

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 11 August 2010**

**(Extract from book 12)**

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## Legislative Council committees

**Legislation Committee** — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

**Privileges Committee** — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

**Select Committee on Train Services** — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

**Standing Committee on Finance and Public Administration** — Mr Barber, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips, Mr Tee and Mr Viney.

**Standing Orders Committee** — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles <sup>3</sup>	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William <sup>4</sup>	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

<sup>1</sup> Appointed 3 February 2009

<sup>2</sup> Appointed 9 March 2010

<sup>3</sup> Resigned 1 March 2010

<sup>4</sup> Resigned 9 January 2009



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**Wednesday, 11 August 2010**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.**

## PETITION

**Following petition presented to house:**

### **High–Anslow streets, Woodend: safety**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the community regarding the safety of the intersection of High Street and Anslow Street, Woodend. Your petitioners therefore request that the state government provide support and funding for VicRoads to undertake a safety study of the intersection.

**By Mrs PETROVICH (Northern Victoria) (185 signatures).**

**Laid on table.**

## STANDING COMMITTEE ON FINANCE AND PUBLIC ADMINISTRATION

### **Government decision-making, consultation and approval processes**

**Mr RICH-PHILLIPS (South Eastern Metropolitan) presented second interim report, including appendices, extracts of proceedings and minority reports.**

**Laid on table.**

**Ordered to be printed.**

**Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:**

That the Council take note of the report.

This is the second interim report that the committee has submitted on its inquiry into Victorian government decision-making, consultation and approval processes. This inquiry relates primarily to the Windsor Hotel redevelopment matter.

In early March the committee resolved to undertake an own-motion investigation following the inadvertent release of a document that apparently was created in the office of the Minister for Planning, which purported to show a scheme whereby a staffer in that office sought to have released a planning panel report into the

Windsor Hotel redevelopment proposal with a view to using adverse public commentary on that planning panel report as a reason for the responsible minister to reject that proposal. Following the release of that document the committee resolved to inquire into whether the process surrounding the Windsor Hotel planning application had been circumvented in any way. The committee agreed to undertake a series of hearings with relevant departmental and ministerial staff as well as ultimately to hear from the Minister for Planning.

As this inquiry has progressed over the last four months the committee has run into a number of obstacles that have been put in its path by the Attorney-General. Ultimately the committee has decided to make a referral to the Victorian Ombudsman under section 16 of the Ombudsman Act to inquire into and report on the substantive matters of this inquiry — that is, the substance of any interventions surrounding the Windsor Hotel redevelopment process.

The reason the committee made that decision is that its attempts to undertake its inquiry through the offices of the Parliament were constantly being disrupted and frustrated by government interference. It was deemed an appropriate mechanism to make a referral under section 16 to have that substantive inquiry undertaken independently of the committee. The subject of this report to Parliament today does not relate to the substantive matters of the inquiry. Rather, it relates to the process the committee undertook in seeking to conduct an inquiry into this matter and the obstacles that were put in its way by the government.

As I indicated earlier, through the course of the last four months the committee has sought to have a series of public hearings, primarily with senior departmental officers and relevant ministerial staff. The committee was successful in taking evidence from various senior departmental staff, including the Secretary of the Department of Planning and Community Development, Mr Yehudi Blacher; the Victorian government architect, Mr Geoffrey London; and the deputy secretary for planning and local government within the Department of Planning and Community Development, Ms Prue Digby.

The committee also received evidence from external third party advisers to government in the area of probity advice and probity audits, being Jason Agnoletto and Tony Peake from PricewaterhouseCoopers and Stephen Marks from RSM Bird Cameron, all of whom attended at the invitation of the committee and gave evidence as to

their relevant involvement in the matter. On behalf of the committee I thank them for their cooperation in attending and giving evidence on their relevant knowledge of the matters of the subject inquiry.

However, when the committee sought to obtain evidence from a range of ministerial staff those efforts were blocked by the interference of the Attorney-General. In the first instance the committee invited Ms Peta Duke, who was at the time a media adviser in the office of the Minister for Planning and, we understand, the author of the subject document. The invitation to Ms Duke was refused on the advice of the Attorney-General, and the committee subsequently resolved to issue a summons to Ms Duke to give evidence. That summons was also refused on the advice of the Attorney-General and a second summons was issued requiring Ms Duke to attend and give evidence. That second summons was also rejected, again on the advice of the Attorney-General.

The committee subsequently sought to obtain advice from three other ministerial staff: Mr George Svigos, Ms Fiona Macrae and, ultimately, Mr Justin Jarvis, the chief of staff to the Minister for Planning. Invitations to those ministerial staff were rejected on the advice of the Attorney-General, and subsequent summonses for those ministerial staff to attend and give evidence were also rejected upon the advice of the Attorney-General.

This matter of substance concerning staff attending and giving evidence before a parliamentary committee is a matter that has been canvassed in this house before in relation to other inquiries by other select committees. The Legislative Council and indeed this standing committee and previous select committees have received consistent advice from the officers of the Legislative Council as well as third-party advice from eminent constitutional experts in this area that put beyond doubt the capacity of the Legislative Council to issue a summons to ministerial staff to attend and give evidence. Notwithstanding that advice, a number of arguments have been put forward by the Attorney-General, all of which have been refuted by the advice this committee and the Legislative Council have received. Notwithstanding that, the Attorney-General has continued to block efforts by the committee to obtain evidence from those relevant witnesses.

The purpose of this report is to set out for the Legislative Council in some detail the processes that have been followed by the committee in reaching its conclusion that the evidence of these witnesses is central to its inquiry. It sets out in some detail the process and time lines that have been followed in

seeking evidence from the witnesses, and it includes in appendices the documents and correspondence the committee has had with the witnesses and the Attorney-General setting out the reasons for the failure of these witnesses to attend and give evidence.

The committee has also included in its report a number of appendices which relate to advice it has received that puts beyond doubt its capacity to seek this relevant evidence from these witnesses. Given that the committee has been unable to proceed with obtaining evidence from the required witnesses, the committee, in putting this report forward to the house and setting out the circumstances, has also made a recommendation to the Legislative Council that the Council by resolution order those relevant witnesses to attend before the committee and give evidence.

As I indicated earlier, the committee has resolved to refer the substantive matter of this inquiry to the Ombudsman for him to undertake an investigation pursuant to the act, independent of the committee processes, and to report back on the substantive issue. It is the view of the committee and certainly my view that, once the Parliament is in receipt of that report from the Ombudsman, it would then be appropriate for the committee to conclude its inquiry with evidence from the Minister for Planning, as has always been its intention, and those relevant staff members. It is for that reason that the committee is now seeking the support of the Legislative Council in having the Council direct those particular witnesses to attend before the committee at the appropriate time and give evidence on these matters. As I said, this report does not go to the substantive issue but goes to the process issues the committee has run up against in seeking evidence on this matter and the interference it has been subjected to by the Attorney-General.

In closing, again I thank the committee staff for their work on this inquiry, in particular Richard Willis, the secretary to the committee over the four or five months we have been examining this matter. I commend the report to the house. I urge members to read the report in full to understand the processes the committee has gone through and the interference to which the committee has been subjected. I look forward to the support of the house when the committee seeks to have its recommendation enacted through an order for those witnesses to appear before it.

**Mr HALL** (Eastern Victoria) — I welcome the opportunity to make a few brief comments on the report of the Standing Committee on Finance and Public Administration into the process involved in the Windsor Hotel redevelopment. Mr Rich-Phillips as

chair of that committee has outlined some background to this inquiry, and I share the sentiment he has expressed about the fact that the committee has been thwarted in its efforts to pursue in any great detail the material substance of this inquiry because of the efforts of the government to prevent ministerial staff from appearing before the committee. Indeed it is disappointing that we have had to report purely on issues associated with process rather than the substance of the inquiry because of this impasse, which seems to have resulted from the government refusing to allow ministerial staff to appear as witnesses before the committee. In that respect, as I said, this is very disappointing.

This report goes to some length to outline by way of appendices the views of some people who are very well qualified to make a judgement on this matter — that is, whether it is proper and appropriate and reasonable to expect ministerial staff to appear before such parliamentary committees — and the conclusion which seems to have been reached by all, except those on the government side, is that it is more than reasonable to expect ministerial staff to appear before and provide evidence to the committee. Indeed, if any parliamentary committee is going to be able to investigate as it should in the interests of transparency matters of this detail, then there does need to be an ability for not only public servants but also ministerial staff, where there is some involvement of ministerial staff in a substantial matter, to give evidence before the committee.

This particular report is the culmination of many hours of work by the committee — many frustrating hours, where much of that time has been spent on what one might describe as legal debate rather than debate on substance. The government needs to reflect on its attitude to this matter, and I hope it will look very carefully at the advice given by others and included as appendices to this report and will reconsider its position on this very important matter.

It is not too late. These matters can be further advanced. If the government wants to set itself a standard which it can claim gives it credit for being honest, transparent and accountable before the 27 November state election, it is not too late. It can do that. It can consider this report and make a decision to allow those ministerial staff to appear before the committee. It has been frustrating, and I share that frustration of my colleagues.

I note that two minority reports have been presented with the committee report. Because the report has only just been tabled I have not had time to go through those

minority reports in detail. I hope the members who have submitted those minority reports will wish to elaborate on their viewpoints during the debate on this motion to take note of the report, because at least in the case of one minority report it seems to be an interesting twist on the recommendation that the committee has made.

This report culminates in a recommendation to the Council that the Council itself orders four ministerial staff named in the recommendation to appear before the committee. I guess that will be achieved by substantive motion at some point in the near future. In preparation for that debate, which will inevitably come soon, I urge members to read this committee report carefully, and in particular the views expressed by those who have made some judgement on the legality and the reasonableness of ministerial staff appearing before a parliamentary committee.

I believe that would be in our collective best interests. If this Legislative Council, a house of review, is to continue to maintain its role of keeping the government accountable, it is important that we agree to the recommendation contained in this report and require those people to appear before the committee.

**Mr BARBER** (Northern Metropolitan) — I have put my own minority report into this document, and I would like to speak to it in addition to the material covered by the main report. My minority report and my approach to this inquiry have proceeded on the basis that there is no convention that grants ministerial staff immunity from the Council's legal powers to compulsorily summon witnesses. The Legislative Council stands at an important juncture. We can either choose to end this myth of a constitutional convention or, if we continue to act as if it exists, contribute to the establishment of it.

If we pass up this opportunity and condone the crucial witness's defiance of a summons to the committee, not only is the doctrine of parliamentary supremacy weakened in the face of this particular government but future governments will also be empowered to exploit the same gap. What we are talking about is a doctrine of parliamentary supremacy that has been created over many, many centuries — and in many cases been fought and died over. The government in its assertions argues that it does not exist and that what we are going through is a bit of couples counselling between the Parliament and the executive of the day, where we will sort out our differences through some sort of mediated process, but so far we have not done that. I believe it is time for the Victorian jurisdiction to sort out this issue once and for all for the benefit of the public, so we do

not have to continue having what has been a largely fruitless debate between Parliament and executive.

In the absence of one side or the other yielding to the other's view, there is only one way to resolve this, and that is via adjudication in the Supreme Court.

Mr Brumby — and some others, I think — said he thought it would be a shame if the Parliament's dispute had to be sorted out in the courts. The alternative is that we bring forward a bill to codify what we believe are the Parliament's privileges in this matter. However, you can imagine that if such a bill was proposed to the government, we would have exactly the same argument about what was being codified, and how, in such a piece of legislation. The Victorian Parliament certainly has the ability to do that, and the federal Parliament has already done that, but I can envisage that if we went forward with that particular process of resolution, we would end up having the exact same argument that we are having now.

From some points of view a proceeding in the Supreme Court to delineate the Parliament's privileges in this manner could be seen as a positive outcome. I turn to what I believe are two possible mechanisms by which we could do that. One is that the Legislative Council could become the applicant in such a proceeding. Through a motion of the house the Legislative Council would nominate an MLC or the President to issue proceedings on its behalf in the Supreme Court against the Attorney-General. We would be seeking a declaration under section 36 of the Supreme Court Act to ascertain, firstly, the existence and scope of the house's privileges to command the attendance of ministerial staff as witnesses before a committee and, secondly, the existence and scope of the executive's alleged privilege to avoid compliance with the Council's orders, which in any case the Attorney-General has already laid out in various letters and statements.

But there would be two weaknesses with this approach. Firstly, a further challenge could be open as to whether the member of the Legislative Council or a representative of the MLC or the President has the standing to represent the Council and how exactly on behalf of all of us they would instruct their legal counsel. Given that the courts will already be cautious about accepting jurisdiction, any likelihood of the case being struck out on those procedural grounds should certainly be avoided.

Secondly, a declaration cannot be in the nature of an advisory opinion. It would require an unambiguous controversy to be resolved, and in my view this is an unambiguous controversy. It could be argued that the

facts to date do not give rise to a sufficient controversy for the court to grant itself jurisdiction to oversee a parliamentary dispute. That became important in the case of *Egan v. Willis*, which has been quoted here many times, where the majority stated:

Questions respecting the existence of the powers and privileges of a legislative chamber may present justiciable issues when they are elements in a controversy arising in the courts under the general law but they should not be entertained in the abstract and apart from a justiciable controversy.

In the instance of *Egan v. Willis*, members who have familiarised themselves with that case would know that Egan was excluded from the chamber and television cameras recorded him being escorted down the stairs arm-in-arm with the Usher of the Black Rod, and through that Egan was able to take an action against the Legislative Council for its action. But since the courts are loath to unpack a particular parliamentary proceeding, they will only be willing to declare that the power of the Parliament exists and not to direct how the Parliament may use that power.

An alternative option, more in the line of *Egan v. Willis*, to create such a controversy under the general law would be preferred, and that would be with the Legislative Council as the respondent. If, contrary to a resolution of the Council, the witnesses refuse to attend the bar of the house, under standing order 23.05 the Council and the President will direct the Usher of the Black Rod to take into custody those declared guilty of contempt. Of course, the purpose of this action is not to imprison Ms Duke, Mr Svigos, Ms Macrae or Mr Jarvis, but simply at that exact moment to place the Supreme Court in a position to adjudicate on the dispute. I imagine this would arise through the witnesses seeking damages in tort for assault and false imprisonment. The Premier has stated that the government would take this matter to court if required.

The ability for the witnesses to be awarded damages is dependent upon the Council's claim to the defence of legal authority — that is, that we have the legal power to do the thing we sought to do. In order to rely on this defence it will be necessary to ascertain — that is, for us to present and for the court to adjudicate — the existence and scope of the house's privileges to command the attendance of ministerial staff as witnesses before a committee and the existence and scope of the executive's alleged privilege to avoid compliance with the Council's order. At that point we have ourselves a legal proceeding to resolve the issues that the committee cannot resolve and this Council in a number of discussions throughout the last term itself

has not been able to resolve definitively — and to this moment the government still does not accept them.

My argument as to why I believe the Legislative Council would be successful in this proceeding is as follows. First of all, for the Supreme Court to entertain jurisdiction an important distinction must be drawn between the legality of a ministerial adviser's claimed immunity and this purported convention of ministerial advisers' immunity from the Council's compulsory powers. Courts do not define or enforce conventions; conventions exist via the behaviour of constitutional actors.

It is very rare for there to be a crossover between a convention and the statute law. I think the one exception to this — and it is a problematical one — is the role of cabinet itself. The existence of cabinet is a convention, but the Freedom of Information Act refers to cabinet documents being secret. Documents that have appeared as part of a convention are treated in a certain way in statute law; that is an example of the crossover. But in this case I would argue that there is no crossover.

Courts obviously do not define or enforce conventions. The minute they do they are no longer conventions, they are part of the law. That is largely why conventions are so amorphous. Courts do, however, 'make observations and draw conclusions as to their understandings of what conventions are'. I am quoting from a recently published book by Ian Killey entitled *Constitutional Conventions in Australia — An Introduction to the Unwritten Rules of Australia's Constitutions*.

While the government is relying on a convention for its immunity, the Council must seek judicial review on the legality of its privileges and, correspondingly, the executive's alleged immunity. Unlike conventions, a court will grant leave to determine the privileges of the Parliament and whether those privileges override the alleged convention. We can go back to cases such as *Stockdale v. Hansard* and the case of the Sheriff of Middlesex — these were in the 1800s — where they established the principle for the first time that courts have jurisdiction to determine the existence and scope of parliamentary privilege but not to review its exercise. The government, if it likes, can stand up and argue why it would be a bad thing for this to be clarified. As for the opposition, its members can have their own say on whether they want this to continue to be unclear or a few months from now they might find themselves in a different set of circumstances. As constitutional scholar Gerard Carney has noted:

This approach is based on the fact that parliamentary privileges exist by virtue of the law as interpreted by the courts; but a house when exercising a legally recognised privilege is entitled to act within its discretion in such manner as it sees fit to protect its capacity to function.

This is exactly what we are doing right now and what we have been trying to do ever since this infamous strategy document came to light.

Those two common-law rulings importantly contributed to the privileges and immunities of the House of Commons just prior to 1855, so they are particularly pertinent to the Legislative Council's powers under section 19(1) of our Constitution Act 1975. The Council would be seen to have strict legal powers, as against the Attorney-General's alleged convention — if that is what he is alleging — enforced by the courts. In May this year Justice Kaye, in a judgement of the Supreme Court of Victoria, clearly articulated Victoria's constitutional structure:

In a representative democracy such as ours, Parliament, in making laws thereby expresses, and is answerable, to the will of the people. In such a system, the executive is charged with the responsibility of administering a number of those laws. In doing so, it is necessarily subservient and answerable to Parliament and its duly constituted committees. The supremacy of the Parliament over the executive is critical to a free democracy and was forged in the great constitutional battles in Great Britain, commencing in Stuart times.

Please write that one down and put it on the Attorney-General's whiteboard.

**Mr Kavanagh** interjected.

**Mr BARBER** — This might be the cheese, Mr Kavanagh, if he is not careful.

It is extremely likely that the Supreme Court would uphold the privileges of the Legislative Council to summon ministerial witnesses and punish them for contempt when such a summons is calculatedly disobeyed. That is not something I have a lot of doubt about. We could certainly spend some time pondering how the Parliament should use its privileges and how that might impact on our system of governance; I am happy to discuss that. Both the public service code and the parliamentary committee guidelines for the protection of witnesses reflect how we would like to behave in that area, but we have not got to that point yet because the relevant witnesses have not turned up.

Section 19(2) of the Constitution Act allows the Parliament to legislate for or with respect to the privileges, immunities and powers it inherited from the 1855 House of Commons. Such legislative provisions have to be clearly intended by the Parliament. This

government in the past has come in and argued that various bits of statute — for example, in the gaming act — could actually override privilege. That being the case, we would want to be looking pretty closely at every bit of statute, starting with the Public Finance and Accountability Bill 2009 that is before the Parliament, and seeking the government's assurance that nothing in it is meant to override the privileges of Parliament. In my view there is no qualification in any Victorian act of executive immunity to Parliament's investigatory powers — at least not in what I have seen, and I could hardly miss it.

However, the Council is able to self-impose extralegal limitations on its powers, such as through *Rulings from the Chair* and, as I mentioned before, *Guidelines for the Rights and Responsibilities of Witnesses*. Such limitations are not legal restrictions — they are not likely to be themselves justiciable — but we can introduce them because we believe they contribute to the order and good governance of the state. These acts of self-restraint will continue to apply to ministerial staffers appearing directly before a committee.

At one stage Mr Viney and I had a bit of a disagreement about this, where he seemed to be working under the assumption — I had not made myself clear — that if these witnesses appeared, they would be subject to the normal procedures of the Council and its committees, such as the guidelines for witnesses. That is, that if we were to ask a question of policy of a witness, whether they were a public servant, a quasi-public servant or a ministerial adviser, they would have the right to seek further clarification on a policy matter from their own minister. However, for reasons I will go into, the matters we seek to question the witnesses on are something different.

Coming back to constitutional convention scholar Ian Killey, he said:

It should be noted that a ministerial instruction or direction —

such as that provided by the Attorney-General in this case —

cannot bind a parliamentary committee, which holds compulsory powers which could be used to compel public servants to go beyond the wishes of their ministers. However, those committees generally acknowledge and accept the role of public servants when receiving evidence from them.

I do not know when we tried to change the rules on the government on that one. They have always been the rules. We were all working under the presumption that they were still the rules. The problem is that we cannot get the witnesses to come to the committee for those

rules to even begin to operate. In other words, when ministerial staff are being given directions from two masters, the Parliament is supreme but will be restrained by its own procedures and conventions. This practice does not equate, in convention or in law, to relinquishing the privileges vested in the Legislative Council. We are simply imposing some rules on ourselves.

Other than ordering a member from another house of an Australian Parliament, who would be protected by parliamentary privilege, there are no restrictions on a committee calling any witnesses to fulfil Parliament's role as the 'grand inquest of the nation'. That is quoting from Greg Taylor's book *The Constitution of Victoria*, which in turn is quoting the judgement in *Stockdale v. Hansard* of 1839.

On the issue of referral to the Ombudsman, which the government has referred to in its minority report, I made some comments about that at the time. I will now speak to it more fully, the committee having reported.

On 17 June the committee resolved to refer the matter to the Ombudsman under section 16 of the Ombudsman Act 1973. The Attorney-General's public response to this referral was quite unusual, if the *Age* reported him correctly. The *Age* article states:

Mr Hulls yesterday conceded that advisers in the Premier's office, as well as Mr Brumby and planning minister Justin Madden, could be questioned by the Ombudsman about their roles in the affair.

'The fact is, he [the Ombudsman] can speak to whoever he likes if he gets a reference from the Parliament', Mr Hulls said.

Hang on! Is Mr Hulls agreeing with us, or is he off on some completely different track? It is totally implausible that the Ombudsman, whose powers are derived from an act of Parliament, could have a power that the Parliament acting through a committee does not itself have. Where does he get his power from — planet Krypton? He gets it from the Parliament.

**Mr Viney** — A bunch of politicians on a witch-hunt.

**Mr BARBER** — To adjust the objects of the analogy to a famous idiom, a stream cannot rise higher than its source, even if its source — as Mr Viney has just said — happens to be a bunch of politicians on a witch-hunt. By definition the Parliament must have those powers in order to invest them in another. Is Mr Viney going to disagree with that?

**Mr Viney** — You can give yourself the power to jail them.

**Mr BARBER** — I am sorry. I am not the one who just created the power to put a 14-year-old up against the wall because he does not want to empty his pockets. Right? What we are dealing with here is a slightly more serious matter — that is, firstly, the ability of the Parliament to get to the bottom of matters of important public interest, and secondly, the potential manipulation of the Planning and Environment Act, which itself is responsible for not only multibillion-dollar investment but the confidence of all members of the Victorian community. I was not going back and prosecuting the real issue, but if it is a question of perspective, let us put London up against a brick.

The Premier and the Attorney-General's acquiescence to the Ombudsman's investigatory powers highlights the peculiarity of this alleged convention restricting the Parliament's powers, because the government has not made an equivalent argument to the one that it is making that would restrict the powers of the Ombudsman. According to the Attorney-General's reasoning — and I am only going on one quote in the *Age*; I am not privy to what discussions he might have had with the Ombudsman — the Ombudsman is more powerful than all of Victoria's elected officials combined. From where I sit on the crossbench it is pretty important that we dismantle this mutual non-aggression pact that is going on — or is about to go on — between the government and the opposition.

Establishing legislation to define the powers of the Parliament to enforce accountability of the executive would certainly be the most cost-effective solution to overcoming this impasse. Victorian constitutional scholar Greg Taylor observes that:

At the moment the point is nowhere being pressed, a situation which is perhaps due in part to a mutual non-aggression pact reflecting a convergence of interests between governments and oppositions. Today's opposition is tomorrow's government.

Short-term political strategy certainly should not supplant higher level principles of democratic accountability.

Ironically that is what I am being accused of. I certainly did not choose the timing at which Peta Duke sent this memo. Opposition parties are generally champions for openness and transparency, but such political positions should be formed by allegiance to principles of good governance. Both the Labor and Liberal parties have made such pledges when out of government.

Josephine Cafagna, on the oft-quoted *Stateline* program, asked Ted Baillieu, who seems to be a regular and seems to favour the program more than some other media outlets, the following:

So, let me get this absolutely clear: if they were your media advisers, you would want them to appear in the same circumstances?

Ted Baillieu replied:

In the same circumstances, yes. I think that they can provide information which the ministers say they can't provide. And that's obviously a case where it's appropriate.

Goodbye, constitutional convention; thank you for the end of the mutual non-aggression pact that we have seen played out by both the Labor and Liberal parties, at both a state and federal level, over a whole series of controversies going back a decade.

**Mr Tee** interjected.

**Mr BARBER** — Mr Tee is absolutely right, but it is the best quote I could get from any Liberal, so I am using it for all it is worth.

It is a similar situation with federal Labor in opposition. Senate leader John Faulkner was strongly of the view that no such immunity existed. The party also adopted an official policy for the 2004 election to counter the black hole in accountability that McMullan came to note in the principle named after him. We now have a new principle and it is called the 'Latham principle'. Here it is in a policy document from August 2004 entitled *A Truly Independent Public Service*, authored by Mark Latham and Craig Emerson. Members will recognise the format. It is an election document and so there are pictures on the front of Mark Latham standing very close to and glaring at various members of the community, who he seems to be trying to get friendly with. However, the most frightening photo of all is the one in which he stares directly at the camera and smiles. If you can get past that, you get to the key quote.

*Honourable members interjecting.*

**Mr BARBER** — It is a good day at the office. The document states:

Labor will revive the Westminster system of ministerial accountability. Where a minister denies knowledge of the actions of a staff member, it is only reasonable that the staff member can be required to provide information to the Parliament about such actions.

**Mr Drum** — Who said that?

**Mr BARBER** — Mark Latham, who has departed the scene more or less, but Craig Emerson, as far as I am aware, is still a minister in some kind of role in the federal government. Under the heading ‘Clearer roles and responsibilities’ it says:

The risk of compromising the independence of the public service is exacerbated by the current lack of clarity about the roles, responsibilities and accountabilities of political advisers and other staff under the MOPS act.

That is, the federal Members of Parliament (Staff) Act.

A federal Labor government will clarify the roles and responsibilities of MOP staff by introducing a code of conduct for such staff.

What do you reckon? There is no lack of clarity under Victorian law. Ministerial staff, while covered by the public sector act, are specifically excluded from being held accountable against any code of conduct. The act is quite clear. Ministerial staff are exempt from any code of conduct created for public servants. We could call for a code of conduct for ministerial staff, but since we do not currently have a code of conduct for ministers in Victoria, it is kind of a hard ask. Surely those staff would be subject to the same sorts of rules that their bosses had, but their bosses do not have any rules yet. That is what we are talking about when we are talking about an accountability black hole.

At least there is one thing we can thank Mark Latham for — that is, establishing this principle so clearly that everybody in this chamber should be able to understand it. Unfortunately I do not believe that same policy was taken with the Labor Party into government in 2007, and with only a few days to go before this federal election it does not look like the federal ALP will be reviving that principle.

In conclusion, if the Council submits to the executive’s assertions, it will be allowing this Windsor saga to join the children overboard inquiry and a previous Victorian 2002 Select Committee on the Urban and Regional Land Corporation Managing Director as more evidence creeping towards this existence of a convention of immunity, notwithstanding my best efforts, those of my mate Mark and of many constitutional scholars backing me up to say that no such convention exists.

As outlined in the remarks I have just made and in my report, a convention is not justiciable by a court — that is, basically irrelevant to resolving the crisis. Such immunity will only ever remain a convention unless expressed through clear statutory provisions, even then we would have to be very clear that we were deliberately and with express terms altering our own privilege. In the absence of such legislation, the

Council and its committees clearly have the legal power, which is justiciable to call for any ministerial staff as witnesses if it so chooses.

To productively resolve the current impasse — and whether you believe it or not, that is exactly what I am trying to do — the legislature should seek to have its powers over the executive confirmed by the judiciary. My minority report has briefly demonstrated the expected likelihood that the Council’s powers would indeed be confirmed. It is for that reason that I recommend that if the required witnesses fail to appear before the committee in contradiction of the order of the Council — assuming the Council makes such an order — the Council should declare them guilty of contempt pursuant to standing order 23.05. The President will then direct the Usher of the Black Rod to take those witnesses declared guilty of contempt into custody.

The inevitable injunction from the Attorney-General — he is already laying out his legal case — and the legal challenge which the Premier himself flagged will enable the Council’s powers to become a justiciable issue to be heard by the Supreme Court.

When we get that judgement in our hands, as has occurred in New South Wales in *Egan v. Willis*, we will then be able to legislate or even amend our own standing orders in accordance with the Supreme Court’s judgement, which will outline the privileges of the executive and the privileges of Parliament and its respective committees pursuant to section 19(2) of the Constitution Act.

**Mr VINEY** (Eastern Victoria) — What a difference three weeks makes! Three weeks ago the *Age* printed an article about a draft report of this committee, and according to that article all sorts of draconian things were apparently about to be recommended to this house by the committee. Of course those things do not appear here; this report is not the same as the one described in the *Age* three weeks ago.

When one looks at things like leaks one has to think where the motive for a leak might be. As Jack Lang once apparently and famously told Paul Keating, in the horserace of life always put your money on self-interest; at least you know it is trying!

**Hon. M. P. Pakula** — It’s going flat out.

**Mr VINEY** — It is going flat out. Where was the self-interest in this? It might have been an attempt to lock the committee into certain recommendations. As Mr Tee and I have acknowledged in our minority report, we must acknowledge the strength of the



committee in terms of not being locked in in the way that whoever leaked that report intended. It is interesting, is it not? The report was not leaked to Environment Victoria's monthly newsletter; it was not leaked to Friends of the Earth's *Chain Reaction*; it was not leaked to the Green Guide; no, it was leaked to the *Age*. In the committee when we went round the room and people had to declare who did or did not leak it or whether anyone leaked it, everyone said they did not leak it. However there might have been one person who looked a bit sick. One might say they were looking a bit green and then turned a bit red.

The committee recognised that this is a very difficult process and refused to be locked in to the quite draconian recommendations contained in the draft report.

Public accountability is central to the issue here, and what Mr Barber has just delivered and what is in his minority report shows his deeply flawed understanding of the processes of accountability in a parliamentary sense, particularly ministerial accountability. Ministers are held to account and, of course, by consequence, governments are held to account through the Parliament and its committees. The essence of that accountability is the accountability for ministers making essentially good or bad decisions, and the community can hold the executive to account through the determination of the Parliament and its committees by considering the questioning of ministers and questioning their judgement and their decision making.

In its report the committee refers to the recent Elizabeth Proust report on public accountability and has clearly confused the two processes. Ministers, their staff, their departments and every politician in this place is accountable for their actions under the law. The purpose of ministerial accountability is political accountability. It is an accountability in the Parliament about the decisions that governments and ministers make. If ministers or their staff or their departments, or indeed any politician, acts without integrity or against the law, they can and should be held accountable under the law. That is an entirely separate and different process to ministerial accountability for a minister's decision making. They are entirely different processes and should not be confused.

We then get to the issue of the accountability of staff. Staff are accountable, as in any employment relationship, to their boss, so if a staff member sends an email to the wrong person, they are accountable to the minister, and the minister is accountable to the Parliament. That is the process. The puritans from the Greens, who seem to stand on a high horse of policy

purity — the basis of their electoral support is their policy purity — have completely misunderstood this process. These are the people who a week ago were arguing that there should not be action taken against 16 to 18-year-olds for carrying a knife. That is the position they were taking, that there should not be legal processes carried out in the manner proposed. However, today they are proposing that this house — not a court, but this house — move to arrest and detain staff who are abiding by the instructions of their boss. The boss has told her not to attend. The Attorney-General has told her not to attend because it breaches the processes as have been established in this Parliament.

**Mr Barber** interjected.

**Mr VINEY** — Mr Barber can try to misinterpret anything I say here, but he should listen to what I am saying. I sat here in silence listening to him and his waffle, to the nonsense he has gone on with about proposing to jail people — that this Parliament, a bunch of politicians on a witch-hunt, should jail people. That is something that should only sit within a court of law; it should be an impartial process. It is absolutely improper for him to be making that suggestion, and his great policy purity has been destroyed in this process. He and the Greens are destroyed in this process because their policy position on this matter is a disgrace. They propose that a bunch of politicians should be putting people in jail.

**Mr Barber** interjected.

**Mr VINEY** — Mr Barber can bring this up as much as he likes, but when was the last time it was done? Does he want to take this Parliament back to the 1940s and 1950s? Is that what he wants to do? Does he want to go through that process? If he thinks someone has acted improperly, he should call the cops. If he thinks someone has acted improperly and that they should go to jail, he should call the cops and have a proper investigation. I am not going to stand here and let him be the judge and jury on a bunch of staff for doing their job, for serving the people of Victoria through their minister. They, like anyone, are accountable to their minister as their employer. That is their accountability.

The minister's name was on the ballot paper, not the staff members. My name is on the ballot paper. That means I am prepared to be held accountable in this place, and so should any member of this Parliament. If you put your name on the ballot paper, you should be prepared to be held accountable in here. That does not apply to employees. If they breach the law, they should be held accountable under the law, just as any

politician who breaches the law should be held accountable under the law. But they should not be held accountable by a bunch of politicians on a political witch-hunt. That is what Mr Barber has proposed in his recommendations, that the Usher of the Black Rod arrest and detain these staff, who followed an instruction given to them by the Attorney-General by not attending the committee. It was the Attorney-General's instruction.

If Mr Barber wants to hold someone to account, there is another person he can go after, but he does not have the courage to do that. He did not support the Liberals on that, either. He did not want to take on Rob Hulls. No, he wants to take on a bunch of staff. He wants to take on a 20-something-year-old young person who is working for a minister, whose name was never on a ballot paper and who should not be held accountable to a bunch of politicians on a witch-hunt as part of a committee inquiry. If he thinks someone has broken the law, he should get his evidence together and call the cops. However, no-one has broken the law. Mr Barber does not have any evidence that anyone has broken the law. All he wants to do is hold a witch-hunt to try to get a minister. The minister was prepared to come before the committee. Not only would Mr Barber not hear from the minister, he would not in the committee even consider the offer of the Attorney-General in relation to that matter. He would not even consider the Attorney-General's offer to bring the minister in.

Where does that leave this report now? The report essentially raised a whole range of issues about which some members of the committee are concerned. They could not get a majority on all their recommendations because the Greens wanted to support some things and not others, and the Liberals wanted to support some things and not others.

The consistent position has been taken by the government members — Mr Tee and me — that the minister is accountable and the minister should attend the committee. The minister has offered to attend the committee. The minister will attend and will answer all questions the committee puts to him. If the committee wants to determine the issues it has with the staff, the minister has offered to talk with the staff and provide the answers to the committee. However, the political accountability is with the minister, and that is where the committee should act. The political accountability is with the minister and not with the minister's staff. Their names were not on the ballot paper.

**Ms Pennicuik** interjected.

**Mr VINEY** — I see Ms Pennicuik shaking her head. She was the one who in the last sitting week was taking the high policy ground about 16 to 18-year-olds carrying knives; she did not want action taken against them.

The problem the Greens had on this committee is that the committee did not act in the normal way in which committees act — that is, they produce policies and decisions and ideas. This committee did not act in the way the Greens are used to, because the way the Greens normally deal with these things is through a bunch of people sitting around a table with butchers paper and crayons. That is their process; they sit around with butchers paper and crayons and come up with good ideas.

This committee did not go through that process. It called witnesses, heard evidence and made a determination, and the determination was not what was published in the *Age* three weeks ago. The *Age* was absolutely used in this process. Paul Austin was completely had, because the report that was given to him had never been considered by the committee. It had been circulated to committee members, and it was leaked to the *Age* before the committee even met to consider it. Paul Austin was had. Paul was had because what was being attempted here was to lock the committee into the recommendations in that first draft report, but that draft report was nothing more than someone's ideas circulated to the committee. That was it: leaking a good idea or a bad idea. That is all it was: leaking an idea.

**Mr Drum** — You don't believe that. Come on; tell the truth.

**Mr VINEY** — Mr Drum is not on the committee and does not actually know what he is talking about.

**Mr Drum** — No-one believes that.

**Mr VINEY** — I do not know whether Mr Drum is that stupid or it is just a whole pretence. I do not know whether he acts that way or is that way; I am not quite sure. He is not on the committee, so he does not know what happened. He probably has not even read the interim report yet.

There was an attempt to lock the committee into a set of recommendations, and the committee stood up to it. Well done to the committee for doing that. The central problem in this process is that members of the opposition and the Greens are confusing the processes of holding people to account in a political sense with the necessary processes of people being held to account under the law for public integrity; they are two separate

things. Political accountability is a process where ministers and the government are held to account in this Parliament. If people have acted improperly in any other way, they are held to account under the law.

**Mr Barber** — Which law?

**Mr VINEY** — Whatever law you are accusing people of having broken, Mr Barber. You want to jail them; you tell me what law they broke. You want to put people in jail. You want to lock them up.

That is what Mr Barber's recommendation is. The incredible flaw in the process is he thinks that by detaining people — —

**Mr Finn** — You think the only law is Rob Hulls's word. Good Lord!

**Mr VINEY** — You know what, Mr Finn? You are interjecting and your own side did not recommend locking people up, so just be careful who you are barracking for. When Mr Finn is up in the grandstands and he has not read the report and he is not watching the play on the ground, he should just be careful who he barracks for. He might find at the next Richmond and Collingwood game that he is barracking for the mighty Magpies. He should just be careful who he barracks for; he should watch the game.

What the Greens are doing is recommending the detention of people as a mechanism. The great constitutional lawyer, Mr Barber, in his little minor treatise here is saying, 'What we are going to do is detain these people, and then they will take out an injunction and then the Supreme Court will work it out'. That is what he is saying. The flaw in that assumption is — —

**Mr Jennings** — They do that in Burma.

**Mr VINEY** — I think they might do that in Burma; I think they might. Ms Pennicuik will be expressing concern about Burma in a motion she will put before the chamber later today. People in Burma have been detained without having gone through the proper legal process, but Mr Barber is proposing exactly the same thing here — that staff be detained without any legal process. That is what Mr Barber is proposing, and yet we have a motion on the notice paper from Ms Pennicuik, who is again taking the pure policy position of the Greens and taking the high moral ground on Burma which apparently does not apply to staff who are employed by the Victorian government. It does not apply to them.

**Ms Pennicuik** — That is ridiculous.

**Mr VINEY** — It is not ridiculous. Ms Pennicuik should read Mr Barber's minority report. Mr Barber is proposing the detention of staff by the Parliament — not by a court but by the Parliament. It is a disgrace. I find it disgraceful and offensive. The assumption of it — —

**Mr Barber** — Read 23.05.

**Mr VINEY** — There are many laws and standing orders that Mr Barber might or might not want to institute. One of them is that when someone speaks for 1 hour and 6 minutes on something they know nothing about, six members in this place can stand up and move the member not be heard, but we have not imposed that on Mr Barber.

There are many standing orders that we could apply to Mr Barber, but we do not. This is one that should not apply to the staff. He may want to implement it, but I do not agree with it. I do not think we should be detaining people at the behest of a bunch of politicians on a political witch-hunt; I do not think it is right. I believe in the law. I believe in the processes of courts of law in this state and this country. Mr Barber is proposing to put people in jail without going to court, just as Ms Pennicuik is wanting us to consider this issue in relation to Burma. That is exactly the same process; Mr Barber wants to jail people who have not been through a court of law. That is what he wants to do, and I think that is appalling. I am going to call him on it because that is exactly what he is doing.

There are two flaws in Mr Barber's argument. The first is that it assumes that any staff member who was so arrested and detained would take out an injunction. I do not know whether they would or would not; I have no idea. No-one can know whether they would or would not take out an injunction; no-one can know that. You cannot assume what other people's legal steps might be. You do not just set up a game of Russian roulette here. The second flaw is that you cannot assume that the Supreme Court will decide that it is in its jurisdiction; you cannot make that assumption. The Supreme Court has sometimes ruled that things are a matter for the Parliament, not the court.

I think that the committee acted properly in standing up to the leaker by not adopting the recommendations that were in the *Age*. I think Paul Austin and the *Age* were misused. Paul Austin was had because someone on the committee — and given the way everyone voted on everything, it would not take anyone long to work it out — decided to try to lock the committee into this set of draconian recommendations, and the committee stood up to that and did not do it.

I applaud the committee for that step, but what I find deplorable are the actions of the Greens in proposing — recommending, in fact — the arrest and detention of people at the behest of a bunch of politicians, not a court of law. That is not a pure policy position. That may well be something you come up with as a good idea with a bunch of people sitting around a table with butchers paper and crayons, as is the Greens policy process, but it is not something that this government would support, and I do not think, from the way that things have played out in the committee, that it is something the Liberal Party would support in this case.

**Mr KAVANAGH** (Western Victoria) — As a member of the committee I feel it appropriate to comment on the second interim report from the Standing Committee on Finance and Public Administration inquiry into Victorian government decision making, consultation and approval processes.

First I particularly note some of Mr Viney's remarks, and what struck me was Mr Viney's contempt for politicians. Over and over he expressed hatred and an extremely low opinion of politicians; he probably said 'a bunch of politicians' 12 times. I wonder how Mr Viney comes to such a low opinion of politicians. What do the politicians that Mr Viney deals with all the time have in common? Who is he mixing with? Who gives him this horrible impression of politicians? It seems to me that perhaps the ALP is one of the common themes among the politicians Mr Viney apparently despises so much.

He also referred, another 12 times or so, to a witch-hunt. I find that personally offensive. The term 'witch-hunt' in this context suggests that members of the committee are intent on finding that people have committed certain actions, even if there is no evidence for that proposition. I can say for myself that I am not going to do anything like that at all, and I do not believe other members of the committee would either because — surprisingly perhaps to most people and contrary to Mr Viney's contempt for politicians — I find that most politicians are honourable most of the time.

There were lots of outrageous statements by Mr Viney. He repeated the theme, over and over again, that the leak to the *Age* was done in order to lock the committee into a set of recommendations. The reason for that assertion is clearly to suggest that certain people made that leak and that certain other people — namely, himself — did not. However, at the same time he said that the attempt failed and, indeed, the committee was not locked into that set of recommendations.

**Mrs Peulich** — Who was the beneficiary of that probability, in fact?

**Mr KAVANAGH** — Mrs Peulich, I would prefer not to speculate because I do not think we should do that without evidence. To speculate in public without evidence might well look like a witch-hunt, which none of us are going to be involved in in any way at all.

A lot of Mr Viney's speech was attacking the Greens, which is a party that is in about 10 days likely to achieve a very significant role in the government of the commonwealth of this country, courtesy of second preferences from Mr Viney's own party. If Mr Viney really dislikes the Greens that much, he should come out in public and advise his supporters not to do what his party has told them to do by giving the Greens their second preferences. Indeed, in the Senate, for example, voters could give their preferences to the Democratic Labor Party.

On this subject, Mr Viney has mentioned 'dragging 20-something-year-olds into the Parliament'. He says it as though they are 13-year-olds or something like that, but he is actually talking about 25-year-olds, not people at high school or kindergarten who are being dragged off the street or from a playgroup somewhere. These people are adults of 25 or 26 years of age, or something like that, who are in positions of trust, who have some influence and prestige, who are well paid and so on. In fact Mr Viney used to refer, a few weeks ago, to 'dragging in girls' when he was talking about 25 or 26-year-old women, and that struck me as an insult to females — but he seems to have dropped that.

Mr Viney also brought up how the minister wanted to appear before the committee. I think he was referring to an incident several weeks ago in the Legislative Council committee room when Mr Madden made a big show of turning up and trying to portray the committee as a farce by demanding to appear. I am surprised that Mr Viney raised that incident, because it seems to me that it does not reflect very well on Mr Viney or his side of politics.

It has already been mentioned by speakers that the report is really about process rather than substance. It is about process because the government has been arguing that the committee does not have the legal power to require the attendance of certain witnesses. We know, as a matter of law, that we do not have the power to compel members of the Legislative Assembly who do not wish to appear without the leave of the Assembly, and there is no dispute about that by the committee whatsoever. But the government wants to extend that restriction to ministerial staff as well. As

Mr Barber said, that really raises issues of the supremacy not of the Legislative Council but of the Parliament itself.

