

PROOF

PARLIAMENT OF VICTORIA

LEGISLATIVE ASSEMBLY

DAILY HANSARD

Thursday, 21 February 2013

**SUGGESTED CORRECTIONS FOR THE FINAL EDITION MUST BE NOTIFIED TO THE EDITOR (ASSEMBLY) BY
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(*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr O'Donohue.

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

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Parliamentary Services — Secretary: Mr P. Lochert

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The Hon. J. A. MERLINO

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Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
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Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
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Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 27 January 2012

⁴ Elected 21 July 2012

⁵ Elected 19 February 2011

⁶ Resigned 7 May 2012

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09:30:00

Thursday, 21 February 2013

The **SPEAKER (Hon. Ken Smith)** took the chair at 9.34 a.m. and read the prayer.

09:35:00

BUSINESS OF THE HOUSE**Notices of motion: removal**

The **SPEAKER** — Order! Notices of motion 5 to 14 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing.

PETITIONS**Following petitions presented to house:****Education: funding**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house, the Baillieu state government's decision to cut \$555 million from Victorian schools. In particular, we note:

1. funding for the VET and VCAL programs have been cut, meaning thousands of students are now missing out on opportunities;
2. the education maintenance allowance, the School Start bonus and the conveyance allowance have either been slashed or scrapped;
3. the Premier's broken promise to teachers means students will miss out on camps, excursions and other opportunities.

The petitioners therefore request that the Legislative Assembly urges the Baillieu state government to guarantee no further cuts to education funding will be made in the upcoming 2013–14 Victorian budget.

By Mr HOWARD (Ballarat East) (274 signatures), Ms KNIGHT (Ballarat West) (161 signatures), Ms GARRETT (Brunswick) (410 signatures), Mr BROOKS (Bundoora) (263 signatures), Mr MADDEN (Essendon) (164 signatures), Ms THOMSON (Footscray) (240 signatures), Mr TREZISE (Geelong) (228 signatures), Ms KANIS (Melbourne) (47 signatures), Ms D'AMBROSIO (Mill Park) (293 signatures), Mr MERLINO (Monbulk) (175 signatures), Mr ANDREWS (Mulgrave) (147 signatures), Ms GRALEY (Narre Warren South) (116 signatures), Mr CARROLL (Niddrie) (237 signatures), Ms RICHARDSON (Northcote)

(531 signatures) and Ms BARKER (Oakleigh) (229 signatures).

Tabled.

Ordered that petition presented by honourable member for Brunswick be considered next day on motion of Ms GARRETT (Brunswick).

Ordered that petition presented by honourable member for Oakleigh be considered next day on motion of Ms BARKER (Oakleigh).

Ordered that petition presented by honourable member for Footscray be considered next day on motion of Ms THOMSON (Footscray).

Ordered that petition presented by honourable member for Narre Warren South be considered next day on motion of Ms GRALEY (Narre Warren South).

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

Ordered that petition presented by honourable member for Melbourne be considered next day on motion of Ms KANIS (Melbourne).

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

Ordered that petition presented by honourable member for Mill Park be considered next day on motion of Ms D'AMBROSIO (Mill Park).

Ordered that petition presented by honourable member for Northcote be considered next day on motion of Ms RICHARDSON (Northcote).

Ordered that petition presented by honourable member for Ballarat West be considered next day on motion of Ms KNIGHT (Ballarat West).

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

DOCUMENTS

09:40:00

Tabled by Clerk:

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2012

Lake Mountain Alpine Resort Management Board — Report year ended 31 October 2012

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2012

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2012

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2012.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 8 February 2011:

Road Safety Amendment Act 2012 — Section 5 — 20 February 2013 (*Gazette S54, 19 February 2013*).

BUSINESS OF THE HOUSE

Adjournment

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 5 March 2013.

Motion agreed to.

MEMBERS STATEMENTS

Multiculturalism: media coverage

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — I thank Victoria's multicultural communities, especially our Muslim community, for acting with dignity, honour and restraint and for showing why we are a proud multicultural state. During the visit of Mr Geert Wilders to Melbourne the vast majority of Victorians showed the world why multiculturalism has worked and thrived in Victoria. There were no protests by our Islamic community and not a single act of violence from any member of any community; instead our communities stood united in supporting freedom of speech while disagreeing with Mr Wilders. The only ones who took part in protests were a few socialist groups and politically motivated individuals who do not represent our multicultural population.

Unfortunately the media has not focused on the peaceful way, the Victorian way, our communities reacted to Mr Wilder. Imagine if our multicultural groups were involved in violent protests and verbal abuse. Every media outlet and commentator, including me, would be condemning them, and that is how it should be.

But when we show the world why multiculturalism has survived, has thrived and has worked, some are not prepared to praise Victorians for their efforts and their ability to unite as one, as Victorians and as Australians. 09:45:00

I wish to put on record my appreciation and say thank you to all Victorians for proving once again why we are a shining example to the rest of the world. I wish to also thank the groups and individuals who came together to reaffirm our commitment to our cultural and religious diversity. I thank them.

City of Greater Geelong: Rugby matches

Mr EREN (Lara) — Geelong has recently hosted an exciting, memorable and very successful major sporting coup. On Friday and Saturday, 8 and 9 February, Geelong was able to put another significant sporting feather in its cap by hosting a weekend Rugby extravaganza. On the Friday a trial National Rugby League match between Melbourne Storm and Canberra Raiders was held, and on the Saturday a trial match between Rugby Union teams the Melbourne Rebels and the Wellington Hurricanes This was also a historic event as these games were hosted at the home of the mighty Cats, Simonds Stadium. There has long been debate about using the ground for other sporting and entertainment events, and this was the first time in the stadium's history that it has hosted both codes of Rugby.

I was very happy to play my part in making this event happen. Of course I would also like to congratulate the City of Greater Geelong council and its mayor, Keith Fagg, for their role in making this very special weekend such a wonderful success These matches highlighted the wonders of Geelong to rugby fans from both interstate and overseas. It is important to showcase the remarkable attractions of Geelong and also important that we bring in different sporting events for the benefit of residents and local businesses.

I attended both matches. They were wonderful showcases of the sports. All in all this was a very successful event, and it has been hailed as a triumph by all those who were involved and those who attended. I congratulate the CEOs, Steve Boland of the Rebels and Ron Gauci of the Storm. It was a fantastic event, and we look forward to the event happening again next year.

Traralgon Harriers and Latrobe City Community Fun Run

Mr NORTHE (Morwell) — On Sunday, 17 February, I was pleased to join with a number of

walkers, joggers and runners to participate in the Traralgon Harriers and Latrobe City Community Fun Run. The event at Kernot Hall, Morwell, comprised either a 5 kilometre or a 1.5 kilometre run or walk. It was terrific to see people of all ages participating and in particular many children among the approximately 300 entrants. Proceeds from the race were dedicated to the MSE Williams (Youth Support) Fund, which was established to help young people in the city of Latrobe reach their full potential in fields such as arts, sport, music, trade skills and education and training.

All enjoyed the festivities on the day, and I thank the various sponsors for their support in ensuring that this event proceeded. I acknowledge Traralgon Harriers and in particular president David Griffiths and his committee for their organisation and for coordinating the day's festivities. Traralgon Harriers are well regarded for hosting such events, including the Traralgon Marathon, which is Australia's oldest marathon.

Unfortunately the day was in some respects a sombre occasion as many learnt of the untimely death of Traralgon Harriers member Duncan Orr in New Zealand on Friday night, where he was serving with the Army Reserve. Not only was Duncan a member of the Traralgon Harriers family and the Army Reserve but he was very active in many other community pursuits and widely respected and admired by all who knew him. Our condolences go to his loving wife, Anna, and to members of Duncan and Anna's family at this difficult time.

Festival of Glass

Ms NEVILLE (Bellarine) — I was delighted to again be invited to be part of the opening of this year's Festival of Glass in Drysdale last Sunday. It was the third year of this increasingly well-known and popular event, with information about the festival appearing on a range of websites and the festival Facebook page taking off with hundreds of 'Likes'. This year not only was there an increase in exhibitors overall but there were also several interstate exhibitors and one international exhibitor from Denmark. Next year there will be a New Zealand contingent. The skill and creativity on display was wonderful.

Community building has always been one of the main aims of the festival, and that is certainly being achieved, with more local groups and organisations involved. One of its other aims has been economic development and job creation. This is also being successfully pursued, with people being encouraged and supported to start their own businesses as a result of their involvement

and success in the festival. A new initiative that will begin following this year's festival is the Glass Trail. About 20 local artists and crafts people have joined this exciting arts and tourism venture.

This year's glass festival has been another great success. Congratulations to all the artists, volunteers and supporters. This glass festival is undoubtedly the best in Australia. It is always a great team effort, but I would particularly like to mention Doug Carson, Patrick Hughes and the volunteer committees, as well as organisations such as the Bendigo Bank and the Springdale Neighbourhood Centre, for their imagination, enthusiasm, financial support and hard work in developing and extending the festival and for the initiatives flowing from its success.

Health: funding

09:50:00

Mr MORRIS (Mornington) — In the wake of the Gillard government's admission that it ripped off Victorian hospitals with the spurious claim that the state's population had declined, it is worth reflecting on Labor's overall financial track record, particularly that of state Labor's. Perhaps the blackest hole in the galaxy of Labor failures was the debacle surrounding the allocation of electronic gaming machine (EGM) entitlements. Members will recall that the Brumby government issued entitlements for 27 300 EGMs. How much did it get for them? Just \$981 million! What were those entitlements worth? According to the Auditor-General, the midpoint valuation — not the high end valuation — was \$4.1 billion; that represents a staggering \$3.1 billion or over 300 per cent more than the price achieved by Labor.

What is the impact of Labor's negligence in the execution of this bid process? In this financial year the state can expect almost \$86 million from the sale. If the Auditor-General's midpoint had been achieved, revenue would have been almost \$359 million in this year alone. So the state is almost \$273 million worse off this year thanks to the actions of the former government. Across the forward estimates the state is \$1.2 billion down, thanks to Labor, and this is just one example. The figures and the impost on the Victorian community are appalling. The desalination plant, Peninsula Link and the EGMs have cost the state more than \$1.1 billion this year. The facts are clear: state and federal Labor cannot be trusted with public money.

Billy Ramsay

Mr SCOTT (Preston) — I rise today to mourn the passing of Mr Billy Ramsay, who sadly fell to his death at the Myer Emporium work site on the morning of

18 February. His passing has been the subject of public expressions of regret from Mr John Setka, secretary of his trade union, the Construction, Forestry, Mining and Energy Union, and Mr Daniel Grollo of Grocon.

A relative of his was reported in the *Herald Sun* as having said:

It's a terrible, terrible thing that has happened, he was going to work to do his job and come home — tragically that's not the case ...

He was one of the best crane drivers in the CBD. He's a father and a grandfather.

His loss at the age of 59 reminds us all of the fragility of life and the need for vigilance in the struggle for safe workplaces. Mr Ramsay was a longstanding trade unionist, and one of his sons is an official with the Plumbing Trades Employees Union. It is appropriate at this time to pay tribute to the years of struggle for safer workplaces in Victoria by trade unions, their members and other progressive organisations and individuals. Let us all redouble our efforts in the Parliament to bring about safer workplaces. No workers should die at their place of work. May Billy Ramsay rest in peace.

John Coleman

Mrs BAUER (Carrum) — I rise to pay tribute to the life of John Rutland Coleman, an outstanding citizen and a beloved member of our family. John died at home surrounded by family on 10 February. I was proud to join my parliamentary colleagues, the member for Bass, Mr O'Donohue, a member for Eastern Victoria in the Council and the federal member for Flinders, along with 300 community members, at a service in Koo Wee Rup to celebrate John's life on Monday.

Born in New Zealand in 1932, John spent his early professional life working for the Bank of New Zealand, later transferring to the Melbourne branch in 1959. In 1958 he married Wilma. John and Wilma treasured family life and had four children, Andrea, Karen, Jacqueline and Matthew; and they adored their five grandchildren, Ingrid, Catherine, Jessica, Benjamin and Samuel.

An active member of his community, John gained the respect of those who knew him. He willingly took on a number of volunteer positions, including chairman of the Westernport Memorial Hospital board in Koo Wee Rup, secretary of the Yannathan South Primary School council, elder of the Yannathan Uniting Church and parish council delegate, president of the Lang Lang Branch of the Liberal Party and a state council delegate. John was also elected to the positions of chairman of the Drouin cooperative dairy board, director of

Amalgamated Co-operative Marketers (Australia) Limited and director of Gippsland and Northern stock and station agency.

In 2003 John was presented with the Centenary Medal for services to the dairy industry and the Yannathan community. He was a well-loved member of our New Zealand and Australian families, a fine citizen and highly respected role model.

Peter Cribb

Ms KANIS (Melbourne) — I would like to congratulate Peter Cribb on being awarded the Moonee Valley Australia Day Citizen for 2013. Peter was awarded the Spirit of Moonee Valley Citizen of the Year 2012 for his widely recognised work in the Flemington area for Rotary. His efforts have particularly benefitted the residents of Flemington's housing estate. Peter always recognises the work that the people around him do, but it is fitting that he is honoured for the difference his work makes to the lives of many.

Chinese New Year: Melbourne electorate

Ms KANIS — The Chinese New Year has brought with it many celebrations in Melbourne. Thank you to the Federation of Chinese Associations (Vic) Inc. for organising the successful events held in Melbourne's Chinatown. It was wonderful to be part of the celebrations and see so many people welcome in the year of the snake.

I would like to congratulate the Hubei Association of Melbourne for the very successful 2013 Chinese spring festival gala. I was very impressed by the variety and quality of the performers.

09:55:00

Child care: Melbourne electorate

Ms KANIS — I would like to thank the carers and children at the Melbourne child-care centre for their warm welcome and thanks when I presented them with Aboriginal and Torres Strait Islander flags on 14 February. In particular I would like to thank them for the lilly pilly jam and wattle seed scones and also the flower that I received for Valentine's Day.

Geoffrey Phillip Connard, AM

Mr THOMPSON (Sandringham) — I pay tribute to the memory of the Honourable Geoff Connard, who served the Higinbotham electorate in the Legislative Council between 1982 and 1996. Geoff also made an outstanding contribution to the wider community through his work with a number of medical

organisations, including the International Diabetes Institute and the Macfarlane Burnet Centre for Medical Research, as well as having strong interests in the environment and also engaging with people from other countries who were part of diasporas and settled in Australia. Long will he be remembered in the local area.

Robert Pollock

Mr THOMPSON — I also honour the memory of Rob Pollock, a Royal Australian Air Force officer who in retirement contributed his time to politics, the Air Force Association and the Royal Over-Seas League. Rob personified the virtues of a life well lived: commitment to friends and family, and standing up for what he believed in when the pressure was on and when it counted most.

A Day on Oak Street: family fun day

Mr THOMPSON — I pay tribute to the work of the Beaumaris sports clubs for A Day on Oak Street, which was held recently in Beaumaris. The football, tennis and cricket clubs stepped up to the centre square, baseline and crease respectively in a manner that enabled them to raise \$50 000 to develop in the future a sports facility that will serve this district, which has one of the highest levels of sporting AFL participation in Australia.

Child care: Sandringham electorate

Mr THOMPSON — I pay tribute also to the Bayside child care association, which convened a meeting in Hampton on Monday night, canvassing the good work in the not-for-profit sector in child care.

