take up this opportunity to live in a great part of the state. If not, a number of questions need to be asked. What is the attrition rate? Has there been a genuine increase in police numbers? If so, why has a replacement not been announced for the Cressy police station?

The residents of Cressy must not be left in limbo — victims of a long drawn-out process and relying on less than satisfactory temporary arrangements of a part-time police presence. The fact that there is a low crime rate in and around Cressy should not be used as an excuse to enforce a part-time policing regime. The low crime rate is most likely due to the previous full-time presence of a local police officer. We need a permanent police officer in Cressy, and the community demands that he or she be appointed.

Schools: Coburg

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Education. The action I seek is the establishment of a task force to present and examine all available information regarding the need for a high school in Coburg, which would begin with year 7, and that an independent person be appointed to examine that information and present a report to the minister and the community. The task force should include the High School for Coburg group; a representative from at least two primary school councils, such as those of Coburg and Coburg West; representatives from Moreland council, such as the social policy officer and a person with demographic knowledge; me as state member; and departmental representatives. I respectfully suggest the departmental representation would need to include both the northern and western region, because both have an interest in the fact that there is a gap in the middle of Moreland which has resultant pressure on, for example, Strathmore Secondary College, which has in the vicinity of 200 students more than its optimum number.

Coburg parents have been calling for an open entry high school which provides a high-quality academic school beginning in year 7. Currently, south of Glenroy Road there is only one high school in Coburg, the Brunswick Secondary College, which is placed to zone along Bell Street. This area once had Coburg High School, Newlands High School, Coburg Tech, Oak Park High School and Hadfield High School. As I said earlier, Strathmore Secondary College has expanded beyond its ideal capacity.

A zone has been put along Melville Road for Strathmore Secondary College. This was implemented when there was a high school in Coburg. We are placed in a fairly difficult position in central Moreland where currently we have Coburg Senior High School, which begins at year 10 — it was established in 2007 and sits on a site which once held 900 students at Moreland City College.

Claims made by people within the Department of Education and Early Childhood Development — that such a high school would impact negatively on some high schools in the north that have capacity to take more students — need to be assessed within the stark reality that parents are simply not sending their sons and daughters to those schools and that no number of spokespersons saying there are current vacancies will change that. In fact a recently published work on parental intentions carried out by Moreland council clearly shows that families who can afford to move will do so in order to provide for their son or daughter state education at a high standard that begins in year 7. The task force should — —

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

Sandringham and District Memorial Hospital: maintenance

Mr THOMPSON (Sandringham) — The matter I raise tonight is directed to the Minister for Health. Specifically what I seek is the opportunity to lead a deputation of stakeholders regarding the urgent needs Sandringham and District Memorial Hospital currently confronts and also to review the long-term redevelopment of the hospital.

The Sandringham hospital, as members in this chamber may well be aware, had its beginnings in 1939 as war clouds were gathering over Europe. Its history is well recorded in a book written by former chief archivist in Victoria and keeper of the public records, Harry Nunn, entitled *A Most Ingenious Hospital — A History of*

Sandringham and District Memorial Hospital 1940–1990.

The opening few words describe the history as follows:

Sandringham and District Memorial Hospital had its genesis as ominous clouds gathered over 1939 Europe ...

At the weekend there were again some ominous clouds, not over Europe but over Sandringham. I received this letter from a constituent, which states:

I am a midwife working at Sandringham hospital. On arrival at 7.00 a.m. for my shift on 22 November, we were greeted to a leaking roof within our ward and similar situation occurring in many other areas of the hospital. The leakage continued throughout the morning. We needed to place receptacles and towels on the floors under these areas to mop up the water dripping from the roof.

This is not an isolated incident and occurs regularly when we have heavy rain. I believe this is an unacceptable —

situation —

that our public hospital should reach this level of disrepair in 2009.

As a staff member there are many safety issues involved re electrical wiring in the roof space, increased risk of infection to patients and our newborn babies with wet floors and carpets and also the OHS —

that is, occupational health and safety —

implications of wet floors to the staff.