As some speakers have alluded to, this conflict has been going on for centuries. It was resolved centuries ago between the Roundheads and Cavaliers, I think, and indeed the murder of the king. I use the word 'murder' with some consideration, having studied the issue at some length. That was what the Civil War was really about: is the Parliament supreme or is somebody else supreme?

In this case the government says, 'Although we were never elected and we are appointed by Parliament, we are superior in power to the Parliament which appoints us'. How could that possibly be true? One of the first legal principles that any legal student learns is the Latin phrase *nemo dat quod non habet* — five words — which means you cannot give something to somebody else which you do not have yourself; so I cannot give someone good title to a bicycle if I do not own the bicycle myself. The Parliament cannot give a power to the executive that it does not have itself. I think Mr Barber explained it very well in terms of the Ombudsman when he said the government now says, 'We can give the Ombudsman power that we do not have ourselves'. It makes no sense at all in law or in common sense.

This dispute is on the question of who is supreme: is it Parliament or somebody else; is it the elected or is it somebody else? If it is not to be the elected, whom is it to be and where is that power to come from? King Charles said it came from his divine right as a king. I do not know what the government says its source of power is if it does not come from Parliament.

**Ms Pennicuik** — Mr Hulls seems to think he is pre-eminent.

**Mr KAVANAGH** — Mr Hulls certainly does. It seems clear to me that the government has its case quite wrong. It does not have the powers that it claims to have. A cynic might be tempted to suspect that the government knows it is wrong but merely wants to be proven wrong after the election rather than before it. We all know it is very unlikely that the Supreme Court, which would be the arbiter in this matter, will decide it before the election. After the election perhaps it will not matter for the current government. After the election perhaps the government will be the opposition, and it will like the proper law to apply, thus having the potential to put the government under scrutiny. It might change sides, as this government seems to have changed sides, as Mr Mark Latham may have changed

sides. Mr Latham seems to me to have been probably the best leader that the ALP has had for the last 20 or 30 years, but that is not so much a reflection on him as it is on the other leaders of the ALP.

**Mr Drum** — You're probably right, you know. I've thought about it, and I reckon you're right.

**Mr KAVANAGH** — Mr Latham was the man of whom the ALP said, 'He's our best member. He's the guy who deserves to be Prime Minister of Australia. He is the best person in Australia to be Prime Minister. Please vote for him'.

**Mr Leane** interjected.

**Mr KAVANAGH** — Did Mr Leane oppose him?

**Mr Leane** — He's gone downhill a bit.

**Mr KAVANAGH** — I will refer briefly to the actual substance of the dispute. In February it appeared to be revealed that a minister's media officer released a media plan, and the media plan relied on using as a pretext expected public opposition to a planning matter. The government is doing all it can to avoid scrutiny, but the Parliament and the people of Victoria deserve to know whether this proposed plan was an aberration or whether it was a part of the culture of that government department and indeed the culture of Victoria's government.

**Mrs Peulich** — It's becoming the Stasi state.

**Mr KAVANAGH** — I think that is going too — —

*Honourable members interjecting.*

**Mr KAVANAGH** — The government has done everything it can to avoid scrutiny and to avoid answering that question. But it is important that this house accepts the request of the committee and does what it can to maintain, consolidate and strengthen the supremacy of Parliament and the right of this house to inquire into the activities of government, because to do otherwise would be to call into serious question the reasons for the existence of this house and it would also be an insult to Victorian democracy.

**Mr TEE** (Eastern Metropolitan) — I welcome the opportunity to speak on this interim report. I want to start by saying there has been plenty of discussion about the powers of the Parliament in relation to the power of the executive. I will come back to that, but it might be worth just considering where we have got to after seven long months of the existence of this committee looking into the Windsor Hotel. It is worth

just remembering the evidence that has been given and the findings that have been made.

There was evidence from the secretary of the department, there was evidence from the deputy secretary of the department and there was evidence from two independent auditors given to the committee. All of that evidence indicated there was nothing unusual in the decision-making process. That was the evidence that the committee received. We also had evidence from the Victorian government architect, who said the redevelopment design was excellent. That was the Victorian government architect's view. That was the evidence.

I suppose when you have a look at the process that the committee has gone through, a number of questions are raised about that process. The first question that is the elephant in the room — the most striking observation — is why, after seven months, this committee has been unwilling to call Minister Madden to give evidence. Surely you would want to hear from the responsible planning authority, the man who is central to the decision-making process. And yet the committee refused to let him give evidence.

Coming back to issues of accountability, which Mr Kavanagh talked about, it is the minister who is responsible to Parliament. It is the minister to whom the department is responsible. It is the minister who is responsible for the statutory planning process. And yet no-one took him to that very issue. No-one took the opportunity to ask him. The mind boggles. It is unbelievable that the central person has not been called. All these accusations are flying around. None of those got put to the minister. There are all these concerns that members opposite purport to raise. None of those got put to the minister. The public did not get an opportunity to hear from the person who made the decision. I might add that this is despite the fact that the minister has indicated in this place and elsewhere that he is more than happy to give evidence. In fact he went to the committee hearings and attempted to give evidence. All of those opportunities have been shunned by the committee.

There are a number of other concerns that have been raised by the Attorney-General about the processes and the issues in relation to the calling of these witnesses. It goes back to the issue of parliamentary supremacy as opposed to that of the executive. I think the starting point is that you need to get it right, and the Attorney-General has raised a number of arguments which say that the committee has got it wrong. The Attorney-General has put a number of arguments as to

why the witnesses ought not to respond to the summonses.

**Ms Pennicuik** — No-one agrees with his argument.

**Mr TEE** — We will come back to that. He has raised the McMullan principle, a convention which has received bipartisan support — —

**Mr Barber** interjected.

**Mr TEE** — Notwithstanding Mr Barber's undermining of the convention. He raised the point that the summonses were procedurally defective, they breached the standing orders and they had the wrong signature. He raised the fact that the advisers were ultimately responsible to members of the Legislative Assembly and therefore cannot be compelled to attend a Legislative Council committee. He raised the fact that the evidence of the advisers would be subject to executive privilege public interest immunity. There are a number of concerns that the Attorney-General has raised.

The Attorney-General said, 'Let us try to deal with these issues'. He wrote to the committee and said, 'These are my concerns. What is your response? Until we resolve these issues the summonses will be treated as being defective'. What did the committee do? The committee did absolutely nothing. It made no response to any of the number of letters where the Attorney-General said, 'These are my issues. How do we move forward? Let us see what your response is'.

**Mrs Peulich** — As conciliatory as the Attorney-General is!

**Mr TEE** — Mrs Peulich, even you would respond and say, 'Hang on a minute, you have raised these issues; we disagree for these reasons', but not this committee. Instead members of this committee come here and pontificate and lecture about the moral high ground and the supremacy of Parliament. But when a number of genuine issues are raised they do not take responsibility and engage and respond. Instead of responding to the concerns that the Attorney-General has raised and trying to address these issues, they ignore them.

Then we have Mr Barber in his minority report saying, 'Yes, the Attorney-General has raised all these issues. We have ignored them all. We have not even bothered to respond, but now I have a response: we will lock them up. We will lock up Mr Jarvis, Ms Duke and Mr Svigos. We will not try to engage with the Attorney-General. We will not say to the Attorney-General, "We think you have got it wrong for

these reasons. We have been given this advice". Mr Barber is happy to come in and lecture us for an hour on the precedents and the advice he has been given, but he refuses to engage with the Attorney-General.

We have the witnesses for whom the Attorney-General has responded saying, 'These are my concerns', and there has not been any response from the committee.

**Mrs Peulich** — He has never used that expression in his life.

**Mr TEE** — Notwithstanding the fact, Mrs Peulich, that the Attorney-General has invited the committee to respond.

**Mrs Peulich** — The Attorney-General is a thug.

**Mr TEE** — Until the committee responds we cannot move forward, so who is the thug here? The thug is the committee that refuses to take the next step, and we have Mr Barber saying, 'Lock them up'.

But it gets worse, because what the Attorney-General then did was to say, 'You are not going to respond to these serious allegations that I have raised. You are not going to respond to the reasons I have given as to why the summonses are invalid, so let us put that aside. Let us find another way forward. Let us try compromise'. He wrote to the committee on 23 April — this is at paragraph 53 of the interim report — saying, 'I have a compromise. Why doesn't the committee identify the issues that are troubling it? We will talk to the witnesses, and we will get the minister to come and respond. That might address the issues for the committee. That might make it all go away, and if it does not, let us talk about it then. But why don't we just try another way forward? The committee does not want to respond to the deficiencies in the summonses or fix the summonses. Let us find another way forward'.

What did this committee do? Absolutely nothing. There was a wall of silence: no response. We have deficiencies in our summonses; we have a proposed way forward, and on both those issues the committee does nothing except turn up here, and in the case of Mr Barber say, 'We have not responded to the deficiencies. We have not responded to the Attorney-General's compromise. Let us lock them up'.

The committee then says, 'We have had the evidence, and the evidence has shown that there was nothing untoward in the process. We are not going to bother engaging with the Attorney-General around the deficiencies in the summonses. We are not going to try

to find a compromise way forward. What do we do now? We throw our hands up and we hand it over to the Ombudsman. We give up. We walk away. Let the Ombudsman do it'.

We all know the Ombudsman is independent and has significant power, and I welcome the support of the opposition for the powers of the Ombudsman. But it begs the question: why would you want to have this committee continuing with its work? Why would you want to have a committee of this Parliament falling over — tripping over — the work of the Ombudsman? What is it that is left for the committee to do? Why would you want to duplicate the work that you have now handed over to the Ombudsman?

After seven months I think the committee has failed on a number of fronts to engage seriously with these issues. After seven months the committee has not moved forward and has not attempted to address some serious deficiencies, and it has not attempted to find a way forward. It is now turning up and saying, 'It is all the Attorney-General's fault' — for being clear about what the deficiencies are in the process. It is an absolute insult, and it is an absolute contempt of this place for this committee to say, 'Let's completely disregard standing orders. Let's completely disregard the law and all of these issues. Let's not even look for a way forward, but let's demand some heavy-fisted approach from this chamber in response'. Until the committee has done the work it is required to do and attempted to work through some of the issues, and at least until it has taken up the offer from the government to do so, and until the Ombudsman has reported, I do not think there is anything further the committee can do.

**Mr GUY** (Northern Metropolitan) — I rise to make a couple of remarks about the inquiry into the government process and decision making with respect to the Windsor Hotel. In doing so I will not repeat many of the comments made by previous speakers; in fact I will keep my comments as brief as possible. However, I would just point out to Mr Tee that it is worthwhile remembering that this is not an episode of Vince Sorrenti's *Let's Make a Deal*. This is not about a deal here where the Attorney-General picks a card to see whether it is right or wrong or what we can negotiate or deal on. This is about dealing with the truth, and it is about finding the truth, and that is what the committee has sought to obtain from the very start.

I note point 4 of the second interim report, which I think Mr Rich-Phillips, Mr Hall and Mr Kavanagh referred to a number of times, and that is the point where the committee states yet again its frustrations in

its ability to do its job in relation to the Attorney-General. When the government stands up and says, 'What has your committee found after seven or eight months?', the simple, obvious and truthful response is, 'It is difficult to do your job when the Attorney-General of the state tries to bully the committee and impede it when doing its job and speaking to people'.

Of course this whole issue of staff is not about holding them accountable for the decision of the minister; it is not about saying the staff must be responsible for the decisions of a minister. All we have ever sought to do was to ask the staff — the four people identified — simple questions about the production of a government memorandum which could have usurped or sought to usurp and possibly corrupt the planning process in Victoria. That is all it was about — asking questions. It was never about holding those people to account, and to date it is still not about that. We are here to hold the government to account. The committee, which was formed by this Parliament, is not out to hold staff accountable for decisions of ministers, and that must be remembered. It is about obtaining evidence in order to put the questions to the minister from the evidence obtained, which is why we have not heard from the minister to date. We need to obtain that evidence first. How many times does this committee have to say, 'We need the powers to be able to obtain that evidence from the people who drafted the memorandum'?

What a ludicrous proposition it is to say that you do not talk to the person who created the evidence in order to put the questions to the minister. Of course we should be able to talk to the person who drafted the memo, and principally it must be remembered why — because the minister absolved himself of any responsibility for that memorandum and put it all back on his staff. It was not the committee that blamed the staff for the drafting of the memorandum; it was the minister. It was the Minister for Planning, Justin Madden, who said, 'It is nothing to do with me. I haven't read it. I haven't seen it. It is the words, with poetic licence, of a staff member of mine'. The minister said the staff member should be held responsible for that document. The committee has never said it is going to blame the staff member for the content. All we want to know is the premise behind its drafting, who it was drafted for and where the information it was drafted from was obtained. They are very simple questions. We are not seeking to ask any offensive legal questions. They are basic questions about the production of a document, and from the very start that is all we have sought to do.

Forget the silly politics and the emotion that is being played out by others in this debate. They are the facts,

and that is all the coalition members of the committee have sought to obtain, and in trying do so we have been thwarted a number of times by the Attorney-General. He has put forward to the committee four points why it should not be able to obtain the evidence directly from the source. His first point relates to what he says is a longstanding convention that staff should not appear before committees. That could be accepted if the Labor Party in opposition in the 1990s had not sought to discuss and debate bringing staff of the Kennett government before parliamentary inquiries or other inquiries in response to Intergraph or the ambulance issues that were around at the time, or in relation to Crown Casino gaming contracts. This is a precedent that has been set by the Australian Labor Party.

The Attorney-General's second point is about his claims that the committee's summonses to witnesses were procedurally defective. Again, that has been found to be completely false.

His third argument is that the staff members are actually staff members of the Legislative Assembly and therefore they cannot be compelled to give evidence to the Legislative Council. I have been a ministerial staffer; I was one for seven or eight years. You are not a staff member of the Legislative Assembly or federally of the House of Representatives; you are a staff member of the department. You are employed through the department. We all have staff. They are our electorate staff who are in our office. They are staff members of the Legislative Council or the Legislative Assembly, and there is a very big difference.

The Attorney-General's fourth point contains his argument that the advisers would be, or are likely to be, subject to executive privilege. As I said before, we are not seeking to hold advisers accountable for the decisions made by the government; all we are seeking to do is to ask questions. In terms of saying this would compromise executive privilege, how on earth could simply asking someone 'Who drafted this document? On what premise was it drafted?' be — supposedly — compromising executive privilege in the state of Victoria? It is a silly argument to state it would, because obviously it would not.

As I said earlier, throughout the processes of the committee it was found that the Attorney-General had indeed thwarted the committee's attempts to do its job properly. Again, advice the committee obtained from the Clerk of the Council states that:

Generally speaking, any act or omission which obstructs or impedes either house of Parliament in the performance of its functions ... may be treated as a contempt ...



It is quite an astounding situation, and it is not just limited to this committee. There was a similar situation with the Select Committee on Gaming Licensing at the start of last year and the year before. Very similar letters were sent to that committee by the Attorney-General which obstructed it from doing its work. If there is nothing to hide, there should be nothing to fear. We say again that there is a very strong reason the government should cooperate fully with this inquiry. There are very strong reasons why the government should participate in this inquiry, and they come down to honesty, probity and accountability. As I said, if there is nothing to fear, there should be nothing to hide.

In conclusion, from my point of view the committee has never sought to hold staff accountable for decisions of ministers. We have sought to obtain evidential reasons as to why the memorandum that forms the basis of this committee's inquiry was drafted, who it was drafted by and who it was drafted for. We noted at the very start of the situation that the minister himself said the person who drafted the memorandum acted alone and had poetic licence, so clearly, members can understand the premise on which we base our request. We simply want to ask some questions on the drafting of that document. That is a very simple point. However, ultimately we want to hold the minister it was obviously drafted for accountable for that decision. That is where it comes down to the committee's point of view that it should be able to obtain proper evidence and then to put that evidence to the minister of the day, which is what we will do when we have obtained that evidence.

The interim report, as I said, contains a number of very clear points about frustration with the Attorney-General and his conduct towards the committee inquiry, which obviously has not been limited just to this one inquiry. I say again that if there is nothing to fear, there is nothing to hide. The minister should cooperate fully in gaining that evidence for the committee so that committee members will be able to make an assessment after a proper and complete discussion is had with the minister when he appears before the committee at a later date — that is, if that is what the committee decides.

In conclusion, I thank Richard Willis and the staff of the committee who, no doubt, like the staff of this and many other committees, have found themselves under a lot of pressure in dealing with us all. It has been a thorough process to date and we will continue the process into the future.

**Motion agreed to.**

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Public Finance and Accountability Bill

**Ms HUPPERT (Southern Metropolitan) presented report, including appendix, extract from proceedings and minority report.**

**Laid on table.**

**Ordered to be printed.**

**Ms HUPPERT (Southern Metropolitan) — I move:**

That the Council take note of the report.

In doing so I will make a few brief comments about the process that led to the findings of the committee in the report which has been tabled in the house today. In an unusual step the Legislative Council resolved to refer the Public Finance and Accountability Bill to the Public Accounts and Estimates Committee (PAEC) for 'consideration and report'. During 2009 the committee reported to the Parliament on the existing legislation dealing with public finance and accountability in Victoria, so the committee has a fair amount of experience in this area having carried out an extensive inquiry and reported to the Parliament. The government responded to that report, and in doing so acknowledged that it was either accepting or accepting in principle 38 — I think it was — of the 44 recommendations made in the report.

In view of this the committee adopted an approach to the inquiry that is set out on page 7 of the report. In commenting on that approach I would also like to thank the members of the secretariat who assisted the committee in reporting to the Council in a timely manner to enable the Council to recommence its consideration of an important and groundbreaking bill. As I mentioned, the approach taken by the committee is outlined in the report. The committee examined the issues raised by members of both the Assembly and the Council during the second-reading debate on the bill. It also asked the shadow minister for finance to submit the opposition's concerns on the bill. It held a private briefing with the shadow minister for finance, giving him an opportunity to elaborate on the comments he made on the bill in the Assembly. The committee then held a private briefing with the secretary and senior staff of the Department of Treasury and Finance. Included in that briefing was a former Minister for Finance, Roger Hallam, who was part of the DTF team that reviewed the existing finance legislation and made recommendations on the new bill.

The committee's analysis of the matters raised by Mr Clark, the member for Box Hill in the other place, are comprehensively set out in section 2.6 of the report. I am not going to repeat in total the findings of the committee, but I wish to draw attention to a matter that was raised by both Mr Clark and by a number of speakers in both the Assembly and the Council. They were concerned that the bill could be used by the government to exercise control over independent bodies through either the reporting requirements outlined in clause 12 or through directions made by the minister under clause 17 of the bill. This matter was addressed in detail during the briefings we held. If members look particularly at page 15 of the report, they will see the response from DTF clearly points out that there is nothing in this bill which could be used by a government to require any independent body to act in a manner which is inconsistent with the legislation establishing that body. Therefore the opposition's concerns with clauses 12 and 17 of the bill are unfounded.

Another matter I wish to briefly address this morning is the minority report submitted by opposition members of the Public Accounts and Estimates Committee. This report seeks to compare the matters dealt with in the bill with the matters dealt with in PAEC's report on the Financial Management Act. It attaches a copy of the government's response to PAEC's report and seeks to point out places where the bill does not incorporate recommendations made by PAEC. This is based on a false assumption.

As I mentioned earlier, the government has accepted the vast majority of the recommendations made by the committee in its report, but a number of the matters dealt with in the report are not matters which can be dealt with by legislation. There is nothing in the legislation inconsistent with the recommendations made by PAEC. A number of the recommendations made by PAEC, although not incorporated in the Public Finance and Accountability Bill, will be dealt with either by ministerial direction or by regulation. Therefore the basis of a large part of the minority report is unfounded.

In conclusion, PAEC recommended in the conclusion to its report that the bill be referred back to the Legislative Council and that consideration of the bill be continued. As members will be aware, there will be a further opportunity for members of this place to raise any concerns they may have when the bill is considered in committee. There is plenty of opportunity for scrutinising the provisions of this bill and for addressing any outstanding concerns which may arise. I hope that in considering the bill further in this place

members will pay due regard to the findings of the committee, as set out in this report.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to make a few remarks on this report from the Public Accounts and Estimates Committee (PAEC). I have to say this is the most disgraceful piece of work I have seen this committee produce in the 11 years that I have been a member of it.

When the Legislative Council met on 27 July and considered the Public Finance and Accountability Bill, the house resolved, at the end of the second-reading speech, to refer that legislation to PAEC because the house collectively had a number of substantial concerns with the way in which the bill would operate. It was the collective view of the house — not supported, I might add, by the government members — that PAEC, having previously undertaken an inquiry in this area into the public finance framework, a review of the Financial Management Act, and having extensive experience in the financial reporting area, would be the appropriate body to undertake a review of the bill and to consider the concerns that had been raised in the second-reading debate both here and in the other house.

It was therefore with considerable concern that when that committee met we discovered the government members of that committee had a predetermined plan for how that inquiry would proceed, and the basis of that plan was to ram through the inquiry and this poor excuse for a report as quickly as possible. When the Legislative Council made its reference to PAEC it allowed a full five weeks for the committee to undertake its work. It gave the committee that period of time to allow a proper job to be done by it in considering this legislation. Instead of having the committee use the five weeks afforded to it to undertake an inquiry, we had the chair and the Labor majority on that committee ram through this report in the space of two meetings. There was a preliminary 1-hour meeting last Tuesday morning to rubber-stamp the mechanism that the chair wanted to adopt with this inquiry, which was to take no evidence from any interested third party on this matter.

It is a matter of public record that the potential concerns of the Auditor-General were raised in debate in the other house and in this house and in making the referral to PAEC the view was certainly expressed in this house that the Auditor-General should be invited to address his concerns to PAEC so that that committee could report on them. Notwithstanding that very clear intent when this house moved its reference, the chair and government members of the committee refused to

allow that committee to seek evidence from the Auditor-General.

One of the other actions the Council sought when it made the referral was for PAEC to undertake a reconciliation of the recommendations it had made in its earlier report on public finance legislation — of which there were some 44, from recollection — with the bill that has been introduced by the government. I note Ms Huppert in her contribution earlier said there was nothing inconsistent between the bill and the recommendations that had been made by PAEC. All I would ask Ms Huppert is how she would know, given she voted, along with the other Labor members of the committee, not to allow the committee secretariat to undertake a reconciliation of the committee's recommendations and the bill.

We have an absurd situation where the committee had previously undertaken an extensive report into public finance legislation in Victoria as a review of the Financial Management Act, had made some 44-odd recommendations on how that legislation should be reformed, had tabled an extensive report, which included a forward from the chair of the committee highlighting how important those 44 recommendations were, only to see the end product of that process, the Public Finance and Accountability Bill, brought before the committee and the government members, including the chair, refuse, using their majority on the committee, to even undertake a basic reconciliation of whether the 44 recommendations they had said were so important had actually been adopted in the bill.

This report we are being asked to consider today is an absolute farce. It was rammed through with a final meeting of the committee on Monday, the committee having had a session with the Department of Treasury and Finance last Thursday. No third-party input was sought, so all this report is based upon is essentially the proponent, being the government and the Department of Treasury and Finance, being used as the expert authority in telling us what this bill does and does not do. From the perspective of the opposition, that is not acceptable. We do not regard a report that has been put together based only on evidence, information gathered, from the proponent of the legislation, as an adequate investigation of this matter.

I note that a number of the issues that were raised by members in this chamber and the other chamber have not been adequately addressed in this report. Part of the reason for that is that the government was so intent on ramming this report through the Parliament, notwithstanding the fact that it had been given five weeks to undertake this inquiry, that the report was

completed and sent for tabling before the witnesses that appeared from Treasury and Finance last week had even been allowed to submit answers to questions taken on notice.

This report has been brought to the Parliament before the committee has even seen the answers to the questions that were put on notice at a meeting last Thursday. Those responses from the department have now been forwarded to the committee but because the chair and the government members were so intent on ramming the report through that committee, information provided by the department is actually not available to the house or to the Victorian community in considering this legislation. It is and remains a protected document of the committee and cannot be made available to the house because the chair was intent on ramming this through before we had even received those responses from the Department of Treasury and Finance, which went some way towards expanding on the concerns that we had.

We regard this report as an absolute disgrace; it has undermined the reputation of the Public Accounts and Estimates Committee. I do not intend at this point to go to the substance of the report, given the house will have that opportunity when it again considers the Public Finance and Accountability Bill.

However, the way in which this report has been rammed through shows absolute contempt for the Legislative Council and its reference to PAEC. The fact that there is no third-party consideration and that valid concerns which appear to have been raised by the Auditor-General have been ignored is disgraceful. That this report has been pushed through in the space of two meetings, ignoring the fact that five weeks were made available to the committee to undertake this exercise, is an indictment of the way in which the member for Burwood has chosen to run the committee on this inquiry and brings no credit to him or to the government.

**Ms PENNICUIK** (Southern Metropolitan) — I too would like to make some remarks on the Public Accounts and Estimates Committee's report on the Public Finance and Accountability Bill 2009, which was tabled this morning. At the outset I acknowledge that the Public Finance and Accountability Bill 2009 is an important piece of legislation. As Mr Rich-Phillips has outlined, it was the subject of an inquiry by PAEC prior to my membership of the committee, but I have had a look at the report, which contains 44 recommendations about what should happen in reviewing or revising arrangements for public finance and financial arrangements for the state.

The Public Finance and Accountability Bill has made tortuous progress through the Parliament. It was introduced in the Assembly in December 2009 and has languished in the lower house for months because the government would not speak to other parties about their concerns, be they major concerns or even some minor technical questions about the bill which had been raised.

The bill finally appeared in the upper house, where those concerns were raised again, and Mr Rich-Phillips moved what I think was a very wise motion to refer the bill back to PAEC to examine the bill in light of the report that the committee had already done and its experience and knowledge of that area. I think it was good to do that — in fact I think that more bills should be referred to committees to be looked at. In this case PAEC was the obvious committee, because it had done the previous work. Referring legislation to committees should be done more often in this Parliament. In some parliaments — for example, the New Zealand Parliament — all bills go through a committee before they are introduced to Parliament to be considered, and questions about bills can be sorted out there.

It is important that we get this bill right, because it is about how the finances of the state of Victoria are structured and how expenditures are reported to the people of Victoria by the Parliament. Unfortunately, as is often the case with the government, government members took the view that they had received the original report of PAEC, the government had made its response to that report and that was the end of the story. The attitude of government members is that they have got it right. That is their attitude all the time. They say, 'We made our response; our response to that report is the last word on that matter; and here is our bill based on our response to the committee report'. Unfortunately some issues about the bill have been raised in both houses of Parliament.

What is more unfortunate is that PAEC was given until 31 August to report on the bill, and we now have a report before us — on 11 August, a full 20 days before it would have been necessary to table a report. It was obvious from the first 5 minutes of the first of the three meetings we had on this issue that government members were on a mission to rush the whole process through. I suggest that members could have a look at extracts from the minutes of proceedings to get the flavour of how the meetings went. From the original draft report presented to us we were able to tone down some of the language and replace some of the unfortunate phraseology, so the report is better than it could have been. However, the process was rushed and the report is not complete.

Mr Rich-Phillips spoke about questions taken on notice by Department of Treasury and Finance officials who attended the meeting and provided us with a briefing on issues of concern about the bill, but answers to those questions were not received until after the report was finalised, so this report is not even a final report because it does not include that advice, which should be in it.

Members will have noticed that I did not support the report, basically for the reasons I have outlined. I do not necessarily disagree with the content of the report, except inasmuch as it is not complete and does not allow this Parliament — either this house or the full Parliament — to make a judgement about the issues that have been raised, because the information that non-government members on the committee were seeking has not been provided.

I have read the minority report briefly, and even though I am not a signatory to that minority report I sympathise with everything that is in it, and I made that view known to the committee. It was obvious to me that if the committee was to get the best value from its hearings during the inquiry into the bill, then the minister should have been called before the committee. The minister could be called before the committee — it is a joint committee of the Parliament. In fact the minister should not only have been requested to appear but should have offered to appear to explain the bill to the committee and to hear any concerns that committee members raised and to discuss them so that we could have before us a comprehensive report on the bill, but that is not what we have.

Other requests included, entirely reasonably, that there be a reconciliation between what was in the original report and what is in the bill and identification of what is not in the bill. Ms Huppert said that if some things are not in the bill, then they are in other areas, but where are they? This report should be able to tell everyone in the Parliament what happened to the recommendations of that committee in terms of either being addressed in the bill or being enacted in another way. That is the sort of report that should have appeared from PAEC to the Parliament, so that everybody could be reassured that the bill was the best it could be.

I do not necessarily share every concern members of the opposition have with the bill. I also do not agree with Ms Huppert, who said that the Department of Treasury and Finance officials were unequivocal in saying there was nothing wrong with the bill. In one of the briefings those officials conceded there were some technical problems with the bill, and there are,

particularly in clause 12. Despite everything I heard from the Department of Treasury and Finance officials in that briefing I am still not convinced that clause 12 is not confusing. That clause is vague and needs to be clarified.

The government needs to think about this, because if it is the government's intention to lump all government departments and public bodies together and to lump together the reporting on outcomes, efficiency and obligations, and then for us to be told that it only applies to one part and not the second, then that is how the clause should be written, but it is not. If that is the government's intention and the government does not want to rewrite the clause, then the bill should include a notation to clarify exactly what the intention of that clause is, because there is room for misinterpretation of that clause.

It is a serious matter, when we are talking about the Public Finance and Accountability Bill, that what is intended by the clauses in that bill about what is reported by which government department and/or public body is very clear. I do not think it is clear, and I think the Department of Treasury and Finance officials conceded that in the briefing.

The government should speak to the other parties about their outstanding concerns before we get back to the bill and clarify those by way of amendment, notation or some other measure to make sure that they are addressed. It is not good enough for the government always to just take the view that it is right and has not made an error. We have often seen bills come back here when the government has taken a view but six months later is back correcting something that other people pointed out as being an error in the bill. That could happen in this case.

In conclusion, I would like to echo what Mr Rich-Phillips said in his contribution: it is regrettable that what is often referred to, particularly by the chair of the committee and by people outside and inside the Parliament, as the pre-eminent committee of the Parliament has taken this attitude and rushed through this inquiry into the bill. We are here 20 days ahead of when it is necessary that we are here. We have not examined all the evidence we could have examined, and that is not for want of trying on the part of non-government members of the committee, who made a reasonable request for information regarding the bill and a reasonable request to hear the minister. Those requests were voted down because of the number of government members on the committee. The government controls the committee by way of the casting vote of the chair. That is just another reason it is

very regrettable that this has happened with this important bill.

The way they refused a reasonable request to conduct this inquiry in a full and comprehensive manner, which is all that was being asked, does not cover the government members of the committee with any glory. It is just another reason why no Parliament should have a committee that looks at the expenditure of public finances that is controlled by the government. The government should never control a committee that looks into its own expenditure and how that is reported to the Parliament. That is an outstanding reform that needs to be made in this Parliament.

I could not in all conscience support the report because of the flawed and hijacked process and the incompleteness of the report.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I will be very brief. I am also a member of the Public Accounts and Estimates Committee (PAEC). I am pleased that the Treasurer is in the chamber as well, because this is a bill which is very important to him.

In the committee we went through this process pretty quickly, I must say, given the extent to which the PAEC has undertaken its review of how financial reporting ought to be undertaken in this state. In the report presented to Parliament in June 2009, PAEC's final report entitled *New Directions in Accountability — Inquiry into Victoria's Public Finance Practices and Legislation*, it is interesting to note that the chair of the committee, Mr Stensholt, the member for Burwood in the other place, states at page 4:

In November 2008 the committee issued a preliminary report of this *New Directions in Accountability* which outlined a range of issues which the committee considered could be included in the new legislation and action that could be undertaken by the government, aimed at enhancing the financial management of the public sector and reporting requirements to Parliament.

He then went on to say:

I regard the recommendations proposed in this report (44 in total) as vital for ensuring that Victoria progresses to a leading-edge public finance and accountability framework.

On the whole the committee agreed on the report. Therefore it was interesting to see the legislation come into the Parliament, initially in the Assembly, in December 2009. It languished there for a period of time before it arrived here, and then on 27 July 2010 the Council called for a PAEC inquiry into the content of the bill for consideration and report by 31 August. We are now at 11 August. As was indicated by the previous

speakers on the non-government side, it was a rush job. Peppered throughout our minority report is the word 'whitewash', because that is exactly what it was. It was a blatant whitewash to keep as much information as possible away from the scrutiny of an inquiry process. As we have indicated, the committee was not able to get the Auditor-General to appear.

In fact, although it is not stated in the minority report, members will note in the extract from the minutes of proceedings that we did deal with the notion and some of the issues surrounding the calling of the Auditor-General. We put forward a motion that — and this is indicated at paragraph 2.4 on page 57 of the report under the subheading 'Matters raised by the Auditor-General in July 2010 report to Parliament' — the words 'than those of the Auditor-General during the projects consultative phase' be deleted. Obviously you can read between the lines, but there was a series of divisions — in fact there were quite a few — all through the report. You would expect that with such a number of divisions there would be a huge amount of detail in the report, but it only goes to nine pages. There is the fluff at the front, our minority report and the appendices provided by the shadow minister for finance, who presented to the committee a range of reasons and some comparatives — items we tried to seek a comparison between — but the chair and the Labor-dominated committee shut it down.

Our minority report covers a whole raft of issues. The bottom line for us in the chamber is to look at the last paragraph of the minority report. This is from the PAEC members on this side of the chamber — I do not know where Ms Pennicuik sits on this — and it states:

We therefore recommend to the Legislative Council not to pass the bill until a full, proper and honest examination of it has been undertaken and the necessary amendments have been made to overcome its many flaws.

This bill should not be passed by this Parliament. It will allow the government to avoid scrutiny into the future. We believe this important bill should not be passed following a scant, whitewashed nine-page report that does not go into any details other than what the Labor government wants it to go into.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Regulation review 2009

**Mr EIDEH (Western Metropolitan) presented report, including appendices.**

**Laid on table.**

**Ordered to be printed.**

**Mr EIDEH (Western Metropolitan) — I move:**

That the Council take note of the report.

In doing so I am proud to present the annual review of the operations of the regulation review subcommittee to the Parliament of Victoria. The subcommittee has reviewed the 2009 statutory rules series. This is the last annual review of regulations for the 56th Parliament.

The Charter of Human Rights and Responsibilities commenced operation on 1 January 2006. Pursuant to the charter the subcommittee is required to consider every statutory rule in the context of human rights. During the course of this Parliament the subcommittee has navigated its way through the unknown waters of human rights and has found this interesting and challenging.

The subcommittee has worked carefully through the 2009 statutory series, which was comprised of 109 regulations; of those, 31 regulations were accompanied by regulatory impact statements. Often regulations accompanied by regulatory impact statements have large numbers of submissions. Each submission is considered in the context of the regulation and its objectives. This can be time consuming. The subcommittee endeavours to take a common-sense and pragmatic approach. The atmosphere at subcommittee meetings is friendly and cooperative. In one sense the largely unseen achievement of the subcommittee is an example of Parliament working at its very best.

We wish to acknowledge the hard work of the subcommittee members. Their constant attendance at meetings ensured that every statutory rule was reviewed in accordance with the strict legislative time frame. We thank members. We also thank our staff for their commitment and dedication. Ms Helen Mason performs the scrutiny of the regulations, and we thank her for the provision of timely, informative legal advice. We thank Mrs Victoria Kalapac for her efficient administrative support. Mr Simon Dinsbergs has also kindly provided additional administrative

support when required. We thank Dr Jeremy Gans, a legal consultant, for the provision of human rights advice.

The area of regulation review continues to evolve. We wish the new subcommittee in the next Parliament well in its endeavours.

**Motion agreed to.**

### *Alert Digest No. 11*

**Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 11 of 2010, including appendices.***

**Laid on table.**

**Ordered to be printed.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General's Reports on —

Local Government: Interim Results of the 2009–10 Audits, August 2010.

Water Entities: Interim Results of the 2009–10 Audits, August 2010.

Ombudsman's Office — Report, 2009–10 — Part 1.

## RULINGS BY THE CHAIR

### *Hansard record*

**The PRESIDENT** — Yesterday Mr Kavanagh raised a point of order complaining that he believed Hansard had deliberately altered the record to change the intent or content of the contribution from Ms Hartland on a matter he had raised. I said at the time that it was quite a serious allegation to make and that, if it were true, it would require some serious action to address it.

I have investigated the matter. The reality is that Mr Kavanagh is in fact correct insofar as the word 'original' was added by the reporter. It was not a comment made by Ms Hartland and there was no attempt by Ms Hartland to alter *Hansard*. The reporter followed the Hansard guidelines literally — that is, that Hansard can make alterations, including punctuation et cetera, to assist in clarifying speeches. I think it is fair to say that we all appreciate the work they do — on occasion they make us look better than sometimes we are.

But the fact is that inserting that word in that position changed the contents of the speech insofar as it read in such a way as to suggest that Ms Hartland's contribution was in response to the amended motion moved by Mr Kavanagh, and that was clearly wrong.

I have addressed the matter with Hansard. It will not occur again to that extent, and I am satisfied that the actions taken will satisfy not only Mr Kavanagh but the house. Hansard has arranged for an erratum that will alter the official record by removing the word 'original'. The sessional volumes will also be corrected. I am satisfied that this matter has now been dealt with.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### **Schools: building program**

**Mrs PEULICH** (South Eastern Metropolitan) — My question without notice is directed to the Treasurer. Reports today suggest that the Brumby Labor government has finally partially caved in to the groundswell of outrage over the BER (Building the Education Revolution) school building program and, after substantial pressure from the federal education minister, Simon Crean, will secretly provide the commonwealth with all individual project costs under this program. I ask: will the Treasurer now release this information to the Victorian public so that the community can see the full extent of the Brumby government's mismanagement of the BER school building program perpetrated by the state and federal Labor governments?

**Mr LENDERS** (Treasurer) — I answered this question in full yesterday.

### *Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — I welcome the answer and dispute it in substance, and I ask a supplementary question. Why will the Treasurer release this information to bureaucrats in Canberra and his federal Labor mates but not to Victorian taxpayers who have to foot the bill for his mistakes?

**Mr LENDERS** (Treasurer) — I would ask Mrs Peulich to actually read *Hansard* for yesterday where I outlined in detail which bits of information we were simply holding back in defence of the Victorian taxpayers, which were the template issues. I suggest that if she wishes to have the answer, rather than to grandstand, she should read yesterday's *Hansard*.

**Information and communications technology:  
national broadband network**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Information and Communications Technology, Mr Lenders. Can the minister inform the house of how the Brumby Labor government is taking action to secure jobs by positioning itself as the hub of Victoria's information and communications technology sector with reference to the national broadband network?

**Mr LENDERS** (Minister for Information and Communication Technology) — I welcome Mr Tee's question and his interest in the future, his interest in the digital economy, his interest in improving the health, education and livelihood of Victorians wherever they are in the state, and his interest in jobs going forward in Victoria.

It is a heady mix of things that takes this state into the future and takes this state forward, and it is a heady mix of things that is possible only because the national Labor government, by introducing the national broadband network — the most significant infrastructure program in Australia since the Snowy River scheme and arguably beyond — brought forward a proposal to make a difference to the lives of Victorian households wherever they may be in this state.

Through the rollout of the national broadband network not only are we seeing places in Victoria such as Brunswick and Bacchus Marsh and great swathes of Tasmania actually getting high-speed broadband delivered to their premises right now, but we also have a proposal going forward for the next seven years to roll that out to every single premises in Victoria and Australia. It will be either fibre to the premises direct, wireless overlay or, in some remote parts of Australia, satellite, so that every single Australian premises gets access to high-speed broadband. The spin-off for Victoria is not just that we are getting high-speed access to all premises in the state and everything that that means, but we are also getting tens of thousands of construction jobs and ongoing permanent jobs when the national operating centre locates here in Melbourne. These are amazing and exciting opportunities that transform the economy.

I have in this house talked before about photography businesses in Horsham that can operate in a regional centre in a competitive fashion to Melbourne because of the critical digital infrastructure that has been put into place. I have talked before in this house about some of the medical advances from high-speed broadband coming in across the state. I have talked

before about how we can transform our economy to give us a competitive edge, boost our productivity and give our citizens extraordinary opportunities in social media which they do not have at the moment, and it is because of this technology going forward.

Sadly, yesterday Tony Smith and Tony Abbott trashed the dreams of many Victorians by recklessly and irresponsibly trashing a move that would bring this state and this nation to the forefront of the international digital economy. It is quite interesting to note that we have Senator Stephen Conroy, a man of vision, who delivered this concept, delivered the infrastructure, delivered the plan and delivered the jobs going forward, and we have this half-baked proposal to try to replace it that will trash aspirations and trash jobs.

It is tragic that the would-be Prime Minister professes to not be a tech-head, so therefore he is going to gut and undermine an amazing transformational program of the Gillard government. The only defence he gives as to why he knows nothing about it is that he is not a tech-head.

**Mr Leane** — He's something that sounds like that!

**Mr LENDERS** — I will leave it to Mr Leane to say that. The would-be Prime Minister of Australia is basically, as the *Age* said this morning, putting Australia back in the Dark Ages.

My colleague Mr Jennings grew up in Beaufort. If you take a town like Beaufort where Mr Jennings grew up, or a rural community like Willow Grove where I grew up, you will find that this is not just some semantics about a would-be Prime Minister who says he knows nothing about it because he is not a tech-head; this affects the livelihoods of individuals. It affects the ability to do breast screening in remote communities and process the results in Melbourne; it affects the learning opportunities of students right across regional Victoria; it affects the ability of businesses across regional Victoria; and it affects the livelihoods of individuals.

If Mr Jennings were to act on my comment the other day about *When Harry Met Sally* when he was in Beaufort, he would be downloading it at one-eighth of the speed. One-eighth of the speed is what Mr Abbott and Mr Smith want Victorian families to have when downloading information. *When Harry Met Sally* would be a very different movie at one-eighth of the speed. It would not be 'I'll have what she's having'; it would be 'I'll — have — what — she's — having', if you are lucky!



What we have here is a very disappointing, retrograde move to the Dark Ages by the federal coalition. If you read today's *Herald Sun*, you will find some interesting quotes from leaders in the sector as to what they think:

Streaming of live video — possible under Labor's plan — would be slower and of poorer quality under the coalition's. Independent telecommunications analyst Paul Budde said the coalition plan lacked vision and could not deliver 100 Mbps unless investors developed new technologies.

For those opposite who talk about the cost of living for families, consider this:

Household broadband fees would be also dearer under the coalition, he said.

Internet Industry Association head Peter Coroneos said the coalition's technologies had congestion problems, which meant the Internet slowed when too many used it.

'(It) will not position Australia at the forefront of leading economies', he said.

Experts across the board think the coalition's policies are retrograde. They endanger jobs in Victoria and, as the *Age* so succinctly put it today, they bring Australia back to the Dark Ages.

### **Rail: passenger information**

**Mr BARBER** (Northern Metropolitan) — My question is for the Minister for Public Transport, Mr Pakula, and it relates to the customer satisfaction monitor survey for January to March 2010, which I recently received under the Freedom of Information Act. It records a high level of dissatisfaction among customers on the train system with the amount of information about cancelled or delayed trains. In fact their level of satisfaction with that part of the service is 48.1 per cent, which is somewhat less than their satisfaction with cancellations themselves, at 55.5 per cent, and the running on time performance of the train system, at 61.2 per cent. Surprisingly, or perhaps not surprisingly, people are even more dissatisfied about not getting information on delays and cancellations than they are about the delays and cancellations themselves. By the way, that particular measure at 48.1 per cent has been in decline over the five years of data that is in the survey. Can the minister tell me what program he has in place to create improvement in this area?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Mr Barber for the question. I should indicate that in regard to train punctuality and performance it is encouraging that we are starting to see some significant and sustained improvement. It is important to note also that Metro Trains Melbourne, in

an effort to ensure that customers have up-to-date information about trains' performance and reliability, has now taken to presenting that information on its website on a daily basis. Previously, and under its franchise agreement, information needed to be posted once a month, but in addition to that Metro is now providing customers, both on its website and through the pages of *mX*, with a rolling 28-day average for the cancellation rate, which remains within the target. Last month 98.6 per cent of services were delivered. In regard to reliability, that number has been improving. I think as of today the rolling 28-day average was 86.6 per cent, which is still below the 88 per cent figure but is well in advance of the low 80s that we were seeing a few months ago.