Chinese New Year: celebrations

Mr LANGUILLER (Derrimut) — Like many members of the government and opposition, last weekend I join thousands of Victorians in celebrating Chinese New Year at the 2013 Chinese spring festival gala in Melbourne. I congratulate the Hubei Association of Melbourne for organising this celebratory festival. All attendees enjoyed the spectacular colour and sounds that marked the new year.

Initiated by the Ministry of Culture from Hubei, China, the evening extravaganza was organised by the Hubei Association of Melbourne, one of the largest Chinese community groups in Victoria. Like tennis superstar Li Na, the performers and artists are all from Hubei in China and are at the top of their game. Their company, the Wuhan Telecom Arts Troupe, is the most awarded

dance troupe in China. It has appeared more than any other art troupes on CCTV's *Spring Festival Gala*, China's most-watched live TV program that showcases the highest level of artistic performers to Chinese people around the globe every year. The celebrations are a vivid demonstration that Chinese people are the custodians of one of the world's great cultures that is a treasure for all humanity.

This Chinese New Year, marking the transition from the year of the dragon to the year of the snake, provides an opportunity for members of our Chinese community to gather with loved ones and welcome the coming year with optimism. With these thoughts in mind, I wish Gong Xi Fā Cǎi and Kung Hei Fat Choi to those celebrating Chinese New Year and trust that the year of the snake will bring good health, happiness and prosperity to all

Chinese New Year: Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — Recently I had the pleasure of celebrating Chinese New Year with Rowville residents. This wonderful event, organised by Kam and Christine Pow, was well attended, and a great night was had by all as they celebrated this significant community event. Congratulations to all involved.

Rail: Belgrave line

Mr WAKELING — Under the coalition government Metro Trains Melbourne's rail punctuality on the Belgrave line for the month of January has shown a significant improvement. It recorded a high of 92.1 per cent of trains being less than 5 minutes late at their destination, compared with 89.2 per cent for January 2012. The coalition government is striving to reverse the previous government's 11 years of neglect of our railways by investing approximately \$247 million on rail maintenance and renewals during the current financial year.

Ride 4 Georgia

Mr WAKELING — I would like to wish Ferntree Gully resident Chris Waixel and his cycle team all the best with their entry in the upcoming Murray to Moyne 24-hour cycle event. Chris organises a team every year, and they work hard to raise much-needed funds to purchase specialised equipment and pay for ongoing care for eight-year-old Georgia Mackie, who suffers from severe cerebral palsy and sensory integration dysfunction.

10:00:00

Health: private insurance

Mr WAKELING — On behalf of my constituent Mr Gary Lowe of Ferntree Gully I wish to highlight the impact of the Gillard Labor government's decision to increase private health insurance premiums by 10 per cent. Mr Lowe has been a loyal subscriber to private health insurance for many years, and he is appalled at yet another 10 per cent increase in premiums. He and many others are now considering cancelling their policies, which will only place further pressure on the public health system.

Chicks for Charity

Mr WAKELING — I congratulate Knox residents Kim Rawlings and Melissa Hilton, who formed the Chicks for Charity foundation five years ago in memory of their close friend who lost her battle to breast cancer. This group raises much-needed funds for the local community.

Quang Khon Tran

Mr LIM (Clayton) — On this occasion of the Chinese New Year I am privileged to rise and acknowledge Mr Quang Khon Tran's lifelong sacrifices and contributions to the welfare of his community through selfless generosity and dedication. Mr Tran arrived in Australia from Cambodia as a refugee in June 1988. Within one week he had joined the Cambodian Chinese Friendship Association of Victoria, starting his journey of serving the local community in the south-east region of Melbourne.

In 1992 Mr Tran took on the role of treasurer of the Teo Chew Chinese Association of Victoria, and he still holds that position. He has contributed greatly to the fundraising for the association's Guan Gong Temple, which has become a very important cultural landmark in Springvale.

In 1993 Mr Tran was elected to the position of vice-president of the Cambodian Chinese Friendship Association of Victoria, and he still holds this position also. Throughout his years of involvement with these organisations Mr Tran has devoted himself selflessly to providing services, leadership, advice and financial support and organising countless community events.

Mr Tran has also volunteered to take the lead in the coordination of the maintenance of the Chinese cemetery in Ballarat, where more than 1000 Chinese people were buried during Victoria's gold rush period.

Internationally Mr Tran has played a positive role in strengthening relationships between communities,

serving as a delegate of the Teo Chew Chinese Association of Victoria at its recent international convention, which more than 3000 worldwide delegates attended.

I commend Mr Tran's efforts to the house.

Dairy industry: northern Victoria

Mr WELLER (Rodney) — I wish to speak about the rally held in Tongala last week. Firstly, I would like to congratulate Nigel Hicks and this team for organising the event that highlighted the difficult season dairy farmers in northern Victoria are experiencing.

Despite milk production in northern Victorian being up by 8 per cent this year, dairy farm businesses are finding it difficult to manage their finances, with costs of hay and grain up by 50 per cent and the price they receive for milk down by approximately 8 per cent. The federal Labor government has not helped by introducing a carbon tax, which has pushed up energy costs for farmers, who are unable to pass on the associated costs.

In addition the federal Labor government has not delivered on a free trade agreement with China, despite our neighbours in New Zealand doing so. This means that dairy companies from Australia pay a tariff on their exports to China while New Zealand companies pay nothing. Clearly this disadvantages our dairy farmers. The federal government should do all it can to maximise farmer returns in both the export and domestic markets.

The Victorian Minister for Agriculture and Food Security has met with dairy farmers and has committed to talking to the banks and milk companies. The minister has met with the banks and has encouraged them to take a long-term view when dealing with dairy farmers, as the long-term outlook for the dairy industry is a healthy one. He has also met with dairy companies and encouraged them to do all they can to support their suppliers through this difficult time.

I am encouraged that the Farm Power group has met with United Dairyfarmers of Victoria and has committed to having one voice. A joint statement and one voice is what is needed.

Lions Club of Essendon: I Love Australia Breakfast

Mr MADDEN (Essendon) — I would like to congratulate the Lions Club of Essendon on its 20th I Love Australia Breakfast, which was held on 26 January. I congratulate club president Kevin Plant

and event organiser Ron McFarlane, who over 20 years has done a fantastic job of organising that event. Graham Sherry, OAM, was a guest speaker at the event, and he provided a thought-provoking address. The Stan Morrison Local Industry Award was presented to Boundy's Supermarkets, which has operated in the Essendon area since 1923. The Apprentice of the Year award went to Michael Schepis, who is employed by Airport Toyota.

Ave Maria College: 50th anniversary

Mr MADDEN — I also congratulate Ave Maria College on celebrating its 50th year. It held an opening mass at St Patrick's Cathedral on Friday, 8 February. I congratulate the organisers of the event and also the school choir on such a magnificent presentation.

Essendon Maribyrnong Park Ladies Cricket Club: Pink Stumps Day

Mr MADDEN — I would also like to highlight the outstanding work done by the Essendon Maribyrnong Park Ladies Cricket Club, which on Saturday, 9 February, had its first Pink Stumps Day, which raised \$1720 for the McGrath Foundation. The club itself donated \$500 to that. The club has been very successful over many years. Currently it holds back-to-back premierships for the district, and at this stage it is at the top of the ladder. It is also at the top of the Twenty20 ladder. It has toured India, playing in and visiting orphanages in recent years and running clinics in 2011. The club is off to South Africa this year. I wish the club well this season and in its travels beyond the season.

10:05:00

Hospitals: federal funding

Mr McCURDY (Murray Valley) — What an amazing backflip by our Prime Minister, Julia Gillard, who listened to Victoria's calls for fairness and equity within our hospitals. The fact that \$107 million was to be cut from Victoria's health system was already having detrimental effects. I do not care about the commonwealth government's games and how it gives the money back to us; I do care that our hospitals can now restore services that were already being cut. At least we now know the truth behind who was responsible.

World Junior Ski Championships

Mr McCURDY — The Mulwala Water Ski Club is hosting the World Junior Ski Championships this week. More than 70 of the world's best junior waterskiers are taking part in tricks, slalom, jumps and overall events, with teams and individuals coming from all over the

world. Australia's Josh Briant, who is the world no. 1 in the tricks and overall categories, is a hot tip for a gold medal. This is a great way of showcasing our region to the world as a centre of water skiing excellence. The Murray Valley has it all.

Sue McKellar

Mr McCURDY — Congratulations to Sue McKellar of Moira Shire family day care, who has been nominated in Australia's only national awards for the early childhood sector, the Australian Family Early Education and Care Awards. Sue, who is from Numurkah, has worked with Moira Shire family day care on and off for 24 years. She has been nominated for the Early Educator of the Year award.

Wangaratta Marathon and Fun Runs

Mr McCURDY — The Wangaratta Marathon and Fun Runs is on again this Sunday. I congratulate the organisers, Justin and Sharon Scholz, and all their supporters and sponsors, for organising a great event. Entrants can do the 42-kilometre marathon, the 21-kilometre half marathon or the 5 or 10-kilometre walk along a beautiful course following the Ovens River and One Mile Creek. As someone who is a great believer in taking some exercise every day, I was pleased to join in this event last year.

Sergeant Murray Jones

Ms BARKER (Oakleigh) — I pay tribute to Sergeant Murray Jones who sadly passed away on 13 February 2013 at the age of only 56. Murray was a police officer for 35 years and served at the Oakleigh police station from 1994, when he became a sergeant. Murray was a true community police officer, and the Oakleigh community respected and liked him very much. He was a regular at the Oakleigh Cannons soccer games and was held in very high regard by the Greek community. Murray loved his job and his colleagues at the Oakleigh police station, and he loved being in Oakleigh.

More than anything Murray loved his family — his partner, Wendy, his sons, his mother, his brother and his sisters, and the extended family. He raised his four boys to be healthy, strong, independent young men. His son Mark, surrounded by his brothers Michael, Kristan and Kane, spoke at his funeral service and told us of their father's absolute commitment to them, always making time to be there for them despite his busy job and never missing the important moments as they grew from boys to young men. Murray was diagnosed with melanoma in May last year and fought to the very end

with courage, never losing his smile, quick wit and dry sense of humour.

Murray was a humble man. Oakleigh police organised a benefit for him last year at the Oakleigh-Carnegie RSL, which saw so many people turn up to support him. He just could not believe that all of these people would be there for him. He did not recognise that we all knew that he was an honest, loyal and loving partner, father, son, brother, work colleague and friend and more than anything we wanted to try and help him beat his illness so he could remain with us. On behalf of all I extend our deepest sympathy to Wendy, Mark, Michael, Kristan and Kane; to his brother and mate Russell; and to his mother and his sisters. Rest in peace Muzza. We will miss you.

Planning: Armadale development

Mr NEWTON-BROWN (Pahran) — The proposed development at 590 Orrong Rd has been one of the biggest planning controversies affecting my electorate in the last few years. The battle to prevent an inappropriate development on this site has been led by the Orrong Group, which has done a magnificent job representing the views of thousands within my community. The Minister for Planning committed prior to the 2010 election that he would not intervene or call in this project. He committed to allowing it to run the usual course of being considered by the council and the Victorian Civil and Administrative Tribunal (VCAT) on appeal. Sadly for the community the decision at VCAT was significantly out of line with community expectations for the site. VCAT granted a permit for nearly 500 dwellings at heights of up to 12 storeys. The City of Stonnington is appealing this decision on a point of law.

Despite this decision the panel process has continued, and this week council considered the panel report which made recommendations the council did not agree with including not imposing height controls. Council this week proposed that the site should be restricted to no more than 250 dwellings with a height of 17 metres, or six storeys and a maximum site coverage of 50 per cent. The minister must now make a decision on what he believes is the appropriate form of development on the site. I urge the minister to make this decision having regard to the strong community views expressed over many years. The fact that a development permit has been granted should not colour this decision. While council may not win the appeal, it is not necessarily the case that the approved development will proceed. Projects regularly stall through lack of finance or poor pre-sales. I believe the minister should place appropriate controls over the site, and in my view the

proposed 250 units in buildings up to six storeys would be the most appropriate decision for the site. The community has spoken loud and clear on this, and I ask that the minister listen and act to represent my community's views.

Schools: infrastructure funding

Mr PANDAZOPOULOS (Dandenong) — When it comes to public education you simply cannot trust the Liberal-Nationals government. The government yesterday announced \$50 million in relation to its argument regarding the backlog of school maintenance. In reality this is a smokescreen to cover a lack of investment in public education. Maintenance funding should be for small works at schools and not for patching up schools that are at the end of their useful life. The previous government had a schools plan. It reconstructed many schools that were at least 50 or 60 years old.

Many communities master planned their schools, and that is exactly what is needed now.

10:10:00

This government has differentiated itself from the schools plan of the previous government, which was about rebuilding schools. It decided to focus on maintenance issues, which is a cheap way out of investing in infrastructure and public education.

I call on the Minister for Education and the Baillieu government to show some guts in this matter and accept that Labor's schools plan on rebuilding schools was a very important initiative for future public education in Victoria and recognise that many communities across Victoria are still using schools that were built during the massive school building programs of the 1950s and 1960s. Every year these schools have to be patched up using maintenance money, which is a waste of the resources of those schools. It is about time the government committed in its next budget to rebuilding schools that have been master planned.

Les Erdi, OAM

Mr SOUTHWICK (Caulfield) — It is with sadness that we mourn the passing of Les Erdi, OAM, who passed away on 26 January. Over his remarkable life Les, an immigrant who arrived in Australia in 1954, contributed so much to our society as a businessman and philanthropist. As was written about Sir Christopher Wren, 'if you seek his monument, look around you', Les leaves a remarkable legacy in his business interests and charitable giving. My thoughts are with his wife, Eva, and family as they mourn and grieve at this sad time. His legacy will live on forever.

Jewish Care: 165th anniversary

Mr SOUTHWICK — Last night marked the 165 birthday celebration of Jewish Care, and I would like to congratulate new president Michael Debinski and the board for putting on a terrific event. Jewish Care assists people of all ages in so many ways. We are lucky to have an organisation that provides such important support to its clients and their families.

Jewish Care was established in 1848, pre-gold rush and pre-Parliament House, when there were only 200 Jewish people in Victoria. There are now 45 000. The Jewish community has literally grown up alongside Jewish Care, and I thank it for all the good work it has done over 165 years.

Shelford Girls Grammar: high achievers

Mr SOUTHWICK — It was great to join Shelford Girls Grammar to celebrate the high achievers of its 2012 class. Over 40 per cent of its students received an Australian tertiary admission rank score of 90 or higher, placing them in the top 10 per cent of the nation. I had the pleasure of speaking at the school's high achievers assembly to congratulate the students and then attending an informal lunch, where I was able to hear about their plans for the future. Well done to these great students, principal Polly Flanagan and her leadership team, and Shelford on a fantastic result.

Women: Springboard

Mr SOUTHWICK — I have had the great pleasure of working with the team at Springboard as it assists women, empowering them through their programs in entrepreneurship — —

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

Indochinese Elderly Refugee Association: Tet festival

Mr DONNELLAN (Narre Warren North) — Last Friday I was fortunate to join the Indochinese Elderly Refugee Association at its celebration of the New Year's Tet festival. It was also the association's 33rd birthday. Its president, Quan Van Tran, introduced the various speakers. We also celebrated the birthdays of many 80, 90 and 100-year-old individuals in the Vietnamese community on the day.