I have been requested to try to address this problem at the earliest opportunity. Hence I seek to raise this matter of major importance to Sandringham community stakeholders.

Since its opening in 1964 by the then Governor, the hospital has had a very strong record of service in meeting the medical and hospital needs of the local community. It has a prospering emergency department where admissions have more than doubled over the last period of time. The midwifery unit is involved in assisting in over 1200 births a year, a significant increase from a decade ago.

It is important that basic hospital conditions prevail in Sandringham, and I urgently seek to meet with the minister together with community stakeholders.

Yan Yean Road: upgrade

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for him to accelerate the upgrading of Yan Yean Road, particularly the southern section south of Kurrak Road through Yarrambat and Plenty down to Diamond Creek Road and Diamond Creek.

My community has welcomed previous works on this road, including safety works improving the shoulders and the addition of a turning lane at Diamond Creek Road, which was funded as part of anticongestion measures. I know that in preparation for the upgrade the minister has previously allocated funding of \$125 000 for a planning study for this section of Yan Yean Road, and I understand this study has been completed. The study identified a realignment of the road as necessary to cater for the increasing traffic volumes. This work was followed up by an amendment to the planning scheme of the Nillumbik shire to reserve the needed land.

The planning scheme amendment process was necessary to consider traffic volumes, flora and fauna and cultural heritage impacts on the surroundings and to undertake further detailed consultations with the local community, which is an important part of this process. Yan Yean Road was originally a country road. It has many bends in it and was not designed to take the loads of suburban traffic that it is now taking.

I wish to thank the minister and the government for their ongoing commitment to the upgrade of roads in my electorate, including \$17.2 million for the upgrading of the Greensborough bypass bridge, lights at Diamond Creek Road and Plenty River Drive, and lights at Civic Drive, and for the most recent announcement of \$17 million to further duplicate Plenty Road.

The government needs to keep up this effort of funding road upgrades for my electorate to keep up with the growth of new estates. Yan Yean Road is the spine of my electorate, and I have spoken about it many times in this place. It is carrying large volumes of traffic, more and more every day. I know because, along with long-suffering locals, I use this road every day. It is not used only by road commuters; it also has two regular local bus routes, the 520, servicing the new community of Doreen, and the 563, which operates between South Morang and Greensborough. In 2011 the yellow orbital SmartBus route is planned to begin services along this section of Yan Yean Road.

I seek the upgrading of this road not just for car users but because 88 per cent of public transport trips taken on roads are on bus services. With high petrol prices, climate change and the need to service our growing communities, Yan Yean Road needs this upgrade to ensure that the orbital SmartBus route will be a success as well as giving road users this travel option. It is required for safety reasons and to give those growing communities a real choice, whether it is to attend work, connect with the excellent train services that operate

from Greensborough or access a TAFE college or secondary school. I urge the minister to act.

Schools: English Online Interview program

Mrs VICTORIA (Bayswater) — I am pleased to rise to make a request of the Minister for Education tonight, and I am delighted that she is in the chamber. This request is to have a full investigation conducted into the rollout of the new English online testing, which commenced in October this year. In a previous adjournment debate I called on the minister to properly fund this rollout. It was apparent before the tests were conducted that there were going to be issues with the programs and their implementation due to lack of funding.

The English Online Interview is a mandated assessment conducted by a teacher or similar during class time. It is designed to assess students in the four important aspects of English, which are reading, writing, speaking and listening. Once the test is fully rolled out, students will be assessed at the beginning and end of prep and also at the end of year 1 and year 2.

Schools were instructed to begin this program with fairly limited notice and with no additional resources, and it appears that this is another muddled program introduced by the Brumby government that has not been fully thought through. Principals have agreed that the idea behind this system is in fact very sound, and I certainly agree with them on that. However, the teachers and principals who have spoken to me since the testing began have told me stories of prep children testing at a grade 6 level whereas in reality these children are nowhere near that level. I ask what is going on and why the test results are so inaccurate and sporadic. Many teachers have had to make space in their schedules during the busiest time of the year for a program that is not even accurately reflecting the progress of the children tested.