In regard to information to passengers, Mr Barber is right when he says that passengers want more timely and better information when trains are delayed. Metro is rolling out new protocols in regard to its staff ensuring that they provide passengers with the best information they have. It is also in the process of rolling out new passenger information displays at some stations which have better and more up-to-date information on them and of updating the verbal announcements that are provided to passengers on both the trains and platforms.

### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — When we had that disaster last sitting week when one wire broke and the whole system packed up for the morning, I actually logged on to Metro's website, where it informed me that there was a problem. It also told me that most of the southern lines were likely to have major delays but the northern group was likely to be running correctly. That was the exact opposite of what transpired. I took off to Royal Park station and only as I arrived did another customer tell me that there were no trains running on the Upfield line. If Metro's website is wrong about its system during a crisis, how is the minister going to ensure that it makes certain that its own website is actually correct as to the unfolding circumstances?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Mr Barber for the supplementary question. As he would well know, the situation on 27 July unfolded pretty quickly, and circumstances and people's perceptions of them were changing as the morning went on. It is right to say that the impacts, where those impacts were most keenly felt and the operator's perception of them changed as more information came in.

In regard to Mr Barber's experience of the website, I do not know at what moment of the morning he checked the website, but I suspect that he would find that if he had looked at the website either an hour earlier or an hour later, the information would have been different.

**Mr Barber** — Yes, but I was leaving for work then.

**Hon. M. P. PAKULA** — I understand that, but probably Mr Barber would appreciate that — —

**An honourable member** interjected.

**Hon. M. P. PAKULA** — I was going to say that it is not all about Mr Barber; sometimes I think he might think it is.

I have had discussion. I spoke to Metro representatives, as I indicated, on the morning and made it clear to them that providing passengers with proper, up-to-date and correct information was a very important part of their navigating their way through the morning, and they understood that. Metro is investigating and attempting to understand exactly what information went out to passengers on the morning and how those systems can be improved. Technology, as the Minister for Information and Communication Technology has just indicated, is not always an exact science. It is not just about the systems you have, it is also about how quickly the information is fed through.

I think Metro will learn from the experiences of 27 July, and everybody there understands that providing passengers with the best information that Metro has as quickly as it can and through the most appropriate measures — whether that be through text services, the website or verbal information provided either by station staff or over the public address systems — is a very important part of the operator providing passengers with the comfort they need when they are undertaking their journey.

### **Planning: precinct structure plans**

**Mr EIDEH** (Western Metropolitan) — My question is to the Minister for Planning, Justin Madden. Can the minister update the house on how the Brumby Labor government is planning for new communities in Melbourne's growth areas?

**Hon. J. M. MADDEN** (Minister for Planning) — I thank Mr Eideh for his interest in this matter. I know that he is particularly interested in the growth corridor in his region and the announcements that have been made recently in relation to those growth areas. Members of the chamber will acknowledge, no doubt,

that last sitting week, when the planning scheme amendment to expand the urban growth boundary was before the Parliament, it was passed unopposed. That is certainly heartening for new home buyers and for young people who might want to enter the housing market in future years. They may not even be thinking about purchasing a home at this point in time, but as they reach the age when they want to settle down and take up that option there will be land available. In particular it will provide enough land to create in the order of 134 000 homes, and that will be incorporated into the urban growth boundary.

It is important that as well as providing affordable housing and opportunities for a diversity of housing choices we also ensure that we provide the livability for which Melbourne is well known and for which it is also appreciated around the world — not only as being the world's most livable city but as having some of the world's most desirable suburbs, well and truly, across the metropolitan area.

Part and parcel of the work we are doing in this space is the precinct structure plans. They are basically the master plans that provide the foundation for these new communities — not just housing estates but new communities — and they lay out parks, shopping centres, schools, housing, employment precincts, roads and connections to public transport.

The most recent precinct structure plan to be completed was for Melton North, which I announced last month, along with the member for Melton in the other place. As one of three new suburbs planned in the area, along with Toolern and Taylors Hill West, Melton North will be a significant addition to Melbourne's north-western corridor to meet the amount of demand and growth that is taking place there.

The completion of this precinct structure plan allows for 1300 new homes to come off the drawing board, and it will give in the order of 4000 people a place to live. Previously in this space there was no town or activity centre, but as part and parcel of the precinct structure plan there we will see access to a local town centre, including a supermarket, local shops, a community centre and local offices providing some localised employment. In addition residents will have access to ovals, cricket pitches, tennis courts, community centre facilities and a sports pavilion. It is a great outcome not only for the new residents but also for the existing residents in that corridor.

The approval of this precinct structure plan for Melton North means that the Growth Areas Authority has completed 14 precinct structure plans, with as many as

nine more expected to be completed by the end of this year. The Growth Areas Authority is on track to complete, I understand, 40 precinct structure plans by 2012. This will play a vital role in providing and planning new communities within Melbourne's expanded urban growth boundary.

Members can see that we are getting on with long-term planning to provide affordable and sustainable housing and sustainable growth and to complement and manage that growth. It is part and parcel of not only delivering housing for the future, maintaining our livability and improving our sustainability, but also complementing the work we have done to make Melbourne, Victoria, a great place to live, work and raise a family.

### **Financial services: government banking**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Minister for Financial Services, and I ask: why does the Victorian government use the New South Wales-based Westpac Bank rather than a Victorian-based bank for major banking activities by major government agencies?

**Mr LENDERS** (Minister for Financial Services) — I will take on board the question from Mr Rich-Phillips, which is really one for the Minister for Finance, WorkCover and the Transport Accident Commission, who administers contracts, But I will in good faith endeavour to answer his question.

It is quite a profound question coming from Mr Rich-Phillips, for a couple of reasons. Firstly, I think it is quite inappropriate when you are approaching a live tender for a minister to actually, when you are choosing between presumably four Victorian banks — if you are talking about ANZ, National Australia Bank, Bendigo Bank and Members Equity — have the question, 'Why aren't you picking one of those?'. When the minister for finance is about to enter a tender, I think answering that would be quite inappropriate.

The second thing I would say to Mr Rich-Phillips is this: while Westpac has its headquarters in Martin Place in Sydney, Westpac and its subsidiary, St George Bank, actually employ thousands and thousands of Victorians. The Victorian government puts out a tender and gets a good value-for-money proposition. I would think the opposition, which is always banging on about contracts and all these things, would appreciate a value-for-money and open tendering process.

But if Mr Rich-Phillips thinks there is something inappropriate or something suboptimal about a

Westpac employee and that an employee of ANZ, Members Equity, Bendigo Bank or National Australia Bank is in any way a better Victorian than an employee in any of Westpac's hundreds of banks in Victoria, then I would suggest to Mr Rich-Phillips that we operate in different universes.

### *Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his answer. Given his financial services strategy and that the minister himself has previously placed so much emphasis on Victorian-headquartered banks, I ask: why does he now not draw the same distinction that he drew six months ago when trumpeting Victorian headquartered banks?

**Mr LENDERS** (Minister for Financial Services) — I am surprised Mr Rich-Phillips has asked this question. I thought Mr Dalla-Riva was actually the shadow Minister for Financial Services. I am a bit puzzled, because yesterday Mr Dalla-Riva asked Mr Rich-Phillips's question and today they are swapping.

Let us go right back to the fundamental proposition that I made clear in response to Mr Rich-Phillips's substantive question. He said that I trumpet getting head office jobs into Victoria. Of course I do. Our financial strategy seeks to bring head office jobs and all financial services jobs into Victoria. But if Mr Rich-Phillips thinks the Victorian government banking contract work — which means every transaction for most of the 600-odd government departments and agencies around, but not all — is somehow going through Sydney, I think he would find that most of those jobs are actually being done in Victoria in this particular scenario. It is not at all in conflict with or contradictory to the proposal to bring more jobs into Victoria.

Of course it was Mr Rich-Phillips's hero, Jeff Kennett, who said, 'The financial services industry is lost. It has gone to Sydney. Why bother with things like call centres? It has gone to Sydney'. He put up the white flag. We on this side of the house have seen financial services jobs grow year by year — in fact to the point where I do not believe the Australian Bureau of Statistics figures, because they are so positive for Victoria. They cannot be that good!

What we are seeing is strong growth in the financial services sector, including in banking. In fact I was going to be opening a St George Bank branch in Keysborough on Friday, which I postponed because I

will be in this house. That is just an example of the financial services growth. We have St George Bank and we have the Bank of Cyprus. We have new banks coming into this state. We have existing branches growing. We are seeing financial services strength going up.

We have a financial services strategy that is delivering jobs to Victoria. I welcome any bipartisan support for that, but I say to Mr Rich-Phillips that what he has done here is, firstly, murkily go into the tendering process. I am sure that was not his intent. I do not think he would want ministers to start intervening in the live tender process — or one that is about to go live — of another minister. Secondly, I stand by my original answer: Westpac employees in Victoria are just as honourable Victorians as are the employees of the four Victorian-based banks — even though one of them had to fight off a run on it when shadow Treasurer Kim Wells went bonkers while trying to get a headline last year.

### Western Port: ferry services

**Mr VINEY** (Eastern Victoria) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister inform the house of what the Brumby Labor government is doing to improve transport connectivity to French and Phillip islands?

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank Mr Viney for the question. Last week I was very pleased to launch a new \$1.5 million catamaran that will link Stony Point to French Island and Phillip Island. I was on that vessel with a number of French Island residents. It is about encouraging tourism growth, but importantly also boosting transport connectivity.

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — You know what, Mr Finn? Residents of Phillip Island, French Island and Stony Point are Victorians too, and they are just as entitled to transport connectivity as Mr Finn might be.

Marine Victorian ferry *James Grant* began service on Friday. It is a fantastic vessel. It carries 110 passengers. It is better able to deal with the sometimes very choppy seas of Western Port bay. Some of the smaller ferries struggle with that. We are committed to linking rural and regional and metropolitan Victoria, and this is a new high-speed vessel that is great news not just for visitors but also for the residents of that part of this state.

**Mr Finn** interjected.

**Hon. M. P. PAKULA** — To take up Mr Finn's interjection, of course for most Victorians public transport is trains, trams and buses, but not for everyone, and for people who live on French Island and Phillip Island and for people who live at Stony Point, ferries are a crucial part of their daily commute.

We have worked for 15 years with Inter Island Ferries to maintain the Stony Point–French Island commuter route, and in 2008 we funded 18 new services of Inter Island Ferries to link up Stony Point with Cowes and with Tankerton on French Island. For those of us who enjoy that part of the state, Western Port bay is a very important part of what makes Victoria a special place. I know Mr O'Donohue, Mr Philip Davis and Mr Hall would agree with me that it is an important part of what makes Victoria special. It is important that it remains accessible for visitors and for residents of Phillip Island and French Island.

Members might like to know that the MV *James Grant* was named after the British Royal Navy officer and navigator who first mapped Western Port in the 19th century. That follows the tradition of naming the French Island ferries after explorers who mapped and navigated this part of Victoria. As a matter of interest, the previous vessels were named the MV *George Bass* and the MV *Matthew Flinders*.

I am happy to say that I now have a much better appreciation of the types of services that residents of French Island, Phillip Island and Stony Point need to ensure that they have connectivity. Johan Scheffer also has a much better idea, as he joined me on the maiden voyage last Friday.

### Australian Labor Party: policy development

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Treasurer, representing the Premier in this place, and I ask: will he outline to the house what protocols have been put in place to ensure that Victorian government resources are not used in developing election policy for the ALP?

**Mr LENDERS** (Treasurer) — I thank Mr Rich-Phillips for his question, and I am somewhat intrigued by it. If we are talking about Victorian government resources, I recall that the Department of Premier and Cabinet funds the Liberal Party and The Nationals opposition policy units to the order of about \$2 million to \$2.5 million a year, so I am assuming he is not referring to Victorian government resources being involved in policy work.

I am aware that there are some fairly clear guidelines across all of government that certainly the public sector would not be expected to do any partisan political work. The public sector, obviously, will always advise on policy options that the government is considering as a government rather than a political party. I would assume also that anyone employed who was doing that work — people have rights — would be doing it on their own time outside working hours.

I am intrigued and look forward to Mr Rich-Phillips's supplementary question, in which perhaps he could also outline what protocols the Leader of the Opposition, Mr Baillieu, and the Leader of The Nationals, Mr Ryan, put on that \$2 million-plus of public funding which funds their people and whether that goes to party political purposes.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I seem to have hit a raw nerve. I ask: will the Treasurer deny that the government is undertaking a third-round expenditure review committee process using Treasury resources with a view to feeding that directly into the ALP policy platform?

**Mr LENDERS** (Treasurer) — I genuinely do not know if I am intrigued or amused by Mr Rich-Phillips. Let me just take him and the house through what an expenditure review committee process is. We have had a long discussion here in the last day or so over, for example, policy initiatives. We constantly have discussions over policy initiatives that the opposition says the government should consider.

In a given year any of my ministerial colleagues will put forward propositions that they are seeking government funding for. Mr Jennings will, Mr Pakula will, Mr Madden will and I will — in all three of my portfolios. Then you have an expenditure review committee process. It is a government process. Without going into a cabinet process, government will always consider a proposal that comes from any minister, any department or any agency and look at it. It will put it forward, it will deal with it or it will ask for more work to be done.

There is nothing surprising about any part of government seeking to do work into the future. From Minister Pakula's point of view there will be numerous proposals under the Victorian transport plan. We have announced a 12-year transport plan, and there will be multiple ongoing pieces of work coming to Treasury and going back from Treasury and being worked on by

the Department of Transport and the Department of Treasury and Finance. It is a 12-year plan and proposals will come back and forth to government and at an appropriate time will attract funding. There is nothing unusual about that, and in fact with that sort of proposal you would expect government to be looking forward. A government that has long-term plans tries to cost those plans, fund those plans, work with those plans and at an appropriate time rank them against others and bring them forward in a budget or another economic statement when it has done that work.

If Mr Rich-Phillips thinks there is something out of the ordinary about the Department of Treasury and Finance costing programs into the future and presenting options to government, I do not wish to disillusion him. But this is something that has been happening during all of my term in government; it happened during the Kennett government; it happened during the Cain and Kirner governments; it happened during the Bolte, Hamer and Thompson governments; and it probably even happened before then. There is nothing unusual about government departments preparing costings for projects into the future.

That happens, always has happened and I suspect always will happen if you have plans for the future. But if you are an opposition that does not have any plans for the future, I guess the concept of doing work and costings for them is probably a bit surprising, as Tony Abbott just found when he took us back to the Dark Ages with his broadband.

**University of Melbourne: life sciences supercomputer**

**Ms MIKAKOS** (Northern Metropolitan) — My question is to the Minister for Innovation, Gavin Jennings. Can the minister update the house on how the Brumby Labor government, in partnership with Melbourne University, is taking action to progress the delivery in Victoria of the world's largest supercomputer dedicated to the life sciences?

**Mr JENNINGS** (Minister for Innovation) — I thank Ms Mikakos for her question, her interest in science and the opportunity to share information with all the tech-heads on the other side of the chamber. I am sure in the Victorian opposition there are tech-heads all round — people who are dedicated to the best science occurring in Victoria and indeed Australia. They want to make sure that we have great scientific research, great productivity, great sharing of information and great economic development across the country and across the world.

Scientific endeavour is the hallmark of why the Victorian Brumby government has invested \$50 million to support one of the world's largest computers being established at Melbourne University. It is a great partnership between not only the Victorian government and the University of Melbourne but, very importantly, also with IBM, one of the world's leading providers of computing capability. Within the next couple of years we will see one of the largest supercomputers on the planet being created in Melbourne.

I joined the Premier yesterday, with Professor Glyn Davis, the vice-chancellor, and Professor Peter Rathjen, the deputy vice-chancellor of Melbourne University, in celebrating the first stage of that supercomputer capability. The IBM facility, the Blue Gene/P supercomputer, which is —

**Mr Lenders** — How fast is it?

**Mr JENNINGS** — It is not quite the fastest yet, but it will be 800 teraflops in the near future.

**Mr Finn** — That's a lot of flops!

**Mr JENNINGS** — I know that is a lot of flops, and teraflops are very quick.

**Mr Finn** — And you know a lot about flops.

**Mr JENNINGS** — Indeed, Mr Finn you know a lot about a teraflop, too, because 1 trillion permutations is 1 million times 1 million permutations that can take place within 1 second. The only thing I know that operates as quickly as that is Mr Finn's mouth opening with interjections. That is the only similar comparison on the planet, so I know Mr Finn is an expert on teraflops. There is no doubt about it; we need an order of magnitude: it is 10 to the power of 12, which is 1 trillion, and that is actually pretty quick.

*Honourable members interjecting.*

**Mr JENNINGS** — Mr Finn is in a competitive environment up there on the back bench. I know there are a couple of competitors to get the world record for mouth-opening in the name of interjections. Nonetheless, he is a tech-head. I note that Mr Finn makes Mr Abbott look like a Luddite; there is no doubt about it.

**Mrs Peulich** — On a point of order, President, according to my reading of the standing orders question time is not to be used by ministers of the government to slate and criticise oppositions, which is clearly what the

minister is doing. I ask that you draw him back to the question.

**The PRESIDENT** — Order! I will take a moment to compose myself. The standing orders make it clear that there are a number of things that we should and should not do. Particularly during question time, there is always a bit of leeway given — by me, anyway — taking into account the circumstances in which things are said and delivered. I do not find anything that has been said by the minister in his answer to date that could be in any way a contradiction of the current standing orders. I am quite happy for it to proceed, and the house seems to be enjoying it as much as I am.

**Mr JENNINGS** — Thank you, President, because I was indeed complimenting Mr Finn. If in fact I was damning him with faint praise through comparisons with others, then I am sorry for any offence caused to Mr Abbott's bigger defender, sitting next to Mr Finn.

It is important that we develop the best science in Victoria and that we create the capacity and the capability to support our great researchers. At the event at the University of Melbourne yesterday not only were there were scientists from the university who operate within the precinct and people who operate in the medical research institutions, but it was estimated that about 33 per cent of the grants that are provided through the National Health and Medical Research Council to support medical research go to the people who were in that room, who make up one-third of the capability of Victoria's scientific base in terms of medical research. They had gathered for this important event.

In fact, it is a testament to the quality of our science and the collaboration that has occurred between the Victorian government, the university and IBM. Tilak Agerwala, who is a very senior person within IBM — a vice-president of research — had come from New York to Melbourne particularly for this event because he understands that the supercomputer is one of the three largest IBM computers that have been created. It is one of the top five computers on the planet, and as Ms Mikakos said in her question, it is the largest dedicated to life sciences technology. It is bigger than the computer operated by NASA, the National Aeronautics and Space Administration, in California. That shows the significance of this investment, and it was generated by the investment of the Brumby government, which committed to fund this computer. We look forward to the great work that will be undertaken with our partners in the years to come in the name of great science and great medical research.

**Ambulance services: employment conditions**

**Mr D. DAVIS** (Southern Metropolitan) — My question is for the Minister for Industrial Relations, Mr Pakula. I ask: is it Brumby government policy that key senior Ambulance Victoria officers, including mobile intensive care ambulance paramedics, should have their wages effectively cut by 7.5 per cent?

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — I thank Mr Davis for the question. This is a tactic he engages in quite regularly: he asks questions without providing any context. It might be that the Minister for Health is able to discern what Mr Davis is speaking about in the absence of Mr Davis providing any context, but as the Minister for Industrial Relations, a minister who is not responsible for Ambulance Victoria, I must confess I am unable to discern what Mr Davis is referring to when he asks a question in that way by making assertions and not providing any context. Perhaps when he asks his supplementary question — —

**Mr D. Davis** — On a point of order, President, the purposes section of the Public Sector Employment (Award Entitlements) Act 2006 states:

The purposes of this act are to —

- (a) ensure that Victorian public sector employers continue to provide — —

**The PRESIDENT** — Order! Does Mr Davis have a point of order?

**Mr D. Davis** — The minister is seeking to not respond to this in the sense that it is not his responsibility — —

**The PRESIDENT** — Order! Mr Davis is experienced enough to understand when he has or has not got a point of order. He does not have one at the moment. The minister is currently answering the question in the way he sees fit, and that is all I can adjudicate on. Mr Davis might like to listen to the extent that he wants an answer to the question.

**Hon. M. P. PAKULA** — As I was concluding by saying, perhaps in his supplementary question Mr Davis might like to provide some context so a more fulsome answer might be provided either by me or by the Minister for Health.

*Supplementary question*

**Mr D. DAVIS** (Southern Metropolitan) — My supplementary question first makes the point that the minister has responsibility under the Public Sector

Employment (Award Entitlements) Act 2006 to ensure that Victorian public sector employers continue to provide fair minimum employment conditions and that a fairness test is applied by those public sector employers — —

**Mr Lenders** interjected.

**Mr D. DAVIS** — The Treasurer may laugh, but this is a very serious matter. I therefore ask: is it Brumby government policy that the unfunded costs of the merger of the Metropolitan Ambulance Service and Rural Ambulance Victoria should be made up by slashing the wages and bonus pool of senior ambulance administrators and paramedics?

**Hon. M. P. PAKULA** (Minister for Industrial Relations) — I am always grateful when the opposition deigns to raise the issue of industrial relations in this chamber, and particularly the difference between this government's approach to negotiating collective agreements with public sector employees — and more importantly, the government's approach to collective bargaining more generally — and the slash-and-burn approach which was implemented by the opposition when it was in government and is advocated by its federal counterparts.

This government is committed, as it has always been, to negotiating fair and decent collective agreements with public sector employees. The government is committed to recognising unions, unlike the member for Warrandyte in the other place, who is the shadow Minister for Industrial Relations. He has already stated on the record his belief that unions are irrelevant in this state. For Mr Davis to come in here and try to pretend that he has had some Damascus-road conversion and has suddenly become the upholder of fairness in the workplace is a joke that all Victorians will see through, including employees and senior executives of Ambulance Victoria. The federal Leader of the Opposition, Mr Abbott, might be out there now trying to say that WorkChoices is dead and buried, but we know he leaves open through regulation and amendment the prospect of returning to the dark days, not just in telecommunications but in industrial relations as well — —

**Mr Viney** interjected.

**Hon. M. P. PAKULA** — Indeed, as Mr Viney says, or in privatising ambulances.

We are more than happy to stand on our record of negotiating collective agreements fairly and openly with public sector employee representatives and with their unions to ensure that fairness continues to be a

part of Victorian workplaces, whether it be in the private sector or the public sector.

**Insurance: fire services levy**

**Mr HALL** (Eastern Victoria) — My question without notice this afternoon is directed to the Treasurer. The Treasurer would be well aware of The Nationals' long-held view that the fire services levy should be related to property ownership rather than to property insurance. Given that the 2009 Victorian Bushfires Royal Commission has recommended the fire services levy should be a property-based charge, and further given a recent report commissioned by the Insurance Council of Australia which, using government data, concluded Victorians would be largely better off under a property-based system, my question to the Treasurer is: why is the Brumby government steadfast in its opposition to change as recommended by the royal commission?

**Mr LENDERS** (Treasurer) — I thank Mr Hall for his question. He opened up by talking about The Nationals' policy, so I think that gives me an opportunity to reply to it.

Let me put on the record that the fire services levy is an issue of some controversy, and this government has embarked on a green paper process taking into account the Henry tax review, the Teague royal commission and a time line of change. That process is in place and is part of a community consultation — in fact, the replies from the community closed only a few weeks ago. A process is in place, so if Mr Hall is talking about bona fides, they are there. As he well knows, the government has accepted 59 of the 67 recommendations of the royal commission. Because the one on the fire services levy is complex, we will deal with it shortly.

However, Mr Hall opened his question by talking about what The Nationals were doing. For the record I refer to *Hansard* for the Legislative Assembly of 14 April 1992 when the National Party, as it was then called, was last in opposition. At the end of the time of the Cain and Kirner governments the Leader of the National Party, Pat McNamara, got up in the Assembly and said:

...we suggested a more equitable assessment to address the anomaly —

that is, a fire services levy —

Various models could have been selected by the government. We said that any assessment to determine a uniform rate to levy fire services should be on the basis of the value of net property improvements.

In effect the then National Party said, 'This is an inequitable system and when we get into government we will act'. In October 1992 there was a change of government, and the National Party, through Pat McNamara and Bill McGrath, held the emergency services portfolio for the entire seven long years of the Kennett-McNamara coalition government.

What happened during the seven long years of the Kennett-McNamara coalition government? Two former National Party ministers spent seven years vigorously defending the fire services levy at every single opportunity. For seven long years they defended the fire services levy. Then when the National Party, now The Nationals, is in opposition, what does the Leader of The Nationals in the other place say? It is almost unbelievable. Peter Ryan is saying exactly what Pat McNamara said in 1992. He says, 'The fire services levy is inequitable and better things can be done. What are we going to do after the election? We will have an inquiry and look at it'. The irony is that Mr Hall opened up with a long-held National Party view. On 14 April 1992 the then Leader of the National Party in very similar circumstances said these are the issues.

None of us is blind to the fact that the fire services levy has its faults, and that is why we set up a green paper process. None of us is blind to the fact that there are a series of issues that need to be addressed, and that is why we have a green paper going forward to deal with it. The Nationals come in here today and say that the royal commission's recommendation is the panacea to fix it. The royal commission's recommendation says, 'Go to a property levy with a concession' and then, in the text of the 900-page report says, 'This is very complex' — there are four pages on it — and 'You need to work out the detail and design features'.

The Nationals never come forward with a design feature. The royal commission says there should be a property-based levy. Are we talking about a flat rate where the owner of a mansion in Toorak pays the same as the first home buyer in Traralgon? Are we talking about that? Members of The Nationals may have a view, but they hide it. Are we talking about the same rate for industrial and residential property? Are we talking about the same rate in a Metropolitan Fire Brigade area and a Country Fire Authority area? Are we talking about organisations that do not insure, like petrochemical plants? Are we talking of them being picked up in this levy? There are multiple scheme variations. Are we talking about a concession for a multinational company to come into the country, or are we talking about a pensioner under commonwealth or state legislation?



All of these are design issues which, if members of The Nationals had bona fides, they would come forward with. If they think there is an instant solution on design, they should come forward with it. If they think it needs a more mature approach and they need to work through the green paper process — and the government holds out its hand to parties opposite if they are trying to find a way through this difficult issue — we will work with them.

It is very easy for Mr Hall to get up and say, as the then Leader of the National Party did on 14 April 1992 when he used almost exactly the same words as the Leader of The Nationals is using today: ‘This is the wrong system. We need to do something to make it more equitable’. But for seven long years the National Party defended the fire services levy because it said there was no alternative, including a property-based levy.

That is before us, so I look forward to Mr Hall’s supplementary question. While he is on his supplementary question and talking about dealing with the industry, perhaps he could also elucidate on how The Nationals as a shadow cabinet or a cabinet could possibly navigate through this issue with all the conflicts of interest the leader of the coalition has in the banking and insurance sector.

*Supplementary question*

**Mr HALL** (Eastern Victoria) — I could well comment in depth about the Treasurer’s response. Conveniently he did not refer to my personal submission in 2002 to a government inquiry on this matter. If the Treasurer thinks he has not got the ability to work through a model, we will welcome having some input into that process. By way of a supplementary question, the Treasurer indicated that the government was working through a green paper process and expected to come to some resolution. Can the Treasurer at least give us a time frame in which the government will finalise a green paper process and announce the outcome of that to the public, and when will it make a decision about recommendation 64 of the royal commission?

**Mr LENDERS** (Treasurer) — I am disappointed by Mr Hall’s rhetorical question. I thought he had actually read the green paper. If he reads the last paragraph, he will know that there is a time line. There is a specific time line that was put in place when the green paper was released.

**Mr Hall** interjected.

**Mr LENDERS** — Mr Hall wants to be reminded. The time line is within six months of the report of the royal commission. That was in the green paper released over a year ago.

**Mr Koch** interjected.

**Mr LENDERS** — Mr Koch, come in spinner! What I would say to Mr Hall and Mr Koch is: if they have an alternative plan, they could and should take up the four pages of the royal commission — —

*Honourable members interjecting.*

**Mr LENDERS** — I take up Mr Koch and Mr Hall’s comments. If they have an alternative plan, then it has been hidden since 14 April 1992 when a former Leader of the National Party said, ‘We have a plan. We will do it when we get into government’, and then spent seven years defending the then fire services levy.

If Mr Hall has an alternative plan, good on him. He should bring it forward and come out and have the debate. Otherwise, he should try and work in a bipartisan way. The government will always hold out the hand of bipartisanship, particularly on issues from the bushfires royal commission. But it is interesting that the first you hear from The Nationals on this issue is their leader in the other place, Mr Ryan, on radio calling on the government to be bipartisan when The Nationals have put forward no plan to be bipartisan with. I am sure if he came forward with a plan, as Mr Hall did — and perhaps it was the 2002 plan that his leader rejected for the next seven years — I can imagine what his coalition leader in this house, Mr David Davis, would do. If Mr Hall had a plan, Mr Davis would straightaway attack it and say it is an impost on consumers.

There is an opportunity here for The Nationals to come forward with their plan. It needs to be something a bit more than, ‘We will look at it when we are in government’ because, frankly, that is what the National Party promised on 14 April 1992. It spent seven years doing nothing about it and since then has been calling for it to happen again. I suggest that Mr Hall’s submission in 2002 may have been very good, but his leader ignored it for seven years. I suggest that if he has an alternative, he should bring it up and do what the royal commission asked — develop the detail; not talk in platitudes, but come up with a detailed plan. I suggest that he not resort to the Pat McNamara defence of 14 April 1992 of ‘We have a plan. We will do it when we are in government’, and then do nothing for

seven years. That is what the Nationals did, and I suspect that is what they are planning to do again.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 10 255, 10 438, 10 532, 10 648, 11 077, 11 078, 11 084, 11 102, 11 103, 11 288, 11 293, 11 375, 11 393, 11 394, 11 553, 11 570, 11 602, 11 705, 11 867–75, 11 877, 11 878, 11 907, 11 910, 11 912, 11 913, 11 937, 11 954, 11 955, 11 969, 12 035–43.

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

## MEMBERS STATEMENTS

### Housing: homelessness strategy

**Ms LOVELL** (Northern Victoria) — Last week was National Homeless Persons Week. It was a week in which I thought the housing minister may have released the long-overdue Homelessness 2020 strategy. However, during the week I was disappointed to receive a letter from the minister confirming that he has no intention of releasing the Homelessness 2020 strategy until later in the year.

The Minister for Housing, Richard Wynne, is happy to flout his ministerial responsibilities while thousands of Victorians are forced to sleep under bridges, in cars and in tents, which leads Victorians to suspect that he may be delaying the release of this strategy, written by the department, to present it as Labor's election policy rather than ensuring that such an important issue is dealt with immediately.

The strategy is more than 70 days overdue, according to the deadline of May 2010, which was outlined on page 2 of the Homelessness 2020 discussion paper. A draft strategy was due to be released at the start of 2010, but it is now August and neither of these documents have been released. The housing minister's failure to meet deadlines for the draft strategy and the final strategy shows a complete lack of commitment to assisting vulnerable families. Let us not forget that the last census identified 23 300 homeless Victorians, with more than 2200 of them sleeping rough on any given night. The minister has a tradition of being late and sloppy with deadlines. It took him 1264 days to produce the integrated housing strategy, and even then it was nothing more than a series of aspirational statements rather than strategies or actions.

New public housing waiting figures released last week revealed that 1223 additional families have joined the waiting list, bringing the total to 41 017 vulnerable families waiting for public housing in Victoria. Victorians are facing a housing crisis in home ownership, private rental and public housing, and the lazy minister continues to fail to be accountable.

### Old Calder Highway: maintenance

**Mr DRUM** (Northern Victoria) — It has come to light that the Victorian Labor government, through VicRoads, has been trying to push responsibility for the ongoing maintenance of the Old Calder Highway onto the Shire of Mount Alexander. The shire has been told that future maintenance costs for the northern section of the Old Calder Highway from Castlemaine through to Harcourt are to be pushed back onto the council. This decision will cost the Mount Alexander shire approximately \$200 000 a year, and the ratepayers will be forced to pick up that cost. That will mean a 2 per cent rise in rates for that region.

The member for Bendigo West, the Minister for Police and Emergency Services, Bob Cameron, in his usual manner has refused to help in this matter and more than likely is working against the local council at Castlemaine. Together with The Nationals candidate for Bendigo West, Steven Oliver, I recently met with the Mount Alexander shire, and it was made clear to us that if the Old Calder Highway maintenance and upkeep was forced onto the local council, the council would join the 18 small rural councils that are now being forced to go public about their unsustainable financial future.

Other parts of the Old Calder Highway have recently had their four lanes painted out and repainted with two lanes, as VicRoads was trying to have us all believe the highway is just a local road these days. However, that was very much brought to the fore by the local council and the local community, and the hugely embarrassed government and VicRoads had to repaint those sections as a four-lane highway.

This really is one of those issues that will present people in the Mount Alexander region and the people of Bendigo West with a very simple choice come November: they are either going to have more of the same with Bob Cameron or a genuine alternative in Steven Oliver. I think I know which way they are going to go.

### **Australian Labor Party: Young Labor**

**Mr MURPHY** (Northern Metropolitan) — On 14 July, together with Anthony Carbines, the Labor candidate for the federal seat of Ivanhoe, I hosted an evening with Young Labor members from Melbourne's northern and north-western suburbs at La Porchetta restaurant in Ivanhoe. It was an impressive turnout for a cold and wet winter's night in Melbourne, and the weather did not dampen the spirits of those gathered to hear the good word and show their support for the Labor Party in Melbourne's northern suburbs.

I was extremely impressed by the enthusiasm and passion that young members of the ALP in our community have for politics in Victoria and Australia as well as for a slice of pizza with all the toppings. Being politically active in our community is not the trendiest thing to do, especially in today's society, given the choice of entertainment and lifestyle engagement available. Regardless of their political persuasion, it is important that we support the efforts of young people in gaining and maintaining an interest in the democratic process in our society.

What left the most lasting impression on me that evening was the diversity of backgrounds and cultures in the room. It was difficult that evening to find two people who represented a similar background, and this is something that ought to be celebrated. It gives me great confidence that, as we move forward into the second decade of this century and beyond, we have young people from all walks of life getting involved in our democratic society and truly representing the new Australia. I look forward to having many of them elected to public office in the future to help shape and govern our ever-changing and ever-growing diverse democracy.

### **Consumer affairs: car rental insurance**

**Mr VOGELS** (Western Victoria) — It has been brought to my attention that there are serious flaws with car rental insurance — that is, the transparency of dealings. Often small print and complex and confusing contracts obscure important terms. Renters are often unaware of serious gaps in coverage and unaware of exclusions being buried in the small print rental agreement. It is difficult enough for renters who understand and read English to navigate their way through the fine print, but what about the position of tens of thousands of overseas visitors who have no English at all?

Recently I was made aware of an incident in which a family hired a rental car to spend some time in country Victoria. Their farm-stay visit included accommodation which was half a kilometre up a local gravel road from the main bitumen road. An accident occurred on this local gravel road, and to the visitors' dismay the car rental insurance policy somewhere in the fine print excludes insurance if the accident occurs on a gravel road. These people are now thousands of dollars out of pocket due to not carefully reading the fine print. Anybody who understands country Victoria would realise immediately that if you want to holiday in country Victoria and visit tourist spots, you will travel at least some kilometres on a gravel road — for example, to a vineyard, a fishing spot or a national park.

Consumer Affairs Victoria should ensure that at the very least car rental firms set out in plain language exactly what the requirements are for rental vehicles, including information on liability due to vehicle damage so that there are no surprises if an accident occurs.

### **Australian Labor Party: election preferences**

**Mr GUY** (Northern Metropolitan) — Much is made in this chamber about deals and supposed preference deals, so I thought I would look at some facts that have come out of the current federal election campaign and what needs to be disclosed about the upcoming state election campaign. It is pretty clear that the federal Labor Party has come clean on its deal with the Australian Greens, much to the chagrin of many of its members in this chamber. I want to know what deals Premier Brumby has made with the Australian Greens that he is going to own up to.

Let us look at the federal seat of Melbourne. Labor has hysterically attacked the Liberal Party for putting the Greens at no. 6 in a seven-member field. Where has the Labor Party put the Greens on its ticket? Is it no. 4 of 7? No. Is it no. 3 of 7? No. In fact it is no. 2 of 7, which is quite astounding, because Labor's how-to-vote card shows the Greens are no. 2 on the Labor ticket in 34 of 37 seats, and directly preferred in the Senate. It is no wonder that Victorians distrust this government when its arguments are built on mistruths. The real questions Victorians want an answer to are: under a Labor-Green accord whose policies are going to apply? Whose policies will apply in planning, in bushfire back-burning, taxation redevelopment, congestion charges and farming practices?

### **Keon Park Stars Junior Football Club**

**Ms MIKAKOS** (Northern Metropolitan) — I was greatly honoured to recently have been made a patron of the Keon Park Stars Junior Football Club. The club encourages young people to participate in a sport that teaches them responsibility and commitment, builds their confidence and teaches them important lifestyle values, such as goal setting and dealing with winning and losing. The club is located within one of my electorate's most socially and economically disadvantaged areas, with a large proportion of players being from Koori families. I acknowledge and appreciate the club's continued efforts to provide recreational opportunities to our local youth. They represent the dedication of community members to improving local amenities and building a closer and friendlier local community.

I congratulate the Keon Park Stars Junior Football Club, president Michael McAuliffe, vice-president Darren Barker, a longstanding member of the club, John Nugent, who has been a passionate advocate on behalf of the club, the other members of the committee of management and active members on being such an important organisation in our local community. I wish them well in the future.

### **Broadmeadows Historical Society: World War II memorial**

**Ms MIKAKOS** — On 20 July I was pleased to attend a gathering of members of the Broadmeadows Historical Society and other dignitaries at the unveiling of a World War II memorial plaque at the war cenotaph in Westmeadows in memory of 28 local World War II servicemen and servicewomen. The society and its members, in particular president Alan Whatman and secretary Elayne Whatman, have worked hard over many years to build an interest in the history of Broadmeadows and the surrounding area. Both have contributed to a growing membership and expanding collection of records and memorabilia. The society has an extensive local history database and provides a family research service to the community, which helps provide people with a fascinating insight into our past.

### **Australian Labor Party: federal leadership**

**Mr FINN** (Western Metropolitan) — This morning whilst preparing for another day in the adventure that is life in the Legislative Council I received a text message from an old mate of mine. Bobby is a former Cairo taxidriver and still drives like one, but we share a deep mutual love of the Richmond Football Club. He is a good bloke and has been a mate of mine for over

25 years. The trouble is that Bobby has one major flaw — he is a Labor man. I mention that because the text he sent to me this morning reads, 'Good morning, mate. It scares me to think Mark Latham could have been PM'. I shot Bob back a text reminding him that he had voted for Mark Latham to become Prime Minister.

It got me thinking about all those Labor types currently bagging Mad Mark who were just a few short years ago his greatest supporters. The current Prime Minister helped put Mark Latham in the Labor leadership; she was going to be his health minister. He had the full backing of the current Deputy Prime Minister, and even Kevin Rudd backed him in those days. The highest position of political leadership in this nation was going to go to Mad Mark Latham with the support of the ALP. How can we hand the future of Australia over to people who were just a few years ago at one with Mark Latham? How could we trust these people with the keys to government when each and every one of them wanted to put Mark Latham in the Lodge? The nation and its people are too important to let this mob of whackers run the show any longer.

### **Fishing: banded morwong**

**Mr HALL** (Eastern Victoria) — A constituent of mine in Lakes Entrance, Tony Kazakas, is a professional fisherman who has a permit to catch a fish species called banded morwong. Tony helped develop this fishing industry. Banded morwong are caught and sold live in the fish market and then directly to retail outlets. It is an expensive fish, but it is also an expensive process to catch and keep the fish alive. For some years Tony has worked with the Department of Primary Industries to ensure that appropriate measures are in place to guarantee that the fish stock is sustainable, and indeed that has been achieved over a period of years. To date, fishing for banded morwong has operated on a permit system, and Tony now seeks some cooperation from the department to change from a permit system to licensed fishing system. He believes, and I support him in this belief, that would give the morwong fishing industry a more secure future.

Today I stand in the Parliament to support Tony Kazakas in his efforts to negotiate with the Department of Primary Industries to change the arrangements through which this particular fish stock is caught. As I said, morwong fishing is an important activity, and I commend Tony for what he has done in years gone past to ensure that morwong fish stocks are kept at a sustainable level. I urge the government to accept and support Tony in his endeavours to change the system

for morwong fishing from a permit system to a licence system.

### **Country Fire Authority: Lethbridge and Maude brigades**

**Ms TIERNEY** (Western Victoria) — On Sunday I represented the Minister for Police and Emergency Services, Bob Cameron, in handing over two medium tankers in the Golden Plains shire. The first tanker was handed over to Yvonne Perdrisat, the first woman captain of the Lethbridge Country Fire Authority (CFA) brigade. Yvonne is a driving force in the local community. Lethbridge is an extremely active community and had raised more than \$53 000 towards the cost of the vehicle.

The second ceremony was held in Maude, where I handed keys to brigade captain David Stephens. At both community gatherings we paid tribute to those who have worked tirelessly to raise funds and have volunteered their time and skills to the CFA. Both functions were well attended and all ages were represented, signifying that generational community custodial responsibility continues to be evident in Maude and Lethbridge. I thank the community members who approached me to talk about the recommendations of the bushfires royal commission. All those people indicated their support for the current round of community consultations and were looking forward to attending the session at Rokewood.

### **Stony Rises Project**

**Ms TIERNEY** — On 22 July I had the pleasure of officially opening the Stony Rises Project at the RMIT Gallery. Stony Rises is an area south-east, south and south-west of Lake Corangamite, with a vast number of basalt rocks as a result of volcanic activity. The project brings together 10 contemporary artists and designers, including interpretations of various layers of narrative of the place, geology, history and literature. The exhibition is on at the RMIT Gallery until 11 September and will then tour regional Victoria. Along with a number of other people in western Victoria I look forward to the exhibition appearing in western Victoria.

### **Health: federal government plan**

**Mr D. DAVIS** (Southern Metropolitan) — The issue I raise today is about a memo that has come into my possession. It is an in-confidence memo from Peter Broadhead at the Australian Capital Territory Department of Health and it relates directly to a meeting held between senior bureaucrats in the

department in Canberra and bureaucrats from Victoria, including the Secretary of the Department of Human Services, Fran Thorn. This is summarised in a presentation that John Brumby ought to release and make public, because it points to serious flaws in the health system and in the agreement that was signed by Kevin Rudd and John Brumby and it points to the impact that this will have on Victorians.

In the notes that have been summarised by Mr Broadhead and circulated within the commonwealth department one point refers to the Victorians having raised a number of real issues, such as the small rural hospitals that may lose their boards under the Rudd-Gillard health plan — the one that Mr Brumby has signed on to. The six specialist services, including the Royal Women's Hospital, the Royal Children's Hospital, the Royal Victorian Eye and Ear Hospital and the Peter MacCallum Cancer Centre, might be merged into some broad network, so we could lose the identity of the Royal Children's Hospital, the Royal Women's Hospital, the Royal Victorian Eye and Ear Hospital and the Peter MacCallum Cancer Centre. It is a disgrace. John Brumby should not have signed this deal without guaranteeing the future of the Royal Children's Hospital and those other specialist services.

Equally the network of Medicare Locals will destroy our community health sector if they are implemented as the commonwealth currently proposes.

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

### **Unilever Australasia: Tatura plant**

**Ms DARVENIZA** (Northern Victoria) — Last Thursday I was pleased to visit Unilever Australasia's plant at Tatura with the Minister for Regional and Rural Development, Jacinta Allan, to announce the creation of a new Lipton chai latte production line, creating 10 new jobs. With strong support from the Brumby Labor government, Unilever Australasia has invested \$1.2 million in this project. Unilever showed its commitment to regional Victoria and Tatura by choosing to manufacture this product at its Tatura site rather than importing it from Indonesia. This is a real boost to Unilever's production at the Tatura plant with the goal being to export the product to Japan as well as being able to sell the product domestically.