The association does a marvellous job in providing care, nourishment and outings for its elderly community and ensuring that people are not lonely or sitting at home alone. Congratulations to the association

on its 33rd birthday. I also congratulate the association on setting up nursing homes and for all the work it does to assist the Vietnamese community.

Vietnamese community: Tet festival

Mr DONNELLAN — On 2 February I was able to again join the Vietnamese community along with Cr Loi Truong, who has set up an association specifically for the Hue community to celebrate the Tet festival. One of the most amusing things I encountered while at the festival was the community deciding that 'VB' stood for 'Vietnamese Bitter' and not 'Victoria Bitter'. It was a wonderful afternoon. The Hue community is large, and its members celebrated with great humour via karaoke and a barbecue. Well done.

Education: government performance

Mr BROOKS (Bundoora) — The Baillieu government stands condemned for its cuts to its education system — —

The DEPUTY SPEAKER — Order! The time for members statements has expired.

CO-OPERATIVES NATIONAL LAW APPLICATION BILL 2013

10:15:00

Second reading

Debate resumed from 7 February; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms D'AMBROSIO (Mill Park) — I am pleased to make a contribution to debate on the Co-operatives National Law Application Bill 2013. In so doing, I indicate that the opposition will not be opposing the bill. I would like to give a thumbnail sketch of the bill. Its physical weightiness belies the fact that it is not a bill that makes sweeping changes. However, the changes the bill will make are very welcome because they will assist cooperatives in Victoria to survive and hopefully prosper into the future. Having said that, I will go to the mechanics of the bill and then reflect on some of the cooperatives that have existed and continue to exist in Victoria, because it is a very good story to put on the record and share in the Parliament.

The bill repeals the Co-operatives Act 1996 and institutes the Co-operatives National Law in Victoria as an annexure to the bill. The Co-operatives National Law seeks to improve the competitiveness of cooperative businesses. The stark reality is that cooperatives have seen a rapid decline in numbers. There was a decline in registered cooperatives of about 26 per cent between the years 2000 and 2009, which

was when the last calculations were made, and the decline certainly has not been arrested since then. In the last few years some significant work has been undertaken across jurisdictions to help create efficiencies in the administrative burdens that fall on cooperatives, with a view to freeing them up to be able to perform their functions and offer their services across borders.

As I mentioned, the Co-operatives National Law is template legislation that was created in New South Wales, being the lead jurisdiction. New South Wales recently passed the law, and my understanding is that regulations are also imminent. The bill regulates the formation, registration and operation of cooperatives in each of the states and territories. Notably the commonwealth is not a party to the national law. There is no regulatory function that is being bestowed on the commonwealth. Each state and territory will maintain its own jurisdiction with respect to administering an agreed set of national regulations. The bill also contains amendments and other provisions that are unique to Victoria, which includes the usual consequential amendments.

It is important to note in the spirit of harmonised legislation and regulations in recent years that proposed changes to either the law or regulations that are seen as necessary will require majority support across jurisdictions. That is important for managing these types of reforms in the future when circumstances will potentially change and need to be responded to. I will go to some of the changes of note to registration costs and reporting requirements. The requirement of cooperatives to pay more in compliance costs than companies under the commonwealth Corporations Act 2001 is cited as a contributor to the decline in registrations in Australia. That is one point that the bill seeks to relieve.

10:20:00 Currently cooperatives operating across borders are required to pay additional fees with respect to registration and notification costs. Unlike small companies, small cooperatives are subject to the same reporting requirements as large cooperatives. There is certainly an imbalance in terms of expectation and burden that has been expected of cooperatives, and this bill and the national agreement seek to alleviate some of those unfair burdens.

The Co-operatives National Law removes the additional registration and notification requirements in terms of operating across borders, and also reduces the annual reporting requirements for small cooperatives. The bill does take the opportunity to address issues to do with pecuniary penalty orders. The bill creates a new

power for Consumer Affairs Victoria to pursue a penalty order as a civil debt for less serious offences, and the civil debt is payable to the Registrar of Co-operatives, which is newly established by this bill. The Registrar of Co-operatives will be established as a body corporate, and it is a very sensible change. The registrar will be able to hold funds and property and avoid the need to complete property transfer documents that currently applies as public servants change. The establishment of that position as a body corporate removes the administration burden that applies from time to time.

In regard to proceedings for offences, offences under relevant acts or regulations may be commenced within five years rather than the current three years. This better reflects the gestation period of identifying offences and ensures that offences that may otherwise not be dealt with are able to be captured by broadening the time period from three years to five years.

I did touch on national regulations earlier. The bill provides for the application of the Co-operatives National Regulations relating to administrative matters common to each jurisdiction. The regulations will be initially made in New South Wales and will automatically apply to other jurisdictions. Each jurisdiction will maintain the basic right to disallow regulations more as a safety mechanism than anything else, but it is a signal of the supremacy of each jurisdiction and each Parliament effectively. The future changes to regulations will require unanimous cross-jurisdictional support followed by the adoption in New South Wales and Governor in Council approval.

Other matters are touched on by the bill. It provides for the making of local cooperatives regulations in Victoria that are unique to Victoria, and states will also maintain their fees administration system, so there is not going to be a transfer of that to a single national body. Victorian authorities will maintain their current functions and powers to administer the new national law, and therefore national regulations. I did refer to the fact that the states will maintain their reserve powers with respect to regulatory scrutiny and disallowance. Of course a state can withdraw from the Co-operatives National Law if they provide a year's notice of intent. This is a common feature of harmonised or national agreements that are struck, and this particular matter is treated no differently, although the specifics may vary from agreement to agreement.

The act will come into operation on a day to be proclaimed. The point of that is to ensure hopefully that all jurisdictions are able to come online simultaneously. From the departmental briefing that was given to the

opposition, it is unclear when some of the other states will initiate or enact bills similar to this. There certainly have been recent changes of government, and one jurisdiction is undergoing elections as we speak. Opposition members hope it will not be too far off before knowing and hopefully having positive responses from those other states, because a lot of work has gone into coming up with a national agreement — work that was started a number of years ago. Stakeholders have provided resources and put a lot of effort into getting to where we are now.

10:25:00 What I would like to do now is focus on some examples of cooperatives and what they mean, why they are formed and why communities believe they are a helpful mechanism for them to adopt in terms of achieving particular goals and activities. Cooperatives are notably underpinned by some key features, including that they are voluntary and have open membership. They are essentially about democratic control amongst the members, there is an autonomy and independence in the way they operate and there is a shared concern about the community. They are essentially formed to provide benefit to their own members. We know that cooperatives in Victoria have ranged from a variety of different community settings, from the dairy industry right through to housing cooperatives, educational arrangements and the like.

I would like to look at a cooperative that is part of the community I represent. The Peter Lalor Home Building Co-operative, as it was called, was established in the mid-1940s. It was essentially established by ex-servicemen who had returned from service and their families. They had come back to a state and a country that had a very critical housing shortage, and because of that situation the fine folk of a suburb called Lalor — or 'Lawler', as the older residents prefer to pronounce it — set about establishing this cooperative. I should probably warn members that if I am discovered to have called it Lalor I will be under savage attack when I return back to my electorate office, because it is a pronunciation that remains hotly contested, but I think the proponent for the supporters of the 'Lawler' interpretation are losing the battle with newer generations coming into the area. That is enough commentary on that, although it is something that is held on to strongly.

Mr O'Brien — Where do you stand?

Ms D'AMBROSIO — The minister asks, 'Where do I stand?'. I go from one usage to the other. It depends on my audience! I am being very light-hearted and I know the good folk of 'Lawler'/Lalor will understand my comments in that regard.

A scholarly work was commissioned and published in February last year that recorded the history of this infamous Peter Lalor Home Building Co-operative. It is a fantastic book because the scholar, Dr Scollay from the Australian National University (ANU) set about undertaking this task supported by Dr Paul Pickering from the ANU. Dr Paul Pickering was a resident of Broadmeadows and then served as an electorate officer for a former federal member for Scullin, Dr Harry Jenkins, Snr, for many years and then for a short period under federal member for Scullin, Dr Harry Jenkins, Jnr. Being the scholar that he was Dr Pickering convinced Dr Scollay that this was an area of study worth investigating, and lo and behold we have a wonderful testimony to people who were part of forming that cooperative, many of whom are still around.

I want to refer to some of the material that Dr Scollay collected in her interviews with local residents. What Dr Scollay identified was the Peter Lalor syndicates or groups. These were basically the key families that came together to pool their resources, knowledge, skills and money to set up this housing cooperative. In the O'Connor syndicate Jim O'Connor was a Stockade builder — and yes, with the name 'Peter Lalor' there had to be a stockade, and it is still commemorated in a local park nearby — as were Bill Syme, Clive Lawson, Bill O'Connor and Doug Russell. Ern Smith was a Stockade plumber, Dave Burgess was a plasterer and Alan Rose was a painter. At some stage the last two people withdrew from the syndicate.

The Watson syndicate comprised Bert Watson and Ernie O'Brien, and some of their neighbours who are listed in the document, and Bernie Keyes. George Wells withdrew after foundations were dug and poured — I am not sure why — and Ashley Conroy and Henry Bridge both withdrew from the syndicate. Some members of cooperatives experienced that it is not always an easy road to hoe, if you like, in terms of setting up cooperatives and seeing them through, but others persevered and achieved a lot.

The Lonnie syndicate comprised Ken Lonnie, Bill Nelson and Maurie Nelson. The Wigman syndicate comprised Phil Wigman, Frank Gregor, Jack Wallish and Roy Wicks. In the Follett syndicate Jack Follett and Ron Moore were Stockade tile makers, and there were two others who are unnamed. The Martin syndicate comprised Harry Martin, Reg Lynch, Allan Ramsay and Hugh Indian. The Michael syndicate comprised Vic Michael, Bert Ansell and Percy Murray.

I just want to reflect on the life of Vic Michael, who with many of these founding members of the

cooperative was a stalwart of the local area and — as you would have called someone in the past — a fine, upstanding citizen of the local area. He immersed himself in the life of the community, helped establish the Helping Hand Society and was also a councillor on the then Shire of Whittlesea Council. He passed away a couple of years ago.

The Charters syndicate comprised Jim Charters and Jim McVicar. In the Skinner syndicate Gordon Skinner was the Stockade carpenter, George Mackenzie was a Stockade caretaker and hardware store manager, and Les Bethune did plastering at Lalor with Jack Dacey, Roy Gray, David Archibald, Jack Dacey and others who are unnamed. There were other groupings which are unclear in terms of the investigations undertaken by Dr Scollay.

10:32:30 There are also what were recorded as ‘failed’ syndicates. Frank Hawkins was forced to self-build with contractors. Bob Stanford and Bill Farnell both withdrew. Norm Griffiths took over a partly completed house and reportedly joined a syndicate to complete it; however, which one is unknown, according to Dr Scollay.

Something I also wish to reflect on is that what underpinned this cooperative — and I would say the same thing underpins many cooperatives — were the familial relationships that existed. That was no less the case with this particular cooperative. I wish to highlight one particular set of family relationships out of respect to a great woman who still carries the flag locally, and that is Barbara Breaks. Bill Nelson and Maurie Nelson, both from Vasey Avenue, were brothers. According to Dr Scollay, two of Bill and Lil’s daughters — Maureen, later Adams, and Barbara, later Breaks — married men from the surrounding area and stayed in Lalor, with Maureen and Joe in French Street and Barbara and Reg in Vasey Avenue. Barbara is still there in Vasey Avenue, and she is still causing rumblings in the community. She is on a campaign to seek approval from the council to list some of the streets of the cooperative, which have fairly much remained untouched and not significantly renovated, with a local heritage overlay. That is obviously a contentious issue locally for newer generations that have moved in, but Barbara Breaks is very keen to have the housing stock that was built through the cooperative recognised for future generations and to have the cooperative acknowledged for what it did.

The Peter Lalor Home Building Co-Operative had very high aims. It was not just about the housing; it was about establishing a hospital, a school, a theatre and a community centre, and those things were to be built.

Another object was to generate many jobs in the area. Dr Scollay said:

They were at the vanguard of modern pre-fabricated building techniques and tile and timber industries were created to support the home building effort.

It was at a time of very strong movement of cooperatives internationally, and in Australia no less so. What happened, though, is that, some of these schemes had the challenge of financial viability, and sadly that was a problem for this particular cooperative. They had the noble aim of ensuring that the money that was to be made would be reinvested back into the scheme. However, as Dr Scollay is reported as having said, post-war material shortages and rising prices eventually forced the cooperative into liquidation.

Certainly that was sad and a surprise, but nevertheless members of the community held their heads high. Many of them remain living in that local area. Many had children who grew up in that local area and who did not move very far from it. I was very pleased that on 16 February last year I was able to join with a lot of descendants and original founders of the cooperative at the launch of Dr Scollay’s book. It was a wonderful, heart-warming event, and I would recommend that book to everyone. It is called *Peter Lalor Home Building Co-Operative — 1946–2012*, published by UNSW Press. I would certainly recommend that people read that to get an appreciation of the times and challenges that gave rise to the desire for communities and, more often than not, families to come together to achieve what then was — for example, in the case of the Peter Lalor Home Building Co-Operative — the great Australian dream of owning their own home. We all know that was a dream in the post-war period in Australia; that was a desire that was shared by many families. To an extent it still remains shared by many families, but of course it is much harder to achieve now, I would contend, than it was in the past.

I am pleased to see that we have come to this point of being able to make it a little easier for cooperatives to be able to prosper today. Whether they be housing cooperatives, cooperatives established by indigenous Victorians or educational cooperatives, they all have a very worthy place and role to play in helping communities organise themselves to achieve collective goals.

Mr NORTHE (Morwell) — It gives me great pleasure to rise this morning to speak on the Co-operatives National Law Application Bill 2013. This is not a light bill; this is actually a very heavy bill, particularly if you read the content of the bill itself! The bill does a number of things. It is important in the

context of the bill to have a look at how this came to pass. In January 2012 the Premier signed off on the Australian uniform co-operatives laws agreement, known as AUCLA, to commit Victoria to harmonising cooperatives legislation. Although it is essentially a rewrite whilst giving regard to Victoria's regulations, the purposes of the bill are to repeal the Co-operatives Act 1996 and provide for the application of the Co-operatives National Law in Victoria.

As the member for Mill Park said, this is template legislation that essentially regulates the formation, registration and operation of cooperatives in each Australian state and territory. In applying the Co-operatives National Law the bill makes a series of consequential and other amendments to ensure that the Co-operatives National Law is tailored to suit Victoria's legislative environment. As I say, this is very sensible legislation and provides a number of benefits to Victorian cooperatives at the same time. As members would appreciate, and as the member for Mill Park referred to, there are a number of cooperatives across Victoria — approximately 700 — in operation. Unfortunately that number has declined over a period of time, and that is why the measures before us today are quite important.

10:40:00 If you have a look at the breadth and diversity of cooperatives, whether it be in housing or in supporting our indigenous community, it is interesting to note from my local perspective, in the Morwell electorate, that a number of cooperatives reflect exactly that — organisations or cooperatives such as the Central Gippsland Aboriginal Health and Housing Cooperative; the Gippsland Community Radio Society Cooperative, which is an interesting one; the Maryvale Common Equity Rental Housing Cooperative, which is well known in the Latrobe Valley; the Morwell Common Equity Rental Housing Cooperative; and even a school — my old school, the Traralgon Secondary College Council Cooperative.