The system was implemented so that teachers would be able to measure growth, but perhaps there are other motives behind this program. A cynic might say that if figures are becoming so skewed that students are appearing to be so well educated that when they are only in prep they are reading and thinking at grade 6 standards, perhaps this is one way of the government saying only a year out from an election that it is doing a really good job on education. However, we know that that is not necessarily accurate, especially when children in prep are testing at grade 6 level. The figures are not for just one child; they are for several children from several schools. This is definitely unacceptable,

and there needs to be a full investigation into why the program is so flawed.

Ultimately it is clear that my concerns highlight the glaringly haphazard manner in which this program has been thrown together. My previous concerns were about how schools were meant to implement the program. Now it seems that the program itself may be flawed.

Again I call on the minister to fully investigate this program and the testing methods in it and to report back to this house and the people of Victoria by early in the new year so that we can be sure that our children are receiving the best possible education.

Spotswood Primary School: local history grant

Mr NOONAN (Williamstown) — I wish to raise a matter for the Minister for the Arts. The action I seek from the minister is that she consider favourably an application being submitted by Spotswood Primary School for a local history grant.

Spotswood Primary School is on the threshold of celebrating its centenary in 2010 and is seeking funding via the government's local history grants program to help produce a commemorative booklet to mark this important milestone. Telling the story of Spotswood Primary School is a significant undertaking for the school community, particularly as the school has never had its history published before. Furthermore, the booklet would hold wider significance for the Spotswood community as there has been very little written or published about the history of Spotswood as a suburb.

I recently met with the school's principal, Annia Dear, and the organising committee to discuss their plans for next year, which obviously incorporate the preparation and publication of the commemorative booklet. They very much impressed me with their enthusiasm and willingness to give so generously of their time to their school community.

There is no doubt that this booklet will have broad appeal to past and present students of the school and the Spotswood community as well as researchers and those with a general interest in history. The project will draw on input from volunteers associated with the school community, one of whom has extensive professional experience in writing school histories as well as professional book design and publishing skills. Work is already well under way in sourcing documents, photos and other relevant historical documents. The group has also located archival documents held at the Public

Record Office Victoria and a substantial amount of material at the school. The finished product aims to preserve the untold stories of a small suburban primary school whilst providing some educational and historical context about schooling in Victoria and the suburb of Spotswood. It promises to do this in a manner that is informative as well as easily accessible and interesting to all readers.

It is worth pointing out that the minister has been a strong supporter of arts and culture in my electorate of Williamstown, with recent funding including a \$522 000 grant under the Arts in the Suburbs program for the Hobsons Bay Community Arts Centre at the substation in Newport.

Further afield, the local history grants program provides invaluable assistance to community groups such as schools, sports clubs, churches and historical societies that wish to share their stories whilst preserving them for future generations. It is clear that the grants also engender a strong level of community pride and promote opportunities for people to engage with others.

The centenary history of Spotswood Primary School promises to be a highly valued publication as well as a significant achievement for the school and the Spotswood community, and as such I offer my full support for their application for a grant under the local history grants program.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — I want to thank the member for Mordialloc for raising the important issue of electricity bills. It is just another example of how the member for Mordialloc continues to support vulnerable members of our community and particularly those in her electorate.

I, too, am concerned about any aggressive or misleading door-to-door sales representatives, particularly those from electricity providers who claim to be representing the Victorian government. My office has received a number of complaints about this tactic. What these particular sales representatives are doing is wrong, and it has been alleged that a number of them have come from Victoria Electricity. When it was brought to my attention that this particular provider, Victoria Electricity, was visiting homes claiming to be representing the state government, my office made contact with it and asked it to investigate these complaints. Victoria Electricity has since informed my office that it has spoken to its door-to-door sales representatives, all of whom have said that they have not been visiting homes and claiming to be representing

the state government. But someone was doing it, so we will see.

Notwithstanding this, Victoria Electricity has made a commitment to monitor its door-to-door sales representatives and have a number of safeguards in place to protect customers. These include training and testing of potential sales representatives, active supervision of sales groups and mandatory sales screening.