Unilever is a major employer in the greater Shepparton region. It contributes directly and indirectly to the local economy. It employs 300 people and manufactures over 70 000 tonnes of finished product. The funding to

Unilever will be provided by the Brumby government through the regional investment initiative. This investment initiative demonstrates our government's vision to drive prosperity and opportunity across regional Victoria.

### **Schools: building program**

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to raise two matters that are of significant concern and relevance to the upcoming state election. First of all it is imperative that the Minister for Education and the Treasurer promptly release the details of the Building the Education Revolution program, because questions have arisen not only about the availability of funding but also its mismanagement. What this has meant is that commitments to the phased rebuilding of schools have now been undermined because the BER funding is being counted in the total amount of money that is being set aside for the redevelopment of certain schools. In the Assembly electorate of Mordialloc some schools have been promised a complete rebuild but have been only half finished. Dingley Primary School is one school in this situation and Parkdale Secondary College is another.

This information needs to be released as soon as possible so that school communities can understand exactly how these figures are being fudged and how the promises are not being honoured so that they can vote accordingly.

### **Moorabbin Airport: traffic volume**

**Mrs PEULICH** — Another matter of interest is the federal Greens policy announced recently which includes the Greens' plan to support the closure of Essendon Airport. That will have very dramatic consequences for the federal electorate of Isaacs and the state electorates of Mordialloc and Carrum because it will double aviation capacity at the Moorabbin Airport and it will bring in more trainer flights, which are of course a huge concern for the local community in terms of safety and amenity. We saw the most recent example of that only a few days ago when a plane landed in a backyard. It was only for the sake of God that no-one was killed.

### **Edenhope and District Memorial Hospital: centenary**

**Mr KOCH** (Western Victoria) — I would like to highlight the performance of the Edenhope and District Memorial Hospital. It offers a high standard of care to rural Victorians who would otherwise be forced to travel over 100 kilometres to Horsham for treatment.

Many of the services offered at the hospital in Edenhope are not offered at larger hospitals. Some of those services include chemotherapy, haemodialysis, speech therapy and residential aged-care facilities.

I recently attended the hospital board's annual dinner, and I am convinced that the high standard and the vast scope of facilities available at the hospital are a direct reflection of the dedication and work undertaken by these committed individuals.

Edenhope and District Memorial Hospital celebrates its centenary this year. The combined services of three of its nine-member board totals 100 years. John Warner of Powers Creek recently retired after 34 years of dedicated service to the hospital. His fellow board members Jan Grigg and Cr Ron Hawkins have similar lengths of service. These are extraordinary milestones for all concerned and probably represent unparalleled periods of service by community members.

The strong community support of locals has also contributed greatly to the hospital's extraordinary levels of service. Newly appointed CEO Emma Kealy was born in the hospital 33 years ago and, interestingly, her grandfather was one of the first babies born in the hospital 100 years ago. Edenhope and District Memorial Hospital's links to its community go back generations. I congratulate all involved with the hospital on their centenary of achievements.

### **Kilmore: link road proposal**

**Mrs PETROVICH** (Northern Victoria) — My matter today relates to the ill-conceived linking Kilmore project and relates to the appalling lack of public consultation regarding this proposal and the underhanded approach of the government in selling this project to the Kilmore community.

Mitchell Shire Council's rejection of the Kilmore link road project sends a strong message to the Minister for Roads and Ports, Mr Pallas, and the member for Seymour in the other place, Ben Hardman, about the importance of consulting with communities before embarking on major projects. I agree with the Mitchell Shire Council's decision to support the views of the community and reject the link road MOU (memorandum of understanding), but I also strongly believe that much stress and concern could have been avoided and a more positive outcome achieved if the community had been consulted much earlier in the process.

We are back to square one on Kilmore's traffic issues and we need to inject some proper planning and

common sense into this situation. A recent telephone poll indicated that 36 per cent of respondents supported the link road despite the attempts of the Brumby government and VicRoads to bundle it inside a goodie bag of 16 associated road and street-scape improvements for which funding is not yet secured.

I congratulate Mitchell Shire Council and the Kilmore community for refusing to be held to ransom by the government and VicRoads with their all-or-nothing approach to the link road proposal. I would like to express my disgust at the proposal that if council did not sign the MOU it would get nothing. I welcome the announcement that long overdue traffic lights at the corner of Sydney and Union streets will be installed, and I will be pushing for this work to be completed without delay. I hope the Minister for Roads and Ports will now show some respect for the majority view of the Kilmore community and undertake appropriate studies to determine a way of safely transporting heavy vehicles — —

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

### **Victoria University: administration**

**Ms HARTLAND** (Western Metropolitan) — On Saturday I attended the national tertiary union's picket line at Victoria University, because as a former Victoria University student I know how important VU is to the western suburbs. In 2000 I completed the community development course as a mature-age student who could not have done it without the good staff-student ratio, high-level staff access and a lot of support services. VU is not like other universities. It was formed with a unique purpose: to provide education to an area that was missing out. The university should be providing the best possible wages and conditions to staff so they can do their job to the best of their abilities.

However, actions taken by the university are undermining staff and will decrease quality of education in the western suburbs: job cuts to over 250 staff, introduction of large class sizes, campus closures, course cuts and fewer student services. I will continue to stand up for the staff and students of Victoria University to ensure that the west gets the high-quality education opportunities it deserves.

## **2009 VICTORIAN BUSHFIRES ROYAL COMMISSION: FINAL REPORT**

### **Debate resumed from 10 August; motion of Mr JENNINGS (Minister for Environment and Climate Change):**

That the Council take note of the 2009 Victorian Bushfires Royal Commission final report.

**Mr DRUM** (Northern Victoria) — It is a great privilege to be able to stand in Parliament and comment on the royal commission report, because we all know that it has taken some 18 months and cost millions of dollars to put together. We know that hundreds of witnesses were called and thousands of pages of evidence were taken and recorded, and we all received a copy of the five-volume report. It certainly is a very dramatic read, as members will see when they go through the various volumes.

The motion to take note of the report provides a very solemn opportunity to go through and have a look at what the main recommendations are and at the approach of the various sides of this Parliament in terms of their attitude to how the report should be treated. Above all it is an opportunity to reflect on the lives that were lost on Black Saturday — the 173 people who were lost and the families who will never be the same. Thousands of Victorians were traumatised by the fires and lost relatives, friends and workmates, and thousands more lost property, housing and the like. They were survivors, but they are victims just the same, and in some respects their immediate needs is the point being missed by a lot of people who have contributed to the debate. There is still a very expansive range of immediate needs that are yet to have been met.

Some people survived by getting off the mountains at Kinglake early. Some people escaped from Marysville when they saw the flames coming over the ranges. Some people simply ran for their lives at the last minute. As was referred to in the first dot point of recommendation 1, people were not warned about the ferocity of these fires in advance so that they could get away. Going into the future, we have to make sure those warning signals are in fact put in place.

In my home town of Bendigo the incident control centre had no idea what the fire trucks at the flames were doing, even though they were only 2 kilometres away. Communications totally broke down on the day. We had warning systems that were not in place as most Victorians would have expected them to be. When you have communications not working at all, it certainly is a monumental failure on someone's part. That needs to

be fixed and those systems put in place so that when we go through this again — and there is nothing surer than that we will go through it again — we have made sure we are better equipped than we were on that day.

On recommendation 3 — that the state help local councils establish planning contingencies that will make our communities more bushfire ready — if the past is any indication of future behaviour, we are in a bit of trouble there. For years this government has been told and warned about planning contingencies in terms of what the government has to do to make Victoria more fire ready. That simply has not been done. I will mention this again later in relation to one of the other recommendations, but primarily we are talking here about the cool burns — the prescribed burns for fuel reduction purposes. They simply have not been done. It does not matter how many times this government is warned; it seems to find a way of avoiding the responsibility of reaching respective targets that have been put before it and that it has acknowledged as being fair and reasonable.

I go to recommendation 27, which in relation to the single wire earth return, or SWER, lines recommends that they be progressively replaced, and again this is where the recommendations from the royal commission have now just been played for politics. This is the same government that on 28 August last year came in with the fact that these SWER lines could effectively be put underground for something in the vicinity of \$4.7 billion. Yet now, because the government does not want to do this work but wants to buy some time, it has come up with the magical figure of some \$60 billion to get the SWER lines underground. Again everyone reading the report from the royal commission would acknowledge that it includes the word 'progressively' when it recommends that the lines be put underground and also talks about their being put underground when they become ready to be replaced. But again we have a government that wants to go out there and be totally deceitful and misleading, and it has in effect come up with a figure that is going to shock people and have them say, 'We can't possibly expect the government to spend \$60 billion, so we will forgive it for not doing this work'.

The government has to understand that there is a genuine cost in doing nothing, and that cost was borne out by the mop-up. The sheer economic cost of what we experienced on Black Saturday was well over \$4 billion, to say nothing of the social cost, the cost of lives, the cost of trauma and the cost of the whole disaster that affected Victoria in February 2009. Victorians will judge this government by its actions,

and people will soon realise that the cost of doing nothing is going to outweigh the cost of accepting some of these recommendations.

Recommendation 46 covers the retreat and resettlement strategy to assist the families who for their own grieving reasons simply cannot rebuild. It refers to where there is a need for the government to step in and allow some of the victims the chance to start again somewhere else where the memory of Black Saturday might not be so raw. I think it is a very understanding recommendation.

Obviously the commission heard countless witnesses who have gone through the grief and have gone through that grieving process with the royal commission and have laid it on the line. Mr Hall was I think the first member in this chamber to raise this issue in the aftermath of Black Saturday, when constituents were coming to him in his electorate saying that for the most agonising personal reasons they were going to be simply incapable of rebuilding where their house once stood, and they needed to get away. If there was going to be a quantum of people with the same issue, obviously housing prices and land and asset prices in that area were going to plummet — they would go through the floor. The concept was that the government could step in and maintain the value of the land in that region.

I think it was a very credible request by Mr Hall, who could not even get into the door of the Premier to put this forward, and now we have a very similar concept — it is not exactly the same, but it is very similar — being put forward through the retreat and resettlement strategy recommended by the royal commission. I hope the government looks at this as a way of helping some of the people who are unable to go forward in their existing locations.

Recommendation 56 talks about prescribed burns and recommends that the current burning rates be increased threefold. That would lead them up to a 5 per cent minimum — not a 5 per cent average, but a 5 per cent minimum — of public land. The recommendation is that this be part of a long-term program, not just that it be reached in one year. And we will not count the fact that a prescribed burn got away from the department one year and burnt half a million hectares at Wilsons Promontory — do not count that in your statistics! In effect the recommendation is that the state government fund and commit to this program.

Again it is one of those cases where, whatever the government says about this, my bet is that it will never ever happen, because the government has been told this



before. It has accepted these sorts of recommendations before, but what we found last year when the Department of Sustainability and Environment put out its annual report was that there had been a reduction. Following the Black Saturday bushfires there was an actual reduction in the number of full-time firefighters employed by the DSE. It had all of last year to acknowledge that it had underperformed in fuel reduction prescribed burning; it had all of last year to do something about it, but in effect it reached something like 130 00 or 135 000 hectares.

Victorians are sick of this government saying one thing one day and something else six months later — and then it scurries around trying to spin its way out of one deception with another lie and then another. Victorians want action on fuel reduction burns, and this government has an appalling record in this area. It will be held to account — there is nothing surer. I think the vast majority of Victorians understand that the government could not have done anything with so many of the factors involved in what happened on Black Saturday, and no-one is going to blame it for things that were totally out of its control. Not one person out there would dare to even look at blaming the government for the vast majority of the consequences and circumstances on Black Saturday, but what we are talking about here are areas where the government has control and the government has responsibility — areas such as warning systems and prescribed burning — and it has been failing to meet these targets year in, year out ever since it has been in government.

In relation to recommendation 64 concerning the fire services levy, the commission is urging the government to move away from an insurance-based levy to a property-based levy, something the coalition has supported. We heard the Treasurer during question time today in effect say that the government is not doing it because back in 1992 we did not do it. That was the only defence the Treasurer, who has been in government now for 11 years, had to offer when the government was put under pressure on why it is continuing to go with this inequitable system. The government wants to say it is because we did not do it. We have committed to doing it. We have accepted the royal commission's recommendation, and we have acknowledged that in government we will develop a property-based model that will fund our fire services in a more equitable fashion.

We all know that this strikes our community in two inequitable ways. The first area of inequity is failure to insure and underinsurance. The government will not release the details, the data. The government is the only body that has the data to show exactly what percentage

of Victorians do not insure their homes or are underinsured. The government has the rates. It has access to the rate notices and the land tax. It has that in its data, and it would also be able to work out what percentage of Victorians are underinsured or not insured at all.

Whatever that percentage is, it means that the greater spread of the responsibility rests with whoever is insured, and whoever is insured is carrying the can. The government is happy for this inequity to go on into the future, and I have no idea why, because all we want to do is come up with an equitable system where the people who are likely to be called to use the fire services are going to contribute to the fire services. Why on earth the government wants to protect those who are not insured or are underinsured, we have no idea. Obviously it has some political reasons for not wanting to do anything in case it is criticised. Talk about using the word 'gutless' in this chamber sometimes; there is a great example of it here.

Secondly, it has been well documented by the insurance companies that the fact that we pay a tax on a tax every time we go to insure our property is acting as a deterrent for people to insure their properties. Not only is it inequitable for the people who are contributing to the fire services levy, it is also inequitable for the state of Victoria that when we have these tragedies so many of the victims are uninsured or drastically underinsured.

Yet again and without explaining its reasoning the government seems hell-bent on maintaining the status quo with this. Whilst the government has put out the green paper, it has accompanied it with comments from both the Treasurer and the Premier stating that they believe the current system to be the best. I cannot understand that in any way, shape or form.

It will be interesting to see how the coalition's lead in this issue affects things now that the government knows working families will be much better off under a property-based system. It knows it will be cheaper for working Victorian families; it knows this cost will be spread more evenly across the entire Victorian community. The government has known this for years; the Treasurer and the Premier have both known it for years.

I understand the government's response to the green paper will in effect be put out after the election. I am not saying anything that anybody does not already feel. It is simply a way of making sure that we continue on with a tax on a tax on a tax, where GST is charged and stamp duty is charged on top of the insurance premium;

and then on top of the fire services levy the government comes in with two state government taxes that reap the benefit on one and then the other and then the other on top of the other again.

Recommendation 66 concerns the appointment of an independent fire monitor. Again this is simply to make sure that the recommendations in this royal commission report are enacted upon. Call me a sceptic, but I just do not think this government is going to do that. I hope I am wrong; I hope the government does in fact step back from it all and acknowledge that this is what the people want. The people have been waiting for 18 months for the royal commission to wind its way through its work, and they want these recommendations implemented at a reasonable rate. They do not expect to have all this work done tomorrow, but we want an independent monitor, an independent auditor who looks at this and in effect makes sure that the recommendations are acted upon in a timely fashion. As I said, I do not think it is going to happen, but I hope I am wrong.

Whilst this speech is a little critical of the government, especially in relation to fuel reduction burns, it is that way because I have been watching this government's inaction on this issue for the nearly eight years I have been in this chamber. Every year is exactly the same. Each and every year there is another reason, another series of inactions and excuses associated with those inactions rolled out by the Minister for Environment and Climate Change. I do not know why the government continues to refuse to simply up the ante by employing the necessary people and resourcing this issue and sector to ensure the occurrence of the prescribed burns that are needed to reach the 5 per cent target and 385 000 hectares recommended in an Environment and Natural Resources Committee report two years ago. That can only be done with a substantial increase in resources to this sector. It is time now that the government took a step back and allocated the funding to make sure that this work gets done.

As I said, nobody blames the government for the horrific circumstances on that day. Where there is blame that this government has to accept and where the Premier has started to accept blame is where things could have been done better to help fight the horrendous situation that occurred on that Saturday. Now that the government has accepted part of the blame for some of the issues it did not get right, it has to move swiftly to address the issues it has the power to address. Prescribed burns has to go to the top of the tree as the no. 1 priority. Let us get into action, because we are very quickly approaching the window of the year when prescribed burns can take place. We need to

make sure that if we are going to reach 5 per cent over the course of the financial year, we at least get halfway there by the start of this bushfire season, and that is going to be on us quicker than we think.

Hopefully the government will act on the recommendations in the spirit in which it called for the royal commission in the first place. The recommendations coming forth are there for everyone to look at.

**Hon. M. P. PAKULA** (Minister for Public Transport) — I thank the house for the opportunity to address this very important motion. I start by taking issue with one comment made by Mr Drum when he said that nobody is blaming the government for the events of Black Saturday. The Leader of the Opposition went perilously close to doing exactly that yesterday, and I think many other members both in this chamber and in the other place have equally gone very close to doing exactly that. I accept that Mr Drum did not, but that is not the case for everyone.

I want to talk briefly about two elements of this. First of all, there is my own experience in the consultation process over the weekend at Yarra Glen. The most profound thing that I took away from the meeting at Yarra Glen is that the wounds of Black Saturday are still very raw for many people. It is not just people who are related to the 173 Victorians who died so tragically on that day but also many members of the community, whether they were affected directly or indirectly. I think it is right to say that people recover from such traumatic events at very differing speeds, and that depends on their personal circumstances and experiences not just of the fire itself but the experience of the time since then. Some of them are still struggling with the physical impacts of that day. Some are still struggling with the financial impacts. Some are still struggling with the emotional impacts.

One thing that emerged very strongly from that meeting was that the recommendations of the bushfires royal commission are by no means straightforward for people in that part of Victoria. I cannot comment on the other community consultations in other parts of Victoria, but the anecdotal reports that I have had from other ministers who have attended them is that their experience was quite similar — that people do not see the recommendations as being straightforward or unambiguous and they do not see them as necessarily all being worthy of implementation.

I moved around from table to table during the night, and I spoke to a lot of people. I took a lot of notes when I was talking to people about the sorts of things they

were saying and the sorts of sentiments they were expressing. I will give the house a snapshot of some of the things I jotted down in my notes. The comments made included that 5 per cent is not a panacea; that all types of forests react differently to fuel reduction; that some regrowth is more highly flammable than old growth, depending on what kind of regrowth you get; and that strategic burning is more important than just picking a number. These are all things that I wrote down in real time as people were expressing them around the room. There were also comments made about the building regulations, the different cultures in the Metropolitan Fire Brigade (MFB) and the Country Fire Authority (CFA), the traversability of roads and the removal of trees from areas around powerlines, and there were a whole range of different sentiments that people expressed about their experiences.

I recall speaking to one couple who said, 'It's great to talk about undergrowth, but we watched this fire jump from treetop to treetop'. That couple doubted that it would have made much difference on that day.

I certainly would not pretend to substitute my view of those sorts of matters for the views of the residents that I spoke to, because quite frankly they understand living in a heavily forested rural setting far better than I do, but they demonstrated to me that these matters are by no means straightforward and that they are, in the minds of many people, very complex. People have very diverse views about the issues of buyback, controlled burning and the undergrounding of cabling.

All that renders inexplicable to me how any responsible leader could sign up to every recommendation of the royal commission report without having seen them. It renders that absolutely inexplicable to me. And more than any other thing that the Leader of the Opposition has done, that one act, that one comment, is what disqualifies him from any legitimate aspiration to the premiership of this state, because it is simply a commitment that no responsible leader could ever make.

**Mr Drum** — Why do you think that?

**Hon. M. P. PAKULA** — No responsible leader, Mr Drum, could ever make a commitment — —

**Mr Drum** — You are saying the royal commission is totally irresponsible in its recommendations?

**Hon. M. P. PAKULA** — No, what I am saying is that it is absolutely irresponsible for any leader who aspires to the premiership of the state to sign up to every recommendation before having seen them.

I say that because at the time that commitment was made by the Leader of the Opposition he had, by definition, no idea what the expenditure implications might be, no idea what it might mean for state taxation, no idea what it might mean for utility charges and no idea whether the recommendations would be practical in every respect. He might have assumed that most of them would be practical, but he cannot have known that they would all have been practical. He did not know what the implications might be for tourism, the wine industry, quality of life, the environment, the cohesion of communities, property values or insurance rates. He cannot have known any of those things because he had not seen what was in the recommendations.

What he certainly did not know was what regional communities might have thought about the recommendations, and he still does not know, because he has rejected the model of community consultation. Why would you need a model of community consultation when you have already decided before the recommendations have been released that you are going to accept them all, no matter what they say?

Let us imagine it. Mr Drum and other members have been in the chamber defending the recommendations as they are, but what if the royal commission had recommended 20 per cent prescribed burning rather than 5 per cent? What if the royal commission had said there should be forced evacuations?

**Mr Koch** — It is not about 'what if'.

**Hon. M. P. PAKULA** — It is about 'what if', Mr Koch, because the Leader of the Opposition, Mr Baillieu, indicated that he was going to support the recommendations before he knew what they were. What if the royal commission had said that forced evacuations ought to be supported? What if the royal commission had recommended a merger of the CFA and the MFB? What if it had said, 'Clear Mount Dandenong'? It could have said anything, but it would not matter apparently because the Leader of the Opposition had already said, 'Tick, tick, tick, no matter what they say. We will accept whatever the recommendations are, no matter what they are'. That is an abdication of responsibility.

It is an abdication of the responsibility to listen to what communities have to say, the responsibility to consider the financial implications of your decisions or the community impact of your decisions, and very simply when you are in government you cannot afford to do that.

**Mr Drum** — You can back it all in principle.

**Hon. M. P. PAKULA** — Mr Drum, let me make it clear what I believe. I believe that royal commissions or any other advisory body make recommendations but that governments have to make decisions. They have to make decisions after taking into account all the relevant factors. You cannot reduce the business of government down to a cynical, irresponsible political tactic, which is what it is when you say that you will accept all the recommendations before you know what they are. If Ted Baillieu ever wants to lead a government —

**Mr Drum** — Giving communities five days notice that there is going to be a consultation process — you are not being serious.

**Hon. M. P. PAKULA** — Mr Drum, you cannot on the one hand argue that the consultation process is inadequate and on the other hand defend the position which says that we are going to support all the recommendations, sight unseen. You cannot have it both ways.

**Mr Drum** interjected.

**Hon. M. P. PAKULA** — You cannot have it both ways. Either you say you want to go out and find out what people think about these things or you make the decision in Spring Street before you know what they are, and if Ted Baillieu really wants to ever lead a government that has to make hard decisions and not outsource his responsibility, then that is a lesson he had better learn, and learn quickly.

**Mr P. DAVIS** (Eastern Victoria) — President, I am grateful that you have called me to speak because I was just investigating the notice paper to try to understand what the matter was to which the Minister for Public Transport was speaking. I have now sat through almost two days of debate in this chamber and I find it difficult to understand that a minister of the Crown, in coming to address what is the most significant matter to come before the Victorian Parliament in the last four years, should invest virtually all of his contribution in making a political attack on another member of Parliament rather than addressing the matters that have been put before the Parliament to consider as a function of the inquiry of the royal commission into the deaths of 173 people. You come in here and attack another member of Parliament. You, Minister, are a disgrace!

**The PRESIDENT** — Order! Through the Chair, Mr Davis.

**Mr P. DAVIS** — Perhaps I should ignore the minister.

**The PRESIDENT** — It might be helpful.

**Mr P. DAVIS** — We are here today to solemnly consider matters that have been put to us after 18 months of investigation by eminently well-qualified people invested with a remit for a commission of inquiry to study the causes and impacts of bushfires in this state and recommend amelioration for the future.

The minister to whom I have just alluded follows a tradition which has been set since the establishment and reporting of the royal commission in this chamber. During question time yesterday the minister who introduced the royal commission findings, the Minister for Environment and Climate Change, endeavoured to castigate members of the opposition for their disinterest in his monologue to the house in relation to a Dorothy Dix question. Now we see the hypocrisy of those comments, given that that minister, having introduced the subject of this debate, left the chamber and has not returned but once, wherein he spoke to his Green friends and left the chamber again after a couple of minutes. He has shown a complete disinterest in the matters that the royal commission has put before the house, and complete disinterest in the contributions of members of Parliament, including members of his own party. It is hypocritical and a reflection on the pejorative approach which government members are taking to this serious matter.

**Hon. M. P. Pakula** — What about the Leader of the Opposition?

**Mr P. DAVIS** — Minister Pakula, we are in the Legislative Council. We are having a discussion as members of the Legislative Council about important matters of public policy.

**Hon. M. P. Pakula** — Read Ted's contribution.

**Mr P. DAVIS** — I have to say to Mr Pakula I am so disappointed in his contribution. As somebody for whom I had a relatively high regard as a competent minister and who has demonstrated competence as a parliamentarian since coming into this place at the last election, I had expected much more.

I do not intend to prosecute the case that I have put here on countless occasions since the bushfires of 2003. In fact I started to research what I had said in relation to public land management, bushfire response and preparation for bushfires since I introduced the motion to the Legislative Council after the 2003 alpine fires, when I called for a parliamentary inquiry into those matters, which the government objected to and would not support and therefore that inquiry did not proceed. But I have to say it is on more than 20 occasions that I

have spoken to the issues that are now again subject to discussion — that is, the impact and the risk management of and the recovery from bushfire impacts.

I actually took this matter seriously enough that when the royal commission tabled its report, which was unusual in that it was tabled on an occasion when the Parliament was not sitting — it was tabled on a weekend, on a Saturday morning — that I attended the tabling of that report. I was actually here. I was one of the very few members of Parliament who were physically here at Parliament House. I took a copy of the report to my office here at Parliament House and I sat down and spent the rest of the day reading it.

I do not know if Mr Pakula has actually read the report. I do not invite him to have a second opportunity to speak to the chamber, but I can tell the house that I did read it. I was profoundly moved, and I was impressed by the diligence of the commissioners. The thousand or so pages were coherently put together in terms of the analysis, conclusions and recommendations, and I for one do not find much difficulty in saying that as a matter of principle I can support all of the recommendations of the royal commission. I would have thought that any member of Parliament who was broadly familiar with this subject — and I would have to argue that I am intimately familiar with the subject of bushfires — would be able to say, ‘Yes, these are sensible recommendations, taken as a whole’. There will inevitably be arguments about the detail of the process of implementation, but I do not think, other than for the purpose of avoiding the obligation of implementing these recommendations, that one could argue about the principle.

I note the government claims to have accepted all but eight, I think it is, of the recommendations, and that the eight that have not been accepted are subject to further inquiry by the government. It does seem to me that there is a difference between accepting recommendations in principle and detailing as a matter of policy how they will be implemented. What I would like to know in the course of this debate — I am sure the Treasurer himself will have an opportunity to make a contribution — is how it is that the government intends to inform the community about how it intends to move to implementing all those recommendations which it has accepted, and what it intends to do in relation to the recommendations that it has in fact not agreed to.

I wish to go back to the basis of why we are here. Black Saturday, as it is commonly described — 7 February 2009 — was a tragic day. I do not wish to

join a chorus of those who would say it all could have been different if the government had been more active because I think, as I have indicated previously, to sheet home blame would be for me as a parliamentarian to resile from my obligation to recognise that we have a mutual responsibility and that the whole of Parliament failed the people of Victoria on the day, simply because not enough had been done and the priorities of the Parliament, both government and opposition members, had not allowed sufficient force and weight of opinion to cause the government to change the actions upon which disaster rested.

From 2003 on the government had the great warning of the 2003 alpine fires. If there had been more vigour in prosecuting policy changes — although I thought there had been a great deal of vigour on the part of the opposition arguing the case in the Parliament — then perhaps the government may have taken more notice. I suspect not, because the government has been obdurate in regard to a number of recommendations that have been consistently put to it about increasing mitigation of fire risk — for example, by fuel reduction burning.

The loss of the more than 2000 homes that were burnt, needless to say the loss of 173 lives, the destruction of homes and communities, and the loss of countless assets cannot ever be expunged from our memories. The trauma that individuals and families feel is incomprehensible to those of us who are not sharing in it personally. All I can say is that I have empathy to the extent that it is possible by being in contact with people who have been affected.

To Minister Jennings I say that while I do not find him personally culpable, he is the minister at the wheel who largely has the responsibility for public land management. On a previous occasion he and I exchanged views across the chamber about this. I have a deep respect and affection for Minister Jennings as a person. I know he took it with great indignation that I accused him on a previous occasion of being culpable, but I do mean that. The portfolio of environment and climate change is that of the minister of the Crown who is responsible for public land management, and the ministry, whoever the minister is for the time being, has been culpable in allowing something to occur in this state which should not have happened. By that I mean the government failed in the protection of the community. It failed for want of investing resources in controlling the build-up of fuel which all of those who have produced reports over the last decade, or indeed more, had predicted would lead to catastrophe.

The government persists in refusing to acknowledge the findings and recommendations of various reports

on the issue of fuel reduction burning, but I will come to that in some more detail in a moment. What in fact does this report say? I refer to page 1 of the bushfires commission report:

The most serious consequence of the fires was the death of 173 people. Left behind are families, friends and communities still trying to come to terms with their loss. Accompanying this loss of life is the fires' impact on property and the infrastructure that supports communities, as well as the substantial environmental impact, which will take years to fully reveal itself — let alone be ameliorated. It is extremely difficult to quantify the cost of a disaster like this, but the commission estimates it to be more than \$4 billion.

This was one of Australia's worst natural disasters. It will be many years before its effects dim. Governments, fire and emergency services agencies and all individuals can learn valuable lessons from those days, so that we might reduce the risk of such destruction occurring again. It would be a mistake to treat Black Saturday as a 'one-off' event. With populations at the rural-urban interface growing and the impact of climate change, the risks associated with bushfire are likely to increase.

I think it is important to note how that point is highlighted — that this is not a one-off event and it is likely to occur again, unless of course ameliorating action is taken.

I turn to the body of the report. At page 19 of volume I the commission says:

The commission is in no doubt that the influence of the long drought years, which broke a number of meteorological records, and the impact of the heatwave immediately preceding the fires helped create the conditions for a major conflagration to occur once the fires started. Nevertheless, although this served to highlight the extreme level of risk that existed, the commission does not consider that the resultant fires could be judged as representing a shift change that sets them apart from what Victoria has experienced from time to time in the past.

I regard that part of the substance and body of the report as a very significant commentary, because what it underlines is that this event was not unprecedented, as the government has persisted in trying to claim over a long period. It was unprecedented in terms of the impact on individuals, the deaths and the impact on the community and families, but it was not unprecedented in terms of a major fire event.

We know this because there have been many large-scale fire events in the past where there have been inquiries and commentaries. Going back in contemporary memory, in terms of the knowledge of the community, the 1939 Black Friday bushfires have stood the test of time as a reference point because of the scale of the events and the deaths that occurred. That of course was the baseline reference to inquiries. People refer to the Stretton report with great respect,

but not many people have bothered to study it and understand what the implications were.

What I find profoundly interesting is the nature of the recommendations and findings that are reflected unequivocally in the Stretton report and again in the Teague report. There have been two royal commissions eight decades apart which essentially found the same thing — that fuel reduction burning was not undertaken at a sufficient level. What I find extraordinary is that notwithstanding the precedent of the Stretton report and the supplementary advice in the Teague report, which we have before the house today, the government cannot bring itself to commit to do something which has been recommended time and again.

In the decade or so that we have had a Labor government in Victoria there have been numerous recommendations, including recommendations coming from its own department via the advice to the inquiry by the Environment and Natural Resources Committee (ENRC) report, which was tabled in this place in 2008 and which found that there needed to be a tripling of fuel reduction burning. We find advice in this report from an area in the south-west of Western Australia, which is equivalent in size to the national park estate in Victoria, about the scale of landscape burning where, since 1961, 8 per cent of the landscape has been burnt every year. We find that if you go to the Northern Territory, as I have done in the last month or so to have a look at fire and risk management there, constant work is being undertaken by agencies to reduce fuel loads on a scale that dwarfs any imagining in Victoria.

The basis for this is historical knowledge that the indigenous people of Australia — Aboriginal people — participated over tens of thousands of years in landscape burning to manage the landscape, and as a consequence the destructive nature of the bushfires we have seen in contemporary times has in the past been mitigated. But even the pioneers in Australia, certainly in Victoria, understood that they had to learn something from the practices of Aboriginal people and, until what I describe as the contemporary era, rural people had as a matter of course been practising landscape burning on a scale which had ameliorated the risk of large-scale fires.

We have a major problem. Apparently the government does not accept the logic of this. I can only perceive that it is a consequence of the political lobbying of the environmental movement. With the greatest respect to the contribution of the different views of members in this place, I am not particularly concerned about whether or not a group of parliamentarians, the Greens party in this place, has a close affinity with the

environment lobby. What I am really interested to know is why the government of this state has failed to take into account the advice of its own department, its own fire-risk managers, a government-dominated parliamentary committee, recommendations going back decades in relation to fuel reduction burning, and advice coming out of other states, including Western Australia, and from the United States of America.

In the commission's report there is reference to experience in Florida, where apparently more fuel reduction burning is undertaken than in the whole of the US National Park Service, and the reason for that is to mitigate the risk. Yet in Victoria we have a government that, notwithstanding the compounding effect of a failure to control the risk of increasing fuel levels, has declined to pick up that practice. It would be easy to do, because after all over nearly the last decade we have managed to burn at least one-third of our public land in the alpine fires of 2003, in the Grampians fires and in the Great Divide fires. The accumulation of all of the areas that have been burnt means there has been a reduction in fuel loads. Those areas should be part of the cycle again, but they are not simply because the government has not been prepared to invest the necessary resources, even though the bushfires inquiry that we are speaking about — the 2009 Victorian Bushfires Royal Commission — found that the cost of those fires, while difficult to estimate, exceeds \$4 billion. I cannot imagine what is going on within the government other than that it is facing up to having to get some sort of political endorsement from the environmental lobby, which confounds me given the weight of public opinion on this issue.

I refer to the views of Phil Ingamells, who is a spokesman for the Victorian National Parks Association (VNPA). Even before, I am sure, he had read the whole of the report — I do not believe he could physically have read the whole of the report because it had not been available long enough for him to be doing voice grabs, which I heard on radio — he was making pejorative comments about the recommendation to move to a 5 per cent bare minimum target, which is the recommendation for fuel reduction burning on public land in Victoria.

The commission says it would prefer fuel reduction burning of between 5 per cent and 8 per cent. Nevertheless it has given a bare baseline. Phil Ingamells was heavily qualifying that recommendation and suggesting it should not be implemented until there was more research, et cetera. It was all about deferring any decision.

If the Victorian National Parks Association considered what the name of its organisation is and took it a little more seriously, it would have a view that lock-it-up-and-leave-it is a philosophy which is totally discredited, that there is a natural cycle, and the prevention of adverse impact on the great national parks in this state would be ameliorated by a better management regime of those parks. I can only presume the government is concerned about the political consequences of avoiding condemnation from bodies such as the VNPA and other environmental lobby groups that are totally opposed to any form of fuel reduction burning and would rather see a conflagration on the scale that we have seen successively virtually every summer in the last decade.

What more can I say? I urge the government not to fail the people of Victoria again as it has to date in respect of this burning question of mitigating risk by fuel reduction. My view is irrelevant; it is the view of the communities I represent, not universally but dominantly, that their safety, their lives and their assets are put at risk by the government's failure to deal with this question. I can only beg the government not to take into account the views of people who are sitting in Lygon Street or Brunswick Street and sipping a cafe latte, but to take into account those views of the people who are living in the forest communities of our state who have to deal with the risk to their families, to their safety and to their properties because of the negligence on the part of the state of Victoria in managing fuel loads on public land.

There are so many recommendations I am tempted to speak to that I have resolved only to speak to this one, because in my view it is the most critical. I was reflecting on the lead-up to the events of Black Saturday, and in reflecting on that I recall the contribution I gave in this house on the Thursday before Black Saturday. I reflected on the warnings that were being given by people like David Packham who are experts in the area of fire management and fire prediction. They had suggested, for example, along the way that the fuel loads in the Melbourne water catchment area were, in effect, the highest in 40 000 years. That was a very dramatic prediction, but that was the prediction. David Packham was well out on regional radio talking about the risks of Black Saturday. I have to acknowledge that the Premier and agents on behalf of the government did give warnings prior to Black Saturday that it was going to be a high-risk day, but the high risk on that day was totally compounded by the failure over a long time to deal with fuel loads, and those cumulative fuel loads caused the tragedy. If there had been more investment in effort, then we might not have had the number of

deaths, the number of homes destroyed and the number of communities destroyed that we did; but there you go.

The communities I represent want to see a significant policy change on the part of the government, and I am confident in saying that the politics of this issue mystify them. Why would people who live in an urban environment and have no interface with rural fire-prone areas effectively determine, by their ignorance, the future of the lives of people who have to confront this risk every summer? I do not understand it, and I do not understand how, in conscience, the government can possibly allow this question to remain unsettled.

The government's failure to implement the recommendations of the ENRC report was contemptible, and if it fails to again implement the recommendation of the royal commission, it will without question, individually and collectively, be culpable in future events. While it was with some trepidation that I made that observation on an earlier occasion about the Minister for Environment and Climate Change — and the minister rightly took it very personally — I make this observation about all ministers of the Crown presently in their failure to adopt what I think is the most crucial recommendation of the royal commission.

As has been put by fire experts, there are a number of elements to bushfires but there is only one we can do anything about. We cannot do much about the ignition source, because the majority of fires are lit by man. A lot of bushfires are lit accidentally or purposely, and we cannot do much about that because you cannot stop stupidity or lunacy. We cannot control weather conditions — they are what they are — but we can deal with the fuel loads. It is the one certainty: we can deal with the fuel loads and therefore the fire intensity.

I appeal to the government to do what is right and what is in the interests of the people who are threatened. It mystifies me that this debate could continue without the government indicating to the house that it fully intends to implement that recommendation of the royal commission. I suggest that the small cost of increasing fuel reduction burning will inevitably be a lesser cost for the state than dealing with the ongoing aftermath of intense bushfire.

**Mr LENDERS** (Treasurer) — I also rise to speak to the motion to note the report of the royal commission. This is an area where many members have expressed their views and reflected on what is a very weighty piece of work. This house has been debating this report for two days, the Assembly has been debating it for a

day and our community will continue to look at it for a period of time.

It is always interesting to follow a person like Mr Philip Davis, who has views on this issue. Mr Davis outlined very eloquently that these are very difficult times, as he would have found in his three and a half years as Parliamentary Secretary for Natural Resources. These are not easy decisions for government to get the balance right on, and he would have known in his three and a half years in that position that there are a lot of balancing acts in burn-offs and a range of other areas. He mentioned the 1939 royal commission report on bushfires and the current Teague inquiry 70 years later. While there are similarities, there are some dissimilarities, and some of the eternal lessons that come out of these reports are left to the state and government to try to grapple with. Often these are questions of balance where the answers to them, if any, are very difficult.

Governments will struggle with that, and given his three and a half years as part of the executive as parliamentary secretary under the former Department of Natural Resources and Environment, Mr Davis would know as well as anyone that sometimes it is not that easy to do what is recommended or to build a community consensus about the things that need to be done and, with the hindsight of a royal commission, we understandably say should have been done.

The lessons for us then are what we learn from this report that can build on the discussion we had in the community in 2009 following the bushfires, which was a lot to do with recovery but also a lot to do with prevention in preparation for last year's bushfire season. We had that debate then and actions were taken by the government and the community; we had that immediate response. We had the 2009 budget, where, again, in both a financial sense and a policy sense there were a whole new set of arrangements put in place to try to mitigate further fires as well as provide restitution for the ones that had happened. There was then the interim report of the royal commission, which, again, the government and community dealt with and responded to last year. There was a 2010 budget where there was a further iteration of how we should deal with these things, particularly as technologies emerged, as community and specialist thinking emerged, as a debate emerged, as the royal commission listened to witnesses and sought information with the community and found more information to work from.

Of course we have the final report of the royal commission, which very eloquently outlines the findings but also the 67 recommendations going



forward. Through all of that period we had the overlay of federal and community support that came in — interventions with assistance and interventions with policy. It is clearly the time for the government and Parliament to respond to that with a path forward that takes into account that there are often no easy or simple solutions, that our challenge on this is what is, on balance, the best approach going forward.

I take up Mr Philip Davis's comment about the need to take into account the views of people living in the forest communities. I say to Mr Davis that is exactly what the government is seeking to do at this juncture with this round of consultations now that the royal commission's report is before us. To be respectful of those communities and for us to learn some more from them is exactly what we are seeking to do now that there are actual recommendations from the royal commission before government to deal with it.

My colleagues the Premier and the Minister for Environment and Climate Change, Gavin Jennings, have in their respective chambers clearly outlined the key parts of the government's response to the royal commission. They and I and other ministers have also outlined the government's views on a number of the recommendations and why we have agreed to immediately support 59 of the recommendations in principle, or in total, and that there are a further eight that we want to have a measured response to.

This goes back to the point that if we want to do this right, we need to do it in a considered manner. There is no excuse for taking forever. We need to come to conclusions on this quickly, but, as Mr Davis said, in the 70 years between the Stretton royal commission and the Teague royal commission a lot of water has gone under the bridge, including three and a half years when he was part of the executive government that was responsible for the Department of Natural Resources and Environment. These things are not simple and we should take an informed view of what has come before us and go forward.

A couple of the recommendations we are not immediately supporting are about risk mitigation. Mr Davis spent some time talking about controlled burns and he mentioned the parliamentary committee that recommended 5 per cent of the state's area be burnt going forward. He was saying that government needs to get on with it. Government is getting on with it, but the devil of all of this is in the detail. This government is not about to promise to do something that cannot be delivered and then come back in a year's time or two years time with an excuse. From the community's point of view that is unacceptable, and it

has happened for too long over the 70 years since the 1939 royal commission.

We will come back with a measured response on the burning. It will be an informed response based on science. I think another two or three weeks — whatever the period — to respond to what is before us and how it could be done is justified. This is a target of 5 per cent of land. There are extraordinary issues in relation to this in communities. When you go out to communities you find that there is no shared view. In community consultations you encounter the issue of how much of the forest or land has been burnt over the last several fire seasons either by the Department of Sustainability and Environment or by nature. What is the balance? There is the issue of mosaic burns around towns versus more general burns. There are other issues.

In many bushfire-affected communities there are concerns that if the burning is uncontrolled and without consultation, it will have profound effects on the community. Above and beyond the fact that these communities are incredibly conscious of safety, they are also conscious of what happens in their communities. Communities have said to me in some of the consultations — whether it is appropriate or not, I am not making a judgement — that if you have untrammelled autumn burns what will happen is you will destroy the tourism industry and the wine industry. I am not making a judgement as to what is appropriate or not appropriate in this space.

The royal commission's prime objective has been to save lives and to protect people in the future, but in dealing with these recommendations governments cannot just blithely say they are going to do all these things without taking into account the range of community views which governments need to balance. It is far better to spend a few weeks gaining an informed view on how you can start achieving some of these things than just to make very strong statements in Melbourne and then suddenly return with them to these communities. They may have other ways of achieving the desired outcomes and, in the case of a couple of meetings I have had, can deal with some of the issues relating to the impact on tourism, on the livelihoods of those communities and on agriculture or viticulture.

These are the sorts of issues where some time is required, but the government understands loud and clear that we need to come forward with a fairly clear path on the 59 recommendations we have agreed to and how they will be implemented and a very clear path on what will be done with the remaining eight

recommendations, how they will be responded to and when that will be announced.

These things, as both royal commissions have found, are about balance and the whole issue of risk mitigation. I too have read right through the Stretton inquiry on the fires of 1939, the report of which was tabled in 1939 or 1940. It is much shorter than the Teague inquiry of 2010 I might add. Some things are eternal — for example, the issue of evacuation. Getting the detail right on this is critical. We have a big debate in the community about evacuating people. When to evacuate them, where to and the risks of evacuation are issues about which everyone has a firm view on how they need to be addressed. However, our response needs to be balanced, and therefore will be balanced. We will seek to reach a balance on a very complex mix.