Interestingly — and I am sure the member for Rodney will be interested in this — there is also the Yinnar Community Hotel Cooperative, or the Yinnar pub, as we like to call it. It is a unique situation. The business was going through some issues many years ago and a cooperative was formed to save that pub, as they are vital in smaller communities. Trevor Hornibrook and his team do a great job. I visit the member for Rodney there from time to time. Those are just some representatives of the cooperatives that exist and the important role they play in the community. On a serious note, some of the housing cooperatives are vitally important, particularly in the Latrobe Valley area.

This is really a modernisation of the regulations. What we are actually seeing is a reduction in red tape to reduce confusion by harmonising the cooperative laws across Australia. Hopefully through these types of reforms we will see some growth in cooperatives and the important role they play. We hope to do that by having better regulations, a reduction in red tape and an improvement in cost efficiency. I am sure my colleagues, and in particular the member for Rodney, who sits beside me at the moment, will comment on some of the existing cross-border anomalies that can occur when you have different rules and regulations applying in different jurisdictions. What the bill seeks to do, in part, is to allow cooperatives to exist across multiple states without having to register on multiple occasions, and that is a good thing.

Mr Weller interjected.

Mr NORTHE — Reduce red tape, absolutely. The Co-operatives National Law is broadly similar to the current state act, the Co-operatives Act 1996. While it repeals and replaces the Victorian act, it does so in regard to Victorian regulations. In a contemporary world it seeks to tidy it up, so there is a renumbering and reordering of provisions. It allows the national and Victorian regulations to apply. Those national regulations will be developed through negotiation with other states and territories. As the second-reading speech indicates — and it is great to see the Minister for Consumer Affairs at the table, as he has been fantastic in dealing with these reforms — the Co-operatives National Law Application Bill 2013 is split into eight chapters and four schedules. I will briefly touch on some of them.

Chapter 1 deals with things such as the cooperative principles. As I have said on a number of occasions, the principles are essentially the same as those in the current Victorian act. They talk to or speak to things like membership, voluntary or otherwise, democracy and members' voting rights, et cetera. Chapter 2 deals with the formation, powers and constitution of cooperatives. It goes into detail about the legal capacity of a cooperative, the rights and responsibilities of its members and share capital rules. Importantly, within that it replaces the words 'trading' and 'non-trading' with 'distributing' and 'non-distributing' under the Co-operatives National Law.

Chapter 3 deals with the duties of directors, officers and employees — to which the member for Mill Park referred briefly — as well as meetings and the financial reporting and fundraising components or requirements of cooperatives. There are two important changes in that chapter: firstly, the bill aligns the duties and

responsibilities of directors with the commonwealth Corporations Act 2001; and secondly, it changes the reporting requirements, which is important, to provide a distinction between small and large cooperatives. It removes that one-size-fits-all notion, which will result in lower fees and obligations, in particular for smaller cooperatives, which aligns with what we did under the associations incorporation legislation earlier in the year. That is an important provision, and I am sure it will be well received, particularly by smaller cooperatives.

Chapter 4 deals with mergers, transfers and incorporations and the administrative powers of the Registrar of Co-operatives if a cooperative winds up. Chapter 5 deals with multiple jurisdictions, which I talked about before. Currently if a cooperative works across multiple jurisdictions, it has to have multiple registrations. We are saying that in the future that will only apply once. Chapter 6 deals with the powers of the Registrar of Co-operatives, inspectors and special investigators, what they must do, and the protections and procedures around all of that. Chapter 7 deals with legal proceedings around provisions for offences and appeals and the use of evidence. Chapter 8 deals with the establishment of the office of Registrar of Co-operatives. That is in two parts. It is around the making of the regulations from a national perspective and also local regulations that are unique to Victoria.

It is important to note that organisations such as the Cooperatives Federation of Victoria and PilchConnect have been consulted, and those two organisations are both supportive of the legislation before us today. As I said, this is essentially a rewrite, whilst giving regard to Victoria's laws. In closing, I will talk about a couple of key features of the bill. The first is allowing cooperatives to operate across state lines without having to register multiple times. That is a key feature, reducing red tape and saving costs for those cooperatives.

10:47:30 The two-tier reporting system we will have in place, with different fees and reporting requirements, has been widely applauded by incorporated associations. It will make life easier for smaller cooperatives. I am sure that will be well regarded. There are also new provisions for the appointment of auditors, which again are modelled on the Corporations Act 1990. Again I commend the bill to the house. It is sensible legislation, and it is great to see it is supported by all in the house.

Ms HALFPENNY (Thomastown) — I rise to speak on the Co-operatives National Law Application Bill 2013, which is not opposed by Labor. As has been explained by previous speakers, this bill is the result of a national process aimed at harmonising cooperative

law across the states. This process, the purpose of which is to reach a national agreement on cooperatives bills, has involved all states and territories and the federal government. Today we are debating the first piece of legislation, as I understand it, which will commence what it is hoped will be a smooth transition over time to a full cooperative national law in Victoria and all other states and territories. The law applying to cooperatives in Victoria will continue to remain the jurisdiction of the state; however, in the long run the aim is to have harmonised laws across the country. This will assist cooperatives by reducing costs, regulation and also difficulties that arise in cooperatives which operate across state borders and require compliance with different laws in more than one state.

Cooperatives are incorporated entities. Traditionally in Australia cooperatives have been formed by people with a common interest, such as to secure affordable housing or for growers and dairy farmers to secure a buyer for their fruit or milk. The SPC and Ardmona canneries were once cooperatives, for example. There are also Aboriginal cooperatives with the common interest of advancing the rights and opportunities of Aboriginal people. There are cooperatives established to support of the common interest of securing employment opportunities for groups of people in society that may face disadvantage in the jobs market.

As a member of the Family and Community Development Committee I know that one of the things that was looked at in the inquiry into workforce participation by people with mental illness was the use of cooperatives to provide employment opportunities for people suffering from mental illness. Cooperatives can be seen in a very commercial sense, such as the SPC and Ardmona canneries in the past, but also in a social justice sense in terms of setting up opportunities to support disadvantaged people.

Cooperatives are not necessarily driven by profit alone, but they have other objectives, such as economic, social and cultural objectives. However, in some ways the cooperative is a means to an end. For example, the purpose of the Ardmona cooperative was to purchase the fruit of Goulburn Valley growers. The growers set up the cooperative in order to sell their fruit to the cooperative and have it processed. Their business was the growing of the fruit, and the purpose of the coop was to purchase that fruit at a fair price and to process it and thereby make its income through the selling of the processed products.

Cooperatives are democratically controlled, and they are what are called user-owned entities. They have the additional purpose of supporting the business that they

are engaged in. In the second-reading speech the minister says the cooperative is a people-focused alternative to a traditional company structure that has made important contributions to the Victorian community. This is quite true. The Ardmona and SPC cooperatives provided a steady income and certainty to growers as opposed to the situation of the potato farmers in the Ballarat area, who were constantly fighting a losing battle against multinationals such as McCain, who were the processors of their product. Potato farmers were in a sense price takers rather than makers, and there were constant arguments between growers and multinational processors to reduce the price of the raw materials. There were also arguments about how much would be taken by particular processors. In the case of the cooperatives in the Goulburn Valley this did not become an issue because the growers owned the cooperative and it was about having an all-round supportive process from farm to supermarket shelf.

Overall, cooperatives should be supported by government, and this bill provides some of that support. It is unfortunate that, as is mentioned in the second-reading speech, the number of cooperatives is declining. The minister says this decline is in part due to the requirement to pay more in compliance costs than under the commonwealth Corporations Act 2001. While it is important to reduce compliance costs for cooperatives, if we believe in the principles or ideas of cooperatives, it will take much more for the government to support the good work of cooperatives than to just support the national harmonisation legislation.

If we look at history and at the rise and fall of cooperatives, in the Goulburn Valley the fruit processing cooperatives were so successful that the owner users, the growers, were taken over by greed and those cooperatives were converted to publicly listed companies with shareholders and big profits were made by members of the cooperative when that happened. Now those canneries employ very few townspeople. They have processing plants in Spain and other parts of the world rather than just in the Goulburn Valley, and the growers do not anymore have the level of certainty they previously had because they have to accept the price of the canneries rather than being able to negotiate in the field of goodwill. It is all about the profit motive, and the growers have to accept the price and the amount of fruit that a processor determines it will take.

The member for Mill Park spoke about another example of cooperatives, which is the Peter Lalor Home Building Co-operative. The suburb of Lalor is in this electorate of Thomastown, and it was established

by a cooperative. The Peter Lalor Home Building Co-operative, which is named in honour of the great Peter Lalor, one of the leaders of the Eureka Stockade rebellion, was established by a number of returned servicemen from the Second World War who had strong support from the Australian Labor Party. These men and women had a dream to provide homes for themselves and for other working class families and to create a special suburb based on a philosophy of humanity, a place where people would support, care and cooperate with one another.

These amazing people established a factory which produced prefabricated panels, bricks and other building materials. They built homes to house over 800 people, as well as the infrastructure for the suburb.

10:55:00

I would like to thank and acknowledge the great work of Dr Moira Scollay, who published a book titled *Lalor — The Peter Lalor Home Building Co-operative 1946–2012*. She has told this great story to ensure that it is remembered for years to come. Many of the descendants of those people who formed that cooperative with the dream of providing housing for people who had returned from fighting for their country in the Second World War still live in Lalor. They are very proud of the history of their ancestors who had established the suburb of Lalor, as we all are. So cooperatives can do very powerful things.

The legislation we are debating today has, as I said, the main purpose of paving the way for the application of the national law. The previous speakers have gone into a lot of detail about the bill, and I would like to mention a few issues contained in it. The legislative changes in the bill go to the formation, registration and operation of cooperatives. It does not differ much from the current situation other than that it puts the national law into a framework. It provides for the date of commencement of the national bill when it is proclaimed, and it defines certain terms for the purpose of the national bill.

As previously stated, the bill sets the groundwork for the harmonisation of the legislation and allows for their Co-operatives National Regulations. When these national regulations are made, the bill will allow the automatic adoption of those national regulations without need for further legislation. There is also provision for the state's right to make modifications in local regulation if necessary.

The bill also goes to national provisions for unclaimed money, modifications to the commonwealth Corporations Act 2001 and applications for the deregistration of cooperatives, and importantly it also

differentiates between small and large cooperatives in order to reduce some of the regulatory burden and cost for some of the smaller cooperatives.

In closing I go back to the second-reading speech of the minister and the comment that cooperatives are important but they are in decline, and I hope that there is further action taken to support cooperatives, particularly at a time when we are seeing such a decline in the manufacturing industry and corresponding job losses in this state. The Goulburn Valley Food Co-operative that was established in the wake of the closure of the Heinz factory in Girgarre is one idea that we should look at in greater detail.

Mrs VICTORIA (Bayswater) — It gives me great pleasure to contribute to the debate on the Co-operatives National Law Application Bill 2013. This particular bill was not something that everybody had on their radar, but as other speakers have mentioned cooperatives are incredibly important here in Victoria. They are certainly important across all of Australia, but we have our fair share of them here and they range across many different areas of service. I will go into more detail on that in a minute.

The bill itself allows the Co-operatives National Law to take effect here in Victoria. This is something that has been discussed and is being adopted around the country. I believe the only jurisdiction that is not going to be part of this national scheme is Western Australia, which has brought in an alternative piece of legislation which is still consistent with our legislation. The bill relates to not only the formation but also the registration and operation of cooperatives, and it will repeal the Co-operatives Act 1996.

If we look at the definition of what a cooperative is rather than what it means to a community, the actual definition, according to The Co-operative Group, is:

A cooperative is a group of people acting together to meet the common needs and aspirations of its members, sharing ownership and making decisions democratically.

I like that.

Co-operatives are not about making big profits for shareholders, but creating value for customers — this is what gives co-operatives a unique character ...

That is a very good way of describing a cooperative to those of us who do not necessarily have them in our electorates that we are aware of. Certainly in some of the regional areas there are food co-ops and the like. In fact one of my earliest memories of the word 'co-op' comes from my constant visits to an aunt's place in Phillip Island. I remember as we came over the bridge

there were always huge numbers of pelicans off to the left. I said to my aunt, 'What all the pelicans doing there?', and she said, 'They're there for the co-op'. Being a young girl I had no idea what they were doing there, and I said, 'Tell me, Aunty Val, what is a co-op? Why are they enticing pelicans to come to the co-op?'. She explained that it was a fishing co-op and that the local fishermen came together to sell fresh fish and people came along and bought the fish, but of course when the fish was cleaned they fed the heads to the pelicans.

So that was my first experience with a co-op. I do know that we quite often bought our seafood from that co-op and it was extremely fresh, and as it was explained to me it represented good market value compared to buying it at a supermarket where it was not necessarily fresh and you did not know the origin of it. We knew the fish from the co-op came straight out of the local fishing area.

There are regulations around this bill which need to support the law. The Co-operatives National Regulations — CNR — will provide the administrative rules that will apply across the country, but we will also have local regulations which can be tweaked and again administrative rules that will apply specifically here to Victoria.

In his second-reading speech the minister, who I am delighted to see is here in the chamber, said that as at 1 January 2013 there were 685 cooperatives registered in Victoria. It was very interesting for somebody who does not have day-to-day contact with co-ops to learn that they give a \$4 billion value to the Victorian economy. I know I talk a lot about the arts in this place and the value the arts give to the economy. Obviously tourism is also a very big factor interstate, intrastate and also overseas. I am delighted when I hear other figures being bandied around about what other industries bring. Over \$4 billion to the Victorian economy is certainly a very big amount and something that I am delighted to say we are going to support.

Other members have mentioned that cooperatives have been in decline. I am hoping that this legislation will help to give Victorians a better understanding of how easy it can be to set up a cooperative. The Baillieu government has freed up some red tape in this area, which is what it has said all along it would do. 11:02:30

The cooperatives we have in Victoria operate in various industries. There are cooperatives in the areas of egg farming, fishing — as I said, there is the one at Phillip Island, which is fantastic — and dairy. There are housing cooperatives that operate in our metropolitan

areas and handle the delivery and management of public and community housing. There are water cooperatives for irrigators. Indigenous affairs cooperatives quite often deliver things like health and education as well as enterprise development. There are many health cooperatives that deal with aged care and disability care. Employment cooperatives deal with the creation and retention of jobs in their communities. There are also cooperatives in areas like insurance, marketing and funeral and memorial societies. A very broad range of industries function under cooperatives when they need or want to.

In regard to the national law that is being introduced, the enhancement of the competitiveness of the cooperative business model is of real value. Currently cooperatives pay more in compliance costs than companies under the commonwealth Corporations Act 2001, and that will change under this legislation. They were also paying more fees to operate across borders, and this legislation will rectify that.

As I say, the government has professed that it would cut red tape and has shown in the past that it has been able to cut red tape. This is an important goal for us, and what we would like to do is improve efficiency and regulation. We want to make sure that being part of a business, whether it is a cooperative, a corporation or other type of business, needs to be as easy as possible, because the work of these organisations is hard enough already. There are enough pressures in running one of these organisations, and if we can deal with some of the red tape and get rid of some of the rigmarole involved in running one of these organisations, we would certainly be doing everybody a favour.