As members of this Parliament know, Victoria is leading the way with the strongest consumer protection laws in the country. We see the Essential Services Commission overseeing a strong energy retail code and an energy marketing code of conduct, which have established an extensive range of consumer protection standards. However, one of the most effective forms of protection for energy customers is the robust retail competition that clearly exists in Victoria for both gas and electricity. I am pleased to say that the Australian Energy Market Commission has confirmed that energy retail competition is highly effective in Victoria, with the 2008 *World Energy Retail Market Ranking* describing Victoria as the most competitive energy retail market in the world. That is quite an achievement, something we are very proud of and something we want to see continue.

Victoria is also playing a lead role in the development of a national energy customer framework, which will harmonise retail protections across the national electricity market. The government is working to ensure that this framework reflects best practice and enhances the competitiveness of the energy retail sector.

I would like to take this opportunity to congratulate the member for Mordialloc for raising this issue but also for steps she has taken in her own electorate. She has conducted a successful 'Do Not Knock' sticker campaign, which she has run in her electorate. I know that there have been similar campaigns conducted at other locations, but I understand that the member for Mordialloc is leading the field. I encourage all members of Parliament to ensure that, if constituents in their electorates are experiencing problems with their own or another electricity company, they lodge a complaint with the energy and water ombudsman of Victoria or the Essential Services Commission. They should also take it up directly with the company. I thank the member for bringing this matter to my attention in the Parliament tonight and ask her to continue to monitor it to make sure we do not see a repeat of this in the future.

Ms PIKE (Minister for Education) — I thank the member for Pascoe Vale for raising with me an important issue of the appropriate provision of secondary education for her constituents. I am very aware that the member is very committed to making sure that the young people in her community have access to high-quality educational opportunities.

As the member knows, it is important that educational provision is planned carefully and particularly that that planning takes place in the context of all the surrounding schools. I undertake to examine the issues she has raised, including analysis of the demographic trends within her community, so that we can ensure that we have and continue to have high-quality education for the young people in her electorate and the surrounding communities and that it is broadly based and offers those young people the best range of subject choices and high-quality educational provision.

The member for Bayswater has raised the matter of the new English online testing regime. Let me say that this test is one of a whole range of initiatives that have been and are being developed by the Brumby government to ensure that we continue to improve the quality of education for young people in our schools. This particular test is designed to make sure that at that very important transition between early childhood services and schooling teachers have a very clear understanding of where their students' skills, gifts and abilities are and that they are then able to identify the progress that has been made.

We trialled this test in a number of schools over an extended time, and the feedback from the schools that were in the trial has been extremely positive. I think there is absolute consensus in the education community that this is an improvement on existing tests. It is a much more broadly based test, and the time frames in which the test is being conducted — the periods over the early childhood years of children's education — will, as the information accumulates, give teachers a very good basis on which to evaluate the success or otherwise of their pedagogical approaches. We will be able to give appropriate feedback to families and to intervene if children are falling behind.

I am very pleased that we are improving on these kinds of strategies. I make no apology for doing everything we can possibly do to give teachers good information about the young people in their care and to have a very robust and stringent evaluation regime.

Let me say that I am aware that in any new tests there has to be a period of learning, a period of adjustment and a period when teachers come on board with the

new methodology. We have provided extensive professional development support for teachers and schools at this time. I am confident that as they become more adept at using the test the time they take for each individual child will reduce. That has been the experience in the trials.

Overall the feedback has been resoundingly positive, and I have heard no-one say that this is a worse test. Everybody agrees that it is a better test. I am aware that there have been teething problems in its implementation, but as I said, I am confident that over time people will become accustomed to using it and they will be very pleased that the results help them to enhance the quality of educational provision within our schools.

The members for Box Hill and Yan Yean raised matters for the Minister for Roads and Ports.

The members for Forest Hill and Polwarth raised matters for the Minister for Police and Emergency Services.

The member for Morwell raised a matter for the Minister for Water.

The member for Sandringham raised a matter for the Minister for Health.

The member for Williamstown raised a matter for the Minister for the Arts.

I will ensure that those matters are forwarded to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.41 p.m.