We have extraordinary debates on the types of buildings that can be built in bushfire-affected areas. That statement in itself prompts not only questions about the types of buildings but also calls for a definition of 'bushfire-affected area'. Having looked at the records of the 1939 fire and compared the data to the 2009 fires, I know that it is clear that some areas were affected in one event and not in the other. Marysville is a classic example of a community that was surrounded by fire on both occasions. Recently the fires had a disastrous result for that community, but in 1939 Marysville was unscathed. If memory serves me, only one building was destroyed by fire in Marysville in 1939.

We have had big debates about how to warn communities, including about the use of sirens. I grew up in a rural community where the CFA (Country Fire Authority) siren went off at 11 o'clock every Saturday morning as part of a program to warn and prepare people for fire — if the siren went off, you knew it meant something — but times have changed. There may well be other and more effective methods of warning people. We need to look at mobile phone communication and a range of other ways of sending warnings.

In some communities people are very attuned to what is happening, because they live and work in the area; however, at other times fires may come through when tourists are visiting a community and are not familiar with what is going on. We need to address some of these issues. It is not as simple as saying, 'Here are 67 recommendations from a royal commission report; deal with them and act on them'. In each case the implementation of these recommendations involves nuance and consultation with communities. In many

cases, no matter what decisions government makes, after the event understandably there will be question marks over the actions, because in risk mitigation there is never a clear answer. Through this process we need to attain clarity to the best of our ability and to take our community forward after consulting with its members.

I want to make some comments on the balance of how to support communities. One of the features of the bushfire response in 2009 was the extraordinary generosity of the Victorian community and of people more broadly who donated to the Victorian Bushfire Appeal Fund. That effort brought out the best in our community at a time of great adversity. We also need to work through with communities the issue of how to maintain critical support and when to ease off. The emergency may have receded into the distant past for many of us, but it is still immediate to some. Some of the support from the VBRR (Victorian Bushfire Reconstruction and Recovery Authority) will pass on to the DHS (Department of Human Services) going forward. We also need to look at how we consult to get this right for the future.

We also need to reflect on the fact that communities have been affected in very different ways. As I mentioned in question time, I went to a community meeting in Labertouche the other day. Labertouche is an area where nobody died, which was very fortunate, but it does not mean the community was not scarred. In its own way the Labertouche community was scarred.

We also need to look at communities that have been unbelievably affected by the fires. An obvious example is the communities in the shire of Murrindindi. About one-fifth — some 21 or 22 per cent of the houses — were burnt and the human loss was extraordinary. How do we over time assist that community going forward? As Treasurer I know that emergency relief assistance is in the order of \$50 million to rebuild infrastructure in that one very small municipality. All these examples are part of the extraordinary mix of things that we need to address as a community as we go forward.

In conclusion, the government's perspective in this house is that my colleague Mr Jennings has succinctly outlined the process for us going forward. In a sense the challenge continues to be that fire is part of the environment of south-eastern Australia — that is the reality. Whether measured from the time of European settlement or the time of indigenous settlement, fire has always been part of our environment. We live with that fact, and periodically we know that fire risk gets to a level of danger for our communities above and beyond the normal risks and dangers of a bushfire season. The challenge for us as a community is to work out how we

live with that fire risk, how we manage fire when it occurs and how we keep the balance between those extraordinary events that have happened since European settlement on four or five occasions. These have been phenomenal fires.

I grew up on a farm in West Gippsland. The guy who owned the farm had lived through the 1939 fires. As a kid I remember sitting around the kitchen table hearing stories about those fires. Such events affect communities profoundly, and they will come again. Major fire events will occur in the years ahead. The challenge for us is that when they do come we will have to have looked at what we can do to provide an appropriate balance to manage the risk going forward and to protect our citizens and our community.

The final report of the Teague royal commission gives us some very helpful, sound and strong advice and recommendations. The commissioners, having consulted with affected communities, have formed views of their own. However, in the end governments need to make calls based on these recommendations. The government has accepted 59 recommendations, and it is working on the remaining 8. We will do that as expeditiously as we can, but we are very conscious that we are part of history. We are in a society that lives with bushfires, so we need to get this balance right, and we will seek to do so. We look forward to working with the affected communities to add their wisdom, so that hopefully we can have these issues addressed far more effectively than they were in previous generations.

**Mr KOCH** (Western Victoria) — Before speaking to the bushfire royal commission report and recommendations I would like to acknowledge and continue to support those who have suffered as a consequence of Black Saturday's tragic fires. For the many who have lost direct or extended family members, friends, property and other assets — including many animals, both on farms and within Crown lands — let me say that I continue to feel for their losses. I am aware of and appreciate that many who have been through such a terrible experience would just like to move on, but unfortunately things have not moved on as quickly as many of us would have liked or expected.

Having visited bushfire-affected areas and kept myself informed of the recovery process in many of the worst affected communities, I am personally disappointed and possibly share the frustration of those who wish to re-establish and rebuild their lives. The frustration is that the process has been so drawn out.

I note the generosity of the people of Victoria who have made donations to the Victorian Bushfire Appeal Fund, the proceeds of which will be used in the endeavour to get people back on their feet as quickly as possible. The process has been unbelievably drawn out, with more than \$60 million yet to be expended from that huge fund. Far too many people are enduring their second winter in temporary housing, in caravans or living in other locations. I wish all those people who are endeavouring to complete rebuilding and to get things back in order the best of luck and offer my support in doing so.

I also commend the royal commissioners — the Honourable Bernard Teague, Susan Pascoe and Ron McLeod — on their investigations, broad consultations and findings and the recommendations contained in the final report of the royal commission. The tragic series of events on one of Victoria's worst ever fire days saw the loss of 173 lives. Infrastructure, whole towns and whole communities were lost, as were entire farming enterprises, including fencing, precious stock and people's livelihoods. Far too great a percentage of Crown land was also lost, along with flora and fauna and magnificent stands of native timber.

I am familiar with similar circumstances, albeit not as severe. I attended the Glenthompson fires in 1977, and again in 1983 on Ash Wednesday as my local Wando Heights rural fire brigade captain. On both occasions I gained an insight into the ferocity, speed and destruction of the fire as well as the community resilience that appears at such times. Do not let me mislead anyone; there is also an element of fear, desperation and hidden unconscious heroic capacity that becomes recognisable in such circumstances that will always be remembered. I am sure these thoughts have not escaped any of the people involved on Black Saturday.

Having stayed in Melbourne on the night of 6 February so I could keep an appointment in Geelong the next day, I was amazed at how cool and mild the conditions were, especially considering the weather reports that had been issued over the previous 24 hours. Conditions on the Geelong Road on the way home became pretty windy. As we went south-west, by 10.00 a.m. it was obvious we were in for an absolute shocker of a fire day. Later in the morning, a bit after 11.15, when I was working outside, the temperature rose a staggering 11 degrees — from 31 to 42 degrees — in less than a quarter of an hour, just 15 minutes. I had never seen that before in my life. On coming inside for lunch I was amazed to hear my old farming neighbour and good friend from Nareen, now a Country Fire Authority (CFA) level 3 incident controller, Bill Speirs on

774 ABC Melbourne reporting on an out-of-control grassfire at Coleraine — my former home town.

As the report from the bushfires royal commission indicates, in western Victoria we had three nasty fire outbreaks that all started shortly after midday on that day, and we knew those outbreaks were only going to get worse and possibly leave tragic consequences in their wake. The largest outbreak started on a farming property at Remlaw, north-west of Horsham. The fire swept through over 2300 hectares, with wind speeds of up to 63 kilometres an hour forcing it to jump the Wimmera Highway and the Wimmera River, completely destroying the Horsham Golf Club clubhouse. It then continued further in a south-easterly direction onto Haven before the wind change turned it north-east, back over the Western Highway until it was contained on the Lubeck Road. Thirteen houses, many farms and much fencing were lost, but fortunately there were no casualties.

Shortly after the Horsham fire started, another fire took off on Balochile Road some 5 kilometres west of Coleraine, again on farming land. Unfortunately in the early stages of this outbreak one man, a local Coleraine truck driver, John Smeets, was critically burnt while assisting a neighbouring farmer move livestock. I am glad to say that after a long stay in the Alfred hospital burns unit, where I visited John and his wife Lorraine, he has made a remarkable recovery. This fire also moved quickly at speeds of up to 40 kilometres an hour, travelling downhill, jumping the Glenelg Highway and getting to Bryans Creek before the south-west wind change that saw it travel across the hills to the Coleraine–Balmoral Road, where fortunately it was contained. The township of Coleraine, I must say, was very fortunate that that fire missed the town boundary, otherwise it may have shared a similar disastrous outcome to what was experienced at Marysville, Kinglake and Kinglake West.

The last fire to ignite in western Victoria was between Weerite and Pomborneit, east of Camperdown. It blackened 1300 hectares, destroying numerous outbuildings and over 3000 sleepers on the Warrnambool–Melbourne railway line. If there was a saving grace with this fire, it had to be the wind change that saw the fire go north-east instead of possibly continuing on its way in difficult country and reaching the Otway national park. If it had entered the Otway national park, I believe very strongly that we would have seen scenes similar to those we saw 26 years earlier on Ash Wednesday right along the Surf Coast.

The one thing common to all these fires appears to be faulty and poorly maintained powerlines — be it insulators or cross arms that arced — allowing sparks that were fanned by high winds to fall on dry grasslands. History always relates — and bells ring loudly for farming communities — that when you have high temperatures, low humidity, available combustible fuel, volatile winds and falling powerlines, disaster is usually not too far away. Unfortunately this was the case on every occasion in western Victoria on Black Saturday, something that was mirrored in other locations statewide.

Personally I have been very disappointed in and critical of the way Black Saturday was managed by our emergency services' most senior officers. Their leadership has been questionable, as has Minister Cameron's and the Premier's. There has been little if any accountability as to the procedures that should have given far greater notice and security to many communities as fire and wildfire rapidly proceeded in their direction. Communications were appalling, and many people were completely unaware of approaching peril. CFA firemen, police officers and many DSE (Department of Sustainability and Environment) personnel were struggling to gain the communications necessary to manage these terrible fires.

The central combined emergency services nerve centre of all the state agencies, located in Melbourne's CBD, had little or no idea of what was taking place on the fire ground as these tragic events unfolded. The pagers of CFA firemen failed, and in some cases messages calling for dire assistance did not come through until the next day; police radio communications broke down; community warning systems in many cases had been decommissioned and others were no longer serviceable; and phone networks were overloaded and jammed. Sadly, this led to total confusion, the making of unfortunate and uninformed decisions and, in too many cases, the loss of precious lives.

As has now been recognised, there were also many good local decisions made that preserved lives that may otherwise have been lost. I offer my personal thanks and tributes to all of the volunteer and paid officers of our emergency services for their gallant and untiring efforts in their endeavours to save lives and property during this unforgiving and frightening time for all who were involved.

The same cannot be said for this government and the departmental heads, who in my opinion had left our services quite unprepared after many reports, recommendations, promptings and previous incidents. The bushfires royal commission investigations alluded

to this, and I am at a loss as to how our three most senior public servants in this area — Russell Rees, our CFA chief fire officer, Mr Ewan Waller, our DSE chief fire officer, and Mr Bruce Esplin, our emergency services commissioner — retained their positions, let alone their acceptance of new contracts that were offered. A fourth, the former Chief Commissioner of Police, was also rewarded on her retirement with the chairmanship of the Victorian Bushfire Reconstruction and Recovery Authority. Mr Rees and Ms Nixon have recently retired, but I remain critical of the fact that Mr Waller and Mr Esplin have neither retired nor been dismissed by the Premier. Mr Esplin's recent rant of self-justification on radio 774 as to why he should retain his position defies all logic and merit. It is time the Premier put into these positions people who would heed the impact of the recent tragic bushfires and ensure not only that procedures offer better and safer opportunities but that the recommendations put forward be given every opportunity of being incorporated.

The only measure I was surprised did not get a hearing or recommendation at the royal commission was the offer of capital assistance to the owners of private firefighting equipment that may need replacement or upgrading. As noted, much of this equipment, manned by volunteers, was the first to be turned out on this extraordinary day. These people make an incredible contribution, and it is important that these resources remain in serviceable condition for future events. This capital assistance opportunity was available to private owners after Ash Wednesday and saw the updating of many tanks, pumps, hoses and other apparatus usually maintained by private individuals.

This opportunity offered great benefits in the mid-1980s after Ash Wednesday but has not been offered since. I will only say that I was a beneficiary of capital finance input into our family fire truck, and I can assure members that, 27 years on, many such trucks are still the beneficiaries of some of that original gear, though it is now reaching the point of being unserviceable. If the farming community is not given assistance in upgrading these fire units, regrettably many of them will be taken out of service and decommissioned, and that will be a further loss for those living in regional areas.

In closing, again I endorse the work undertaken by all three commissioners, and I support all their recommendations in principle. The giving of time by those who made submissions and spoke to the commissioners is also to be applauded, as in many cases it would have been very difficult for them to recount those events.

Unfortunately the government's response is to be expected — little action but further consultation. The government is again stumbling after the spending of \$40 million and 18 months of independent consultation by experienced commissioners, who in my opinion have looked under every stone before submitting thoughtful recommendations to advantage the Victorian community, especially those most disadvantaged by these shocking fires.

**Ms MIKAKOS** (Northern Metropolitan) — I am very pleased to be able to make a contribution to the debate on the motion to take note of the report of the Victorian Bushfires Royal Commission. In doing so I wish to speak in memory of the 173 victims of Victoria's Black Saturday and Gippsland fires that ravaged our state in February 2009. The Kilmore East fire ravaged the northernmost tip of my electorate, around Kinglake West and nearby communities. These bushfires were the worst natural disaster ever to have occurred in our nation's history, and the devastating loss experienced by so many will be forever remembered as one of Victoria's darkest times.

I remain in awe of our CFA (Country Fire Authority) volunteers and other firefighters for their bravery. As we saw in the days and weeks that followed, there was a remarkable outpouring of community support for the victims and their families, with over \$391 million donated to the Victorian Bushfire Appeal Fund by people from Australia and across the world. When visiting bushfire victims in Whittlesea and Kinglake in the days after the fires I was also impressed by the volunteers who had offered their time and sympathy so generously. Black Saturday changed the lives of many Victorians and produced great suffering, but it also brought out the finest from our community, and I will be eternally grateful to those people who offered that assistance.

Although some communities were physically destroyed, their members have displayed great strength, compassion and resolve in the face of this disaster. Whilst many Victorians have started the process of rebuilding, people will recover and rebuild at their own pace, according to their own circumstances. I do not believe these people are interested in the Parliament conducting a blame game; they just want us to get on with it, which is what the government has already been doing.

The recommendations in this report and the interim reports are very wide-ranging in nature, and I will confine my comments to those relating to the planning portfolio. In this area the Victorian government has taken a number of steps to ensure that homes destroyed

or damaged in the fires can be rebuilt in a timely and safe manner. For example, the government has introduced a new planning scheme provision which involves moving ahead of other states and introducing new bushfire building regulations that respond to the need to better protect our bushfire-affected communities. Its main aim is to remove red tape for landowners rebuilding after the bushfires so they do not have to satisfy normal planning scheme requirements to re-establish their properties. As a result, over 2000 building permits have been issued for people to rebuild their damaged or destroyed properties and businesses and 583 building permits have been issued for new dwellings.

The bleak reality left by Black Saturday was that over 250 000 hectares of land were burnt out, with beautiful townships such as Marysville all but wiped from the map. It will take many years for these places to rebuild, but it is important that we have a considered debate in discussing the findings and recommendations of this royal commission report and that we do not seek to play politics with people's personal tragedies.

The 2009 Victorian Bushfires Royal Commission was established with the broadest possible terms of reference and capacity to inquire into every aspect of the fires and to recommend what steps could be taken to prevent such a tragedy ever occurring again.

I take this opportunity to thank the chair, a former Supreme Court Justice, Bernard Teague, and the appointed commissioners, State Services Authority commissioner Susan Pascoe and former Commonwealth Ombudsman Ron McLeod, for their dedication to the inquiry over the past 18 months and their involvement in the preparation of this final report. I can only imagine that the evidence they had to listen to must have been extremely harrowing, particularly the 23 days that related to the circumstances of the 173 deaths that occurred. I believe this is a well-researched and considered report and that that has resulted from 155 days of hearings, nearly 1700 submissions and 26 community consultation sessions.

I believe the commissioners put in a great deal of effort to achieve their priority of ensuring that the voices of the affected communities were heard. They did this through conducting open hearings in regional towns, web streaming, holding public submissions and ensuring the participation of family and friends in hearings about people who died as a result of the fires. Their task was to focus on what lessons can be learnt from the circumstances of the 173 deaths, and this is the most difficult part of the report to read. The

commission spent 23 days looking at the circumstances of the deaths of the victims and the causes of 13 fires; it heard from 434 witnesses, including 2 panel experts and 100 lay witnesses; and it received over 900 exhibits and produced over 20 000 pages of transcript.

I particularly wish to pay tribute to the surviving family members of the victims of Black Saturday who made submissions to the commission on behalf of their loved ones. They displayed enormous courage during a difficult time, and I think it is quite incredible that they did this, but I believe that is one of the most important aspects of this report.

The commissioners have advised that in framing the recommendations they have given priority to protecting human life. Ultimately these recommendations reflect the shared responsibility that governments, fire agencies, local communities and individuals — all of us — have for preventing bushfires and improving people's safety in the future.

It is important that we remember that since Black Saturday the government has already introduced significant measures to improve our preparation for future bushfires. Some of these measures stem from the government's response to the two interim reports that were handed down last year. Some of these measures include, for example, the streamlining of the planning process for replacement of buildings, which I referred to before; the volunteer programs to provide free bushfire attack level assessments; the rebuilding advisory service and centres in bushfire-affected areas; the strengthened new building standards for bushfire construction; a new national performance standard for private bushfire shelters; and the application of wildfire management overlays to areas covered by 19 planning schemes and the updating of the existing wildfire management overlays coverage in a further 8 schemes.

The Building Commission continues to work closely with industry, suppliers and manufacturers to continue to bring products that meet the requirements of the new building standard onto the market — for example, fire-resistant windows. There has been the establishment of the Architects Bushfire Homes Service to assist people who lost their homes. We have been reimbursing councils for all planning and building fees that councils waive in approving the rebuilding of homes and small businesses destroyed in the bushfires. There has also been the commencement of a course in building and planning in bushfire-prone areas, with the first course expected to run in October of this year.

As the Treasurer mentioned before, there was also an allocation of \$986 million in the 2009 state budget towards improvements to firefighting and the reconstruction effort, including funds for emergency services, new equipment and further investment in communications.

It is important to remember that prior to this final report there were two interim reports handed down last year. The first, handed down on 17 August 2009, contained 51 recommendations dealing with a range of issues that the commission considered should be addressed urgently before the commencement of last year's bushfire season. All 51 of those recommendations were supported by the Victorian government.

The second interim report, delivered on 24 November 2009, was a special report primarily focused on planning and building. It contained seven recommendations. As with the first interim report, the Victorian government announced that it would support all of these recommendations, including recommendations relating to bunkers or private bushfire shelters. For example, since then we have prescribed the new national performance standards for private bushfire shelters or bunkers as a minimum standard for Victoria by amending the building regulations.

We have introduced tougher building measures for homes, targeting high bushfire-risk areas to help save lives and property, and have brought forward the adoption of the Australian standard for design and construction of buildings in bushfire-prone areas a year earlier than other states and territories.

This new Australian standard applies right across the whole state, with areas to be defined under six bushfire attack level categories from low to extreme risk. Every new home built in Victoria will undergo this assessment as part of the application for a building permit. This will determine the method of construction to be used to better protect properties from the threat of bushfires in the future.

Through all of these interim measures we were keen to ensure that people would have guidance and assistance from the Victorian Building Commission even before the bushfire royal commission's final report was released. I take this opportunity to thank the Victorian Building Commission and also the building and planning sector, which have helped people rebuild their homes and in many cases have done so on a voluntary basis.

I believe the Victorian bushfires royal commission final report released on 31 July of this year will be a catalyst for change to make our state safer from the threat of bushfires. It contains 67 recommendations that are broadly grouped into many categories, and the government has already given in-principle support to 59 of them.

I want to briefly focus on the key recommendations made under chapter 6 of volume II of the report, as they relate to planning and building. In that chapter there were 19 recommendations, of which the government has already indicated its in-principle support for the vast majority, but there are others that we want to discuss with the affected communities, as not to do so would indeed be irresponsible and disrespectful.

The key recommendations for planning and building that require further consideration include recommendation 40, which relates to the amendment of CFA guidelines for assessing permit applications in bushfire-prone overlays to accommodate the amendments to the wildfire management overlays.

The most contentious of the recommendations is recommendation 46, which relates to the development of a retreat and resettlement policy for existing developments in areas of unacceptably high bushfire risk, including a scheme for non-compulsory acquisition of land in these areas.

Further consultation is occurring in relation to recommendations 48 and 49 relating to the removal of the deemed-to-satisfy provisions in Australian standard 3959 of 2009; and also recommendation 53, which relates to amendments to section 32 of the Sale of Land Act that require vendor statements to include information about bushfire attack levels at the time of construction and time of sale.

I believe it is appropriate that the Brumby Labor government is now completing the final stages of targeted consultations with fire-affected communities, industry and local governments across Victoria, and I want to commend the Minister for Planning, Minister Madden, who referred earlier in the week during question time to his consultations through a round table discussion that he has already conducted with the planning and building sector.

I believe it is important that we liaise with affected communities to work through all the recommendations in terms of future implementation, but particularly the most contentious of the recommendations. I think it is important that people feel a sense of ownership over

these recommendations and that their views are going to be heard. We need to get away from playing politics with such an important issue, and I strongly reject the assertion that has been made by members of the opposition that the government is not responding in a timely way. It is quite peculiar to accept recommendations sight unseen from any report from any body. I do not believe that the Victorian Parliament can ever get into the business of contracting out its work. Ultimately it is for governments to make these types of decisions in consultation with the community, and that is in fact what our government is doing.

It is important that we learn the lessons of Black Saturday and support the affected communities to rebuild their communities and their lives. As parliamentarians we all feel the weight of responsibility to ensure that a tragedy like this never happens again.

**Mr VOGELS** (Western Victoria) — In opening I record on behalf of the people of Western Victoria Region our sincere appreciation and thanks to the volunteers of the Country Fire Authority and the paid CFA and Department of Sustainability and Environment (DSE) staff and firefighters who are dedicated to putting themselves on the front line to fight fires and protect life and property. We owe these men and women a great deal. I particularly pay tribute to the volunteers who walk out on their families, farms and businesses to respond to emergencies and fight fires out of nothing more than a sense of community service.

In country Victoria we understand the importance of volunteering because it is the only way we can keep our communities together and safe. We all have to do our share, but it is important that we recognise the volunteers who are trained and prepared to fight fires in their communities and across the state. This is also an opportunity to remember those who perished and those who lost loved ones and property in the Black Saturday fires of 7 February 2009. In considering the bushfires royal commission report it is important to respect the individuals and communities who are affected, but it is also vital that we learn the lessons and take action to prevent such a disaster from occurring again in the future.

I have lived in country Victoria my whole life. There are many things that cause bushfires. I looked up the DSE website, which says that 26 per cent of all bushfires are started by lightning strikes. I do not think there is much that any of us can do about that. It also says that many fires were started by lightning during the 2002–03 fire season and on one evening alone — 7 January 2003 — 87 fires were started by lightning

strikes in eastern Victoria. As you can see, over a quarter of fires are started by lightning.

Then we have human activities. Campfires cause approximately 10 per cent of fires on public land. That is an enormous amount when you think about it. Burning off and agricultural burns account for another 15 per cent of fires. Equipment and machinery being used account for another percentage. Then of course we have deliberate activities of certain people who go around lighting fires. I do not want to speak about them because they are too despicable to speak about, but there are people who go out and do that.

I heard Ms Mikakos talk about planning. Planning and policies impacting on landowners who wish to build in bushfire-risk areas came under criticism at a bushfire forum in Ballarat. It is reported that more than 170 landowners in Mount Helen, a suburb of Ballarat, are waiting to see if they are able to build homes on their land. Some of these people are young families and potential first-time buyers. A number of landowners have been denied planning permits to build houses because the CFA, acting under planning laws, has not been prepared to sign off on permits. It has been reported that there are four people in Victoria accredited to provide specialist reports required for approval of building permits in wildfire-risk locations — only four — but those people have withdrawn their services. These families are being left in limbo and are severely out of pocket. I understand that we have to have tougher planning regulations in fire-prone areas, but I was talking to one person who told me that to build a home in what they call a fire-risk area adds another \$150 000 to the cost of that home. That is an enormous amount of money.

I would question the 52 towns which have been named by the government as being fire-prone areas. Some of them are, but there are other towns which are at much greater risk of fire than the ones nominated. I would not mind living in Peterborough on a high fire-risk day. You have the ocean on one side and Curdies River going through the middle; it is very wide. I cannot see how that is being declared a high fire-risk town compared to Timboon, for example, which sits in the middle of the bush, but someone has made that decision. However, if anyone wants to build in Peterborough, they are going to be up for approximately an extra \$150 000 to meet the new planning permits required to build a new house in that area.

We have heard a lot about fuel reduction burns, and as Philip Davis said, it is about time that we really got serious about fuel reduction burning; that is something



we can do something about. I think the Labor government has failed over many years to properly do fuel reduction burning. You can say, 'Let's burn 5 per cent of the state', but to me it depends where you burn. If you just want to say, 'We are going to add up to 5 per cent', you could go and burn the Wimmera Mallee or something and come back and say, 'We have burnt 5 per cent of the state', but that would not mean it would be in areas where the prescribed burning should have been carried out — for example, the Otways, which is a fire waiting to happen.

As was said in the report, there are 7.7 million hectares of public land estate in Victoria and we have been burning about 130 000 hectares, or 1.7 per cent. If that went up to 5 per cent, it would be something like 385 000 hectares. Once again, as I said, it needs to be in the right areas. You could easily add up to the 385 000 hectares, but that would not mean you are doing yourself or the state much good. One of the factors which has made Western Australia a much safer place to live is that the government prescribes burning; I believe it is up to 8 per cent per annum.

The bushfires royal commission talked about refuges. Once upon a time we used to have stated emergency assembly areas right around Victoria. Just about every town had an emergency assembly area — it was usually on a school ground or a recreation reserve et cetera — but this government closed them all down because of public risk liabilities. We had all these places where people in the country knew to go if there were a fire, but they were all closed down because this government did not want to accept the public risk liability. Now here we are, back to square one, trying to find out where we are going to put refuges.

In relation to the fire services levy it is common sense that if you own property you should be paying fire insurance: it is as simple as that. What we worked out from the last bushfires on Black Saturday was that about a third of the houses burnt were not insured. Obviously that places a much larger burden on the people who do insure, because they have to carry the weight of those who do not insure at all.

I go further and say that if it is a property-based tax, which it should be, then the state, which owns one-third of the land in Victoria, should be paying at least one-third of the levy or the tax because we all know that most fires that have an impact on the state start on Crown land in the first place. You would expect that the state, owning one-third of the property in Victoria, should pay at least one-third of the tax or the fire services levy.

We have heard spin and rhetoric about electricity assets. There is a recommendation that we start undergrounding single wire earth return (SWER) lines. No-one has ever said we should do them all this week, next year or even in the first 10 years. The royal commission has said we should start undergrounding SWER lines and powerlines in high-risk areas over the next 10 years and other lines as they degrade and have to be renewed over time.

There was a report from the government last year in which the Department of Primary Industries said it would cost about \$900 million to underground SWER lines right across Victoria. Then we heard a ludicrous announcement by the Minister for Energy and Resources, Peter Batchelor, a couple of days ago when he plucked a figure out of the air saying it would cost \$60 billion. Leading up to the next election we will hear spin and rhetoric from this government saying that implementing the royal commission's recommendations is just not possible because the cost will be billions. Of course we should use common sense and only start undergrounding SWER lines where new lines are going in or where there are lines that are completely disintegrated and finished and need upgrading, but you do not willy-nilly go about undergrounding all powerlines, and no-one has ever said that. During the last round of submissions to the Essential Services Commission, Powercor asked for \$26 million over several years to underground the electricity cables in the highest fire danger areas, but the government refused.

The recommendation that talks about acquiring land in high-risk bushfires areas proposes a voluntary buyback in areas of unacceptably high risk. It is not compulsory for landowners to offer their property or for the government to accept an offer. If someone has had all the planning approvals agreed to years ago and is now stuck in a high fire-danger risk area, it is probably a case that the government should look at on the odd occasion and say, 'Because of our new rules and regulations you cannot survive; we will buy you out', but it would be a very rare instance.

Other members have not mentioned electricity circuit reclosers in their contributions. This issue is dealt with in recommendation 32, which is that:

The state (through Energy Safe Victoria) require distribution businesses to do the following:

disable the reclose function on the automatic circuit reclosers on all SWER lines for the six weeks of greatest risk in every fire season;

adjust the reclose function on the automatic circuit reclosers on all 22-kilovolt feeders on all total fire ban days to permit only one reclose attempt before lockout.

Most members probably do not know what I am talking about, but I will try to explain. Automatic circuit reclosers are mechanisms which enable power to recycle back on in the case of an instantaneous fault on the line. For example, if a bird touching a powerline trips or short-circuits the supply, causing a temporary brownout, the automatic circuit recloser will, after 2 seconds, automatically attempt to turn the power back on and re-establish supply. The reclosers will try up to three times to establish power.

It has been estimated in *Weekly Times* articles that the majority of short-circuits in the line — 70 per cent to 75 per cent of them — are caused by temporary surges. In such cases the reclosers will automatically turn the power back on and supply will continue as normal after a couple of seconds. Where there is a more serious short-circuit in the line the reclosers will not be able to re-establish power after three attempts and the line will remain without power until power is manually re-established by a technician working for the electricity distribution company — which is Powercor in western Victoria. Typically, this will require a truck to be sent out to identify and rectify the fault before reconnecting to the power supply.

The intent of recommendation 32 from the royal commission is that during the six-week period every summer the automatic reclosers would be disabled and technicians would be required to manually restore power after every short-circuit in the line. Power would continue to be supplied to rural communities over the six-week period, but every single time a surge or short-circuit occurs the power will remain off until a truck can isolate the fault and manually reconnect supply. This could take 1½ to 3 hours on average, depending on where in western Victoria the fault occurs.

When I return home after being away for a week or two, sometimes, for parliamentary sittings, the old fax machine that I still own will probably have 5, 6 or 10 slips ejected due to no power in the 1 second when there is a power surge. When that occurs we have blackouts over the summer. We need to look at this carefully because many country Victorians who are on SWER lines rely on continuous power. This applies to piggeries, poultry farms, refrigeration equipment, dairy farms, watering suppliers for stock and so on. Country Victorians cannot go without power in the middle of summer, and as I have said, this recommendation means they would experience greatly reduced certainty of power supply over the summer months.

We need to carefully examine this recommendation. The government and the coalition have supported it in principle, but we need to make sure that if we are going to do this there will be enough manpower employed by Powercor or SP AusNet, together with trucks, to get to the fault site and repair them quickly. As I said before, if your power drops out in country Victoria, it could take anything from 1, 2, 3, 4, 5 or more hours — we have waited up to 12 hours — to have it reconnected. That needs to be looked at.

With cases where it is difficult to get to a blackout area it might be cheaper for the government to consider saying it will help with subsidising a generator for those properties. I do not know, but it needs to be looked at. You cannot just go switching off the power in country Victoria for six weeks.

I have also been informed by the power companies that it would take three weeks to carry this out — that is, disable the reclosers — so you have three weeks before you actually disengage them and then three weeks after the six-week period to hook them all back up again, so you are looking at an average period of at least nine weeks.

Last night during the adjournment I mentioned that I have grave concerns about something that we should be starting next week — that is, electric powerline clearing across the state. We have just not been doing it. I have a letter from Ian McMinn, director and chief pilot of Helimatic Australia Pty Ltd, who has a fantastic technology which is being used in Scandinavia and New Zealand. A helicopter can go into rough terrain and cut branches and limbs off trees. There is no need to drag in cherry pickers, ladders and whatever, which takes weeks, in what is very difficult terrain to work in. He has a fantastic technology.

It is essential that Energy Safe Victoria work with people like Ian and others who might be out there with new innovations which can speed up the clearing of powerlines. We have been told there are over 5 million trees encroaching on powerlines across the state, and they need to be attended to. That is something we can all agree on and something which we can start next week, as soon as this rain disappears and the clouds clear.

In conclusion, it worries me that once again we will finish up with a lot of spin as we go into the next state election. A couple of days ago we heard the Minister for Energy and Resources, Peter Batchelor, saying the opposition is locked into spending billions and billions of dollars, which we do not have, into undergrounding every powerline in Victoria and buying back the home

of every person living in a fire-prone area who wants to get out, which is not true. But this is what we will hear in the lead-up to the state election.

The time for talking is done. We need to support the recommendations and get on with implementing them.

**Hon. J. M. MADDEN** (Minister for Planning) — I wish to speak briefly and succinctly on the Black Saturday and Gippsland fires. Those fires were the worst natural disaster in our nation's history. They tragically claimed 173 lives and changed our state forever.

On 31 July 2010 the 2009 Victorian Bushfires Royal Commission released its final report. The report contained 67 recommendations broadly grouped under the following issues: Victoria's bushfire safety policy; emergency and incident management; fire ground response; electricity-caused fire; deliberately lit fires; planning and building; land and fuel management; organisational structure; research and evaluation; monitoring and implementation; and reflections.

The commissioners have advised that in framing the recommendations they have given priority to protecting human life. That is very much central to not only the recommendations but also their brief. The recommendations have been designed to reflect the shared responsibility that governments, fire agencies, communities and individuals have for preparing for fire and improving people's safety.

The government has already given in-principle support to 59 of the 67 recommendations. Nineteen of the 67 recommendations relate to planning. The key recommendations for planning and building that require further consideration are recommendation 40, which is the Country Fire Authority amendment of guidelines for assessing permit applications under bushfire-prone overlays to accommodate the amendments to the wildfire management overlays; recommendation 46, which is the retreat and resettlement policy, including a scheme for non-compulsory acquisition of land in areas of unacceptably high bushfire risk; the removal of the deemed-to-satisfy provisions in AS3959–2009, which is in recommendations 48 and 49; and amendments to section 32 of the Sale of Land Act to require that the vendors statement include information about the bushfire attack level (BAL) at the time of construction and time of sale, which is recommendation 53.

In addition, the 2009 Victorian Bushfires Royal Commission has recommended that a standard for community refuges be developed as a matter or

priority. As the house is aware, the government is currently conducting an extensive consultation program in the fire-affected communities as well as throughout regional Victoria. These consultations will be completed this week. Included in these sessions will be feedback on the planning and building elements of the royal commission recommendations. As well as the community sessions I have conducted a round table with industry stakeholders in the planning and building sector to elicit industry views on the recommendations.

Since the events of February 2009 the government has not been idle in introducing significant new measures to improve the preparation for and response to future bushfires. These measures stem both from the government's response to the royal commission's interim recommendations and its own new measures. Whilst I have mentioned these previously, I would like to mention them again. Some of these measures in the planning and building portfolios include streamlining the planning process for replacement buildings; volunteer programs to provide free BAL assessments; a rebuilding advisory service and centres in bushfire affected areas; strengthened new building standards for bushfire construction; a new national performance standard for private bushfire shelters; applied wildfire management overlays to areas covered by 18 planning schemes; updating the existing wildfire management overlay coverage in a further eight schemes; the Building Commission continuing to work closely with industry, suppliers and manufacturers to bring products that meet the requirements of the new building standard onto the market; establishing the Architects Bushfire Homes Service to assist people who lost their homes; reimbursing councils for all planning and building fees that councils waive in approving the rebuilding of homes and small businesses destroyed in the bushfires; and commencing the development of a course in building and planning in bushfire-prone areas, with the first course expected to be run in October.

We are now completing the final stages of the consultation with industry and councils across the state. It has been an extensive and thorough consultation, and I would like to thank all those people who have participated in this process for taking the time to provide their input into making Victoria as fire safe and as fire ready as possible for the future.

I also acknowledge that for many individuals in the bushfire-affected areas rebuilding has not been easy, and I suspect it will not be easy in many ways. Building a new home in any sense is a very personal experience, and no doubt that is often why people do build — to reinforce their own personal attachment to the land and where they want to settle and locate and

their families. To rebuild after such a traumatic experience is going to be difficult even if it is simplified as much as possible. I recognise it is going to be personally a very difficult journey for those individuals, given their own specific and very difficult and complex circumstances. It is also worth noting that for many individuals this is made more complex by many of the technical requirements that need to be met to complement any new buildings that are added to people's land through the rebuilding process.

The government and I are very keen to provide any additional access and assistance, tailored and delivered specifically for those who at this stage are still finding it either personally or technically difficult to rebuild their homes. In recent days I have met with a number of individuals who have specific issues in relation to the rebuilding process, and no doubt those specific issues relate very much to their idiosyncratic building site. Each site is different, and of course each of those requirements will be significantly difficult or present difficulties depending on the circumstances.

Today I want to put on the record that I am very eager to assist those individuals, with the assistance of the Department of Planning and Community Development and working closely with the Victorian Bushfire Reconstruction and Recovery Authority, and also to assist local government in any possible way we can. These individuals who have been affected on so many fronts are trying to rebuild their lives with great courage and conviction and to re-establish their homes in many of the bushfire-affected areas. I would also like to note and put on the record my great admiration for the inspiration that many of these individuals have provided through their courage and also the inspiration provided to them by many volunteers and those working in local government and at a local community level.

At the time of the bushfires I was very impressed and I remain impressed by the capacity of local government to be very flexible and to do an enormous amount of work, not just above and beyond the call of duty but also outside its broad job description. Many of those individuals who were involved at a local government level knew many of the fire-affected individuals and communities. I also recognise that many of them had their own circumstances which they had to contend with, as well as assisting others.

These people, and many people across the building construction sector, have been instrumental in providing as much assistance as possible with the design and rebuild of the thousands of homes and structures affected by the fires. We have an ongoing

challenge to assist as many people as we possibly can and to make it as simple as we possibly can, but of course we have to do that in light of the recommendations of the royal commission and in light of the relevant and needed high safety levels required for building in these fire-affected areas. I would like to thank so many individuals for their compassion, their courage, their commitment, their time and their professionalism at a time when fellow Victorians have been so dramatically affected and at a time when Victorians broadly, and Victorians in fire-affected areas specifically, needed them the most.

**Mr GUY** (Northern Metropolitan) — In beginning a contribution on the report of the 2009 Victorian Bushfires Royal Commission, like all members of this chamber and the Parliament, I think it is important to acknowledge the deaths of so many Victorians in this tragic incident and those who have been tragically affected by those deaths. Whether it has been through the loss of a friend or a family member or through a loss of property, this incident has brought a huge change and upheaval to the lives of so many people. We are all aware it was the greatest natural disaster in our state's history, and we recognise the suffering that so many people have gone through.

Like a number of speakers before me, I will begin by stating that we have seen this appalling and tragic situation occur in Victoria, but we also have a royal commission report that has not slapped everyone on the back or said the way that situations have been managed has been good or that things should continue as they are. Clearly there are many lessons that need to be learned from what occurred on Black Saturday. There are many examples where people in government, people in the community and all of us as Victorians need to acknowledge that practices in the past or actions that occurred on the day were not up to scratch and must be addressed if we are to avoid any similar incidents in the future.

I grew up in what was then the shire of Eltham — not in the north riding, in the west riding — and I remember the days when people used to be fined for not clearing their nature strip. Now you get fined if you do clear your nature strip. It is amazing what 20 years has done for people living in what was the old north riding in the shire of Eltham. So many of us in this chamber and people in the community in that area who I know intimately have been talking for a long time about the issue of vegetation around populated areas. The issue has caused a divide in what was the shire of Eltham for many years, and it continues to this day.

It is an issue that the royal commission's report has addressed. I still find it stunning that so many people want to ignore this issue, as though it is somehow not related to fire intensity, to any bushfire event or to population change in those areas. Leading up to Black Saturday we had a huge amount of fire fuel load around residential dwellings and towns. The government's own report is saying the backlog was close to 2000 square kilometres — 200 000 hectares of land. That was not what had been done; that was the backlog of what had not been done in fuel reduction over the last decade in these areas in the north of Melbourne. To put it in perspective, an area of 2000 square kilometres is larger than the Adelaide metropolitan area. That was the backlog of what had not been done over the last decade, and whether we were playing catch-up over the two years before or whatever is immaterial. The reality is that fuel load does not wait for governments to come along two or three years later or for councils to act. There was a situation that needed to be addressed, and it was not.

I remember stories my brother has told me about Black Saturday when he was helping to defend his mate's place in St Andrews. They were listening to some of the chaos on the emergency services radios, where firefighters were being dispatched to areas where the fire front had passed. While they defended the place in St Andrews they listened to the explosions of the liquefied petroleum gas bottles as the fire moved closer, and that is one of the ways that they tracked where the fire was going.

The royal commission has looked at some of the emergency services on the day and the actions of the head of the CFA (Country Fire Authority) and the Chief Commissioner of Victoria Police. While I will not make copious remarks about that, I think it is pretty obvious that when a person chooses to attend a social engagement rather than be at their post, it is in fact a dereliction of duty and one that I think was a grave mistake on the part of the then chief commissioner.

I have my own recollections of the day after Black Saturday. During this debate I have heard a number of people talk about the need to not politicise the issue, and none of us want to do that — of course we do not — and also to treat it with respect. I accept all of that. I believe that is the right thing to say and the right thing to do. But you have to put it in context. I will give an example of my own. The first recollection I have of the day after Black Saturday is of arriving at a bridge to cross a creek to the north of Whittlesea to help good friends of mine whose place had been burnt out. All of them had survived. Miraculously the fire front had passed their place in Humevale. They had watched

their neighbour's property go up and multiple people had been killed. Another neighbour's property had gone up and someone else had been killed.

I was standing on the opposite side of a bridge, 12 metres away from a good friend of mine with two jerry cans of fuel and large bags full of milk and bread and supplies for my friend's family who quite obviously were going to be stuck in the area and who could not get out to get any food, resources or fuel for the generators which they were operating on at that time. We were stopped. I was told that if I crossed the bridge I would be arrested, and if my friend crossed the bridge he would not be allowed to go back to his home where his parents and his wife were. As members can imagine, after a long time we accepted but certainly did not like the ruling that was given by the people there who said that one could not go over and one could not go back.

We accepted it, but what infuriated me at the time was to watch helicopters from television stations flying off into the bushfire area to conduct interviews either with government politicians or with people in the bushfire-affected areas. When you cannot cross a 12-metre bridge to give diesel or petrol for a generator or bread and milk to people who are in the bushfire area, but you can look up and see helicopters flying either government politicians or media into those areas to do media coverage or a live cross or whatever, it makes you cynical and somewhat frustrated and angry about the priorities on the day after Black Saturday. That is something which is etched into my mind and indeed into the minds of my friends who successfully defended their place in Humevale against a fire front, the likes of which they had not seen before. It focuses one's mind.

I accept it when I hear people say we need to be respectful and bipartisan, but you need to do it in the context of the people who saw similar events occurring in their own communities. You cannot whitewash that from their minds. It was difficult for a lot of them to get supplies on the day or indeed in the week after, but it was not difficult for government politicians to head into the sites to do all this kind of stuff, which ultimately led to frustration.

I want to refer to some of the thoughts of good friends of mine who were burnt out. One has raised with me four points about how they felt the bushfires affected them. I told them I would raise their family's concern in this place today, and I do so with great pride and admiration for the work they and their community in Humevale put in to defend their properties and the properties of their neighbours. The first point relates to

the lockdown of residents in bushfire zones. I understand the reasons why it might have been done — because of looting and for other reasons — but at the time the residents felt that not to be able to leave their properties to purchase supplies and then return, whether it was basic fuel for generators, food or fencing materials to look after livestock, was a serious concern. Many of them felt they were under some form of home detention.

The next point is the refusing of access to cattle for farmers from other parts of bushfire areas. A good example was brought to my attention of farmers who for five days had no access to their cattle on adjoining properties and therefore the cattle had no access to feed, water and veterinary assistance. Some of the cattle had suffered minor burns. The point that was put to me by farming people I know in those areas is that if farmers had neglected livestock they would have been charged with cruelty, but here they were in a situation where they were being denied the ability to access livestock that had been affected in their area.