In 2005 preparations began for the creation of a uniform system across the country. In 2007 a template law was brought in, which was put out to consultation, and an agreement was made between the states at that stage that they would go further. In 2009 a draft of the national law was released for further public consultation. There has been a lot of consultation between all the states. Western Australia has decided to do something a little bit different, and New South Wales has already gone ahead with its legislation, which was passed in May last year.

My hope is that this legislation will modernise the operations of cooperatives and, as I said in my opening remarks, help stop the decline in the number of cooperatives. We are going to make it easier for cooperatives to be in existence. Cooperatives provide a strong and varied alternative, and they provide a lot of economic benefits. One thing we have to focus on is not just the economic viability of cooperatives, but the fact

that they are so integral in the communities in which they operate.

Jenny Mattila has done a lot of work in this area. She is a principal at Mattila Lawyers, which provides legal, commercial and regulatory advice to the public and private sector in all sorts of areas such as water, carbon and clean technology. Ms Mattila has done a lot of work in this area, and basically we have gone ahead and acted upon some of the things that she has talked about. She believes there are many advantages to having this type of law.

I am delighted that our government has taken the initiative on this matter. Victoria is the second state to come on board with this, and this legislation is certainly going to free up a lot of time and energy for those people who want to run a cooperative. It will give them the opportunity to go out and do the business they want to do — that is, pursue the functions they were established to carry out. This is very good legislation and I am delighted that Victoria is part of this. I wish the bill a speedy passage through both houses.

Mr EREN (Lara) — I, too, would like to make a brief contribution on the Co-operatives National Law Application Bill 2013. When I worked at Ford, other staff and I had a cooperative. There were many benefits to being part of that cooperative. Working people will always look for the best deal they can get in terms of the financial institutions that are around at the time, and certainly the Ford cooperative provided a fair bit of service to all of those who worked at Ford. I was very pleased to be a part of the Ford cooperative. When I saw this legislation coming through the house I thought I had better make a couple of comments about it, because I believe the proposed legislation is very important to Victoria.

The bill repeals the Co-operatives Act 1996, and it makes a series of amendments to other legislation. Cooperatives are incorporated entities, and they operate to promote the common economic, social and cultural aspirations of members. They are democratically controlled, and they are regulated by their own states and territories. At the start of this year there were some 685 registered cooperatives in Victoria and, as has been mentioned, the value of these cooperatives to Victoria's economy is just over \$4 billion. That is a fair chunk of our economy when you think about all of that money going through the cooperatives in Victoria. Obviously we need to nurture these cooperatives and assist them in any way we can. The legislation before the house will obviously assist our cooperatives not only to survive but to thrive into the future. Because \$4 billion is a fair bit of money, we need to make sure that we do

whatever we can to make sure that cooperatives survive, so I am very pleased to be speaking on this bill.

11:10:00 Most cooperatives are in the primary production sector where they provide service to the dairy, egg and fishing industries. Other sectors are housing, health, employment and Indigenous affairs. The current act aims to harmonise cooperatives legislation, and a Co-operatives National Law is the next step in that process. The bill aims to enhance the competitiveness of the cooperative business model by removing the need for additional registration and notification, by reducing the requirements for cooperatives to operate across borders and by reducing the annual reporting requirements for small cooperatives. This is thought to be the reason for the decline in the number of registered cooperatives, as they were required to pay more in compliance costs than those operating under the commonwealth Corporations Act 2001. The coalition is saying that this is consistent with its government's commitment to reduce red tape on business and improve the efficiency of regulations operating in this state, and we believe it on this occasion.

The introduction and operation of the Co-operatives National Law is being managed through the Australian uniform cooperative laws agreement made between all states and territories. This agreement allows for New South Wales to have the lead jurisdiction in the Co-operatives National Law project, and subsequently each Australian state and territory is obliged to enact it their respective jurisdiction through the application of legislation or alternative legislation that is consistent with the national law. This agreement also allows for the law to be supported by a set of national regulations which will be made in New South Wales and which will either be automatically applied in each state or, where a jurisdiction has an alternative established process for the implementation of national regulations, will be enacted according to that process.

The agreement provides that these instruments can only be amended in substantial respects or if substantial changes are proposed with the approval of the legislative and governance forum on consumer affairs. Parties are able to withdraw by providing one year's notice to the other states and territories of their intention to do so to avoid impinging on the autonomy of state and territory legislators.

The second-reading speech states:

This bill represents an important milestone in the history of Australian cooperatives. It will assist Victorian cooperatives, large and small, to manage their operations in Victoria and throughout the rest of Australia.

By doing so, it will provide a significant boost to the Australian cooperatives sector and I am confident that the bill has the broad support of Victorian cooperatives and their representative organisations.

We on this side of the house are supporting this bill. It is one of those bills that are very important, as I have indicated before, not only for all who are part of these cooperatives but because it will add over \$4 billion to the economy of Victoria. Without further ado I wish the legislation a speedy passage.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Co-operatives National Law Application Bill 2013. The purpose of the bill is:

to provide for the application of a national law relating to the formation, registration and operation of co-operatives; and

to repeal the Co-operatives Act 1996 and to make related amendments to the other acts.

Essentially the bill repeals the Victorian Co-operatives Act 1996 and makes arrangements to transition to the Co-operatives National Law.

The bill allows for national law to apply as if it were Victorian law. It will be implemented in all states except Western Australia. There are some key areas of interest and difference between the Victorian law and the new national law, and the revised law applies to the commonwealth Corporations Act 2001. There is provision for compensation to be awarded for loss or damage caused by the reliance on a defective disclosure statement issued by a distributing cooperative; a statement of duties of the office-holders of the cooperative, which are modelled on the equivalent provisions of the Corporations Act; a division regulating the appointment and operation of auditors, which is modelled on the equivalent provisions of the Corporations Act; civil and pecuniary provisions modelled again on the Corporations Act; provision under regulation for differential reporting requirements for differential fees for large and small cooperatives; and provision for cooperatives to be automatically registered in each Australian state and territory once they have been registered in their home jurisdiction. These are important changes, and I am going to look at some of them in detail later, in particular the cross-border issues aligning them more with the Corporations Act.

Cooperatives are incorporated, democratically controlled member-based organisations for the benefit of members. They must distribute some or all of their profits to their members or alternatively not distribute the profits but provide members with other benefits

such as shared access to equipment. Despite being a relatively small sector, cooperatives make a significant contribution to the Australian economy and to the Victorian economy in particular. They exist in a number of sectors, including in housing, in the delivery and management of public and community housing; in health, in the delivery of community health services; in employment, for the creation and retention of jobs; in Indigenous affairs — and we have a very strong indigenous community in Mildura and I will talk a little about the Mildura Aboriginal Corporation later; in industry restructuring, as an alternative to industries affected by forced restructuring; in regional and rural development, as a model for communities to assist themselves to be self-sufficient; and in commercial business enterprises, as an alternative to other business models or companies.

It can be seen that the co-operatives sector is a wide sector which is worth \$4.1 billion to the Victorian economy. However, under the old system it was fragmented, and that is an issue that this legislation is aimed at addressing. The cooperative system remains fragmented, and the rules applying to cooperatives across Australian borders are quite difficult.

11:17:30 In the current system cooperatives are required to register in each state or territory in which they intend to do business. This is a disincentive for cooperatives operating in cross-border areas, and it is very much an expense. I am very pleased to see that that expense is being cut out by this legislation. Cooperatives must register as registered bodies with the Australian Securities and Investments Commission, register as foreign cooperatives under New South Wales, Queensland, South Australia, Tasmanian and Australian Capital Territory laws, or provide notice to Western Australia via prescribed forms that they are operating.

The costs involved in meeting these registration requirements for those cooperatives that operate in more than one area are a burden, which might partially account for the decline in cooperative numbers. The other disadvantage cooperatives face is no distinction is made between small and large, and we are addressing that with this bill. There are also disincentives for organisations wanting to incorporate or remain incorporated under cooperatives legislation. This work is long overdue and welcomed.

The elimination of the need for cross-border registration is very important, particularly in the border areas where businesses operate on both sides of the river. These changes will significantly reduce red tape, something this government has been committed to

doing for all Victorian businesses. It is estimated that the reduction in reporting requirements will save small cooperatives operating in Victoria \$250 000 a year, which is a considerable saving for these businesses that are often small yet quite important.

Other key changes include trading and non-trading cooperatives will be replaced by distributing cooperatives and non-distributing cooperatives; differential reporting requirements for small and large cooperatives will be put in place; there will be automatic registration across applicable jurisdictions; directors' and officers' duties will be updated; and the civil and pecuniary penalties regime will be changed. This bill is an update.

This legislation is important. Co-ops have been widely used in my electorate over the years and have delivered rich benefits. They are particularly strong in the fruit and dried fruit areas, the egg industry and in the housing area, where they emerged to help people build and own their own homes. We also have the Mildura Aboriginal Co-operative, which is a very significant organisation in north-western Victoria that delivers a large number of services to our Indigenous population. It is extremely active at the moment. I pay tribute to the work undertaken by this cooperative, particularly in its expanding health services throughout the Mildura electorate.

However, the number of cooperatives has declined over the years. The Mildura Fruit Company, a cooperative with 100 years of history, is no more. This serves to illustrate some of the issues that have arisen in the running of co-ops in recent years, which include attracting people with the knowledge base and skills to run them. However, cooperatives can deliver benefits. The cross-border registration issue, which is being resolved with this bill, meant that it was hard to come by staff with the necessary expertise and running a cooperative was expensive and cumbersome. However, the basics that make cooperatives so valuable to our economy and to rural communities still exist. In a world where the weak and many are attempting to sell their produce to the few and strong, I am sure cooperatives have some value, and they certainly have a future. If we can move forward with this so cooperatives can re-enter the sphere of thought and influence amongst rural people, there may be some opportunities to address some of the issues that now face rural people.

I know a large number of my colleagues wish to speak on this bill. This legislation will address many issues. It is overdue, it is welcome, and I commend the bill to the house.

Mr SCOTT (Preston) — It gives me pleasure to rise to speak on the Co-operatives National Law Application Bill 2013. As other speakers have noted, this bill repeals the Co-operatives Act 1996 and institutes the Co-operatives National Law in Victoria as an annex to the bill.

This bill, as others have touched upon, essentially seeks to deal with the competitiveness of cooperatives in our community. As has been noted, cooperatives are very important. They have a very strong and proud history within Victoria and other jurisdictions, particularly where there are areas of market failure for small producers in agricultural areas of endeavour. They have also played an important role in bridging the gap between the private and public sectors, in what is now sometimes referred to as social enterprise. Going back to the 19th century there is a very strong and proud tradition of self-help within communities in our state and other jurisdictions, and of cooperatives playing a very important role in the provision of social goods and services where there has been market failure, either through an abuse of market power or difficulty in accessing markets, or where economies of scale had to be achieved.

Cooperatives have played a very significant part in our society. There are 685 registered cooperatives in Victoria, adding over \$4 billion of value to the Victorian economy. Victorian cooperatives are a very important part of our society. However, there has been a decline in the competitiveness of cooperatives over time, and there was a 26 per cent decline in the number of cooperatives registered in Australia between 2000 and 2009.

One of the issues identified and addressed by this bill relates to cooperative costs and reporting requirements. In the past cooperatives have had costs and reporting requirements that are more onerous than those of corporations. In many cases cooperatives are in direct competition with the corporate sector. Cooperatives have faced compliance and cost requirements which are onerous in comparison to those faced by corporations, and therefore cooperatives have been less competitive. This matter is addressed by the Co-operatives National Law. Traditionally small cooperatives have also been subject to the same registration, notification and annual reporting requirements as large cooperatives. These requirements have been reduced by this piece of legislation, which I think is a sensible reform, through the application of the Co-operatives National Law.

11:25:00 There are a number of other matters dealt with by the law, including pecuniary penalty orders, the registrar of cooperatives, proceedings for offences, Co-operatives

National Regulations and a number of other areas. I do not want to speak at length about these aspects of the bill because they have been covered by other speakers.

I will touch on the views expressed by a former member of this house. A former member for Oakleigh and also a former minister, Race Mathews, regarded cooperatives as a vital part of our community and wrote extensively on the value of cooperatives, particularly comparing cooperatives in Australia to those in other jurisdictions, such as Spain, where they play a much greater part in the economic and social life of the community, and the United Kingdom, where there are a number of large cooperatives. Cooperatives can play a very important role in society, particularly where there is a form of market failure or market power that can be overcome by the voluntary association of producers, workers or in some cases homeowners in an area of the economic life of our communities.

This bill has been generated through a process of national harmonisation that started under the previous government. We are not opposing the bill. I am hopeful that the reduced compliance costs and other measures contained within the national law will enhance the competitiveness of cooperatives and that cooperatives will play a greater role in providing fairness in our community and providing access to goods and services. The bill should benefit the many hardworking members of our community who participate in cooperatives, who would like to participate in cooperatives or who buy goods and services from cooperatives.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to speak on the Co-operatives National Law Application Bill 2013. The bill seeks to repeal the current Victorian act and to apply the Co-operatives National Law as if it were an act of Victoria. The bill will ensure that there is cooperation between all of the states, that we streamline the system, that we get some efficiencies and that we make it easier for cooperatives to exist.

Cooperatives are a type of business structure. Most people would be used to business structures such as partnerships and companies, but cooperatives are very much their own type of entity in that they allow flexibility and they are intended to be democratically controlled member-based organisations, where rather than having reporting and accountability to shareholders it is to members according to the one person, one vote principle. It is not necessarily the size of the entity that matters; the fact that you are involved and have signed up to a cooperative means that you have input.

The great thing about the intended function of a cooperative is that it allows members of the cooperative to undertake activities as if they were a small business and also benefit from being part of the member group. That is why a lot of cooperatives have existed over the years: they allow flexibility, they allow input from members and, in principle, they allow a fair and equal approach which ensures that the mutual interests of the members are acted upon and that there is a collective opportunity to promote individual interests and, by bringing smaller businesses together, receive the benefits that would accrue to a larger business.

Under the current legislative arrangements the complexity of regulation of cooperatives has meant they have become costly. The administrative burden has made it harder for cooperatives to operate, particularly when cooperatives that historically have operated in one jurisdiction wish to operate in a different jurisdiction, such as Victoria, New South Wales, Queensland or the other states. In that case the cooperative would have to go through another regulation process, register in the other jurisdiction and then be accountable to each and every jurisdiction in which it was registered. That is prohibitive, as the last thing these businesses want to do is spend all their time complying with red tape instead of getting on with running their business.

It is also important to point out that over the years we have seen a decline in the number of registered cooperatives, partly due to the compliance issues. In fact there was a 26 per cent decline in the number of cooperatives from 2006 to 2009. The existence of cooperatives has not been supported by the legislation. In Victoria we have 685 cooperatives, and nationally there are an additional 1000, so our state makes up a big part of cooperative activity in Australia. Cooperatives in Australia are worth over \$4 billion, so a number of businesses will be affected by this new legislation. This bill demonstrates the commitment of our government and the Minister for Consumer Affairs to turning that decline around. We are saying to small business owners and cooperatives, 'We will do whatever we can to streamline the process'.

I have mentioned a number of times during my contributions in this Parliament the real commitment of the government to reducing red tape. It is certainly something that prior to entering Parliament I had seen as a burden for small business. I was very pleased that our government announced a 25 per cent reduction target for red tape across the board, not just in one area, which traditionally would be the small business sector. We have a commitment from the Treasurer to reduce red tape right across the board in all portfolios. This

legislation goes a fair way towards doing that. The reduction in red tape in this area will be to the value of something like \$300 000 annually. It is another step the coalition government is taking to ensure that doing business is easier and doing business is encouraged. We are not putting up another barrier by introducing complexity, and hopefully we will be able to turn that complexity around.

