

stabbing at Sunshine railway station. I also stated during my contribution that I presumed the local member of Parliament was the state member, the member for Derrimut. I have since had the opportunity to speak to the member for Derrimut, and he informed me that my presumption was totally incorrect. Accordingly I withdraw the statement I made regarding the member for Derrimut and apologise to both him and the chamber for my error.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Community Development) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Emergency Services Legislation Amendment Bill 2009.

In my opinion, the Emergency Services Legislation Amendment Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Country Fire Authority Act 1958 (CFA act) and the Emergency Management Act 1986 (EM act) to implement certain recommendations of the interim report of the 2009 Victorian Bushfires Royal Commission. The bill will amend the CFA act to confer on the chief officer of the Country Fire Authority (CFA) a duty to issue warnings and provide information to the community in relation to bushfires in Victoria; to provide for the identification and designation of neighbourhood safer places; to provide for the provision of advice by the chief officer in relation to the defendability of homes; and to allow one unified fire brigades association to represent volunteer members of brigades. The bill will also amend the EM act in relation to the control of response to fires.

Human rights issues

The right to life is protected under section 9 of the charter. The right is modelled on article 6(1) of the International Covenant on Civil and Political Rights 1966, often described as 'the supreme right'. Primarily, the right imposes a negative obligation on public authorities to refrain from conduct that causes arbitrary deprivation of human life. The equivalent right has been interpreted by the United Nations Human Rights Committee to involve some positive obligations on the state. The positive obligations require the state to take positive steps to prevent the arbitrary deprivation of life by public authorities and others, and a procedural obligation to investigate deaths that may have involved an arbitrary

deprivation of life in which the conduct of a public authority may be implicated.

The measures contained in the bill, by requiring better notification of information and providing safer places for people to shelter (as a last resort) during bushfire threats, are protective of human life, and in that sense may be seen as enhancing the right to life under section 9 of the charter. However, the measures do not (in any traditional human rights sense) engage or limit the right protected under section 9.

Therefore, in my view, the bill does not limit any human rights protected in the charter.

Conclusion

I consider that the bill is compatible with the charter.

Bob Cameron, MP
Minister for Police and Emergency Services

Second reading

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

That this bill be now read a second time.

The government established a royal commission into the fires that occurred in January and early February 2009 and its interim report was tabled in Parliament on 17 August 2009. The government supports all 51 of its recommendations and is currently working on its implementation together with fire agencies and other levels of government.

In its response to the interim report, the government indicated that it would introduce legislation before the end of the year to:

confer responsibility on the chief officer of the Country Fire Authority to issue warnings and provide information to the community in relation to bushfires; and

require municipal councils to record the existence of neighbourhood safer places in municipal fire prevention plans and municipal emergency management plans.

The bill implements those commitments and makes other amendments to assist emergency services to prepare for the 2009–10 fire season.

I will address each of the amendments in the bill in turn.

The commission recommended that the state amend the Country Fire Authority Act to provide that the chief officer has responsibility to issue warnings and provide information to the community concerning the risk of