The issue of fire bunkers is one they feel should be addressed because a family close to them, whom I knew, had perished trying to get to their fire bunker. Another person in Humevale perished when his bunker collapsed on him. Fire bunkers are not a be-all-and-end-all solution. In this case Humevale was less than 1 kilometre from safety, and there needed to be a situation where people were given quite considerable prior notice rather than it being given at the last minute.

Also they raised with me the issue of school closures on code red days, noting of course, that on Ash Wednesday some of the schools that were used as fire refuges were considered the safest places to be rather than in some of the dwellings that were more likely to be surrounded by vegetation. Invariably schools are brick buildings and in many respects they were safer places to be than where some of the children might have been had they been told to stay at home in a dwelling surrounded by native vegetation.

I also want to raise the issue of the Victorian Bushfire Reconstruction and Recovery Authority and the manner in which it has handled, or indeed mishandled, the moneys that were donated for all communities after the bushfires from all around Australia. I want to speak to a specific example in relation to the Ukrainian Youth Association, which had an outdoor education centre at Buxton. The association had been in the community facility for many decades. On Black Saturday the 34 acres, which incorporated a kitchen, an administration building, an indoor activities and sports

hall, a pump house, a maintenance block, dining facilities and residential facilities was burnt to the ground. The first thing the Ukrainian community did, like thousands of other Victorians, was to fill their car boots full of supplies and head off to donate them to other communities, not to themselves but to those communities that had been impacted upon. Like all Victorians we wanted to ensure that those who had been badly affected were looked after and not forgotten.

It then became time to decide what would happen to the facility that had been burnt out, which was used by seniors groups, migrant adult groups, art groups, sport groups, ethnic groups and disadvantaged special needs children groups. As I said, it was owned and operated by the Ukrainian Youth Association. It received a payout of \$820 000 on a \$3.9 million property and obviously it was \$3.1 million worse off. It will be fundraising as much as it can in the community to get money to rebuild the facility.

The association wrote to the Victorian Bushfire Reconstruction and Recovery Authority and had its own case manager appointed for the rebuild. A meeting was arranged with Christine Nixon to assist the reconstruction authority to address problems with accommodating contractors for the surrounding towns. The association's property was offered as a place to accommodate the various trades; it is within short reach of the townships. There was no response from Ms Nixon's office. Later on it was advised unofficially that its file and its submission had been lost or misplaced. The association wrote to the Victorian Bushfire Appeal Fund asking for some funding to be made available to not-for-profit organisations so it might be able to enter an arrangement to fundraise for itself. It did not ask for a lot of money, and I understand that some of the remaining \$60 million in the fund might be able to be allocated to not-for-profit organisations. It did not even receive a reply to its letter.

This organisation, like many not-for-profit organisations, was not asking to be treated with greater priority than any other not-for-profit organisation. It was in no way asking to put before any of the communities it had assisted, like all of us, after being burnt out on those days. What it was asking for was, I think, at least an acknowledgement from the Victorian Bushfire Reconstruction and Reconstruction Authority — an answer, a reply — and it did not even receive that. The organisation is run by volunteers. It is there as a community facility to assist many people and communities. It could at least have been given a reply from the reconstruction authority, but it appears that

that was too much for it to do. That is an extremely poor response to a not-for-profit organisation.

I simply say again, as someone who has an intimate knowledge of some of the areas in the southern part of the Murrindindi and Kinglake areas where fire burnt out communities, this was a catastrophic event that clearly none of us wants to see repeated in Victoria. We need to acknowledge the circumstances which led to the intensity of these fires and the manner in which we can address these issues into the future.

The one I started with is the one I conclude with, and that is allowing people who live in these communities the ability to clear vegetation around their dwellings. We are going to have people living in towns in these areas and clearly no-one wants to raze the vegetation from the ground; that is not what people want to do. They chose for a reason to live in Strathewen, in Kinglake, in Kinglake West, in Marysville and in other areas that are beautiful, but they need to be given the tools to protect themselves should a catastrophic fire event occur.

The fact that so much back-burning has not been done in the past decade is not a matter that the government can simply put aside and claim it has no responsibility to deliver. The government needs to take responsibility for its actions. Its actions in this area have been found to be completely failing, and there are many questions to be answered, not just by the head of the CFA and the Chief Commissioner of Police at the time, but by the government. To date those questions have not been answered. This is not a public relations stunt to enable the government to run off and build an image a number of months from an election; this is an issue on which all Victorians want action and answers.

In 1989 when the Fitzgerald report into corruption in Queensland was brought down the then Premier of that state, Mike Ahern, agreed in principle, lock, stock and barrel, to deliver the findings of that inquiry so they could not be watered down by any future government. He committed his government to implementing all the recommendations of that royal commission to ensure that Queensland would be rid of corruption.

Ted Baillieu, the leader of the coalition, has committed in principle on a similar level to ensure that the findings of this royal commission will not go the way of previous inquiries in 1939, the 1960s and the 1980s that were simply ignored by governments in the ensuing years for whatever reason, whether it was lethargy or for political reasons at the time. We have to commit in principle to doing everything we can to make communities in these areas as fire safe as

possible. That is a legacy that any good government would be prepared to leave for the future of this state.

**Mr EIDEH** (Western Metropolitan) — I would like to make a brief contribution to the debate on the bushfires royal commission report. We have all spoken many times before about the horror that was the tragedy of the bushfires that killed so many good people, destroyed so many families and devastated so much of our lovely state. I have risen to speak on the bushfires more than once, and like every member of this house and every other Victorian, I feel deeply for the people who suffered and lost so much and who will never forget their pain.

As with our fallen war heroes, I say: lest we forget, because we must never forget. As a Parliament we must do all we can to ensure that such a tragedy never again blankets our state, never again darkens our hearts or destroys our hopes and dreams for a wonderful future for all who live in our state.

The Premier has announced that the government will accept almost all the recommendations in the report of the bushfires royal commission. He has further declared that the government will spend extra time considering and discussing a small number of recommendations that are the most contentious. Again, this is not being political, because some of the recommendations have already been criticised by some of the survivors, the very victims of the tragedy who are still with us. No responsible government would ever impose any action on them without consulting with them directly and without considering the report's recommendations and what they truly mean to the affected communities. The Brumby Labor government will do all it can to reduce the risk of such a menace ever happening again, and it has already devoted considerable attention to preventing such calamities occurring in the future. Of course, that said, we cannot predict the effects of a lightning strike, a faulty powerline or the blackness in the hearts of some who start fires deliberately and with evil intent. But as a government we are doing all we can to ensure that the horrors of 2009 are not repeated. Who within this place would disagree? No-one.

The members of the royal commission have performed a truly amazing job on behalf of the people of this state, and we are all grateful to them for their dedication and commitment. We can only pray that we never need to call upon them for a similar task again, as I am certain they would agree.

In saying that I must also speak now to all Victorians, whether they live in bushfire-prone areas, in seaside

communities or in metropolitan Melbourne. Our wonderful and highly dedicated firefighting and emergency services personnel would find their often difficult tasks so much easier if we all listened to their advice. We should ensure that our homes are safe from leaf accumulation or other potential fuel that would pose a danger in case of a fire; we should have a good hose nearby; have a family emergency evacuation plan; and inside our homes we should have a fire blanket, a fire extinguisher and smoke detectors.

Of course people who live in bushfire areas have a greater danger to contend with, and I plead with them to do all they can to ensure that they survive any future danger. After all, the government — any government — can only do so much. The Brumby Labor government is committed to doing its very best, and the Premier's response to the report of the royal commission is proof that this government will always stand alongside our community to prevent disasters and to fight them head-on when they occur.

I commend this report, I thank yet again the commissioners and their hardworking staff, and I congratulate the Premier and the government for honestly and openly committing to doing what can be done and must be done to save lives in the future.

**Mr FINN** (Western Metropolitan) — I was going to say it gives me a great deal of pleasure to speak on this report, but far from it — I wish in fact that I did not have to speak on this 2009 Victorian Bushfires Royal Commission report. I wish this report was not necessary, I wish this royal commission was not necessary and of course I desperately wish the bushfires of February 2009 had never occurred.

Some would say that those of us who live in the western suburbs were not affected by the bushfires of last year, and physically that may be so, but the reality, the truth, is that many, many people of the western suburbs were deeply emotionally distressed by what happened on Black Saturday. Many people in the western suburbs of Melbourne were psychologically pained and continue to be psychologically pained by what they saw on Black Saturday and the days after Black Saturday. The people of the western suburbs have a great empathy for people who are suffering. I think it is a very important point to make that the hearts of everybody in the western suburbs go out to those who have suffered, and continue to suffer, as a result of those dreadful fires.

Unfortunately bushfires are a matter of fact in Victoria. History has told us that there is no getting away from the fact that we will have bushfires. Going back

through generations, through decades, over the last century we have seen that bushfire is something that we just have to deal with. Our job, I believe, as members of this Parliament, as community leaders, is to minimise the damage that these bushfires cause.

I strongly believe that some significant blame for the ferocity of these fires must be carried by those councils who refuse to carry out their responsibility to clean up the fuel which provides such bushfires with the food they need to go on their destructive way. Inevitably these councils have a strong green component. I am a great supporter of trees. I love to go out in the bush, and I was born and raised in the country. I love being in that sort of environment. The Minister for Environment and Climate Change, Minister Jennings, is a little bit surprised to hear me say that, but I assure the minister — —

**Mrs Peulich** — Without your crystals.

**Mr FINN** — He has got his own crystals, Mrs Peulich.

But seriously let me assure you that the bush is one of my very favourite places. At the same time we must, and councils must, allow back-burning access via fire mitigation and so forth. The councils have a responsibility to protect the community — their own communities — with regard to these matters. It is not good enough for any council just to say, 'That is all locked up; we will just let it grow', because when that happens that is a disaster waiting to happen.

On a day that was staggering in many ways, one thing that was truly staggering was that there was no leadership shown by anybody in the fight against this fire. We had a situation where there were thousands of volunteer and professional firefighters, police and emergency services personnel risking their lives, but there was nobody at the top showing them leadership. There was nobody at the top who was taking responsibility for directing traffic — not the chief fire officer, not the Chief Commissioner of Police, not the emergency services commissioner and certainly not the Minister for Police and Emergency Services. In fact many people have asked — and I think this is probably the most significant question of this whole sad and tragic event: where was the minister when all of this was happening? Why was the minister not taking up his responsibility to ensure that leadership was provided to those men and women who were risking their lives on Black Saturday? Where was the minister? It is just not good enough to pop up a few days later and say, 'I spent the day at home'. He should not have



spent the day at home. He had a job to do. He did not do it, and that is a sad fact of life.

I have to say to this house that I am very pleased that former Chief Commissioner of Police Christine Nixon is gone from the bushfire reconstruction authority, but I have to point out the obvious: she should never have been appointed in the first place. Ms Nixon should never have got the job. I cannot understand how she got the job. I cannot believe that either the Minister for Police and Emergency Services or the Premier, or both of them for that matter, did not know she had deserted her post when Victorians needed her the most. I cannot believe that either the minister or the Premier were not aware of what she had done.

Again I ask the question: why over the past 10 years has Christine Nixon been such a protected species, irrespective of what she has done either as the Chief Commissioner of Police, including her total dereliction of duty on Black Saturday, or since as the head of the Victorian Bushfire Reconstruction and Recovery Authority? It has been pointed out time and again that Christine Nixon was not up to the job, and yet this government — and this Premier in particular — has protected her. Why? Will the government and the Premier explain to this Parliament and to the people of Victoria why he has protected her in the way that he has for such a long time? Even her resignation was protected; it was announced under the cover of the announcement of the federal election. It shows a certain degree of cowardice on the part of Christine Nixon that she was not prepared to face the music. She was not prepared to stand up in the full view of the public and tell us where she had gone wrong, admit her mistakes and perhaps even say that she was sorry. Maybe she could have said she was sorry for what she had done or perhaps what she had not done.

The total inadequacy of Christine Nixon as Chief Commissioner of Police was never more apparent than on Black Saturday 2009. However, the inadequacy goes far beyond Christine Nixon; it goes to those who put politics and social engineering ahead of proper policing and proper protection for our community — those who gave her the job when she was never up to the task. That is something we must never allow to happen again.

As I said, on Black Saturday thousands of Victorians risked their lives in a war of monumental proportions, the likes of which we had never seen before in this state, but the generals were asleep at the wheel. Some went to the hairdresser and to dinner; some stayed at home in Bendigo; and others, unbelievably, did not have a clue what they should do. That is just not good

enough for Victoria and not good enough for Victorians.

Russell Rees and Christine Nixon have gone, but still today nobody wants to take responsibility for the total dereliction of duty by those who should have been leading the way on Black Saturday, those who should have been in charge and shown leadership. Nobody is prepared to get up and say, 'Yes, it was my responsibility and I failed'. Why is the government not able to accept responsibility for the job its members should be doing? It is just not good enough.

I conclude by offering my sympathy and the sympathy of those in the west of Melbourne to those families and friends of the victims. Black Saturday was for them a day of great personal tragedy. It was a day that has changed their lives forever and which they will never forget. Our thoughts and our prayers must continue, and we must support them in any way possible. We must do more to help those who lost property and who are spending another winter in caravans, warming themselves around camp fires in various parts of Victoria. Here we are, more than 18 months after the fires of Black Saturday, and so much needs to be done but is not being done. So much must be done and has to be done, so let us get on with it. We owe those people. Above all we must commit ourselves to do whatever is humanly possible to ensure that we never again see the tragedy that we saw on 7 February 2009.

**Mr VINEY** (Eastern Victoria) — I will make a fairly brief contribution on the motion to take note of *2009 Victorian Bushfires Royal Commission — Final Report*. I open by again extending my sympathy to all those people who were tragically affected, directly and indirectly, by the bushfires on Black Saturday — those who lost loved ones, those who were injured and those who were psychologically affected, including those who lost property. Black Saturday was a terrible day for Victoria and a terrible day for Australia. All members of this Parliament continue to express sympathy and concern. I am sure that all members of this Parliament genuinely want to do what they can and what is within their power as representatives of Victorians in this place to assist the people affected by the fires. I am sure that all members will continue to do what they can do to minimise the potential for this kind of tragedy to occur again.

I rise after Mr Finn's contribution with a determination not to be baited by such a blatantly political attack. I believe an extraordinary commitment has been given by many people — from those in leadership positions and people in lower positions and at the front-line — to respond to the fires that occurred throughout Victoria

and to assist in the recovery process. It does not do Victoria much good at all for there to be a process of targeting individuals for their actions.

I have met a number of the individuals who have been in positions of leadership at various levels in organisations such as Victoria Police, the Country Fire Authority and the Department of Sustainability and Environment. I do not know any of them personally, but I have met them professionally as a member of Parliament before and after these events. It needs to be put on the record that all those people have a deep commitment to this state and a deep commitment to doing their best to protect Victorians from these sorts of disasters. These people are committed to protecting Victorians from fire, as well as from criminal activity and human activity which can be devastating. That is not to say that from time to time people in various positions have not made mistakes or errors of judgement. Some people have admitted to making mistakes, while others do not believe they have made mistakes.

At this point in the debate I want to put on the record that I deeply respect the work of those people and their commitment — for example, I deeply respect the commitment of people who might not have been senior leaders but who were leaders in particular locations or had responsibility in particular locations and did their best on the day.

Black Saturday was an awful day. I note that opposition members challenged the use of the word ‘unprecedented’, but I have to say that in my lifetime the events of Black Saturday were unprecedented. I recall a day in my childhood that was 110 or 111 degrees on the old scale. I do not know what that translates to in Centigrade, but it was a pretty hot day. There was only one day that I can recall like that.

Of course there were very hot days around Ash Wednesday, but on this occasion, on 7 February last year, what we did have was a 47-degree Celsius day after a considerable period of drought and we had low humidity, very high temperatures, years of drought and, I acknowledge, high fuel loads, and strong winds, as Mr Koch said. That led to a significant disaster.

I do not want to get into a semantic argument about whether the word ‘unprecedented’ is correct or not correct. I do not think it matters. What we have to acknowledge is that it was an awful day, an extremely unusual day, an unprecedented day — all of these words can be used. We may well get more of these days, which is the belief of those of us who do think that climate change is occurring in this world. We may

get more of them and we have to make sure that we are prepared for that process, but I do not think it does us a lot of good to be pointing fingers. I do not think it does a lot of good for anyone. I do not think it does a lot for future protection.

When I heard one of the royal commissioners saying how moved they were by photographs, particularly of children, I was struck at the time by the thought, ‘You know, some of the people involved in fighting these fires, in all sorts of positions, from leaders right through, did not see the photographs; they saw the real thing’. I think we have to acknowledge that for many of the people involved initially, in responding to the fires, and subsequently, in the recovery, this must have been a deeply traumatic experience.

I have spoken to people who gave evidence to the royal commission, for example, and felt pretty traumatised by that process in and of itself. These are people who believe they have done their best and then, naturally, in an inquiry process, got questioned. I think it is important that we recognise the efforts of everybody, from the Country Fire Authority volunteer on the front-line, to the police, to the ambos, to the army personnel who went out afterwards and helped with the recovery process, and right through to the leadership. I am not going to point fingers.

What I do know is that the royal commission has also made a considerable effort to understand what took place and to make recommendations. The reason they are called recommendations is that that is what they are. They are recommending that the government consider certain courses of action. If these things were to be automatically implemented, they would not be called recommendations; they would be called commitments. They are recommendations for a process of consideration. The government has considered them and adopted 59 out of 67 of the recommendations. There are eight recommendations that need more detailed consideration. The government has always said that it will go through a process of consultation at the conclusion of the royal commission and will make a determination based not only on the findings of the royal commission in those matters but also in detailed consideration and in consultation with the community. That is what the government is doing with the remaining eight recommendations.

I felt honoured to be involved in some of those consultations. I talked to people in a visit to Callignee recently and attended one of the consultations in Churchill in my electorate. I have to say that I thought the people who came to those consultations were incredibly sensible. They genuinely wanted to

participate, they genuinely wanted to have a say and they genuinely thought this process of consultation was important.

**Mr Finn** interjected.

**Mr VINEY** — After his thundering, I would have thought Mr Finn might actually listen.

*Honourable members interjecting.*

**Mr VINEY** — I know Mrs Peulich and Mr Finn are not interested in what I have to say about the consultations.

*Honourable members interjecting.*

**Mr VINEY** — I am trying to talk about my experiences in the consultations. I would have thought that rather than members making cheap shots across the chamber, it might have been more useful to listen.

In those consultations we had some detailed consideration of the issues around those eight recommendations on which the government is wanting further community input. I was impressed with people who had been deeply affected, had lost everything or had lost neighbours and relatives, who, around these tables, were genuinely and seriously going through the issues and trying to have a say and an input into the decision making of government. I think that is a commendable process, to involve the communities who are so directly affected in the finalisation of the government's response.

The most disappointing thing about where we are a couple of weeks after the release of the report of the bushfires royal commission is that there has been some politicisation of this process.

I regret that, having gone to Callignee and Churchill, on the following night, because of another commitment, I was unable to go to Labertouche for the consultation there. However, I know Mr Scheffer went to that, and I have talked to both Mr Scheffer and the Treasurer, Mr Lenders, about that consultation. My understanding from them is that people there had a very similar mood to what I experienced in Churchill — that is, a genuine desire to be involved in this process.

I commend the Premier and the government for having the courage to go through this process. I am not one who believes there was a failure of leadership at all. I think the Premier gave significant warning to the community in the lead-up to the fires, and most people

out in those communities and the people in those consultations all acknowledged that.

One could look only at the experience in Labertouche, where, as the Treasurer mentioned today, there was no loss of life. That is not to say the fire was not severe there; it was extremely severe. I was there within a day or so, and it was pretty nasty. In fact I went to the Drouin CFA (Country Fire Authority) station, which was the local control point for dealing with the Bunyip State Forest fire and the break-in to Labertouche. When I went there the day after the fires the volunteers took me through what they had done, and it is worthy of note because in the finger-pointing I have heard in this debate I think people sometimes forget the level of preparation that took place.

The difference between what happened in Labertouche and what happened in a number of other places is that the Bunyip State Park fire was already going, and the CFA operators along with the Bureau of Meteorology mapped where the fire would break out from the Bunyip State Park and where it would travel in terms of Labertouche and Drouin West. Having mapped where the fire would go, with the wind changes and all the other predictions, the CFA volunteers doorknocked at every single house in the path of that fire, which was likely to go through Labertouche the next day. As the Treasurer mentioned earlier today, no loss of life occurred at Labertouche, and that was significantly the result of that doorknocking effort. The difference between that fire and what happened in, say, Callignee, Kinglake and a number of other locations is that those fires started on the day and so were obviously not able to be mapped and planned for in the same way as was the Bunyip State Park fire.

It is important to get on the record, therefore, that a lot of people in this state put in a lot of effort in the lead-up to and during both the fires and the recovery effort. I want to acknowledge that work. In saying that the royal commission has done good work, I also acknowledge the incredible effort to which a lot of people went to give evidence to the royal commission and make submissions to it. These were often people who had been particularly traumatised by the events. Having been so traumatised, they were still prepared to give evidence, in some cases harrowing evidence, to the royal commission, because even though they may have lost everything, including loved ones and friends, they wanted to be part of the process of making sure this does not happen again or that if it does the losses can be minimised. I think that was commendable on the part of all the people who put in that effort.

The final point I want to make is in relation to the proposed prescribed burning. There are a number of issues in terms of the information that came out of the consultations, and there are a couple of things I probably should mention. One is that there is concern in these communities about the depopulation of the communities. There is a concern that communities should stay sustainable. There are issues associated with the undergrounding of powerlines, the impact on properties that have powerlines going over them, the overall cost, the potential cost to individuals and the potential cost to consumers. A range of issues came out of the consultations.

Many issues around evacuation need to be carefully worked through. Equally there are many issues that need to be carefully considered in relation to community safer places. They need to be safer places. There are a number of issues associated with people who go to these places at the last minute, potentially endangering themselves on that journey. There are significant issues, and measures cannot just be adopted holus-bolus without detailed consideration and thought, community consultation and careful planning. These matters need to be carefully worked through.

On the issue of prescribed burning I have been on the record in this place saying that I have become a convert to this in recent times. I became a convert before 7 February; I became a convert to it through having been part of the Environment and Natural Resources Committee inquiry into the previous bushfires. I saw what takes place in Western Australia on a trip there. Again, these are not simple processes. This is not about going into the bush and dropping some matches. This is a much more complex process which involves making sure you have the right days on which to burn, thinking about the impact on the community of the burns and thinking about what precise areas in our bush can be burnt and how often they can be burnt. Often there are small areas of rainforest within what is otherwise relatively dry forest.

All these things have to be extremely carefully managed and worked through. Nevertheless I absolutely agree with increasing the amount of prescribed burning. I would say that for members opposite to be finger pointing at this government is fairly base politics because the decline in prescribed burning or, as some people call it, ecological burning or, as some people call it, reducing fuel loads has occurred over 50 or 60 years.

Mr Philip Davis was talking at length about this. Mr Davis, as I understand it, was a parliamentary secretary in this area under the Kennett government, so

there were ample opportunities for that government to increase the amount of prescribed burning, and it did not because the policy at that time was different. I do not blame Mr Davis in any way, but these things have required policy change.

When the Environment and Natural Resources Committee visited the Wilsons Promontory area way before 7 February, one of the things that was clearly a concern in that investigation was that the people who had carried out a prescribed burn there that got away felt vilified by the media because it got away, even though they were clearly doing the right thing. So this does not just take a policy change of the government of the day. It takes a community attitudinal change. It takes a much more significant change in community views and community understanding of the role of prescribed burning in managing our forests. Whilst I am a strong supporter of increasing the amount of prescribed burning, the government has to go through a proper process of making sure that it is done properly, that it is done in the right areas and that only areas that will recover are burnt — for example, areas such as rain forests will never fully recover. All those things need to be considered.

It is not as simple as just saying, 'We need to burn this every year'. We need to burn some of it regularly and other areas much less regularly, so these are not only fire protection processes that need to be gone through but ecological ones. That was overwhelmingly the evidence we received on the environment committee when we went to Western Australia. It was not simply chucking a match and letting it burn; it was about making sure that they were burnt in the right cycle at the right time and in the right way. There is no doubt that hot burns like we experienced on 7 February are incredibly devastating for the environment and it is much better to be doing cooler burns in a regular process, but it has to be planned. After 60 years of neglect — not 10 but 60 years — this needs to be done even more carefully than members are now giving consideration to.

I say yes to more prescribed burning, but let us do it properly and make sure that it is done in a way that will minimise the impact on communities, that it will be done with sensitivity to the environment and the ecology and that the processes put in place for this are effective as future fire prevention areas. There is a range of lessons out of this. There is a range of recommendations — 59 recommendations — that the government has accepted. But in the eight remaining recommendations I believe the right process to go through is to get community input, community views. Not only is it the right process but it would be

disrespectful of the communities affected not to invite them to have a say. I respect those communities, I respect their knowledge of their local communities, and I respect their views and experience. It would be disrespectful to go down the path that the opposition has proposed and just accept all the recommendations without giving people the right to have some input, to feel part of the process and to feel, as I noticed in Callignee and Churchill and Mr Scheffer noticed when he went to Labertouche, like they are involved in this decision making on issues that will so significantly affect their lives.

I am appreciative of the excellent work of the royal commission. I am particularly appreciative of the dedication of people so terribly affected in giving evidence to the royal commission. I am also appreciative of the incredible efforts that everyone from the local CFA volunteers right through to the leadership put into this process. Were mistakes made? Yes. That was the purpose of the royal commission: to try to find those mistakes and rectify them for the future. But I do not think there is any good served at all by the tone of the opposition's contributions on these things or by pointing the finger. I say to everyone involved, 'Thank you. We take on board the incredible efforts that you have made. We are going to learn from this process and as a government we are committed to rebuilding this state and to making sure that Victoria is a safer place as a result of this experience'.

**Mrs KRONBERG** (Eastern Metropolitan) — In making my contribution to the debate on the 2009 Victorian Bushfires Royal Commission final report I would like to offer a solemn salute to the 173 men, women and children who perished on Black Saturday in February 2009. I would also like to pay a heartfelt tribute to the brave volunteer forces of the Country Fire Authority and the State Emergency Service, the personnel of the Department of Sustainability and Environment, the police, the Salvation Army, all sorts of community organisations, and the combined community effort to save lives.

In reading the royal commission's report I have been moved by the comprehensive nature of a report that will go down in the history and annals of Victoria, and I offer my gratitude to the three royal commissioners for their fine work. I know, because a family friend of mine was one of the young legal professionals involved with the royal commission, that the diligence, approach and focus that the royal commissioners provided was truly inspirational for the legal professionals in this state.

I believe it is important to make a couple of statements. People have not quoted verbatim particular texts. I have two brief ones that I would like to incorporate in my contribution. It is a fact — and we should never forget this aspect of what the commission has put so profoundly and succinctly — that:

The commission views protection of human life and the safety of communities as the highest priority for bushfire policy and directed its efforts accordingly.

It is important that this statement resonate as we move forward to make sure that this state is in the best position to prevent conflagrations in the future. Of particular concern from my point of view, with the Nillumbik shire taking up a good proportion of the lower house seat of Eltham, one of the 11 seats that I represent, and suburbs such as Eltham, Montmorency, St Helena, Lower Plenty, Eltham North and Warrandyte, all areas similar to the towns and precincts that suffered such enormous loss of life and property, is that in those areas, very close to where I live near the Warrandyte State Park, many lessons are to be learnt in terms of the management of fuel loads and the way that safe access and egress are manifest when conditions are so dangerous.

The report is unambiguous in terms of the 67 recommendations, and I am pleased and proud that the opposition has seen that it is the right thing to take on all these recommendations. When you think about the skills being exercised and the analysis being applied, the weight of the evidence, the span of the flow of information and the compilation and expertise that has coalesced to form the volumes of this report and the recommendations, you could not get a more thoughtful, professional and expert input than this. If we were to doubt the importance of adopting these recommendations, we would ask, 'Where would we get more information?'. Surely we have done our very best as a state under the guidance of the royal commissioners to deliver the ultimate report.

I will now look at the suffering of the people who live within the shire of Nillumbik, which as I said earlier makes up 60 per cent of the Assembly seat of Eltham. I often think when there is a lot of reporting done about the terrible suffering in the bushfires that other centres get a lot of attention, so one aspect of my contribution today is to shine a light on the suffering of the people of Strathewen and St Andrews. In those two centres 41 people lost their lives, 135 houses were burnt and 22 per cent of the land area of the shire of Nillumbik was also burnt. I have not been able to mention the livestock losses, the fencing losses, the damage to local government and government infrastructure and road

systems and the beautiful landscape and forests that are so symbolic of this area.

A few images stand out for me. I cannot say that I had firsthand experience during this awful day; I was an observer like many of us here in this chamber. One of the starkest images for me was the sight of a little knot of cars on a road. The vehicles had been burnt out and the occupants of those vehicles had been burnt in their cars while they were making a desperate bid to escape the flames. One car that had almost melted down in the incredible heat was actually straddling a tree trunk that had fallen down; the trunk had a considerable girth and the car had tried to mount it.

I am pleased the Minister for Environment and Climate Change has joined us in the chamber. I hope he takes on board the comments and concerns about people who did not have safe egress from those dangerous areas because there was such a fuel load — so much material had been left for the habitat, which is all gone now; any native fauna were all lost from that habitat. The population, the people who lived there and were fleeing, has gone as well. The natural wonder of that area has gone because it was not managed properly.

I hope the government will make a commitment to ensure that fuel loads will not be left to build up along roadsides. I know in some areas the fuel load was something like 10 times per hectare what was seen to be the maximum — that is, 40 tonnes of combustible material per hectare instead of 4 tonnes. This is clearly a policy that is out of control. We need to be vigilant to make sure that there is an escape route if people need to escape. If we were to look at a fire escape in a building, we would find we are not lining it with wooden panelling, nylon carpet and plastic light fittings. It is stripped down to its barest elements so that there are no combustible elements to burn or provide toxic elements which will affect people when they are fleeing out of a building down a fire escape. Why would we allow an excessive fuel load in areas where people live and from which they may need to flee due to conflagration? If we allow people to live in those areas, we need to take this into consideration.

Another thing I also found appalling — and I am thankful to the royal commissioners for emphasising this — was that nearly half of the Black Saturday fire victims were classed as vulnerable. Some were aged less than 12 years, many were aged over 70 years and some were suffering acute or chronic illness and disability. I find it appalling that those people were somehow forgotten and overlooked. People might have pledged to come back when they could, but how is it that so many people who were so vulnerable were left

in that way? I can hardly cope with the tragedy of such a statement.

It is wonderful that in recommendation 3 the royal commissioners say there is a necessity to compile and maintain a list of vulnerable residents who need tailored advice of a recommendation to evacuate, and then provide this list to local police and anyone else with prearranged responsibility for helping vulnerable residents to evacuate. I am hoping that the government has already started on that because it might take some time to get such a register up and for it to become effective before the next bushfire season that, as we all know, is only a few months away, again.

In my next point I commend a member of my family for his involvement in fighting the fires, and this has already been recorded. John Canny, who lives just outside Yea, was part of a contingent from Toolangi which was the first on the scene at the Murrindindi Mill when that fire started at 2.55 p.m. on Black Saturday. It raged so quickly that an hour later, by 4.00 p.m., it had already started to consume Buxton, Narbethong and Marysville. John Canny, my cousin, has had longstanding and high-ranking responsibilities within the Country Fire Authority for many years. My cousin gave his account of calling for air cover to come in and water bomb the fire because they knew it was going to go to Marysville and recounted the horror he felt that the fire was already too hot for any water bombing to take place. What a terrible consequence it was for those brave firefighters to see something slip out of their grasp and move on to consume vast tracts of land and all the people in its path.

It is important at this point to quote the opening words of Richard from Shakespeare's *Richard III*:

Now is the winter of our discontent ...

Indeed, it is the winter of discontent for many people who are waiting for systems, procedures, approvals and practices to get them back into places that they can call their own so that they can put their feet up on their own hearth and operate the way they did before this terrible event. The government and its agencies have been far too tardy; they must respond to the way people are feeling in their second winter after this event. Many of them are still traumatised, grieving, dislocated, frustrated and feeling that people might have forgotten about them. We cannot forget the plight these people are in, and we need to respond and become effective and efficient.

I commend the report by our royal commissioners, delivered to the government, and I encourage the

government to do whatever it can to embrace the final eight recommendations as it goes through its analysis.

**Mr MURPHY** (Northern Metropolitan) — This is my first opportunity to address the house on the devastating fires of February 2009, and I welcome the opportunity to do so. Like Mr Finn before me, I wish I did not have to speak to the 2009 Victorian Bushfires Royal Commission final report; however, it is something that we must all address comprehensively.

I acknowledge the 173 individuals who lost their lives during the events of January and February 2009, particularly in the events surrounding Black Saturday, and I would like to include their names in my speech at a later date.

This debate is significant to Parliament and to our community. It deals with a very serious issue that affects the lives and communities of many people in Victoria. While I was doing research in preparation for my contribution I noted a report by Dr Rob Gordon, who provided advice to residents in the city of Whittlesea. A quote from his report is worth considering. In the information he provided to residents affected by the Black Saturday bushfires and the fires that followed, Dr Gordon said:

The release of further information will involve the broader community again as they were when the initial events happened. They may respond with strong emotions and it will be easy for those directly affected to be drawn into a vortex of emotions that is very different to the issues they have been working on in their recovery. Observers, bystanders and those who might have been affected easily feel anger, blame and wish for retribution as ways of avoiding the helplessness that every disaster brings to those it hurts. But blame interferes with learning from mistakes; anger interferes with understanding what happened; retribution does not help to find a new basis for life when the old one is gone forever; looking back may interfere with surviving and attaching to a new vision of what life could be.

These words are worth considering while we discuss the report by the royal commission, and I ask all members to consider them.

Dr Gordon, in his advice to residents in and around Whittlesea, also said:

After the release of the report, many may want to participate in discussions and follow the debates and decisions. At the same time others will not want to. It is important to respect each other's needs and differences — what each one wants is right for them.

I note that the government has adopted 59 of the 67 recommendations. The government has very rightly and properly resolved to consult with the communities over the remaining recommendations that it has not

accepted in principle at this stage. It is right that those people who do want to participate in debate and the decisions that follow be given every opportunity to do so. It is suggested that sometimes it may take one and a half to two years before people are able to digest what happened and feel comfortable in coming forward to speak on these issues. It is not appropriate to suggest the government should not continue to consult or that it is not right for it to consult. Trauma affects everybody in various ways, and on these issues it is right at this time, 18 months on, that we give some of those people who previously have not felt comfortable the opportunity to come forward and participate in commenting on the final recommendations of the royal commission's final report.

I would like to recognise the important contribution that the City of Whittlesea made in the period that followed the Black Saturday fires and the bushfires that occurred on and around that time. It played a very important part in providing a relief centre at the Whittlesea showgrounds and it provided resources for those who had become displaced, had lost loved ones or were caught in the chaos that surrounded them. I would like to quote the mayor, Cr Mary Lalios, who said when she summed up the events at the launch of the 150th Whittlesea Agricultural Show:

It's a big year for heritage in more ways than one and I will start by saying that one of the most recent events that has happened in our backyard, the Black Saturday bushfires, which occurred on 7 February will be part of our heritage forever. Our hearts and prayers go out to all those who lost so much on that day and hope that nothing like that is ever seen on this earth again.

That is quite a significant statement and suggests Cr Lalios, amongst others, felt these fires and the conditions that preceded them were definitely unprecedented.

I can recall the days and the weeks prior to Black Saturday when, along with many others in the community, I was trying in vain to escape the intensity of the heatwave that was occurring throughout south-eastern Australia. It was an exceptional heatwave that was affecting us. From 28 to 30 January 2009 Melbourne broke records and sweltered through three consecutive days above 43 degrees Celsius, with the temperature peaking at 45.1 on one day, the third-hottest day in the city's history. This led to the Premier warning that Victoria was in a tinder-like state and that any fires that may eventuate in the coming days following that heatwave would be quite significant.

Cr Laliou said she hoped and prayed that nothing like this would ever happen again, but I note that in their report the commissioners stated that the impacts of climate change may make this a more common occurrence. The commission notes that fire is an integral part of the Australian environment and that the states in the south-east are most prone to bushfires. It notes the risks associated with bushfires are also potentially increasing as a result of population growth at the rural-urban interface and the probable effects of climate change. It says the result is that although it might be possible to reduce the number of severe fires and to be better prepared for fire, bushfire will never be eliminated from the Australian landscape. Recognising that it is not possible to stop all fires, the commission considered ways of reducing the loss of life and damage caused when fire does occur by reducing exposure to fire, helping to make homes more defensible, reducing the intensity and spread of fire, and helping people recover from the impacts of fire.

Having noted that, I hope we will all learn from these events and that as a community we will recognise what we can do to minimise the risks surrounding fires and the significant impact that they do have. It has been noted in some comments that the amount of energy that was released by these fires on and around Black Saturday was equivalent to 1500 Hiroshima-sized atomic bombs. We can only imagine what it must have been like to be caught up in those fires. It must have been horrific for those who had their last moments on this planet, suffering from the intensity of that heat, and also for those who have been able to survive, those who sustained significant burns, and those who have lost loved ones due to the fires that occurred on and around that time.

From reports that have been prepared by government it is obvious that intense and significant bushfires are increasing in our community. We note that from the early parts of the last century significant fires occurred in 1939, 1944, 1969, 1977 and 1983 — or just under or just over one per decade, depending how you want to look at it. But when we look at the events in the 2000s we note significant fires also occurred in 2003, 2005 and 2006, so bushfires affecting our community, unfortunately, may be here to stay. Let us pray that all of us in this place are able to discuss these issues in a mature and comprehensive way and learn how to deal with this new way of being.

The commissioners note in the summary of their report that some poor decisions were made by people in positions of responsibility and by individuals seeking to protect their own safety. They remarked that it would be negligent if the royal commission overlooked these

shortcomings. The report goes on to say that we need to learn the lessons so the problems can be avoided in the future. We all hope those problems are avoided in the future as much as possible.

I would like to recognise the commissioners that held the 17 months of hearings. In a quick note in volume III the commissioners said:

We three commissioners were virtual strangers when we met at 2.30 p.m. on Monday, 16 February 2009. We came from varied backgrounds and professional experience but quickly realised that we brought a common purpose to this royal commission. From day one we agreed that we wanted to engage with the community to the maximum extent possible: we believed that all Victorians — but particularly those marked by Black Saturday — should have the fullest possible access to our proceedings. We were of one mind that we would adopt a rigorous approach with the goal of producing a substantial report on time and within budget. We set to work that day in temporary accommodation with borrowed staff.

I would like to commend the commissioners for that. That is an important paragraph to recall, in that the commissioners must have heard stories that were as traumatic to hear as they were for the bushfire-affected people to tell.

On the issue of trauma, something about which I think we need to learn significant lessons following these events, I note the commission said:

Many people who experienced the fires were traumatised by their experiences. The death of and injuries to family, friends and community members has caused deep distress.

The commissioners go on to note:

Two expert witnesses gave evidence about trauma: Professor Alexander McFarlane, head of the Centre for Military and Veterans Health, University of Adelaide and clinical professor of the University of Queensland; and Dr Paul Valent, psychiatrist and co-founder of the Australasian Society for Traumatic Stress Studies.

...

Professor McFarlane stated people suffer trauma disaster in everyday life and 'we completely underestimate or plan for their needs' ... They observed that trauma may not become evident for a long time and it is often not well recognised by the affected individual or treating medical professionals.

Whilst we are learning the lessons of how to deal with minimising the impact of fire, I think it is also very important that we learn the lessons of the impact that these sorts of disasters have on people's mental health. Hopefully these are significant lessons that we can learn so that if and when another event like this happens — and let us pray that it does not — we will be able to provide the assistance to people's mental wellbeing to ensure that they are able to move forward



with their lives as quickly and as effectively as possible. Although they will probably never fully recover from the events, as each Christmas passes and their loved ones are not there, we can hope that they can be assisted in getting back to as normal a life as possible. It is imperative that we provide that assistance.

I would like to conclude with those comments. As I said at the start, I welcome the opportunity to speak on this report and the house's indulgence to allow us all to speak on this report. Whilst there is some debate and discussion as to where we go from here, I note that it is important that all of us have that discussion and feel that we can stand up here today and put our thoughts out there, and hopefully that will help us to resolve a way forward.

I have heard some very heartfelt speeches. In my opinion the speakers before me spoke very well and very much from the heart. I welcome all of those contributions to this discussion. I pray that all members are able to get guidance from whatever spiritual being they may believe in to ensure that we can do the best for our communities going forward and that no-one has to suffer as people suffered on the horrible day of Black Saturday and the days that followed.

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to add some remarks on the recent tabling of the 2009 Victorian Bushfires Royal Commission's final report. In doing so I acknowledge the work of the commissioners and acknowledge the consultation that took place during the course of this particular inquiry, the assembling of expert opinion, the assembling of the facts and empirical data, and the recommendations which have been brought forward.

I do not have expertise in these matters. I rest on the compilations of those who were involved who assembled the report in an impartial, objective, logical and coherent manner. It is for the rest of us who are involved in this crucial political debate to create, through that debate and scrutiny, a political will to ensure that those recommendations are implemented.

I think the government is disingenuous in many regards. First and foremost it is attempting to shield itself from any political criticism from the fallout of the ashes of Black Saturday by hiding behind the obvious trauma of people and families who suffered and lost loved ones. At the same time in the same breath the government says that the recommendations are only recommendations, that they are not commitments and that therefore the government is well within its rights to be out there consulting with the community. It

demonstrates a lack of commitment to those recommendations.

As part of the normal political and parliamentary debate it is therefore completely in order for all political players to be engaged in that debate, focusing on what needs to be done in order that those recommendations that emerged from a very long, tortuous, arduous and difficult process are actually put into place to make sure that the likelihood of events of that level of devastation occurring again is reduced rather than obliterated, given that we live in the most fire-prone nation in the world and given the natural incidence of fires through lightning, for example.

Members of the government have stood up, one after the other. This was preceded by the Speaker of the Assembly sending out a message to all members of Parliament trying to suppress the process of engagement in this debate in the chamber. I think it is terribly inappropriate. I think it is coercive. I think it is in breach of *Erskine May* at page 147, paragraphs 1 to 3, and I hope that sort of potential breach of privilege does not repeat itself. There ought not be any matters, within standing orders, that are immune to political debate, especially where there is clearly a lack of will and a lack of commitment to all of the recommendations that have been put forward. I have heard too many excuses. I have seen too much of the moral cowardice, the manipulation and the putting of politics ahead of service to the public, and I question and I am concerned about the lack of resolve.

One could perhaps explain the desire to consult for the next two or three weeks as a way of seeing us come out of a federal election campaign. Some of the issues canvassed by the royal commission may inflame or provoke a difficult situation in relation to the exchange of preferences that has occurred at the federal level between the Labor Party and the Greens, especially the very difficult issue of back-burning. If there is a coalition, if there is a hung Parliament, which party's policies will prevail on this very important issue?

I can understand why the government may wish to keep the issue below the radar by talking about the need for consultation, but if you are engaging in consultation, then people who are elected to this chamber have every right and a responsibility to engage in that consultation. You cannot have it both ways. You cannot have your cake and eat it too. You are either consulting and engaging in political discourse and debate or you are not. It might be that you are implementing the recommendations and the discussions about how to implement them or how quickly or in what order of priority.

Without a doubt every person here is sympathetic and grateful to all those volunteers who put their lives on the line. We saw leadership at that level; people trying to make the right decisions for the right reasons at the right time. However, what we did not see was leadership at the highest levels, and I think that is a legitimate subject for debate and the focus I would like to take in what remains of the time allotted to me. Too often there has been a tendency to put politics ahead of doing the right thing. There is a moral responsibility for those of us in this chamber to make sure that in this instance we do not do that.

In doing a little bit of preparation I looked up *Wikipedia* on the issue of leadership. It states:

Leadership is stated as the 'process of social influence in which one person can enlist the aid and support of others in the accomplishment of a common task'.