The proposed legislation also ensures that there will be a two-tiered system of cooperatives. In the current system large co-ops have the same reporting mechanisms as small cooperative enterprises. Of course there are differentiating activities between the operations of a small enterprise and a large one, so the coalition government through this legislation has now established a two-tiered system to ensure that the reporting system allows the size of a cooperative to be taken into account. 11:32:30

This legislation has been a long time in the making. Obviously the achieving of harmonisation across all the states in these matters does take time, but I am pleased there is a will to do so. New South Wales has already taken these reforms on board, and for Victoria to be the second state to take this step is great; it is very important that it happens.

Co-ops operate in a whole range of different areas, including health care, in the delivery of community health-related facilities and services; employment, in the creation of employment and the retention of jobs; indigenous affairs, in the provision of services to indigenous communities such as enterprise development, health and education; industry restructuring; in regional and rural development as a model for communities to assist themselves through self-help; and in commercial business enterprises, providing an alternative to the business model companies.

Many cooperatives can be categorised in three areas: those in the commercial area, those in the indigenous area and those in the rural and regional area. Some of the latter operate in cross-border regions. Currently if a cooperative operated in Wodonga and wished to operate in Albury as well, it would have to be registered in two states and comply with two lots of processes in order to be able to operate across the border. That is absolutely ridiculous, and this legislation seeks to eliminate that need by resolving regulatory inconsistencies between jurisdictions. Currently not only are there two lots of regulations to comply with but the regulations are different as well. People have to get their heads around the differences between the regulations as well as having to register their

cooperatives twice. This bill eliminates the need for cross-border cooperatives to give notice in each jurisdiction in which they operate.

This is good legislation. It certainly simplifies the process. As I said earlier, we want to turn those numbers around. We want to encourage businesses to work collectively, to work together and to share in the benefits of what co-ops have to offer in terms of being able to jointly promote and increase their activities. Most importantly, we want individual members of cooperatives to have a bigger say and to be able to compete with bigger enterprises, which they are doing.

Co-ops provide a unique advantage in that if you get small groups together they can act as big companies. Not only do they gain the advantage of size but also members are able to move outside their cooperative meetings, operate individually, bring their learnings back to the cooperative table and share them with each another, which can help accelerate activity in their own enterprises. This is very good, flexible legislation that provides a framework for those activities by harmonising legislation across the board. The bill will simplify processes by cutting red tape. The coalition made a commitment to make it easier for people to do business, encourage more enterprise, encourage development, encourage support and ensure that it is easier to get on with the job.

I commend the minister for the work he has done on this bill, and I look forward to its speedy passage and to see its provisions in operation as quickly as possible. We need to turn the numbers around and have more cooperatives registered in Victoria and be more successful. I commend the bill to the house.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make a few brief comments in regard to the Co-operatives National Law Application Bill 2013. As we have already heard from members on both sides of the chamber, although it may be unspectacular, this is an important machinery-of-government bill which will contribute to the harmonisation of cooperative law across the nation. It will provide an important mechanism so that cooperatives in Australia, and particularly in Victoria, will be able to operate in a consistent manner and provide a regulatory framework that will benefit businesses and communities and all those who seek the opportunities through forming cooperatives. The bill will regulate the management of risks and opportunities and provide further opportunities for cooperatives to take up whichever mechanisms of organisational structure they think best suit their interests.

As we have already heard from members, this piece of legislation arises from a desire to have national consistency of economic regulation across the nation. As the minister said in his second-reading speech and as outlined in the bill itself, this particular law will take its lead from the model legislation developed by the New South Wales government and recently passed in the New South Wales Parliament.

It is important that co-ops have opportunities to arrange the way that they manage their affairs. Co-ops have always formed a fine part of our rich history, and opposition members believe this legislation will assist these organisations in organising their affairs in Victoria. Co-ops form a legitimate and important part of the regulatory landscape of both businesses and community organisations around the state.

Cooperatives provide a particularly democratic model for the sharing of risk, the management of business practices and the organisation of arrangements in support of a particular organisations' goals. Indeed some of our finest current organisations based in Victoria started their lives as cooperatives. Recently the parliamentary Economic Development and Infrastructure Committee had the benefit of receiving a significant brief from the Bendigo Bank about its current activities and about opportunities for economic development in this state.

Of course the Bendigo Bank and Adelaide Bank have merged, but I note that the Bendigo and Adelaide Bank started its life as a cooperative more than 150 years ago on the goldfields of Bendigo. We have seen many such organisations emerge from communities getting together in support of common, collective aims to manage and share risks. We have seen it particularly in the case of educational services. Many of the working men's colleges, as they were then known, which have given rise to all sorts of self-improvement models during Victoria's history, started their lives as co-ops. The management of health risks is a particular area where co-ops have a rich and important history. 11:40:00

As we have heard, as the economy grows, as the complexity of organisations grow and as communities grow more complex and diverse, the management of those risks through cooperatives has proved increasingly problematic and difficult, particularly when those risks have to be managed across state and other jurisdictional boundaries. In that regard the model that is increasingly being turned to by those organisations is companies limited by guarantee. We have seen a gradual but steady decline in the model of cooperative organisations, which of course is not unexpected but reduces some of the benefits and

opportunities that organisations may, if they so choose, continue in their unique form of engagement with their stakeholder groups, communities and participants who are their members.

To have a model piece of legislation that encourages the continued operation and development of cooperatives is a worthy goal that all jurisdictions across Australia share. In this regard the, as we understand it, 600-plus cooperatives now operating in this state need to look to the opportunities that this legislation might well create for them, and we hope that many of them will take them up. Cooperatives are not just quaint, historical organisations that have developed up to a point and grown; they continue to operate and operate vibrantly in our community today.

Only yesterday we had one such cooperative visit the Parliament in the form of the Melbourne Jazz Co-operative, and some honourable members may well have heard its members yesterday. The Melbourne Jazz Co-operative is a fine organisation, which this year celebrates its 30th anniversary, something I know the honourable Acting Speaker is well aware of. So it was disappointing to learn that the Melbourne Jazz Co-operative had its funding, which had been consistently delivered over 27 years of support from Arts Victoria — —

The ACTING SPEAKER (Mrs Victoria) — Order! I ask the member for Albert Park to come back to the bill.

Mr FOLEY — I am clearly on the matter; I am talking about a cooperative that operates in Victoria.

The ACTING SPEAKER (Mrs Victoria) — Order! I ask the member for Albert Park to come back to the bill.

Mr FOLEY — I am talking about a cooperative organisation that operates in Victoria. I do not know how much more on the bill I could possibly be, but having said that, I will be guided by the Acting Speaker's considered judgement on this.

The importance of having a consistent regulatory framework for the operation of cooperatives is a significant issue — just ask the Melbourne Jazz Co-operative; it will tell members that. This important piece of legislation will allow organisations, such as the Melbourne Jazz Co-operative, to make sure they can organise their affairs in a comprehensive way that allows democratic opportunities for their members to make sure their voices and issues are heard, such as in representations to Arts Victoria about how their funding might be reinstated. The legislation might be an

opportunity for such an organisation to expand its regulations and activities interstate. It might be an opportunity for it to build its model of activity into new areas and new partnerships. There are many opportunities that organisations like the Melbourne Jazz Co-operative, and the other 600-plus organisations of a similar organisational bent in Victoria, could create as a result of this legislation.

In that regard the opposition looks forward to this bill passing through this place. We look forward to this bill becoming part of the consistent regulatory landscape of the Australian commonwealth, and we wish all the 600 organisations, particularly, on my part, the Melbourne Jazz Co-operative, continued future success. We hope the Victorian government supports the Melbourne Jazz Co-operative's continued operation, and I look forward to Arts Victoria reinstating its funding

Mr WELLER (Rodney) — It gives me great pleasure to rise to speak in support of the Co-operatives National Law Application Bill 2013. As previous speakers have indicated, this bill is about having consistent cooperative national laws across Australia. My seat is along the Murray River where we have a lot of cross-border issues. We are doing away with cross-border anomalies, and that is quite important. Once again this government is cleaning up the mess left to us by the previous government.

An honourable member interjected.

Mr WELLER — One regulation, and we are doing away with red tape as well. As a result of this bill if you register as a cooperative in Victoria, you are therefore registered in any state in Australia that you will be operating in. This bill reduces the red tape required of businesses.

I want to talk a little bit about the history of cooperatives for the benefit of members in the house. In the early 1900s there were approximately 250 dairy cooperatives across the state of Victoria. In my own area there were cooperatives at Gunbower, Cohuna, Rochester, Echuca, Kyabram, Nathalia and Stanhope. Over the years they merged into what was at one stage called Murray Goulburn. Bonlac was a competing cooperative, and the Stanhope and Echuca cooperatives became part of that. Murray Goulburn Co-operative is now a cooperative company limited, so in a technical sense it is a company. Overall we still have a lot of cooperatives in the dairy industry as service providers.

In the herd improvement area you had the Rochester Herd Improvement Co-operative, which became part of

the Consolidated Herd Improvement Services Co-operative. That is when they amalgamated with Numurkah and Kyabram. As time went on they were bought out by ABS Australia, but there is still a very important herd improvement cooperative in Cohuna — the Northern Herd Development Co-Operative. I am a shareholder of Northern Herd — —

An honourable member interjected.

Mr WELLER — Yes, I am a shareholder. I have put in my \$50; I am a shareholder of Northern Herd. It operate in New South Wales, South Australia and Victoria, so this legislation is of great benefit to it. It now only has to register once in Victoria, and that will allow it to be registered in the three states it operates in, which is quite good.

If we go back into the history and the cooperatives involved in agriculture, there were also stock and station agents that were cooperatives. There was the Gippsland and Northern Co-operative. I worked for Gippsland and Northern between 1976 and 1979, and the slogan used to be, 'To be a successful farmer you have a pen with G & N'.

Mr Mulder — You've still got it?

Mr WELLER — I've still got it. Gippsland and Northern operated in marketing and merchandise. In the old days, when Newmarket was there, G & N was selling at Newmarket — and at Rochester, when there were the saleyards. They operated at Tongala. They operated right across my electorate. G & N was quite good, but as time went on Dalgety Farmers bought it out, and then Dalgety Farmers was bought by Wesfarmers, so it is owned by Wesfarmers these days.

Another very important cooperative at the time was the Victorian Producers Co-operative (VPC). It operated in the marketing of wool, cattle and sheep and also in merchandise, supplying drenches and fencing equipment and those sorts of things for farmers. VPC was eventually bought out by Elders, so we do not actually have a cooperative in the marketing of livestock as we did back in those days.

One of the more notable cooperatives was the Farmers and Graziers Co-operative. It actually went broke.

Mr Donnellan — Not so notable anymore.

Mr WELLER — It was before my time.

Mr Donnellan — That was Julia Gillard's fault!

Mr WELLER — No, I would say it was probably Gough Whitlam's!

The ACTING SPEAKER (Mrs Victoria) — Order! There are an awful lot of interjections.

Mr WELLER — The ideal of the Farmers and Graziers Co-operative was very good. It wanted to go to being more than just a livestock agent and a provider of merchandise. It bought abattoirs and was into the further-downstream processing of cattle and sheep, which is similar to what we had in the cooperatives in the dairy industry, where the farmers actually owned the factory. That was what was trying to be done by the Farmers and Graziers Co-operative. Unfortunately it did not work. I suppose the management at the time was not quite as good as it should have been.

There are also housing cooperatives, which are very important to my region, providing housing to people who cannot afford their own house. These housing cooperatives provide a very competitive rent for people to have houses and give them a very good standard of accommodation and housing, so the housing cooperatives are very important.

We also have an Indigenous cooperative in Echuca, now called the Njernda Aboriginal Corporation. It is very important to the local community for the services it provides to the Indigenous population. It is very important in Echuca. The management and directors of the Indigenous cooperative have a very good goal, which is to break the intergenerational dependency on welfare for its people. It is a goal that should be commended and one we support, and we will do everything we can to encourage the cooperative to be successful.

This bill incorporates national law, but we have also been out and consulted with the Co-operative Federation of Victoria. It is very supportive of this bill because it reduces red tape for that organisation, and its members are very supportive of the bill. With those few words I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a brief contribution on the Co-operatives National Law Application Bill 2013. In particular I want to go to a couple of local cooperatives in my electorate of Ivanhoe and acknowledge the work they do. Of course there are some 685 cooperatives registered in Victoria — a pretty significant number. Given that they are largely member-driven organisations, we can see that there are many Victorians who are playing a role in supporting, running or contributing to the efforts of

cooperatives to be able to provide for local communities.

While we heard from the member for Rodney in relation to how cooperatives work in particular around primary producers and agriculture, I am glad he touched on cooperative housing arrangements, which exist not only in regional Victoria but also in my electorate of Ivanhoe. The Murundaka Cohousing Community Association provides housing for some 38 residents in Heidelberg Heights. It has had a lot of publicity over the years as it has been able to get itself established. I commend it on the work it does around sustainability. While it is of course driven by providing opportunities for accommodation at a competitive rate for people, one of the particular values of the Murundaka cohousing cooperative in Heidelberg Heights is a desire to work towards greater sustainable living options for more Victorians in Heidelberg Heights. I commend it for the work it does. With a cooperative of that nature you need like minds. You also need people who are prepared to work; what you get out of a cooperative is often what you put in.

Another cooperative which works very hard is the Ivanhoe Children's Community Co-operative, which provides some 37 child-care places in my electorate of Ivanhoe. It is a member-based and member-driven organisation. I suppose that gets back to some of the details around the different structures we have for cooperatives as opposed to a traditional business structure.

11:55:00 What is important for organisations like cooperatives so that they can focus on their key tasks — often service delivery or providing services to members of the community — is that there is a reduction in red tape and the often onerous burdens around regulation. Through the Co-operatives National Law Application Bill 2013 we are repealing the Co-operatives Act 1996 and introducing what are essentially national laws that will apply across all states and territories. In doing so we will have an opportunity to regulate the formation, registration and operation of cooperatives across Australia. This sends the message that we want the people who are running cooperatives — who are in charge of their governance — and members of cooperatives to feel that they have every capacity to focus on the core tasks that drive the work of their cooperative, knowing that while there are a range of obligations under the law that they must abide by, wherever possible this Parliament is keen to ensure that cooperative organisations are able to focus on their core task and core values, rather than being bogged down in the detail of administrivia. That is some of the work that is being dealt with in relation to the Co-operatives

National Law Application Bill 2013 we are debating today.

I want to focus again on some cooperatives in my electorate that are highly valued for the work they do and the contribution they make to a better community in Ivanhoe. In particular I refer to the Murundaka Cohousing Cooperative, which has been a pioneer at the forefront of cohousing initiatives in metropolitan Melbourne. I wish it success in its efforts to broaden its cooperative housing initiatives. The longstanding Ivanhoe Children's Community Cooperative in my electorate is highly regarded for the work it does.

While these matters might not always be at the forefront of the minds of cooperative members, given the significant amount of work cooperatives do, when we consider we have some 685 cooperatives registered in Victoria, we realise we are talking about a significant number of Victorian organisations that will be affected for the better by the adoption of these national laws. This again goes to the point that we ought to be focused on providing every opportunity for people in the community who want to make a contribution to a range of different cooperatives so that they can focus on the key tasks of providing services to the community rather than being caught up in and disillusioned by the amount of red tape and administrative tasks that can take people away from their core tasks and passions. I applaud the opportunity to have national regulations in relation to these matters, and I commend the bill to the house.