Was there leadership at the highest levels of government demonstrated by the Minister for Police and Emergency Services, by the Premier or by the Minister for Environment and Climate Change? There was not. They were AWOL — absent without leave; they were missing in action. Was there leadership at the highest levels of our public service? Clearly there was not, and certain problems were identified even by the royal commission. This paints a picture of some real challenges for Victoria and for Victorians in how we cultivate and nurture the level of leadership that a crisis requires, whether it is in the public service or within our political ranks. As parliamentarians that is the challenge for us.

According to the definition, leadership is the process of social influence in which one person can enlist the support of others in the accomplishment of a task. Did the Premier demonstrate leadership? He did not. He postured; he did not demonstrate genuine leadership. Did the then Chief Commissioner of Police, who was a leading figure, demonstrate leadership? No, she did not. I have cancelled hairdressing appointments for reasons that were a thousand times less important than this. It is inexcusable.

Even the community I represent in the South Eastern Metropolitan Region was affected by fires. The Churchill National Park was substantially burnt, and six homes in Narre Warren South were burnt. It started with a grassfire, but there were no more fire trucks left to come and put out those fires. Even I opened my office on the day after the fires to make sure that I was on hand if people made inquiries or did not have anywhere to turn. I went into my office during the course of that day to see if there was anything I could do. I tried to demonstrate a little bit of responsibility

and a little bit of leadership. Unfortunately those at the highest level showed little commitment, poor judgement and very little leadership, and that reflects very poorly on their character.

On any front there were failures across the board. Were we prepared? We certainly demonstrated a lack of preparedness. We have heard about the Environment and Natural Resources Committee report not being implemented and the back-burning not having taken place. Was the Displan in order? Was there a clear understanding of the line of authority? Clearly there was not. It was chaotic. Was there an effective coordinated response to this crisis? There was not. Has the recovery and the rebuilding occurred effectively, and has it met the expectations of the community and the commitments of the Premier that he would rebuild brick by brick? No, it has not. It has been random and it has been disappointing.

The way forward is deficient given this lack of commitment, the lack of political will and the desire by this government to hamstring debate, to point the finger and to hide behind the tragic stories of others. It shows a cowardice and a lack of moral compass that I think is to be deplored, especially in the context of saying, 'Yes, we accept most of the recommendations, but not all of them. We are going to go out and consult with the community'. However, to expect members of Parliament, who have been elected to represent their communities, not to engage in that debate is sheer hypocrisy.

Mr Viney talked about how there has been 60 years of neglect. Unfortunately over the past eight years drought has been a significant factor. Preparations should have been made across all levels of Victoria, but that did not occur.

I chanced across a paper called *Public Service Leadership — Emerging Issues* which has been prepared by the National Institute of Governance. It contains some interesting themes and topics that the highest echelons of this government should be making themselves aware of. In particular I refer to the paper which notes that leadership at the highest levels of the public service requires a policy capacity and strategic thinking, connection for policy and delivery, integration and alignment of performance and management of fundamentals.

In terms of the appointment of the Chief Commissioner of Police, it was a well-known fact that when she was appointed by this government she lacked operational experience, and when this state faced the biggest crisis it had faced, when there was a meltdown, the lack of

operational experience was more evident than anything else. She failed in her duties, and that reflects not so much on her but on those who appointed her. She was clearly appointed beyond her capacity.

Senior public servants must be capable of thinking strategically and of providing informed and innovative advice to the political executive of the jurisdiction they serve. Clearly there was no communication — there was an absence of communication — and that let down the state, which meant that many more people died than should have been the case. Furthermore, towards the end of the paper it states:

... leadership is a quality (or a set of qualities) that is resistant to straightforward measurement. It is multifactorial in character and often its impacts are tangential or deferred. There is little evidence of a rationalist cycle of planning, implementation, review and adjustment in the areas we have examined. This is presumably because many of the most important aspects of leadership are intangible, or can only be measured by observing their effects (e.g. on staff morale, on rates of strategic failure, or on attrition rates at senior levels) rather than directly. Just as leadership (especially as an individual quality) itself is as much art as it is science, organising institutional arrangements so that leadership is identified, nurtured and effectively deployed is as much about subtle judgement and 'feel' as it is about gathering data and evidence to inform that judgement and confirm (or otherwise) that 'feel'.

Even the royal commission puts its finger on the pulse, although it does not elaborate in terms of what needs to occur to address this crucial failure. In responding to the bushfires it states on page 4 of its summary:

Nevertheless, some poor decisions were made by people in positions of responsibility and by individuals seeking to protect their own safety.

The reason so many people died was because there was poor planning. The reason so much of the state was burnt was because the groundwork had not been done. The reason the building and reconstruction was so slow to take effect was because clearly there was not that operational experience.

### **Sitting suspended 6.29 p.m. until 8.02 p.m.**

**Mrs PEULICH** — Before the dinner break I was talking about how on 7 February 2009, Black Saturday, Victorians learnt that they were left without leadership at the government level and that they were left without leadership in the highest echelons of the public service. Notwithstanding all the tactics that have been used by the government in an attempt to douse and suppress legitimate scrutiny of and debate on the many issues that have been reported on by the royal commission — and issues that arise out of that but are not the immediate substance of those issues should be

resisted — it has become abundantly clear that while members of this government are masters at political manipulation, they are very bad at government. As Victorians and as elected representatives we should not be prepared to surrender our right and our responsibility to subject the very tragic issues we are debating and those issues that arise out of them to complete scrutiny and debate. That is our role and we should not sacrifice that role, that task and that responsibility to the narrow self-interest of a government desperate to evade political responsibility, ministerial responsibility and responsibility for the lack of leadership on many fronts.

I will quickly highlight some of the most significant failures. The Premier failed, the Minister for Police and Emergency Services failed, the Minister for Environment and Climate Change failed and of course the Chief Commissioner of Police, Christine Nixon, failed, and failed miserably. The lack of leadership in selecting a police commissioner who could do the job they are hired to do falls squarely on the Bracks and Brumby governments. When Premier Brumby was Treasurer the government's decision to close fire refuges in bushfire-prone areas on the grounds that you either have to expose yourselves to higher levels of public liability risk or provide the funds to upgrade the fire refuges to meet standards was based on poor judgement. It is not a judgement that would have prevented the loss of lives, but it is certainly another measure that should have been in place for those who were caught out in the context of these tragic and dangerous circumstances.

The failure to create suburban and metropolitan fire plans and to inform residents of fire safety procedures, despite the warnings, had a huge impact on the Harkaway, Lynbrook and Narre Warren South fires, which devastated those communities. That failure falls squarely on the shoulders of the Bracks and Brumby governments. The lack of action on sirens, despite the warnings, falls on the Bracks and Brumby governments. I find it astonishing that even today we hear that the circumstances were unprecedented, despite the report of the royal commission, and that there were warnings. I, for one, do not consider a press conference to be a warning system; it is mere posturing.

The failure to adequately conduct prescribed back-burning to reduce the risk of fires falls fairly and squarely on the shoulders of the Bracks and Brumby governments. The lack of electricity infrastructure, resulting in increased fires, and the undergrounding of powerlines are issues that should have been addressed. Plantings close to roads prevented escape from

fire-affected areas. Rising costs in housing have resulted in tree changers, with city slickers moving to fire-prone areas without understanding fire safety. They are issues that should have been addressed. Environment and forest management and the ascendancy of the environmental philosophy of the Greens that back-burning is somehow a sacrilege have seen the locking up of our national parks and forests with a view to protecting flora and fauna but at the same time have stopped the common-sense measure of allowing people to collect firewood, limiting grazing and inadequate weed control. All that falls fairly and squarely on the shoulders of the ministers and members of this government.

The royal commission report says that the Country Fire Authority and the Department of Sustainability and Environment worked alongside each other on Black Saturday at the integrated emergency coordination centre sharing information but not responsibility. That is the core of the problem. The commission said this organisational separation led to duplication and weakened the management oversight. But more than this, the report identifies key implementation failures at the integrated emergency coordination centre, including, for example, not creating maps to predict the paths of major fires and not creating a statewide plan to prioritise the most threatening fires from which no community was able then to escape.

Out of this we see what are significant failings of policy and the failing of systems and structural issues. All these issues go to the heart of assessing the capacity of our leaders and our policy-makers to make the right decisions, to form judgements about their character and their capacity to do their job and to fulfil their responsibilities.

In closing, I mention that Thomas Babington Macaulay said that the measure of a man's real character is what he would do if he knew he would never be found out. Thank God for the royal commission, because we have found out. It is very sad for Victorians that what we have found out is that key leaders at the political level of our government and key people at the highest echelons of our public service failed to fulfil their responsibilities and failed in their judgements — failed in their capacity to put in place processes, policies and structures to protect Victorians. These responsibilities rest solely with the Victorian Labor government. The royal commission has exposed the absence of a moral compass, the absence of leadership and the failings of judgement and character. It was a very sad day for Victorians on 7 February when they realised that indeed there was no-one at the helm.

**Ms PULFORD** (Western Victoria) — The motion this evening is that this house take note of the final report of the Victorian Bushfires Royal Commission. I would like to commence by acknowledging the work done by the commission, headed by the Honourable Bernard Teague, AO, chair; Mr Ron McLeod, AM, commissioner; and Ms Susan Pascoe, AM, commissioner. All three were appointed on 16 February in the immediate aftermath of the fires that have become known as and have often been referred to in this debate as the 7 February Black Saturday bushfires — although we know there were fires burning for many days after that particular day. Commissioner McLeod relocated from Canberra to Melbourne for the duration of the commission. Also on that day, 16 February, Mr Jack Rush, QC, was appointed senior counsel assisting the commission and Ms Jane Brockington was appointed chief executive.

The commission held 26 community consultations, received almost 1700 public submissions and conducted 155 days of hearings, including 8 days of regional hearings and 23 days examining the 173 fire-related deaths, which are at the forefront of our thoughts as we consider this body of work. The hearings were attended by more than 450 family members and friends of the deceased. Regional hearings were held at Myrtleford, Horsham and Traralgon to examine the Beechworth and Coleraine, Horsham and Churchill fires.

The commission heard from 434 witnesses, including 100 lay witnesses and 2 panels of expert witnesses. It received 31 submissions from counsel assisting and 107 submissions in response from interested parties. The hearings were webstreamed. The commission produced 53 internal research papers, generated over 20 767 pages of transcripts, received more than 1000 exhibits into evidence, encompassing nearly 17 000 documents, photos, maps and pieces of audiovisual and other material. It issued five practice notes and produced two interim reports and of course this final report that brings us here today. It filed over 98 000 documents in its detailed consideration of these matters.

We have now had around 10 days to digest the recommendations that have been made as a result of this great body of work. I note with a heavy heart the way in which some members have determined that with an impending state election a few cheap political shots are in order while we are considering these important matters of bushfire policy and how we can learn from the Black Saturday fires to ensure that the best preparations can be made for our state so that people are safe.

The royal commission reviewed three fires in my electorate: the Horsham fire, the Coleraine fire and the Pomborneit-Weerite fire. In relation to all three the commission was impressed with the preplanning and pre-positioning that ultimately contributed to the successful suppression of the fires and saw property loss reduced, thankfully with no fatalities.

In relation to the fires at Horsham, the commission pointed to the good work done by the Horsham Rural City Council in utilising knowledge gained from the experiences of the Grampians bushfires of 2006. In relation to the fires at Coleraine, the commission acknowledged the Country Fire Authority and Department of Sustainability and Environment's long history of working together in the region. This working relationship was described in the report as 'extremely good'. The commission also acknowledged the overall local effort — the advanced planning, the efficient response to the fire and deployment of resources which contributed to limiting the damage.

In relation to the Pomborneit-Weerite fire, again the commission acknowledged the high level of planning and preparedness. Planning and coordination between municipal, police and emergency services in response to this fire were found to be sound and all those involved in those fires are certainly to be commended for their efforts. The commission noted in its report that whilst Victoria experienced unprecedented losses, and scars have been left on the fabric of Victorian society, there was also a lot of success in quick containment and control of fires in many places in the state.

Although there is much talk about what was bad and what went wrong during the bushfires, it is important to remember that many things went well and a lot of good was done. In their report the commissioners commend the volunteer and professional firefighters, community organisations and individuals who assisted people they knew and strangers alike to limit the losses on that day. I add my own vote of thanks to those whose assistance went above and beyond the ordinary call of duty on Black Saturday and the days beforehand in Gippsland, and during the days and weeks following while the last of the fires were being contained.

Many people who live in areas of Victoria that were not immediately impacted by these fires have also been profoundly impacted. This is most acutely felt in areas where people felt that they might have been victims of the fires. Stories have been recounted about the speed with which the fire that threatened the Dandenong Ranges was contained. Similarly people with recent or not-so-recent experience of fires in the Grampians, the Otways and the Macedon Ranges and in the high

country also had brought back to them acute reminders of their own experiences, and many of them are anxious about what could happen in the future.

The bushfires royal commission was established first and foremost to provide us with an opportunity to learn from what happened. Some 78 communities in Victoria were devastated, and 400 000 hectares of land was burnt. Victorians have a long history of living with bushfires, so it is imperative that we learn every possible lesson we can from the royal commission's final report.

The rebuilding and recovery effort has been discussed extensively in this place and in the community, and the government is absolutely committed to working with the communities that have been affected as they rebuild and get back on their feet. This effort has included the establishment of the Bushfire Recovery Community Infrastructure program, the work that is undertaken by the Victorian Bushfire Reconstruction and Recovery Authority, the release in October last year of *Rebuilding Together — A Statewide Plan for Bushfire Recovery and Reconstruction*, the business recovery program, the community building initiative and the Victorian Bushfires Business Investment Fund. Many people are doing a lot of work with communities day in, day out, to ensure that those communities have every opportunity to recovery as fully and as wholly as they can, whilst acknowledging that no amount of assistance is going to restore everything that has been lost, most particularly for those who lost loved ones or who suffered injuries or losses of property.

Throughout the debate on this take-note motion members opposite have criticised the government for not being fast enough and for being too fast, and for the government's recovery response being too regulated and not being regulated enough. Drawing on my conversations with people who have been affected, the conclusion that I reach is that it is important that we assist people to rebuild in their own time. The time immediately following a significant trauma is not a time to be making big decisions. Many people are still making those decisions and still grieving for their losses. Recovery is not something that can be ticked off a list — house built, school rebuilt, fences rebuilt. The recovery process that people and entire communities are undergoing is personal and will be different in each instance; however, the government is absolutely committed to supporting these communities for the long haul and for as long they need that support.

The royal commissioners made many recommendations. As previous speakers have noted, some 67 recommendations have been made and, as has

been widely reported, within three days of the report being received the government announced that it intended to accept 59 of those recommendations in principle. However, the government recognises that there is a need for a short and targeted consultation on a small number of significant matters.

Members opposite have said the commission's recommendations are such a package deal that it was not particularly important to know what was in the report before agreeing to implement all of its recommendations. The report has to be seen as a suite of measures. In his contribution Mr Barber described the report as a framework for risk management. The report goes to such issues as where people live, how people live where they live, what types of dwellings they live in, what types of information and education they need to be provided with to ensure their safety and what types of options need to be available to them.

In his contribution Mr Guy said that the reason some people in his electorate live where they do is because they are beautiful places. Many people like to live in beautiful places, and they consciously choose to live in some of these areas in Melbourne's hinterland. In the upper house many members have large electorates, and almost all of us represent communities for whom this type of living is a feature. That fine demographer Bernard Salt would call it the 'Sigrid factor'. He nailed it when he said that whenever Sigrid Thornton appears in a television show, a huge population shift and way of living follows shortly afterwards.

**Ms Huppert** interjected.

**Ms PULFORD** — *SeaChange* being one of the more recent examples, and I am sure the member for South Barwon — —

**Mrs Coote** — *And All the Rivers Run*.

**Ms PULFORD** — Thank you, ladies, for your assistance with my Sigrid Thornton history! People — tree changers and sea changers — have moved to experience the wonderful regional Victorian lifestyle. More people have been living in higher fire-risk areas during major fire events. Some of the issues the government seeks to have short and targeted consultations with affected communities about include refuges, evacuations, powerlines, property acquisitions and fuel reduction. Some of these issues raise fundamental questions about the rights and responsibilities of individuals and the degree to which the state ought to tell people where they should live and how they should live. These are not straightforward things to grapple with.

With respect to retreat and resettlement, Mr Drum suggested in his contribution that there was a role for government in holding up the property prices while people sold their properties and got out of communities. The work that we do in supporting regional Victorian communities across the state is very much focused on providing livable, sustainable places. People who live in country communities know that if everyone leaves, the services follow. The recommendation about depopulating high-risk areas is something about which it is completely reasonable to have a conversation with the community.

I have been involved in some of these consultation discussions. Last week I attended a meeting in Halls Gap with a group of people who were predominantly but not exclusively tourism operators. I attended a meeting in Rokewood earlier this week with a number of people, and we discussed these issues. On the question of whether or not the government ought to be consulting again, the opposition is having its cake and eating it too. On the one hand the opposition has criticised the government for wanting to consult with communities on these issues, and on the other hand it has suggested that the consultation that is being undertaken is a joke. The Liberal Party candidate for the electorate in which I live was on my local evening news talking about what a joke it was that people had not been given enough notice.

We have opposition members who are saying, 'You should not consult', we have opposition members saying, 'You should consult, but you should do it this way' and we have opposition members saying, 'You should give people a whole lot more notice, but you have to do it really quickly'. There are opposition members critical of the choice of locations and opposition members critical of the use of a professional facilitator to have a discussion around something like this. These are the same people who would be criticising us if we did not have a professional facilitator to assist us in having an orderly discussion around this limited number of issues.

In the consultations that I had it was clear that everybody had a whole lot to say about fire management and about their experiences of recent fires or fires of a long time ago. If we are to have a quick and full response to these recommendations that have been made to the state about how we can learn from the Black Saturday fires and about how we can make Victoria as safe as we possibly can, we need to be having this discussion with people.

The notion that Mr Ryan, the Leader of The Nationals in the other place and opposition spokesperson on this

matter, would rubbish the government up hill and down dale about consultation and then have his own kind of faux internet consultation for an hour on Monday of this week tells us a little about the cynical nature of the opposition's politics around this.

There are a great many things that can be said about this handful of issues on which the government is consulting, but what I have found in these discussions is that those who have been involved in them have been pleased to have the opportunity to have input and have had very practical experience to contribute. This is no substitution for the work that the royal commission did — an incredibly comprehensive body of work. Some opposition members have said, 'Why are you consulting now? The fires were 18 months ago', but this consultation is about the recommendations that we have had for all of 10 days.

I will quote from an article by Peter Hunt published in today's *Weekly Times* entitled 'Uphill battle to bury lines'. The article states:

The Victorian opposition says it would only cost between \$1.9 billion and \$4.7 billion to honour the 2009 bushfires royal commission's recommendation to insulate, bundle or bury the state's 28 000 kilometres of single wire earth return powerlines.

However, the opposition's estimate comes from a Department of Primary Industries report based on an 'average route length of 10 kilometres' across 'flat terrain with light bush'.

The costing excludes the commission's additional recommendation to bury or bundle another 35 000 kilometres of 22 000 volt powerlines.

We have an opposition that would commit, sight unseen, to a program based on figures that literally assume the earth is flat. It is a remarkable thing.

Mr Philip Davis in his contribution was suggesting there was some kind of greenie conspiracy theory at play here that was leading the government toward some predetermined position, but this is a genuine conversation with the people who will have to live with the consequences of these decisions and deliberations for many years.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mrs Peulich)** — Order! The Treasurer is out of his place.

**Ms PULFORD** — In the conversations the government has been having ministers and members of Parliament have been listening to communities. We have had meetings with industry, round tables with affected communities and meetings with local

government organisations and community leaders in 22 high fire-risk municipalities. By contrast, Ted Baillieu, the man who in not much more than 100 days will go to the Victorian people and seek to become the Premier of Victoria, committed Victoria under what would be his leadership to — —

**Mr Koch** — On a point of order, Acting President, the member has spoken of 'Ted Baillieu'. Like John Brumby, who is the Premier of Victoria, Ted Baillieu has a title, and I would appreciate it being used in the house.

**The ACTING PRESIDENT (Mrs Peulich)** — Order! I ask Ms Pulford to use correct titles. The point of order is upheld.

**Ms PULFORD** — Mr Lenders might be able to assist me on this. How many days is it to the state election?

**Mr Lenders** — A secret! One hundred and eight.

**Ms PULFORD** — The Leader of the Opposition, the aforementioned Ted Baillieu, who in 108 days will go to the Victorian people seeking their support so that he can be the Premier of Victoria, has committed the state under his leadership to an unknown thing. It is a commitment to implement unseen recommendations. I am confident that if any minister in this chamber or in the Legislative Assembly stood in their place and in response to a question without notice said, 'Well, we've sent that out for some independent advice. I don't know what the advice is going to be and I don't know what the consequences are, say, for electricity prices or issues about where people live, but I will accept this without knowing what it is and without knowing what the consequences are', members opposite would be calling for that minister's resignation. They would be asserting loudly and clearly that that was a complete abrogation of responsibility. In giving these undertakings without knowing what they are and what their consequences are, the Leader of the Opposition has demonstrated an unfitness to lead Victoria.

These are wide-ranging recommendations. They are to be taken as a suite of measures to ensure that Victoria is as safe from future bushfires as it can possibly be. That the government is consulting on these questions over a period of only a few short weeks to get a sense of the impact of this on the people we represent is a perfectly reasonable and a perfectly measured response.

Mr Philip Davis had a bit to say about people in Melbourne making decisions for people in country

communities, but I think Mr Davis has been around long enough and has had enough experience as a member of a former government to know that before making decisions governments need to be mindful of a great number of considerations.

This government intends to act quickly and to do everything possible to ensure safety for Victorians. I am horrified that members opposite have used the opportunity of this debate to take a whole lot of cheap political shots. On the one hand they have suggested consultation is unnecessary or not being done properly and on the other hand they have committed to the great unknown. Opposition members have again demonstrated the degree to which they are out of touch with regional Victorian communities. The government will act quickly, decisively and fully to respond to the royal commission's recommendations. Part of this is a discussion with the community about the impact some of these recommendations may have on all of us in the future.

**Mrs COOTE** (Southern Metropolitan) — My initial response to the devastating Victorian bushfires was one of absolute helplessness. There was absolutely nothing I could do, living in Melbourne and watching from afar.

My next emotion was sadness, to think that our state was burning, so many lives were being devastated and so many lives were being lost. The very poignant debates that have taken place in this chamber and in the Legislative Assembly over the past couple of days are testament to the lives that were lost and the huge courage of all Victorians.

The next emotion I felt was humility, feeling that we had had this overwhelming response on the part of the Victorian community as a whole, from other Australians and the international community, seeing the enormity of the support they were giving us and seeing also the courage involved as stories unfolded of the Black Saturday bushfires.

I will not go into many details about what happened on that day, because it has been covered very well in the debate over the past two days. However, we must remember that it is important for us as members of Parliament to put all sides of the argument. It is indeed our job. It is the job of government members to talk about their reaction to the bushfires and what they believe they did correctly in that reaction and in their setting up of the royal commission, and I commend the government for setting up the royal commission. As other members have done, I, too, commend the commissioners for their excellent work as well as

Mr Jack Rush for putting forward an excellent case. It must have been very hard for everybody involved.

However, it is also the role of the opposition parties to put another side: to show and point out in this place and in great detail the experience that particularly country members have had so that we get it right for the future and so that whatever happened in the past is not repeated and we learn from the lessons. There will be acrimony about these bushfires for a very long time, and indeed it is incumbent upon all of us to ensure that we take those lessons and deal with them as legislators and as people who are highly regarded, hopefully, within our communities to make quite certain that these lessons are heeded.

I would like to put on the record tonight my thoughts about the volunteers. I would like to give two examples of the volunteers. Firstly, as I said, I had felt completely helpless. Being a member for an inner city seat and not, very fortunately, being directly involved with these bushfires, I wanted to do something to help. I am a leader within our community; I felt it was important to be part of the contribution to what was happening and what was needed within our state, so I asked my colleague from another place Christine Fyffe, the member for Evelyn, who was severely affected within her community, if there was something tangible I could do. She said, yes, indeed there was, that in fact at the hall in the Yarra Glen fire recovery centre the emergency services were there and people were being processed to see what could be done to help them deal with the circumstances at hand.

One of the things that came out of that was that as people were being processed to establish what had happened to them, what their needs were, how they would get to the support networks they needed and what support networks they had, it was apparent that nothing was being done with the little children. These children were traumatised. Some of these people had come in from Kinglake, others from surrounding areas. Many of their classmates had been burnt to death, and these children, in the short time between the bushfires and being in that recovery centre, had listened time and again to the stories of the bushfires and the trauma that their parents, friends and neighbours were experiencing.

I set up a kindergarten-type children's corner, and we had a steady stream of little children coming in, and whilst their parents were being processed I dealt with these little children. I delved into the deep recesses of my past with my own children, and we had plasticine, glue, coloured paper and a whole range of things, and those little children were entertained while their parents



coped with the necessities of dealing with what was an absolutely disastrous situation.

But it was not the work that I was doing that was of most significance; it was the work that the people around me were doing. These were people we forgot in the process. People had mobile phones, but because their houses had been burnt or they could not get into their houses they did not have the cord to connect to their mobile phones to make certain that their batteries were charged. They had loved ones and family members and people wanting to know about their welfare, and they had absolutely no way of contacting these people, so a very tangible service was set up, in this instance in Yarra Glen, by Optus, which was managing to give people chargers for their existing phones and handing out free phones and SIM cards to people who needed them. It was a really tangible example of what people needed on the ground at the time.

Another example was the lead agencies. No-one in this state must ever underestimate the fabulous work of the Red Cross, the Salvation Army, the Brotherhood of St Laurence and a whole range of agencies who just know what to do at the right time. They came from all over the state and did the most extraordinary work, and indeed they too are to be commended.

It is not easy dealing with people who have lost everything, who have seen lives lost in front of their very eyes and who have been so traumatised. Those of us who did not have that sort of expertise had a lot of willingness to do whatever it was that we could. There was a sense of camaraderie and help, and whilst I was there in Yarra Glen we had politicians of all persuasions. Fran Bailey, the federal member for McEwen, who had done a fabulous job, came to cheer on the people involved. James Merlino, the state Minister for Sport, Recreation and Youth Affairs, was also there to help and support people. I would have to say political points of view were put aside, and the camaraderie, the help and the acknowledgement that people gave each other and the work that we were doing together showed that we as politicians can actually do the right thing at the right time when it is needed.

Just to finish off on the Yarra Glen experience, there was one man who had come up from Geelong. He was a masseur, and he came to give all of the workers at that site a massage. He realised how tense they were, how hard they had been working and under what difficult circumstances they were working, and he came and donated his free time to give some relief to the people who were helping others. They were the

sorts of sensitive things that people did that you do not perhaps consider in times of crisis.

But it is a group called SecondBite that I want to speak of tonight. SecondBite is an excellent organisation which operates out of Kensington. It operates in normal times to help make certain that food that is discarded for various reasons — it may be bruised; it may be a carton of oranges that is about to be dispensed with because two or three of them have become mildewed — is repackaged and given to centres right around Victoria and in Tasmania during non-crisis times. It gives food to places such as the Sacred Heart Mission, where 450 people are fed every day at lunchtime, and Sacred Heart Mission is given fresh items of food rather than packaged food so it can create the meals that it knows its community needs. SecondBite is very good at dealing with fresh produce and distributing fresh produce. It operates with a whole range of volunteers who do the most remarkable job of collecting the food, repackaging the food and then dispersing the food.

When we had the bushfires and people were donating huge amounts of perishable items, the people who had been affected by these fires had no electricity, no generators and no way in which to deal with perishable goods, so SecondBite was able to swing into action and take much-needed perishable food to the right place at the right time. Initially its volunteers arrived and were dealing with Whittlesea and the community there, and they took bread, fruit, cereal and UHT milk. They took food not only to Whittlesea but to Kinglake. The residents had been isolated and were unaware of the enormous public support that was out there, and they were absolutely overcome. As it transpired SecondBite was able to take up refrigerated vans with appropriate food and have fresh food readily dispensed. As time went by there was a need for fresh meat, because there were a huge number of volunteers and workers who were there and they were having huge barbecues for the people who were there, so fresh meat was something that was needed.

I would like to read a comment from Simone Carson, one of the directors of SecondBite; it is easier for me to read this because it is a firsthand account. She had this to say:

Communication issues:

Communication was a major issue for relief centres in terms of:

what food was available;

who was supplying the food;

when food would arrive;

who would receive the food upon arrival.

These issues led to difficulties in planning for food preparation.

Each relief centre was independent and there was little communication between centres, increasing the difficulty of organising a uniform response.

Other issues:

The type of food required changed as the days went on. In the early stages, the centres were looking for pre-cooked food that could be easily reheated, but in the weeks that followed, fresh food was in greater demand.

The SecondBite response:

Given the extraordinary scale of the disaster, a uniform response was an almost impossible task. Faced with such a distressing and overwhelming situation, local communities understood best what their community needed. SecondBite was able to successfully respond to each of the communities' needs because we worked with individuals. Our response was flexible enough to be able to offer assistance on a personal level — centres could contact us directly. In the aftermath of such a catastrophic event, the importance of listening and responding to the local communities cannot be underestimated.

For the record, the breakdown of the food that was delivered by SecondBite during February alone was 51.3 tonnes for normal operations and 41.6 tonnes for bushfire relief. I think everyone together in this chamber would congratulate SecondBite on what was a quite extraordinary effort, and indeed I think that there are many lessons that can be learnt on how food and perishable goods can be distributed as quickly and efficiently as possible.

Finally, I would just like to say again that I feel sad and humble, but mostly I think we in this state had and showed a huge amount of courage. Our state was in crisis and I think our community drew together and really and truly did a remarkable job on the whole. There will be lessons to be learnt. There were some things that were done well and other things that were done badly. It is incumbent upon us to learn from these lessons and to make certain that we do the very best into the future to ensure that this tragedy never happens again.

**Mr LEANE** (Eastern Metropolitan) — I want to start where Mrs Coote left off. I could not put it as well as she just did in respect of the state standing up in a crisis, and I am not going to try. There are members who still want to contribute to this debate so I am going to limit my contribution and particularly speak to one of the recommendations from the royal commission — that the power supply through regional areas be

installed underground. I was careful in the words I used then because there have been a number of media reports and a number of statements saying that the powerlines, the overhead lines, the high-tension lines, the high-voltage lines should be moved underground, should be relocated underground, should be buried underground. It is all a bit misleading as to the size of the task that we are actually talking about, because it would be complete new infrastructure.

We cannot be fooled into thinking that we can build a trench and maybe just drop the overhead powerlines we have now into a trench. We cannot be fooled into thinking that those power cables can actually be taken to, say, Oleg's Cables in Lilydale, and made into a special rated underground cable and insulated, because there is no process for that. Basically we are talking about something that started developing in our state over 100 years ago — our power transmission network — and we would basically have to start from scratch and put in a complete new infrastructure. I think if we did have the opportunity to start from scratch, if we were transported in a time machine to 100 years ago when the way our transmission networks should be was decided, we would have taken the opportunity to make sure that those particular cables were installed underground.

I think in hindsight — and hindsight is a great thing — we could look at our rail network through the regional area and we would have made sure that there was not one level crossing. Unfortunately our rail network, similar to our power network, was established over 100 years ago. This is the system we have; this is the system we have inherited. I think we just need to inject some sort of reality into what it would mean for us to blindly accept every recommendation, as the opposition did, and say that we commit to putting all our power cables underground within 10 years. I do not believe that could physically happen if we started tomorrow. That is not only because of the size of the task and the availability of the cable and the availability of time to get into those regional areas with the equipment that you would use but also there is a huge issue that we need to understand. This is not a political statement. I am just mentioning something that is a reality, because since the power network was privatised we have not had the people resources. There was a period of time for 10 years when there was not one new apprentice line worker. We have a huge shortage. We are treading water even though in recent years we have had a commitment from the privatised power companies to start training again; that would have been four years ago, if we are lucky.

We have an ageing and sparse workforce as far as line workers are concerned. Our biggest problem is that there is a shortage of qualified line workers across the world; this is not unique to Victoria because of privatisation. That shortage is at the point where a number of years ago a huge part of New Zealand's qualified line worker workforce was poached by Ireland. Line workers were offered huge wages to move to Ireland because Ireland had a similar problem with privatisation. Line workers from New Zealand moved to Ireland because of the salary package they could get. It was no coincidence that about three or four years ago the city of Auckland was blacked out for four days. A major city was blacked out for four days because of a fault in an underground cable and the fact that there was an insufficient number of qualified line workers to fix it to get back on line.

It would be disingenuous if we said we would blindly commit to that particular recommendation from the royal commission without taking into account what sort of workforce we would need to physically do this type of work, and I do not think it could be done. In my humble opinion the recommendation for the regional power transmission networks could not be achieved within 10 years even if there was such a workforce. We are talking about thousands of kilometres of overhead cables that would be involved. That is why I applaud the government for not blindly accepting the recommendations.

The worst thing a government could do would be to say, 'We will accept every recommendation' and make a blind commitment when the government knows that some of those recommendations cannot be achieved. It would be easy to use weasel words like those of the Leader of the Opposition in the Assembly, Ted Baillieu: 'in principle we accept'. 'In principle' can mean anything; the words 'in principle' are weasel words and do not mean there is a commitment. I applaud the government for taking not an easy political stance but the hard decision to look into what all these recommendations mean and to see if they can be achieved inside the parameters of the recommendations that were handed down by the royal commission.

On some issues it would be nice to think that politics would not be played. In examining the events of Black Saturday politics should not be played, and it is disappointing that is happening. On the day that the Leader of the Opposition in the Assembly, Mr Baillieu, was going to man up and make a big hairy-chested speech about his thoughts on the government's actions in relation to those particularly horrible bushfires — and there was a big fanfare about it — one of the things he was going to say was that the Premier, Mr Brumby,

had misled Victorians about the climatic conditions for that particular day.

**Mr Koch** — You have assumed that is what he was going to say.

**Mr LEANE** — It has been said in here by some of Mr Koch's colleagues that the Premier misled Victorians on the extent of the extreme climatic conditions of that day. It was indicated that the Premier said this after the event as a way of misleading opinion to the effect that those fires could have been controlled in a better fashion.

The problem with that argument is that the Premier came out midweek before Black Saturday and in answer to a question said that the coming Saturday was going to see potentially the worst climatic conditions for bushfire that we would ever have seen. I was sitting in the gallery of the Legislative Assembly when that was said. The Premier said that two days before Black Saturday, on the Thursday.

The Leader of the Opposition needs to be asked whether the Premier misled Victorians when on that Thursday, given advice from the Bureau of Meteorology and all sorts of experts, he warned Victorians on ABC radio and television stations that the conditions that we were going to have on that coming Saturday would be like no other bushfire threat we had ever seen. Did the Premier mislead Victorians then?

Mr Baillieu cannot have it both ways. He cannot say both that after Black Saturday the Premier misled Victorians and that he was not saying that the Premier misled Victorians on the Thursday before Black Saturday. The Premier did the right thing according to the advice he was given. Mr Baillieu should go out to the bushfire victims and say, 'The Premier misled you on that Thursday'. I dare him to say that because, as I said, Mr Baillieu cannot have it both ways.

It is a shame that politics gets played over these sorts of events, but during this week and similar weeks in this chamber and the other place the opposition has wanted to persuade the electorate that not all the responsibility for the death and destruction was the result of those horrific fires. The opposition wants to get the message out to the electorate that if there is a responsibility for that, the responsibility lies with the government, and I find that absolutely offensive.

Another thing I find offensive is that the opposition says the responsibility for deaths is on the government and is not a result of the bushfires or of climatic conditions such as we had never seen before or the fact

that we would not know where the worst bushfires were going to be on that Saturday, when there were 100 bushfires. Not only does the opposition want to play politics by trying to insinuate into the electorate the belief that the responsibility for the death and destruction lies with the government, but it wants to single out individuals in the government to blame.

The opposition wants to point at the Premier, ministers and heads of government departments and say, 'That is the one you should be looking at'. That is the politics that is being played here. That is the blunt politics that members opposite are playing. They should not try to hide behind anything else. That is the politics they are playing. I also find that very offensive.

I will tell the house why I find that very offensive. This may be something very foreign to opposition members, but as government backbenchers and collective government members we actually appreciate our leadership. We look up to our leadership. We admire our leadership. We appreciate our leadership's intent. We appreciate our leaders as human beings. For members opposite to go on this path of seeking to finger leaders of our government and question their intent and try to get out to the electorate that the causes of this horrible event should be pointed at people of good intent and of great quality is a disgrace, and it shows how desperate opposition members have become.

**Mr KAVANAGH** (Western Victoria) — I would like to acknowledge, firstly, the 173 people who died in the fires that are the subject of this discussion tonight, and indeed especially, maybe even more than that, their families who no doubt are still suffering and missing them, and the people who were burnt but survived. As somebody who has some experience of people in my family having been burnt, I regard that as a terrible tragedy and something that we should all bear in mind. More than 2000 homes and many hectares of forest in Victoria were burnt down as well.

I would like to pay tribute to the volunteers, whom I have paid tribute to before, including the Country Fire Authority volunteers who give so much and who sacrifice so much to put out fires in Victoria, and above all the interstate and overseas volunteers who came to Victoria to help us in our hour of need to put out our fires. One of the old sayings that is perfectly true is that a friend in need is a friend indeed, and I think we owe an awful lot to those who came from other states and from other countries to help us in Victoria.

There has been some discussion about whether the events of Black Saturday were a one-off event. I think

that is relevant to the extent that it refers to the future — that is, whether or not the events and conditions of Black Saturday will occur again. I do not think it matters very much whether they have occurred many times in the past; the question is whether they will occur in the future. Unfortunately the fact is that they are likely to occur again in the future, so the government needs to get this right.

There has been some debate about whether the government should have accepted immediately all the recommendations of the royal commission. In my view the opposition is a little bit misguided about that. The government has already said that it will accept 59 of the 67 recommendations, and I think that is perfectly appropriate. I do not think it is actually required of the government that it immediately accepts all 67. The government is the government. It has to consider not only future bushfire needs — that is, the need to prevent further bushfires — but it also needs to consider other things like costs to the general community. That is something the royal commission did not have to consider. It is up to the government to make decisions about which recommendations to accept and how to accept them, and it seems to me it is quite appropriate for the government to say, 'There are some recommendations we will consider before we decide whether or not to accept them'.

Although the royal commission has done a very good job, looking at the report that it has issued it can be seen that the government must consider not only those policies directly relevant to bushfires but every relevant policy consideration — for example, as I said, the cost to the entire community of some of the recommendations.

I would like to congratulate Mr Leane on his contribution; some of his comments were very good. He made the point that we need to be reticent in blaming individuals, because it is a very serious matter to say that people are responsible for deaths. It is not quite decent to say that, and we should be very reluctant to say that about other people. I would not want that to be said about me, and I think we should be quite hesitant to say that about other people.

Having said that, in my contribution on a report by the Standing Committee on Finance and Public Administration I referred to the role of Christine Nixon in the Victorian Bushfire Reconstruction and Recovery Authority. I did say good things about Ms Nixon a couple of months ago, in June, in this house, and I think they were justified. Ms Nixon has done a good job on that authority. After that speech some opposition members said to me, 'I think you were too generous in

what you said there'. I made the point in my speech that I was only talking about the bushfire authority there and not about Ms Nixon's role on Black Saturday.

The royal commission did have strong reservations about Ms Nixon's role on Black Saturday, and looking at all the evidence together you do have to express some reservations about what she did on Black Saturday. In our hour of need Ms Nixon did not give the service to the people of Victoria that she should have. I think that is reasonable to say in all the circumstances.

The royal commission report also refers to the evidence that Ms Nixon gave and said Ms Nixon did not keep the records that somebody in her situation probably should have and that that may have led her to give inconsistent, perhaps even contradictory, evidence to the royal commission. I think that is fair enough in the circumstances, and perhaps it is giving her the benefit of the doubt to say that she did not deliberately say things that were untrue. Nevertheless those are the decisions of the royal commission and I support it in those decisions. Ms Nixon was not as forthright and consistent as she would have been if she had retained proper records of her actions.

I would like to mention the fire services levy in Victoria. I note that many people in Victoria do not pay this fire services levy. That seems to be a deficiency in our fire system in Victoria, because even people who do not pay it get the benefit of it. That does not seem fair on those people who pay the levy and the GST and the stamp duty on it — and there are other charges on that payment as well.

It seems to me that one possible reform of our fire system that was not really considered by the royal commission is to vary the amount of fire services levy and indeed fire insurance premiums according to the actual degree of risk that any property faces in Victoria. If the system were adjusted to reflect those real costs, then the suggestion by the royal commission that the Victorian government — that is, everyone in Victoria — pays to buy out people whose properties are in particularly hazardous locations in Victoria from a fire point of view would not be necessary. If people were paying the fire services levy according to the real risk that they faced, the government would not have to buy people out because they would in effect be priced out by the real cost of insurance.

A few months ago I visited Deakin University with a member for Northern Victoria Region, Donna Petrovich, where we saw an early fire detection system

that was on display. We were shown how the early fire detection system worked. It incorporated new technology from Germany, and it would automatically alert fire authorities to possible fires in Victoria.

I note that the previous Prime Minister, Kevin Rudd, promised to pay Victoria for the cost of that service, as has the federal Leader of the Opposition, Tony Abbott. I note in passing that it would not be a bad thing at all for Victoria if the Prime Minister of Australia after 21 August was a volunteer firefighter. I pay tribute to Mr Abbott as a volunteer firefighter, and I express admiration for him. I particularly admire the fact that I did not even know he was a volunteer firefighter until a couple of days ago. I reckon that is a pretty good effort from someone who is the federal Leader of the Opposition and who is a possible Prime Minister in about 10 days time.

One possible way of improving our firefighting situation that perhaps has not been investigated as much as it might have been in the royal commission report is the capacity of or the potential for the Australian Defence Force to assist. There is some reference to that in the royal commission report, but it seems to me that this is an area with a lot of potential and that the royal commission did not consider it as much as it might have. With the huge amounts of Australian taxpayer money going into the Department of Defence it would give much better value for money if the defence forces — that is, the army and the air force, perhaps there is not much of a role for the navy — included in their systems possible preparations for fighting fires. That would be good for the people of Victoria.

The royal commission report refers to fuel reduction burning. I have discussed this earlier today with Ms Pennicuik. Generally speaking, it seemed to me that for a long time the approach of the Greens to fuel reduction burning was counterproductive in Australia. Ms Pennicuik has told me that the Greens do not have a policy against fuel reduction burning, and I have to accept her word on that. When I am talking about the greens here I am not talking about the Greens political party, but a general green environmental mindset. The greens generally have not been as supportive of fuel reduction burning as they should have been.

Even before the fires of Black Saturday the National Civic Council, a group often associated with the Democratic Labor Party, in its leading newspaper, *News Weekly*, would have a lot of reports demanding increased fuel reduction burning. It would often make the point that throughout Australia fuel reduction burning had been reduced to the point that it was

unsatisfactory — that is, it was not sufficient to prevent huge future bushfires in Australia. As we know Victoria is supposedly the most bushfire-prone area in the world, along with California. In any case the point is that there were lots of warnings about the necessity to increase fuel reduction burning in Victoria.

The royal commission basically says that 1.7 per cent of Victoria undergoes fuel reduction burning per year and that should be increased to a minimum of 5 per cent a year. An article in the *Herald Sun* by a green environmentalist said that was a doubling of the area of Victoria that should be subjected to fuel reduction burning during a year. Obviously his mathematics were not terribly good, as it is really a tripling of the area of Victoria that should be subjected to fuel reduction burning a year.

Anyone looking at the record in this house would say, ‘Peter Kavanagh has actually voted with the Greens more often than anybody else’. I appreciate a lot of the things they have suggested, and I admire them for some of the initiatives that they have brought to this Parliament. However, my problem with them is that in the end I feel that they are anti-human. The Greens would rather see a planet without any human beings on it.

**Ms Hartland** — That would eliminate us!

**Mr KAVANAGH** — Indeed! I think they would prefer to see a world with no people on it, just kangaroos grazing somewhere with no people on the continent of Australia and no people on planet Earth. While the Greens philosophy will say that human beings are animals, at the same time it will say that human beings are evil. We get the worst of all possible worlds. We are both subject to nature and capable of diminishing nature.