Mr BULL (Gippsland East) — It is with great pleasure that I rise to speak on the Co-operatives National Law Application Bill 2013. As we have heard from previous speakers, this bill repeals the Co-operatives Act 1996 and applies the Co-operatives National Law as the law of Victoria, streamlining the process. In line with that it makes a series of amendments to other legislation to reflect the repeal of the existing cooperatives legislation and puts in place a range of arrangements to assist in a smooth transition to the operation of the national law in Victoria.

As we have heard, cooperatives are incorporated entities which are often established to promote common economic, social and cultural outcomes. They are democratically controlled and user-owned entities. In his contribution the member for Rodney referred to a number of cooperatives that were very important in his electorate and his part of the world. One of the most effective cooperatives in my electorate, the Lakes Entrance Fishermen's Cooperative Society Limited, which is better known as LEFCOL, is a terrific success story. This cooperative was largely born out of necessity. Its story shows the importance of

cooperatives in a number of regional and rural areas and why streamlining the processes of this legislation is particularly important to support cooperatives of this nature.

In 1961–62 times were pretty tough for the fishing industry in East Gippsland. It was experiencing a period of very low prices. There was an uncertain and unreliable ice supply in those days, something we would not consider or take into account these days, and there were no coolroom storage facilities. As a result of all these factors we had a situation where fishing boats were tied to the wharves in Lakes Entrance rather than being used to get out there, viably fish and make a dollar. On top of this was the fact that because fish is a highly perishable commodity, it had to be dispatched pretty much as soon as it had been landed because we did not have the transport measures in place that we have now. This often resulted in an oversupply of fish to markets. With transport costs and other overheads affecting fishermen, they would often receive a bill instead of a cheque because the selling price did not cover freight costs and other overheads.

In those days the cooperative was called the Victorian Fishermen's Co-operative Limited. It was established and incorporated in 1956. It played a different role — it was a service cooperative that provided a radio service and limited gear storage facilities. We are talking about a time when fish were consigned to markets in wooden boxes provided by fish agents. The icing, handling and loading of fish for the market was carried out by the cartage contractor and was not overseen by the fishermen. With these problems in mind steps were taken for a new cooperative to be formed. Several of the major trawler owners got together and came to the conclusion among themselves that many of these problems could be sorted out through the taking of a coordinated approach and that some could be overcome by providing a cool storage facility. A secure ice supply was identified as being absolutely critical, and an having orderly marketing system to better coordinate fish going to market to maximise prices was very important. Hence LEFCOL, as we know it today, was incorporated in August 1964 — two years before I was born. That is how long it has been around.

12:02:30 A new plant was built on Bullock Island in Lakes Entrance and remains in place today. It has become a well-recognised landmark within the town. The commencement of LEFCOL's operations on Bullock Island in Lakes Entrance ushered in a whole new era in the marketing of fish. A great reflection of how successful the cooperative has been is that it has today established itself as one of the loudest and most important voices in the Australian fishing industry and

one of the largest cooperatives in Australia, in relation to both the fishing fleet that it oversees and the volume of fish that goes through the cooperative.

LEFCOL is very important. A significant success story, it has upwards of 70 members and is the backbone of what is a critical industry not only for the local economy of East Gippsland but also for the Victorian economy and the Australian economy. It has even branched into its own retail sector — the Omega3! shop in Lakes Entrance is very popular and has a great reputation for the high quality of fish that it produces and sells.

On a broader scale, as at 1 January 2013 there were almost 700 cooperatives registered in Victoria. The Lakes Entrance Fishermen's Co-operative Society Ltd is just one of those. As we have heard in the example of LEFCOL, these cooperatives make a very important contribution to not only the Victorian economy but also the national economy.

As the member for Rodney pointed out in his contribution, as with LEFCOL, these cooperatives operate predominantly in the primary production sector. Creating national laws that apply across all states and having them implemented will enhance the competitiveness of the cooperative business model. It will cut red tape for cooperatives and put cooperatives on a level playing field. These reforms are consistent with the Victorian government's commitment to reduce red tape for business and improve the efficiency of regulations operating in this state.

I understand that these national regulations are to be established in New South Wales and that they will then either be automatically applied to the other jurisdictions in Australia or where a jurisdiction has an alternative established process for the implementation of national regulations they will be enacted according to that process. We are all moving in the one direction. This will assist Victorian cooperatives, large and small, to manage their operations not only in this great state of Victoria but also throughout the rest of Australia on a nationwide basis.

This is a common-sense bill which, as I said, will cut red tape and make life easier for these important organisations in Victoria. I wish it a speedy passage and commend it to the house.

The ACTING SPEAKER (Mr Morris) — Order!
The member for Narre Warren North.

Mr Delahunty — Here we go, here we go.

Mr DONNELLAN (Narre Warren North) — No, just a short, intelligent contribution, I would suggest. It will not be a long history of cooperatives. However, I remember that my first home loan came from a lovely local housing cooperative, the Latrobe Country Credit Co-operative.

An honourable member interjected.

Mr DONNELLAN — Yes, I have paid it back. I have not run off. I probably would not have received a loan through the commercial system at the time, so I am grateful for the cooperative system which allowed me to get a loan and start with a small investment in property.

This highlights the leadership of the federal government and also the states. They are all working together to standardise laws across the country. I remember a review I did some years ago on fundraising. The laws were an inconsistent mishmash from one state to another, each with different focuses. In Queensland there was a focus on raffle tickets and the laws were all based on raffle tickets. Fundraising laws should be standardised across the country for organisations such as the Australian Red Cross, but they are not. This bill standardises laws for cooperatives. This will make it easier for businesses in border towns. These businesses need to go over the borders but do not want to be spending hours making sure they comply with the laws of each state.

These changes are very necessary. They are a fine contribution to ensuring that we reduce red tape across the country. However, it takes leadership at a federal level to bring this together. I congratulate both the federal government and the Victorian government for working together to get such laws up rather than taking pot shots at one another. I commend this bill to the house.

Mr SHAW (Frankston) — I rise to speak about the Co-operatives National Law Application Bill 2013.

An honourable member interjected.

Mr SHAW — Possibly. It is a pleasure to discuss this bill. The head office of Co-operatives Victoria is in Frankston. The secretary lives in Frankston. One of the good things about the bills we are introducing is they will help with our goal of cutting red tape in Victoria by 25 per cent. Every little bit helps. I am from a business background. The various laws and regulations that businesses have to go through, whether they involve permits, industrial relations laws or occupational health and safety, are demands that can be burdensome for business owners. We are looking at how we can reduce

those costs, which add up over time, so businesspeople can do what they do best, which is running businesses rather than filling out paperwork for applications, permits or whatever it may be.

This is a big sector for the Victorian economy. The co-ops contribute over \$4 billion to the Victorian economy, so by no means is it a small sector.

Basically cooperatives are incorporated member-controlled organisations where each member has a separate share or voting right regardless of their holding in the organisation. A number of years ago I was in England, and my wife's grandmother said, 'We're going down to the co-op.' I did not know what that was. We always went to Safeway or Ritchies. She said, 'We are members of the co-op. We go there to buy our groceries.' To me it was just a grocery shop, but to her it was a little bit more than that.

There are over 680 cooperative organisations registered in Victoria, which is the largest number of any state in Australia. By bringing in a national program it allows the co-ops to register in one place rather than across different states and territories. In fact the purposes of the bill are to provide for the application of a national law relating to the formation, registration and operation of cooperatives, to repeal the Cooperatives Act 1996 and to make certain amendments to other acts.

In his contribution the member for Albert Park was ranting about the unjust treatment of the Melbourne Jazz Co-operative in the latest funding round, but when you put in an application for funding you do not have a right to that funding. That organization was not successful, but surely the member is not suggesting that anybody, be they a co-op or another organisation, be handed taxpayer dollars in an undemocratic and unaccountable manner. I am sure that is not what he is suggesting. Competitive funding models must be democratic and those that are not successful should endeavour to fill out their application forms a bit better and make more competitive submissions to get funding in the future.

The bill provides for the Co-operatives National Law to apply to Victoria and will replace the cooperatives acts of each state and territory except in Western Australia. The key differences between the national law and the current Victorian cooperative acts is that the proposed legislation revises and applies certain provisions of the commonwealth Corporations Act 2001 for the registration of charges and sets up a new division regulating the appointment and operation of auditors. It makes sense that a lot of these changes are modelled on the Corporations Act.

As an accountant I have dealt with different laws in different states, whether it be WorkCover regulations or workers compensation provisions that change across the different states and territories, different payroll tax models or land taxes. Just getting the forms right even for something like business names and registration across different territories can be quite a challenge. With copious amounts of paperwork for each state or territory across Australia it can be a cumbersome task to comply. So to model the national law on the Corporations Act is a very good idea. It gives those who are preparing that work, whether they be members, accountants or lawyers, more consistency. In regard to cooperatives it allows one application form to apply throughout the states and territories.

The statement of duties of office-holders for cooperatives is also modelled on the Corporations Act. The act has been around for a long time, and it is a sensible outcome to model the cooperatives bill on it. It eliminates the need for cooperatives to register or give notice in each jurisdiction of their intent to operate in each separate state or territory.

Again we are looking at cutting red tape. This has to be done bit by bit. The savings amount to something between \$250 000 and \$300 000 a year, which may not sound like much given the value of cooperatives to Victoria is over \$4 billion, but every dollar counts in a tough economy. We have talked about waste in the past — projects that have been over budget and over time — and we know that we need to save every dollar. In this case \$300 000 is no small amount, although it may seem small compared with \$4 billion. We are consistently cutting the red tape throughout the workforce, throughout businesses and throughout government as all those costs add up in these tight economic times where we are looking to make every dollar go further and to save money. We are not looking to waste money. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Co-operatives National Law Application Bill 2013. It is a pleasure to follow the member for Frankston, whose contribution to the debate worked in tandem with the member for Burwood. Both members reflected the view of the small business sector on the importance of cutting red tape and moving towards a national approach to our legislative requirements.

As others have done, I would like to highlight the importance of cooperatives in that they are a means of enabling many small players to work together and negotiate a fair price for their product. In the case of primary production, which is where there has been a major use of cooperatives, what puts pressure on the

small players in the marketing arena is the fact that our products are often perishable. Fruit, for example, can go off in a short space of time, and in the case of livestock there is a limited window of opportunity for the livestock to meet the target specifications for a premium price. The ability of the larger players to put pressure on the smaller players, knowing that they are vulnerable, highlights the fact that primary producers often find themselves as price-takers rather than price-setters.

Historically in the livestock arena we have seen the formation of co-ops — for example, among stock agents. Gippsland and Northern Co-operative Company Ltd and Victorian Producers Co-operative Company Limited are two examples of people coming together in a cooperative to try to improve the bargaining position of small producers. Interestingly, when selling stock these days the lot size in Victoria is still quite small in that it is only two or three, whereas in northern Australia the lot size is measured in hundreds or in road train sets. That highlights the importance of collective bargaining and therefore cooperatives in Victoria, with our often smaller unit of production. I understand that the member for Rodney highlighted the importance of cooperatives in the dairy industry. He is, of course, well grounded to talk about that. Another initiative which is strengthening the power of farmers to become not just price takers is the farmer market initiative. Again, farmers are supported to display their product and maximise the return for them.

Recently I had the opportunity to go somewhere where there are no cooperatives and you really see producers at risk of being exploited — that is, Myanmar. I went on a fully taxpayer-funded trip to Myanmar. Just before members become excited, I am the taxpayer who fully funded my trip! It was quite fascinating to see a country where the people do not have the benefits of our democracy. It is a country with absolutely lovely people. It is a very rich country in soil and the capacity to produce, but their agricultural production is based on a subsistence model. I suspect that the productivity per hectare is quite high, albeit that there is a high labour input. The fascinating thing was that the people in Myanmar farm in harmony with their environment in the crops that they grow. They grow absolutely everything. Whether it is strawberries, potatoes, sugar cane, wheat or rice, you name it, they grow it. It is grown in harmony with the soil type and the water availability, whether it is rainfall, flood or irrigation.

What they do not have is a cooperative system of marketing, so what you see when you go to the markets are many small vendors selling their products to add to their subsistence existence. In some ways it works out

12:17:30

because at the village level there is probably an understanding. As members of The Nationals know, you need to shop locally to support your local businesses because that is part of your whole-of-community viability. When people want to go beyond the village level and get some outside income into their village, it becomes harder because they are vulnerable to being manipulated by the big players. In Myanmar the big players include the Chinese, who have a vital interest in getting produce from Myanmar — and also electricity, but that is off the track a fraction.

The key thing is that those people do not have the ability to negotiate. They have small sugar mills where people are working together, with 10 or 20 farmers supplying a particular sugar mill, but they are very vulnerable to being exploited by the bigger players, whether they are from overseas countries or the big, rich and powerful in Myanmar. There is an example of people not having the benefit of cooperatives. Whilst they exist, I am sure that if they were able to get a higher price for their product they would be able to improve their standard of living and be better off overall.

Coming back to the situation in Australia, we have the benefit of cooperatives. Many of the up to 700 cooperatives in this state relate to primary production, but there are also Aboriginal cooperatives. It is important to enable groups like the Bangerang and the Yorta Yorta to work collectively and get a reward for their efforts. There is often a strong sense of togetherness in Aboriginal culture, but to convert that sense of togetherness so that it becomes a commercial proposition and generates income is something that cooperatives can enable.

As the cooperative empowers the small player, it is important that the government facilitate the functioning of cooperatives. This legislation, which is part of a national approach, will facilitate the functioning of cooperatives at a state level and, where cooperatives want to trade interstate, it will facilitate that. Therefore it will also reduce red tape, on which the government has made a strong commitment to deliver by trying to come up with simpler solutions to achieving quality control and consumer protection but at a level of regulation that is the minimum needed to achieve the desired outcome. So often with regulation we are tempted to put bandaid upon bandaid. Just as the tax law becomes progressively more and more complicated, so our other legislation often becomes very complicated. The bill is getting back to a national approach with sound principles in place and an efficient delivery mechanism.

I am very pleased that this legislation is going through the Parliament. I understand that it has been generally supported. It makes sense. I say, 'Well done' to those involved, to the Minister for Consumer Affairs and his staff, who are in the gallery today, and the staff of the department who have made this all come together. I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am also delighted to rise to make a contribution to the debate on the Co-operatives National Law Application Bill 2013. As the house has heard from earlier speakers, co-ops play a very important role throughout Victoria. We have the lion's share of cooperatives, with more than 685 entities operating in Victoria and probably another 1000 more through the rest of Australia.

As a former dairy farmer and having spent most of my life in the dairy industry, like other dairy farmers I know the cooperative model very well, because most milk produced in Victoria is supplied to a cooperative. It is an interesting model. Although it is run as a business, it is almost an upside down or inverted way of paying suppliers. People in business often try to pay the least they can for their primary produce, the product that they will manufacture and onsell. In a cooperative situation people are actually trying to maximise the price that can be paid to suppliers. Although it is still deemed to be a profitable model, at the end of the day people still want to maximise the profits, which is obviously paying shareholders as much as can be paid to them. Cooperatives come from a different background but they get the same result, achieving the highest price that they can. Annually \$4.1 billion goes through cooperatives in this country, so, as I said, it is a significant part of business in Australia. The objectives of the bill are to apply the Co-operatives National Law and to provide national regulations. All states will be brought into line to try to work together under uniform rules and regulations and that will make certainly make it a lot easier.