**Ms Pennicuik** interjected.

**Mr KAVANAGH** — I am sorry, I am just being honest, Ms Pennicuik. This is actually my view. If human beings are animals it seems to me that we are governed by nature, and if we decide to pour plutonium into Port Phillip Bay that is just a natural act, an act of evolution. To the Greens we are animals governed by nature, but at the same time we are uniquely capable of doing evil, which other animals are not. It seems to me to be a contradiction, and this is reflected in the views towards fuel reduction burning.

The day the royal commission report was released to the press we had reports in the newspaper of small-green people saying, ‘This is terrible. This is really bad for animals because fuel reduction burning — cool

burning — is bad for animals’. Yet right after Black Saturday we also had people saying from a green point of view, ‘It is terrible that we have these huge fires because we wipe out species. It is too hot for animals to protect themselves. They are wiped out by these huge fires’. I agree with them too; it is an awful thing when an animal suffers — when animals are burnt too. To me they are not as important as human beings, but I do care about animals suffering burns; I would rather see no animals burnt.

However, the question is: do you decide to do fuel reduction burning, keep species intact and prevent lots of animals being killed in fires they cannot possibly escape from because the infernos are so huge and destroy vast areas of Victoria, or do you allow fuel reduction burning where in the short term some animals will probably be killed but larger numbers will be saved because you are avoiding gigantic, cataclysmic fires like the ones we had on Black Saturday? I think it is obvious that you should try to avoid these gigantic infernos that animals cannot escape from.

We live in probably the most fire-prone area in the world, along with California. The royal commission has done a great job in recommending things we can do to avoid cataclysms in the future. I urge the government to carefully consider the recommendations, and to accept those that make sense to the whole of the state.

**Ms TIERNEY** (Western Victoria) — From the outset I also convey my condolences and sympathy for the 173 very precious lives that were lost in February 2009. Those people belonged to family and friends, and I reach out and provide my sympathy and support for those who lost people who were very close to them. It is very hard to imagine what it would be like to lose someone from your own family or a close friend in such tragic circumstances. I know the circumstances must weigh heavily on those people’s minds on a continuing basis. I think the psychological wounds that people have experienced as a result will take some time to heal. Of course the physical recovery will also be at different stages.

Even with the deep wounds the community has been suffering there have also been an amazing number of stories that provide us with hope and resilience. The yellow ribbons that many of us wear on our lapels tell the story of February 2009 and the time when an enormous number of deaths and a lot of destruction and havoc occurred in our state but also, as I said, there was resilience and hope.

Most of us are aware that the Black Saturday bushfires occurred mainly in the north-east of the state, but there were also bushfires in western Victoria in the electorate that Mr Koch, Ms Pulford, Mr Kavanagh, Mr Vogels and I represent. I understand that previous speakers have talked about the fires there, but I also want to mention the four fires in western Victoria.

The first fire I want to mention is the one that occurred in Coleraine, which is a township about 320 kilometres west of Melbourne. On that occasion 1 house was destroyed, 770 hectares of land were burnt, 18 properties were affected, approximately 70 cattle and 200 sheep were lost, and 3 hardwood plantations were destroyed. I understand the situation was on a knife edge as to whether or not the Coleraine township was going to be more heavily impacted, and there were very serious concerns and fears about the fire approaching the Coleraine hospital. While no-one died in the fires in western Victoria, a number of people were injured. On previous occasions when we have spoken of the bushfires we have mentioned Mr John Smeets, who was badly burnt as he assisted another farmer to shift livestock. He had burns to over half of his body and spent an enormous amount of time in hospital in Melbourne. Mrs Smeets was also in Melbourne for much of the time, so it had a lot of impact on their family. I believe Mrs Smeets was in the public gallery the last time we had a discussion about the bushfires.

What we as a government have attempted to do, apart from providing individual assistance to people affected by bushfires, is to provide support for community projects and community amenities. That has been the case in Coleraine in terms of emergency volunteer support grants, men's sheds, personal hardship grants, upgrades to sporting facilities, playgrounds, public amenities and an upgrade to the Coleraine public relief centre. I mention that so people will understand there have been a number of things that the local community has been working on top of everything else it has been doing to build a sense of community and community capacity. The rebuilding of Coleraine has been a combined effort. Of course it has included individual community members, but the Southern Grampians shire has also played a significant role. The Southern Grampians municipal recovery manager has been fantastic, and the Coleraine and District Development Association, along with Regional Development Victoria, also need to be mentioned for the role they have played.

The second fire I want to mention is the one that occurred around the outskirts of Horsham. On that occasion three properties in Horsham were destroyed

and the Horsham Golf Club was significantly affected. Nine properties in Haven and one in Drung were destroyed. The Haven Recreation Reserve was impacted upon, and over 2000 hectares of cropping and lifestyle farm property were destroyed as well.

I mention the Haven fire because of a friend who was caught up in it, a woman called Mandy Kirsopp, who was in her home at the time and looked up and thought something was odd. She was on her way to the university campus and thought, 'Something is so odd that I am going to have a Pippi Longstocking moment and climb up on my roof', which she did. She quickly became aware that there was a very fast-moving grassfire heading right towards her property in Haven. The fire took out the whole back section of her property, including all the water tanks and sheds. It got as close as 1 metre from her back door. If it had not been for a very dramatic and swift wind change and a friendly grader driver coming through the back part of the property, she, her property and her children would not have survived.

When she took me through the property two days after the fire you could pick up the sense of fear. It made me aware of what really needs to be put in place, not just in terms of emergency service systems but also in terms of individuals and families, to even think about being bushfire prepared.

The rebuild at Horsham has been significant. We know that the golf course rehabilitation and restoration has gone ahead and there has been tremendous community as well as government support. A number of other memorial events have been supported, as well as a number of other things.

I also want to mention the fire that occurred around Weerite. There were a number of other communities on the perimeter of the fire, but this location is around 30 minutes drive west of Colac. There were about 50 families involved in that fire. Of the families in that area, 30 per cent are involved in agriculture. Around 1300 hectares were burnt out, and the track of the fire can be clearly seen from the Princes Highway. Members who might not use the Princes Highway often might not be aware that after the fire the smell of smoke was still coming into cars travelling up and down that highway because the peat in the ground was still burning many months after the fire was extinguished on the surface, so to speak. It was a very unusual fire, to say the least. You could also see the rebuild happening. The fencing was put up pretty quickly and, again, it was a testament to people's community spirit in making sure things were cleaned up and replaced.

The other fire, which occurred around 23 February, was known as the Musk Vale Hogans Road fire. It started on the edge of the Midland Highway about 4 kilometres south of Daylesford. I know from a number of friends who live in the area that there was an enormous amount of concern about properties and lives around Daylesford. In fact there were a number of times we thought Daylesford was going to be safe and the fire was under control, but each time we thought that was going to be the case the worst-case scenario kept on popping up. I take this opportunity to thank all of the people who were involved in fighting those fires and the support people behind the firefighters. They did an amazing job making sure that fire did not wreak more havoc than was already the case.

I also want to say that there has been some fantastic initiatives in the area in terms of recovery. The community recovery committee has undertaken a number of community events, which were really needed. There was also recognition that youth in the area were particularly affected by what happened. They had to be transported out of their homes on a number of occasions and there have been specific youth programs to assist young people in their recovery from that experience.

They were the four fires we had in western Victoria. It was not the same as the situation that occurred in north-east Victoria but they were fires nonetheless. They were vicious, they were very fast, but they were also different from one another. My faith in people's resilience has been improved somewhat as a result of seeing how they have been able to cope with their situation while lending an amazing amount of support to communities in the north-east of Victoria, whether they be Country Fire Authority volunteers or people who have become involved in a whole range of community organisations and made themselves and their skills available to assist others who have been less fortunate.

I was particularly pleased that the government decided a royal commission was the right way to go because it provided an opportunity for all members of the community to have a say on something that has been such a dramatic aspect of our history. It also provided an open forum where there could be proper and full discussion about measures that could be put in place to attempt to ensure that anything like what happened in February 2009 does not happen again.

I was pleased to see the handing down of the recommendations the weekend before last and particularly pleased that the government decided to have another round of consultation on the eight

recommendations it has at the moment not accepted. There can be no dispute that the way members of this government have approached everything since the bushfires is to roll up their sleeves and get in there to do the job. The Premier himself has played a remarkable role and we have all joined with the community to listen and to rebuild this great state. So it was only appropriate and proper that we went back to the community and said, 'On these eight items in particular that we think might be more controversial or more difficult, we would really like your input'.

I was pleased to attend a consultation last Friday night in Anglesea; it was a well-attended forum where work tables were designated for particular issues. People chose which tables they wanted to go to, but they also had the opportunity to rotate through the tables so they could voice their issues or concerns about topics across the board.

The areas that were consistently raised that evening, and indeed when I was at Lethbridge and Maude on Sunday, were issues of personal safety, whether of individuals or local communities, and they included the issues of evacuation, refuges, neighbourhood safer places and fuel reduction. Of course a number of other issues were talked about, but those were the main ones that focused people's attention. Every single person who has been involved has come to the consultations really appreciative of the chance of making a contribution, of having their say, and many have come up with a number of ideas that other people have just not thought about.

To focus particularly on Anglesea, it is a coastal town and has only one road in and one road out, which is quite unusual for such a community. It is also a community that has a number of tourists, particularly in the summer months, which are notoriously the bushfire months, so there need to be special procedures and systems put in place to ensure that the people who are not regular visitors or permanent residents understand what is meant by the different processes that would be put in place.

There was also a really heartfelt conversation amongst a number of older residents who are now going to organise amongst themselves to get onto the register, which is a register for older people and people who are vulnerable, so that there is a phone chain operating. They are going to not just organise themselves but organise other people in the streets around them. I was very pleased that they were thinking ahead and wanting to take control of the situation for themselves.



I will say in closing that I listened to many of the criticisms espoused by the opposition yesterday and particularly today, and I just do not want to get into that realm at all. This government did not wait for the interim report; it got on with business. We were in there with our sleeves rolled up working with communities and working with all the authorities towards a recovery and trying to alleviate the concerns and problems that people had. This is a government that cannot be accused of not doing anything; in fact the reverse has been the case.

I believe that we are now at that next step. Let us continue to move towards a view on the last eight recommendations so that we can work together on an implementation plan for the whole of the commission's recommendations. We have an enthusiastic community that wants to endorse what is before us and work towards making sure that we do not have an outcome in any way similar to what we experienced in February 2009.

**Mr ELASMAR** (Northern Metropolitan) — There have been many speakers over the last two days on this very sensitive issue. It is not my purpose to speak further about the heartbreaking devastation of the Black Saturday bushfires in Victoria. I think we will all remember forever what we were doing when the horrific news came through. We will never forget. There is no point in playing the blame game; we have to look to the future and come up with a strategic plan that will ensure that a tragedy like this never happens again.

I had the humbling experience of visiting Kinglake and Whittlesea and meeting with those impacted by the bushfires. Like other members, I was touched by the stories of survival and loss. This memory will stay with me for the rest of my life. One hundred and seventy three people lost their lives in the bushfire disaster. Again I offer my condolences to their family members and friends. What this experience brought home to me was the need to listen respectfully to those impacted by the fires. Listening is not a weakness; it is giving those who directly experienced the fires the respect they deserve.

Immediately following the most tragic day in Victoria's history the Premier of this state, John Brumby, put in place a royal commission inquiry. He has said loud and clear to the people of Victoria that 57 of the recommendations handed down by the commission have already in principle been agreed to. The remaining issues will have an impact on the economy of the state and as such must be dealt with in consultation with the community and in discussion

with professionals — for example, underground cabling is an important issue, but it has to be properly investigated.

In any event, whatever the outcome of the final recommendations, the community will continue to be consulted, and we will strive together to provide the safest environment for the survivors and future residents of country Victoria. I also thank all the volunteers who put their lives at risk to save and help others.

**Mr ATKINSON** (Eastern Metropolitan) — This has been a long and important debate. I do not wish to make a long contribution to the debate. Other members, because of the geography of the electorates they represent in this place, have been more extensively involved with this catastrophe and with the people who suffered as a result of those awful fires.

I was touched personally by the fires inasmuch as I did lose a friend in the bushfires. In parts of my electorate, which I share with Mr Dalla-Riva and Mrs Kronberg, there was the threat of far more extensive fire damage on that horrid day. Because of the nature of the environment in and around parts of our electorate we face fire danger every summer. I am mindful of the fact that on that day back in February 2009 a fire front was stopped at the Burwood Highway in Ferntree Gully. Had that fire jumped the Burwood Highway, it would have entered the Dandenongs. Given the level of settlement of communities in the Dandenongs and the conditions of that day, we can only imagine how horrid that outcome might have been.

The purpose of my standing to contribute to this debate is to say simply that I share with all people in my electorate and all Victorians a profound sense of loss not only for the lives that were lost on that day but also for the built and natural heritage of Victoria that was lost, some of it irreplaceable just as those lives are irreplaceable. There is other damage on a lasting basis, including the loss of flora and fauna. The natural environment has suffered just as so many people suffered in our communities.

As has been said in this debate, not only did many people lose their lives but many were seriously injured and have suffered in terms of the trauma and impact on their lives of seeing other people who they knew, friends and family, killed or maimed by the fires. The lives of those people will be changed forever.

The fires of February 2009 were by any marker a catastrophe, but of how much greater a magnitude that catastrophe might have been had it not been for the

courage and dedication of so many volunteers and emergency services workers who fought in outrageous conditions — to the absolute brink of collapse in many cases — simply to protect their loved ones, other people's loved ones and to protect communities.

As has been said by many people in this debate, it was anticipated that the conditions on that day were going to be amongst the worst we had experienced in Victoria. With climatic conditions apparently changing quite markedly in Victoria over a period one would hope that these events are not a forerunner of future catastrophic events. Although we were warned of the conditions, obviously it was not possible to know exactly where the fires would strike, exactly what their causes might be and exactly what the outcomes of those fires might be in terms of their severity. As has been pointed out during this debate, there were more than 100 fires on that day, but the major fires raged over a number of days.

We need to learn from catastrophic events such as these. I am not sure that there is a lot of point in a great deal of finger-pointing and recriminations over events such as this, but there certainly would be if we did not learn the lessons of these events. One thing that saddens me is this is not the first fire that has been investigated. Some of my colleagues in this place and the other place sat on a committee inquiring into fires from the previous year which had also caused devastation in Victoria. They already knew some of the things that are now encapsulated in this report from the royal commission and that need to be addressed to avert serious catastrophic fire events in the future.

Some fires go back many years. I do not know whether I heard Mr David Davis in the course of this debate or in a side conversation commenting on the profound effect the bushfires of the early 1960s had on communities in the Dandenongs. In particular he mentioned his recollections of the impact of those fires on people that he knew as a youngster. My grandparents and my brother and sister were similarly trapped in Upwey during those fires. My point of view is that perhaps we have not learnt enough from those fires and the ones earlier in the century, or from subsequent fires that have caused such devastation.

Every time fires are investigated the same sorts of issues come forth. There are areas where we need to be tough, areas where we need to be sensitive and areas where we need to take direct and quick action. There are also areas that perhaps require more consideration to ensure that the solutions are the best solutions not only in terms of fire protection but also in terms of the

vitality of communities and the livelihoods of people who live in those communities.

I indicated earlier that there are many causes of fires. Lightning strikes are a significant cause of many fires, and the electricity grid can cause electrical fires from time to time. Camp fires can get out of control and cause bigger fires. If I remember correctly, Mr Drum alluded to some of those things during his contribution to the debate. The fires that concern me the most and sometimes have the most devastating impact are the ones deliberately lit by arsonists. There is no more heinous crime than arson. That somebody would put a match to our natural environment or our built environment and would pose such a risk to communities and to people simply for some inexplicable thrill is beyond me. We need to be much tougher on the crime of arson, particularly when it results in some of these devastating and tragic fire events.

The royal commission laboured long over the analysis of this latest fire event in February 2009. I extend my congratulations and appreciation to the commissioners for the work they have done. I am sure that for many people who were touched by the fires that process was an important element in their grieving and in the rebuilding of their lives.

I noted some of the comments of ministers, particularly in question time today and yesterday, when they talked about the consultation process the government has implemented subsequent to the royal commission report coming down.

Notwithstanding that the government's intentions may be admirable, I am not sure that extending into a further talkfest is a desirable approach to addressing the issues surrounding the bushfires of February 2009. The people in those communities, definitely those people who are living in caravans or sheds through a second very cold and gruelling winter because they have been unable to rebuild their homes and their lives, are more interested in this action than further talkfests. Whilst that process might be well-intentioned, I would hope the government is more intent on trying to deliver on the recommendations that have been published by the royal commission than on trying to ingratiate itself with communities through more and more talking and trotting out ministers to those communities for photo opportunities.

This was a catastrophic event that has touched the lives of all Australians, that has been burnt, quite literally, into Australia's history. The thing about history is that you need to learn from it. You need to address those

things that need to be changed so that catastrophe does not recur and so that people's lives are never again touched by the level of devastation that we knew during this event in February 2009.

**Motion agreed to.**

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The question is:

That the house do now adjourn.

### Calder Freeway: safety audit

**Ms LOVELL** (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Roads and Ports and concerns road safety on the Calder Freeway between Melbourne and Bendigo.

Community concerns have been raised regarding the safety of a number of intersections along the freeway, particularly the Fogartys Gap Road intersection. My request is for the minister to complete an urgent safety and upgrade audit of the Calder Freeway as the first step towards improving safety at the Fogartys Gap Road intersection and other intersections identified by the community.

Unfortunately it has taken the death of an 82-year-old man and significant community outrage to spur the lazy Labor government into action on the issue of road safety on the Calder Freeway. This issue of safety on the Calder Freeway was the very first issue raised by Michael Langdon after he was named the Liberal candidate for Bendigo East late last year. Dr Langdon called for action on the freeway after witnessing firsthand an accident at the intersection of Fogartys Gap Road and the Calder Freeway. Local police have labelled the intersection a 'shocker' because of its notorious reputation.

Last December, when Dr Langdon first raised the Fogartys Gap Road intersection as an issue, the arrogant and lazy government was not listening to Bendigo. The Minister for Regional and Rural Development, Jacinta Allan, who is also the member for Bendigo East in the Assembly, launched an attack on Dr Langdon because he dared to express concern about the Fogartys Gap Road intersection. Only now with the state election in sight and community anger over the death of an elderly motorist have Labor members Jacinta Allan and Bob Cameron, the Minister

for Police and Emergency Services and member for Bendigo West in the Assembly, taken any action to address this intersection.

The community has also expressed concern about the Ravenswood interchange, the Belvoir Park Road intersection and the section of the highway on the northern entrance to Melbourne. All stand out to the community as major safety concerns in desperate need of fixing. The section of the freeway north of Melbourne is built like a highway, meaning roads intersect with the freeway instead of there being the provision of off-ramps and on-ramps for traffic.

It has taken 18 months for Bob and Jacinta to finally acknowledge that too many accidents have occurred at the busy Fogartys Gap Road intersection, but this must result in a firm commitment from the Brumby government to investigate safety on the road and put in place plans to undertake the necessary upgrades.

My request is for the minister to complete an urgent safety and upgrade audit of the Calder Freeway as the first step towards improving safety at the Fogartys Gap Road intersection and other intersections identified by the community.

### Alpine Health: Bright campus

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the attention of the Minister for Health, Daniel Andrews. The matter I wish to raise concerns the need to progress planning for the Bright campus of the Alpine Health service. Alpine Health is a multipurpose service with three sites in the Alpine shire at Bright, Mount Beauty and Myrtleford. It is an integrated service with acute health, community health and community and aged residential services which looks after the residents in the area and the many visitors who visit the Alpine shire throughout the year, whether it be to the snowfields in the winter, to see the spring flowers, the autumnal show or visiting the popular camping spots in the summer, not to mention the food and wine that is on offer in that area all year round.

My parliamentary colleague Candy Broad and I had a very constructive meeting with a small delegation from Alpine Health this afternoon, which included Mr Lyndon Seys, CEO, Ms Judith Barlee, the chair of the board, and Mr Bruce McDonald, a resident of Bright. At the meeting the delegation pointed out that \$8.9 million has been invested in the Myrtleford and Mount Beauty campuses since Labor came to office in 1999. Alpine Health wants to improve its health services and believes there is a need now to progress

planning at the Bright campus of the health service. It was also pointed out that there is strong community support for this and that the local doctors are also very supportive.

I had an opportunity to visit the Alpine Health service late last year. I toured the facilities and met with staff and board members, getting a good feel for the services they offer and the challenges they confront with an ageing population and the complexities that large numbers of visitors bring to a health service. Therefore I specifically ask the minister to look at updating the master plan of the Bright campus and undertake any further necessary planning that might be required, such as schematics and feasibility studies, in order to progress and improve the health service at the Bright campus.

### **Department of Primary Industries: Monash University consultancy**

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the Minister for Agriculture, Mr Helper, and it has to do with a small rather weird public notice that appeared in the *Bendigo Advertiser* of Saturday, 3 July. It was calling for people willing to attend a focus group in Bendigo to discuss agriculture, yet it also mentioned that no experience was necessary and that lunch was going to be provided.

A constituent of mine rang the number and spoke with a Leila Greenfield, the project officer of this public meeting. She told my constituent the project was to determine the public's attitude to certain agricultural practices. She wrote to him saying that she was from Monash University and that the university had been engaged by the Department of Primary Industries to investigate people's attitudes on various intensive lamb finishing practices, otherwise known as lamb feedlots. For some reason the DPI has got Monash University in and engaged it to investigate people's attitudes to feedlots.

My constituent Mr Nethercote attended at the Department of Primary Industries, Bendigo, on Wednesday, 21 July, and although he was supposed to be one of 12 people there, only 4 people attended. They were given various questions and an information sheet, which made it clear to them that the purpose was to find out how much, if anything, people knew about allegedly cruel behaviour towards lambs so that a survey could be carried out among Melbourne residents.

It seems the people of Bendigo have been asked to come along so that the consultants can talk to people

who know nothing about lambing to help them draft questions for other people who also know nothing about lambing and apparently resolve a problem which no-one had ever noticed existed — if it does exist. It just seems to be a rather ridiculous process to be going through. The question is: is DPI about to bring in some new restrictions on lamb finishing? People in the lambing industry have been contacted, but they know nothing about this process.

I ask the minister to fully explain to me and therefore to the house why he has engaged Monash University in this consultancy to spend taxpayers money on this and why they need the views of people who know nothing about agriculture on something as basic as lamb feedlots.

### **Bushfires: Apollo Bay community consultation**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Environment and Climate Change, Mr Gavin Jennings. It is about the Apollo Bay bushfire consultation program. Apollo Bay, Skenes Creek, Tanybryn and other small surrounding towns normally have a population of about 7000 — it swells significantly over summer. Apollo Bay is surrounded on three sides by forest of varying density, and the smaller towns are nestled right in the forest. The permanent residents have a very real desire to know more about the bushfires royal commission and the ramifications of its findings for their community. They were looking forward to hearing from the experts about how they would be affected and to giving their feedback and opinions.

On the Thursday of last week some members of the community read in the Colac newspaper that there was to be a meeting in Apollo Bay to discuss the bushfire commission's recommendations. From all accounts, however, this was only advertised once, and the details were unclear. Apollo Bay has its own news-sheet, and the editors of this local oracle — not everyone gets the Colac papers — had no details at all of the meeting.

Various residents checked the DSE (Department of Sustainability and Environment) website; there was nothing there. The Colac Otway shire had no details either. Eventually the meeting took place last Saturday morning in a local hall. There were 28 attendees in total — and 28 out of 7000 is a very poor record. Of those 28, 2 were Colac Otway shire councillors, 8 were DSE bureaucrats and 18 were local residents. Given a population of 7000 people, that is just unacceptable.

My adjournment request is that the minister as a matter of urgency convene another meeting for the residents of Apollo Bay and surrounds and ensure that it is well publicised in local media in a timely and comprehensive manner.

### **WestLink: community consultation**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Ports. The Linking Melbourne Authority is currently undertaking its version of a community consultation process on the WestLink proposal. I am receiving phone calls and emails from confused members of the public because the consultation process is only providing for the community voices that express a preference for one of the three WestLink route options provided. There is no provision for people who say that they do not want any of these options provided. For example, the online feedback form has no option for the community to choose ‘no option’ — no freeway and no tollway. There is no option for community members to outline that perhaps they would prefer the money to be invested in public transport instead of in WestLink. It seems to me that people are being told, ‘If you don’t support one of the options, we don’t want to hear from you’, and that in fact the government is refusing to hear those other voices.

The action I ask of the minister is that he correct the community consultation process and provide a ‘no option’ choice so as to include all community voices, not just those of people who believe the WestLink proposal they have picked is the best of the three proposals.

### **Cranbourne Road–Moorooduc Highway, Frankston: intersection**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Ports, and it relates to the intersection of Cranbourne Road and the Moorooduc Highway in central north Frankston. In 2006 the government made a commitment to build a flyover to facilitate traffic moving from the highway, where it becomes the Moorooduc Highway, onto Cranbourne Road. However, it subsequently did not proceed with the flyover it had committed to and instead decided to build a P-turn arrangement to take northbound traffic that is seeking to turn right from the Moorooduc Highway onto Cranbourne Road.

In order for traffic to make that right turn it is now required to turn left at the Frankston cemetery and then

cross at a set of lights onto the north side of Frankston-Cranbourne Road before it can proceed eastbound as intended, so quite an extraordinary reversal of direction is required to initiate a right-hand turn. One of the problems that is associated with that is the traffic on Cranbourne Road heading westbound that would traditionally continue flowing across that intersection in the same number of lanes on the west side as it has on the east side, but because of this P-turn arrangement suddenly the leftmost lane is missing and is available only for a P-turn and this is causing trouble for traffic that is crossing that intersection and expecting to continue into Frankston.

What I seek from the minister or from VicRoads is for substantially greater signage to be installed on the east side of that intersection so that traffic approaching from the east seeking to head into Frankston is able to make an appropriate lane change over to the right to avoid the P-turn and getting caught up in the traffic seeking to go back to Cranbourne.

### **Phillip Island Nature Park: public access**

**Mr HALL** (Eastern Victoria) — I am pleased that the Minister for Environment and Climate Change is in the chamber tonight because it is to him that I wish to address this particular matter. It concerns an issue raised with me by Anne Oswin, a resident of Phillip Island. In particular she expressed concern about a decision by the Phillip Island Nature Park board to declare new regulations which prohibit public access to some areas of Phillip Island, in particular an area called Observation Point at Rhyll. The regulations also declare the Rhyll Inlet to be a prohibited area, and they ban access to the cliffs and the rock platforms over a large part of the Summerland Peninsula and Point Grant area on Phillip Island.

Ms Oswin informs me that the local community is concerned about these regulations because the areas which they are now prohibited to access have long been popular local places which people have frequented. They are concerned that these decisions have been taken by the board seemingly without community support. But in particular the question that she poses to me, and which I seek clarification from the minister on, is exactly what powers the Phillip Island Nature Park board had to make these decisions. Ms Oswin informs me that the Phillip Island Nature Park board was appointed under section 14 of the Crown Land (Reserves) Act of 1978 to manage specified Crown allotments at both Summerland and Point Grant, but she has referred me to a map of those areas which it was given responsibility to manage. She makes the point that the foreshore and the rock pool

areas it now decrees closed to the public on the Summerland and Point Grant coastline are shown not to be under its control and are clearly designated as wildlife and public recreation reserves. She also disputes the fact that some of the other areas in which public access is denied are also not directly under the control of the board as defined at the time it was appointed by the then minister, Marie Tehan, in 1997.

The action I seek from the minister is that he look very carefully into the decisions taken by the Philip Island Nature Park board to deny access to the public to certain areas that I have mentioned in my contribution and respond to me in a way which clarifies what powers the board has to make these decisions, or indeed if in fact the board has acted outside its powers by making these regulations.

### **Bushfires: fuel reduction**

**Mr KOCH** (Western Victoria) — Due to the demonstrated incompetence of the Minister for Police and Emergency Services, my issue is for the Premier and relates to his government's obligation to protect rural Victorians from bushfire threat. On Black Saturday in February 2009 fires raged across western Victoria, including Coleraine, Horsham and Weerite. While no fatalities occurred, 14 houses were destroyed and more than 3000 hectares were burnt. In Coleraine there was a serious burns casualty.

Amongst the Victorian Bushfires Royal Commission's recommendations was a long-term program of prescribed burning with an annual rolling target of at least 5 per cent of public land. It is disappointing that neither the minister nor the Premier has committed themselves to seeing this essential recommendation through. The Brumby government must not baulk at ensuring public land is safely maintained, and it has an obligation to implement best practice methods for bushfire prevention as outlined by the commission. Steps must be taken now to safeguard against these tragic events reoccurring in the future. With spring just around the corner and summer to follow, I urge the government to implement a burning program consistent with the commission's recommendations before the summer. Fuel reduction is an immediate and affordable method of ensuring towns susceptible to fire are made safer for the 2010–11 summer.

More particularly, the establishment of safer places where residents can congregate if their personal fire plans fail was an integral part of the commission's interim report handed down in August 2009. Many towns in western Victoria are yet to have safer places approved. This is a serious concern. The Brumby

government has failed to support and guarantee local councils and the Country Fire Authority (CFA) in establishing these secure locations. In too many instances, safer places have not been implemented in some of the most vulnerable, fire-prone areas of our state, including Lorne and Lavers Hill in the Otways. Despite the City of Greater Geelong selecting 10 possible sites throughout its region in March, to date none have been approved due to a CFA backlog. This is something that should both embarrass and concern the Brumby government.

The government must also ensure that where new suburbs and housing estates are established, best practice in fire safety standards are implemented. In terms of electricity provision this should include the undergrounding of power supplies similar to other necessary utilities.

My request to the Premier is for him to justify to residents of fire-prone areas across Victoria why the government is yet to endorse the Victorian bushfires royal commission recommendation of prescribed burning based on an annual rolling target of at least 5 per cent of public land and why the commission's recommendation of establishing safer places has not been supported and universally implemented to date.

### **Dental services: fluoride supplements**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Health, Daniel Andrews, and relates to access to fluoride for Victorians not connected to reticulated water services. It has come to my attention that fluoride drops or tablets are not readily available in many country areas that rely on tank water and therefore do not have fluoridated water. It is generally accepted that the addition of fluoride in our water supplies has led to a drastic reduction in tooth decay.

I am aware of a constituent whose house is on tank water and who was directed by her dentist to give her daughter a fluoride supplement after she had a high number of tooth cavities. The dentist explained that while toothpaste contains fluoride, many people, particularly children, also need ingested fluoride supplements. However, no chemists in her area supply fluoride drops or tablets. After many phone calls she finally found a chemist almost 100 kilometres from her home who was able to supply them.

It appears that many Victorian families, particularly those in country areas, are being denied the choice to take fluoride supplements and thereby minimise their risk of tooth decay. The action I seek is that the

Minister for Health investigates the matter and ensures that all Victorians have access to fluoride supplements and have the choice to include fluoride as part of their dental care.

### **Bushfires: local government**

**Mrs PEULICH** (South Eastern Metropolitan) — The matter I wish to raise is one that arises out of the royal commission report that has been debated over the last two days and in particular the fire strategies adopted by local government, so I raise the matter for the attention of the Minister for Police and Emergency Services. I have been disappointed to hear following Black Saturday that despite certain councillors trying to raise these matters within the open council forum or within their briefings to encourage the council to identify fire-prone areas, whether on public or private land within the municipality, and to ensure that those fire traps were addressed appropriately, some of those requests or attempts were stifled or suffocated by members of the Labor Party because they felt it was a politically sensitive issue that needed micromanagement and that the public did not deserve councillors exercising their very best judgement in trying to do the right thing by all ratepayers. I am also aware that while some recommendations were advanced, there was a considerable effort to minimise the perception of risk.

It goes on also from the Auditor-General's report today, *Local Government — Interim Results of the 2009–10 Audits*, and there is a concern that there is inconsistency in policy and inconsistency in practice in local government. My concern is that there is considerable inconsistency in the development of the strategies to minimise fire risks in municipalities. I am asking the minister to ensure that there is an audit of those types of very important strategies that deal with life-and-death matters, especially given the timeliness, to ensure that those strategies are in place and that those strategies are viable, strong and effective, that they have integrity and can be implemented.

I am not confident, especially when there is party-political manipulation on the part of the members of the Labor Party, who are often there to micromanage political issues for their political masters, that their ability to discharge their responsibility impartially and in the best interests of the community is being fulfilled. I call on the minister to make sure that he, as the responsible minister, does the right thing, even though obviously failing to do so has resulted in significant tragedies which have been reported by the royal commission and which we have had the honour of

debating and contemplating as members of Parliament in this chamber.

### **Kindergartens: Drouin**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Minister for Children and Early Childhood Development, Ms Morand, and it relates to the provision of kindergarten places in the township of Drouin, which is located in Baw Baw shire. Drouin is currently growing at approximately 4 per cent per annum. Much of this growth is young families moving to the Drouin and Warragul area. It would appear that kindergarten places in Drouin are so scarce at the present time that at one kindergarten there is a waiting list of over 50 for only eight places, leaving many families with no options. This is an issue about which I have had several representations from various families who have expressed their frustration at the lack of kindergarten places for their children.

Before the 2006 state election the Liberal Party presented some excellent policies to transition kindergartens to the then education department, which would have assisted more four-year-olds to be able to attend kindergarten. Labor has copied some of these policies, but it would appear in growth corridors such as the Drouin-Warragul area it has failed to implement them properly and allocate the appropriate resources.

Looking to the future, the federal government has committed to providing children in the year before school with a minimum of 15 hours per week, up from the current 10 hours per week, which will put further strain on resourcing for kindergartens. This has statewide implications but also implications for the corridor I am talking about tonight in particular, the Drouin-Warragul-Baw Baw area.

The action I seek is the minister's intervention to assist the Drouin community with this significant problem which, as the population grows, will get worse unless the minister intervenes and works with the Baw Baw Shire Council to significantly expand the number of kindergarten places in the Drouin township.

### **Wild dogs: control**

**Mr P. DAVIS** (Eastern Victoria) — I raise a matter for the Minister for Agriculture in relation to a call for aerial baiting to be introduced in Victoria as the only effective means of controlling the explosion in wild dog numbers in the far east of the state.

Along with the Independent Labor member for Gippsland East in the other place, Craig Ingram, the minister met East Gippsland land-holders in March at

Buchan to discuss the wild dog program. He heard firsthand accounts that wild dogs are roaming the alpine and forested areas of eastern Victoria in plague proportions. The wild dog problem is out of control under the present management regime.

Dogs are jeopardising the livelihoods of families who run sheep on remote properties in East Gippsland, and this comes as the last straw for land-holders who are still recovering from bushfires and years of drought. The dogs are also evolving by hybridisation and becoming much larger, as well as being increasingly predatory and aggressive. There are growing fears that they may attack and possibly kill someone.

The minister's visit did nothing to reassure people who have to live with the problem. Sally Moon and her husband, Gordon, have a sheep farm at Black Mountain that faces ruin from dog attacks. She was reported in the *Bairnsdale Advertiser* some two months after that visit as saying that Minister Helper 'listened but so far he has not done anything'. As one illustration of the scale of the problem, Gordon and Sally Moon lost 238 sheep to wild dogs last year, which equalled their number of replacement ewe lambs.

There are several points of note from an extended series of articles the *Bairnsdale Advertiser* has run this year on the wild dog problem. There is agreement on one thing. In separate articles both John Balfour from Biosecurity Victoria and the national wild dog facilitator, Greg Mifsud, have asserted that wild dog control depends on using all the tools available. Yet farmers have expressed concern that they have seen wild dog numbers increase while government resources dwindle and that the resources are misguidedly directed. They are saying that bigger traps and more dog catchers are part of the answer, but that aerial baiting is also needed to tackle the problem meaningfully. This is the missing tool. In the minister's toolkit, baiting is confined to ground baiting. I ask therefore that the minister acts to introduce aerial baiting as the most effective means, based on previous experience, to control the wild dog problem in eastern Victoria.

**The DEPUTY PRESIDENT** — Order! There is a problem insofar as the standing orders indicate that the same matter cannot be raised in a six-month period. It is my recollection, which I have just clarified with Mr Hall, that he raised the same matter and sought the same action about three months ago. I will check into this matter.

The other aspect is that Mr Hall indicated that he may have sought a range of remedies, not just aerial baiting,

and on that basis this may be allowed, but I will hear the next contribution while that is being checked.

### **Ballarat Health Services: funding**

**Mr D. DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Health and it concerns the acute service budget, including surgery, at Ballarat Health Services. I note this email from which I am about to quote briefly for the minister's attention comes from Stephen Tobin, a surgeon at Ballarat hospital and associate professor of surgery. This letter was originally for the attention of federal MP Catherine King, but a courtesy copy was sent to me and others, including the minister himself. Mr Tobin's email states:

At last Tuesday night's department of surgery meeting we discussed the ever-increasing workload at Ballarat Base Hospital, a well-recognised and awarded hospital in Australia's 20th biggest city.

We noted the increasing complexity of workload, difficulty with emergency workload, difficulty doing all category 1 — clinically urgent — patients within 30 days and a reduction in the acute services budget for 2010–11 of \$1.5 million. This last factor means ongoing limits in which patients can have their operations and at which time.

He makes the point, quoting some figures that I think are important and instructive here:

Last financial year we had a big slow-down from mid-May because we were travelling at '105' per cent budget and we're only allowed to go to '102' per cent. This was widely discussed ...

Obviously Ballarat is a very important city and it is one of our cities that has faced some challenges. But what I want the minister to do in response to this adjournment matter is to provide for the Ballarat community a detailed breakdown of the information in terms of his provision of resources through the budget to Ballarat Health Services. It is important to know whether productivity cuts have been applied there. I am asking, if he has indeed applied a productivity cut or a slicing of the budget at Ballarat Health Services, that he reverse that.

This is an important point, because the government has been very secretive about these productivity cuts. They were applied last financial year. Basically the budget is announced and a dividend is taken off that, and of course this is not the first time that has occurred. But I think in the interests of transparency it makes it a lot easier if the community understands that has been done. If there is a productivity cut at Ballarat Health Services, I ask the minister to reverse that cut and to explain to the community why he has applied that



productivity cut and the impact that it has on the community.

**The DEPUTY PRESIDENT** — Order! Further on the adjournment matter raised by Mr Philip Davis, the matter was referred to by Mr Hall on 23 March and it was addressed to the same minister, the Minister for Agriculture. As the Minister for Environment and Climate Change has pointed out in regard to the item that was raised tonight, more than a single suggestion was put to the Minister for Agriculture on that previous occasion, inasmuch as Mr Hall suggested a range of measures to address the wild dog problem, which included aerial baiting but also fencing and traps. On the basis that Mr Davis is raising the matter of a specific measure I will accept it on this occasion and ask the minister to provide a response to that.

**Mr P. Davis** — Six points! Go Dees!

### Responses

**Mr JENNINGS** (Minister for Environment and Climate Change) — Aerial baiting will fix that!

I am going to reward the members who raised matters with me this evening by responding to them first, because I usually leave them until last.

Mr Hall raised a matter for my attention relating to a number of decisions that have been made by the Phillip Island Nature Park board in recent times in relation to some exclusions within part of the Phillip Island landscape that have led to some degree of community agitation and concern because they potentially could lead to lack of access by residents to these areas in the name of protecting environmental values. I do not think anyone is disputing that; in fact, they have been designed to protect local habitat and environmental values. I think that is well understood, but there has been some conjecture about the standing of those decisions and whether they are appropriate with respect to looking at the plots of land that they relate to and indeed the nature of the regulations themselves.

The reason I can confidently say this is that I have looked into this matter; I have examined it already. When I visited Phillip Island over the last weekend I had a number of discussions with some members of the local community about this matter, and I then proceeded to talk with the board of the Phillip Island Nature Park about the nature of those decisions. The board had already recognised the wisdom of reviewing those decisions and their standing and their application over some parcels of land and whether in fact the way in which the decisions had been made was totally

consistent with the regulations, as they are obliged to be. In fact there is a review of the nature of those decisions, and if and when they are issued again, I have been given assurances — and I give Mr Hall and other members of the community assurances — that they will be made in an appropriate fashion following broader consultation and opportunities for members of the local community to have their say about those matters.

**Mr Hall** — Thank you, and congratulations.

**Mr JENNINGS** — Thank you. I have done well there!

I turn to Mrs Coote's matter in relation to the Apollo Bay and Skenes Creek community, which has afforded itself the opportunity to be involved in consultations. Mrs Coote's party does not have a united position on whether having consultations is a desirable feature of the consideration of the Victorian Bushfires Royal Commission report, but the government is of the view there should be consultations. Our agencies have been associated with consultations, so there has been an overall program that has been coordinated by the Minister for Police and Emergency Services through the Department of Justice, which is responsible for the major consultations that have been undertaken across Victoria. Smaller scale consultations have been taking place at a departmental level and sometimes MPs themselves have undertaken this activity, and indeed we would encourage conversations within the community about these matters.

**Mrs Coote** — Are you suggesting I hold one myself?

**Mr JENNINGS** — It is not beyond the realms of possibility that Mrs Coote could. In Bay Street Mrs Coote could probably have a conversation about these matters with members of her local community. I am sure they would have something to say and she could get a good turn-up — perhaps better than the focus group in Bendigo that I will be referring to shortly.

I will have a look at the way in which my department can engage with the community in the future. I will also see, in collaboration with other agencies, whether there is an opportunity to have ongoing discussions with the community about these matters in the future. I recognise that people want to be well informed and particularly as they develop town protection plans or other activities that they want to know what opportunities may be available to them or what support

they may have in establishing those town protection plans, so I will support those.

**Mrs Coote** — Thank you very much. I too agree with Mr Hall, and I also congratulate you.

**Mr JENNINGS** — Thank you very much. Very good.

I will go back through the list of matters in the order in which they were raised. Wendy Lovell raised a matter for the Minister for Roads and Ports relating to safety on the Calder Highway at Fogartys Gap Road.

Kaye Darveniza raised a matter for the attention of the Minister for Health seeking additional support to develop the master plan for the Bright campus of the Alpine Health service.

Damian Drum raised an unusual matter for the Minister for Agriculture seeking his explanation of a research program that was recently undertaken in Bendigo.

Colleen Hartland urged the Minister for Roads and Ports to redesign the online consultation mechanisms for road developments in the western suburbs to include the opportunity for 'no roads' to be a response to that consultation.

Gordon Rich-Phillips raised a matter for the attention of the Minister for Roads and Ports. He gave an extraordinary description of the ins and outs, roundabouts and required turning manoeuvres at the intersection of the Moorooduc Highway and Cranbourne Road. From his explanation you can tell that there needs to be better signage or some treatment provided at that intersection in the future.

David Koch raised a number of matters for the attention of the Premier in relation to the response to the recommendations of the 2009 Victorian Bushfires Royal Commission.

Donna Petrovich raised a matter for the attention of the Minister for Health, again showing a bit of dash on the opposition benches in relation to public health policy, advocating the use of fluoride and the availability of fluoride to assist in dental care. It is not even necessarily a united position coming from the other side of the chamber. I am sure the Minister for Health will be very keen to hear from a fellow traveller.

Inga Peulich raised a matter for the attention of the Minister for Police and Emergency Services urging his review of municipal emergency management plans and town protection plans that have been undertaken under the rubric of the fire prevention activities. Whilst I am

sure the minister has an immediate interest, I am also sure that Mrs Peulich understands that it is in fact the domain and responsibility of local government to establish those plans. I know the Minister for Local Government and the Minister for Police and Emergency Services are both interested in the way in which they can support the local government sector in establishing those plans effectively.

Mr O'Donohue raised a matter for the Minister for Children and Early Childhood Development relating to additional kindergarten services in Drouin.

Philip Davis is very pleased that his aerial baiting matter will be referred to the Minister for Agriculture.

David Davis is seeking an explanation of the budget for Ballarat Health Services, particularly in relation to the productivity measures that may be applied to health services in the region.

**The DEPUTY PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.43 p.m.**