I live in Cobram in northern Victoria, which has a large dairy industry. There is a large Murray Goulburn Co-operative factory in Cobram as well as one in Rochester and other areas throughout the north. Many of the suppliers come from New South Wales — from Finley, Deniliquin and all throughout that area. We in our border towns are constantly frustrated. On many occasions the former member for Murray Valley, Ken Jasper, talked about cross-border anomalies and this is another example of those anomalies. We need to do business with people with just a stretch of water — only a narrow stretch of water, sometimes — between one state and the other but we have different rules and regulations. It can make it very cumbersome for

companies like Murray Goulburn as they try to look after their suppliers.

12:27:30 The bill provides that the Co-operatives National Law applies as if it were an act of Victoria. This will replace the Co-operatives Act in each state and territory except Western Australia, which has elected to implement alternative consistent legislation that will end up with the same result.

A couple of the key differences between the Co-operatives National Law and the current Co-operatives Act 1996 include the creation of a new division regulating the appointment and operation of auditors and provision under regulation for differential reporting requirements and differential fees for large and small cooperatives. You might have a cooperative the size of Murray Goulburn or you might have a smaller buying group. I think it is sensible to have auditing requirements that reflect the size of the business. Another difference is the provision for co-operatives to be automatically registered in each Australian state and territory once they have been registered in their home jurisdiction. Again those cross-border anomalies throughout Australia will facilitate that.

As at January 2013, there were 685 entities operating under the cooperative business model in Victoria. This number has been on the decline over the last 10 to 12 years. We can see why this has been the case. Work is being undertaken to develop this new model for a national system and to address the estimated 26 per cent decline in the number of cooperatives registered in Australia between 2000 and 2009.

I will wind up my contribution. The cooperative system is still a business process. It is about making sure that the larger cooperatives adhere to different regulations and auditing requirements than the smaller ones. Cooperatives have been around for many years and this legislation will facilitate a more national approach. I have no doubt it will be of great benefit to cooperatives operating throughout Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Minister for Local Government).

Debate adjourned until later this day.

JUSTICE LEGISLATION AMENDMENT (CANCELLATION OF PAROLE AND OTHER MATTERS) BILL 2013

Second reading

Debate resumed from 20 February 2013; motion of Mr McINTOSH (Minister for Corrections).

Ms BEATTIE (Yuroke) — I rise to speak on the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. Let me say at the outset that Labor does not oppose the bill. However, we have some concerns regarding aspects of it, particularly as it pertains to the legal representation of children. I will go into that a bit later on. As I said, we do not oppose the bill, but it is not really the sweeping change the government has said it would introduce; it simply codifies existing practice. On this side of the house we recognise the important role that parole provides in our justice system. At its best, parole transitions a prisoner back into the community with strict supervision and support structures in place, rather than the prisoner being released into the community post-sentence without these restrictions and supports. That is when parole is a really good system — when prisoners are released back into the community rather than serving their full sentence and then having no checks on them.

We recognise that any offence committed by a prisoner while they are on parole is completely unacceptable, but this is particularly the case in respect of violent or sexual offences, whether it be a first or recidivist offence. We want to ensure that the Adult Parole Board of Victoria automatically reviews the parole of prisoners who have committed or are alleged to have committed further offences while on parole and then consequently cancels or varies the parole of such prisoners. We think that is a sensible outcome. It is straightforward, and it is in line with the current practice of the parole board.

I have some statistics. I am told that during 2011–12 the adult parole board cancelled 659 parole orders; 552 of which were in relation to a failure of prisoners to comply with their parole conditions and 107 of which in relation to further convictions and sentences. So approximately one-fifth of those were for further convictions and sentences. The legislation proposes to add an existing provision whereby the board may cancel parole at any time to include specific circumstances where parole ought be cancelled or is automatically cancelled. Again this is not opposed by us.

I would like to turn to electronic monitoring, if I may, and then I would like to touch on the legal representation of children. I would certainly like to talk a little bit about adequate funding for Victoria Legal Aid. In regard to electronic monitoring, Labor supports clarifying the existing practice whereby some prisoners on parole are fitted with electronic monitoring devices. Electronic monitoring devices can be a way of checking on the location of a prisoner — that is, where they are supposed to be or where they are not supposed to be. We recognise that providing an express power in the Corrections Act 1996 will ensure that there is no loophole in the legislation. We think it is an important measure and we will not stand in the way of codifying the legislation concerning electronic modelling.

I would like to talk about the legal representation of children, if I may. We have serious concerns regarding the part of this bill that affects the legal representation of children in the family division of the Children's Court, where often dreadful cases are seen. At the moment Victoria Legal Aid is facing a severe shortfall in funding. Until now there has been legal support for children aged seven and older in legal cases, and we want to ensure that children's voices are still heard. We think the government should ensure that legal aid is properly funded. I note that in the past week or so there has been some publicity given to a murder trial where His Honour Justice Lex Lasry postponed a case because of the shortfall in funding for legal aid. It is often said that justice delayed is justice denied. If we are postponing court cases because legal aid funding is not available to provide representation for people before the courts, I think the government needs to look at restoring more funding to Victoria Legal Aid.

We know that Justice Philip Cummins in the report of the protecting Victoria's vulnerable children inquiry recommended changing the legislation so that 10 years became the age at which children were seen as being capable of giving instructions to their legal representatives.

12:37:30 We are concerned about further recommendations and about ensuring that children under this threshold or those deemed not mature enough to provide direct instructions to a legal practitioner are still independently legally represented on a best-interests basis. Under the proposal in this bill these children will not be legally represented at all. I think any fair-minded person would agree that that is not right. Members of the opposition share the concerns raised about this proposal, and we are also concerned that it flies in the face of the United Nations Convention on the Rights of the Child.

Once again I and those on this side of the house call on the government to adequately fund Victoria Legal Aid to ensure that children's voices, particularly those of our most vulnerable children appearing in the family division of the Children's Court, are heard in cases that can affect their entire life. We are not talking about a day in court; we are talking about cases where a child's future may be affected for all time.

As I said at the opening of my contribution to the debate, Labor will not be opposing this bill, but we plead with the government to hear our call for the adequate funding of Victoria Legal Aid. With those closing remarks I hand over to the next speaker.

Mrs BAUER (Carrum) — It is a pleasure to rise to make a contribution to debate on the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. At the outset I would also like to acknowledge that the opposition is not opposing this very important bill. I commend the Attorney-General, the Minister for Corrections and the Minister for Community Services for their commitment to reforming and strengthening the parole system.

The bill aims to amend the Corrections Act 1986, the Surveillance Devices Act 1999 and the Children, Youth and Families Act 2005. Through this legislation the government is reinforcing the safety of our Victorian communities, and that safety is paramount. The coalition government is again leading by example. As legislators for the Victorian community it is our responsibility to set the bar high not just to improve but to increase community safety. We have listened to victims of crime and their families. We have heard about the impacts a serious offence such as murder can have on the victim's family members. They tell us that there is an expectation that we as responsible legislators and the government will address laws in the system, and this is certainly what we are doing. I commend all of the ministers involved, because that takes courage. This legislation is also an election commitment, and these reforms will be some of the toughest we will see right across Australia.

The bill is further proof that we are focusing on changing processes to improve community safety. It addresses clear community concerns with the current parole system that have been mentioned time and again. The changes included in the bill that relate to the parole system will ensure that sex offenders and serious violent offenders convicted of a sexual or violent offence while on parole will automatically have their parole cancelled. Sex offenders and serious violent offenders charged with a sexual or violent offence while on parole must have their cases considered by the

Adult Parole Board of Victoria, with a presumption that parole will be cancelled. Sex offenders and serious violent offenders convicted of lesser offences carrying a term of imprisonment while on parole must be reassessed, and all other offenders convicted of fresh offences carrying a term of imprisonment while on parole must be reassessed by the adult parole board with a presumption that parole will be cancelled.

This is common-sense legislation which provides that should prisoners who are on parole for a violent sex offence commit a similar offence they will go straight back to jail. People in Victorian communities and in my community of Carrum deserve to be able to feel confident that when they are in the community they will be protected from people who have been highlighted as being known to be and already proven to be dangerous. This bill sends a clear message that as a coalition government we are tightening up the system and we expect good behaviour from prisoners who are already on parole. The bottom line is that parole is a privilege, not a right, and reoffending while on parole will not be tolerated under our government. As I said earlier, there has been overwhelming support for these changes, not only from those in the community but throughout the justice system.

Previously there has been widespread concern that the best interests of offenders are often looked after instead of those of the victims and their families. In 2011–12 there were 1368 parole orders breached and less than half of those prisoners had their orders cancelled. Of those who had their orders cancelled more than 100 had been convicted of new offences, so this parole reform will certainly be welcomed as part of our government's reforms aimed at improving community safety. We have already introduced a suite of ways in which we are protecting our communities to a very high level.

We have already started to deliver 1700 extra police. This is an election commitment that has been welcomed within my Carrum community. We are providing 940 protective services officers (PSOs) at our train stations from 6.00 p.m. until the last train, and 270 of them have already started work at railway stations. I was delighted to welcome the PSOs to Carrum. They are making our train stations, certainly at Carrum, a place of safety instead of a place of fear. They have been very well received within our community.

I was also pleased to see only this week that the government has launched a Go4Zero campaign to eliminate violence in Victoria. This campaign is saying that violence of any kind is not acceptable and will not be tolerated. That is the core message of the Go4Zero campaign that was launched on Monday, which is a

partnership between Victoria Police, the government and the community.

It basically says that it is the collective responsibility of everyone in our community to speak out and reject violence in any form, particularly family violence and violence against women. 12:45:00

I will now touch briefly on the contribution of the Minister for Community Services, in which she focused on the changes that the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013 will make to the Children, Youth and Families Act 2005. These changes clarify the circumstances in which a child may be legally represented in matters before the family division of the Children's Court and the age at which they are sufficiently mature to give instructions in those matters.

We have heard a lot criticism from those opposite about this element of the bill. In her contribution the Minister for Community Services eloquently reinforced how important this element is. The coalition government is taking steps to improve the Children's Court by changing the age from 7 to 10 years when a child can give instructions to a legal representative. For the benefit of members opposite, I will share a letter from the chief executive officer of Anglicare Victoria, Paul McDonald, to the Minister for Community Services, which commends the government's efforts to improve the Children's Court system and in particular the changing in age from 7 to 10 years when a child can give their own instructions to a legal representative. Mr McDonald said:

On any one night over 380 children reside in various forms of Anglicare Victoria out-of-home care ...

... Anglicare Victoria believes it is correct to lift the age of 10 whereby a child can give instructions. This move recognises the developmental stage of children under 10 and protects their best interests.

...

It is also our view that such tasks should fall to the role of child protection, who are skilled to provide both the voice and the view of the child to the court. Child protection workers are the community's experts at entering into conflictual family settings, engaging with often traumatised children and providing to the court the critical advice in assessing what is in the child's best interest.

The legislative resetting to 10 years as the appropriate age to provide instruction makes good sense for the court, ensures a less traumatic experience for the child and takes one further step in improving the experience for all who attend our Children's Court system.

Mr McDonald commends the government on taking this step and believes it is within the child's best interests.

I would like to reiterate my support for this bill. I am very proud to be part of a coalition government that has the community's best interests at the forefront. The bill sends a very clear message that parole is a privilege, not a right, and that if you are out in the community and do the wrong thing, then you will have that parole cancelled. I wish the bill a very speedy passage and commend it to the house.

Mr HERBERT (Eltham) — I am pleased to rise to speak on the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. In doing so I note that this bill is another example of the ad hoc, piecemeal manner in which the government brings important legal legislation to this chamber. The reason it is piecemeal, ad hoc and all over the shop is that the government simply does not have a concerted policy agenda in this or any other area. It appears to be in a policy vacuum when it comes to laying out a plan for Victoria.

We are in the second sitting week of the year. In previous years at this time we have seen premiers rise to outline their vision for the state; we have seen them outline an agenda and procedure with which we can move forward in terms of strengthening our community, economy and the very substance of our state. At this point previous premiers have outlined what their governments believe in. However, we have seen none of that in this chamber, neither last sitting week nor this week, and it seems we never will. Instead we have the bill now before us, which forms part of that piecemeal approach — —

Mrs Powell — On a point of order, Acting Speaker, the member is straying from the bill. The bill before the house is the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013, and I ask you to bring the member back to the bill.

The ACTING SPEAKER (Mr Morris) — Order! I uphold the point of order.

Mr HERBERT — I was straying, Acting Speaker, but unfortunately the government has strayed from its job governing this state — —

The ACTING SPEAKER (Mr Morris) — Order! The member will return to the bill.

Mr HERBERT — We do not oppose this bill. It is common sense that there are consequences for parolees who breach the terms of their parole and commit a

crime, particularly if it is a serious crime of a sexual or violent nature. There should be penalties for breaching parole. As the member for Carrum said, parole is not a right, or a way to shorten your sentence; it is part of a system that rewards good behaviour. It seeks to reintegrate people who have committed crimes and been deemed dangerous back into the community, giving them an opportunity to be productive for the remainder of their lives and a chance to prove they can be good citizens who are no longer a threat to the state or to individuals.

However, that is a far cry from the paranoia and absolute rubbish, quite frankly, that we have heard from some members that the Adult Parole Board of Victoria does not do this, that it turns a blind eye to parole violations and does not act because of any number of reasons. The simple fact is that during 2011–12 the adult parole board cancelled 659 parole orders, 552 of which related directly to the failure of prisoners to comply with parole conditions, and the remaining 107 related to other convictions and sentences. The vast majority of the parole board's actions — and it is a substantive number — were handled in this way.

Nevertheless we do not have any problem with this legislation; in fact we support it. It codifies actions and will mean that the adult parole board will automatically review the parole of prisoners who commit or are alleged to have committed offences whilst on parole, and consequently cancel their parole entitlements. This is common sense; it happens. The opposition does not have any problem with codifying it in law.

However, there are two sides of the law and order drum banged by those opposite, and coalition members certainly banged the drum during the election campaign for their own political purposes in a shallow, unhelpful and anti-community matter. There are two sides of the drum in the law and order debate. There is the side that cracks down on offenders and tightens up laws to ensure that as times and offences change the punishments and treatment of those who violate the laws of this state are dealt with appropriately.

Then there is the other side that serves to protect people in the community. It is a very difficult debate. One of the things we treasure in our society involves the individual rights of people, particularly in terms of their right to representation in court. When those opposite bang the law and order drum they sometimes lose sight of this. It is all part of a populist frenzy, in which we lose sight of the rights of people in the law and order debate. In the law and order debate one of the most basic rights we share is that of legal representation. It is the foundational basis of our system.

12:55:00 It is the basis of people getting a fair deal, getting a fair trial, being able to be judged in a fair manner and being presumed innocent. It is part of our basic system. This is the other side of the law and order debate to what we are talking about with this bill, but it is absolutely central.

This week we have seen how these fundamentals are starting to be eroded in Victoria through the issue of appropriate funding of Victoria Legal Aid. Other members have spoken about this, but there is no doubt that if a person cannot get representation, if they cannot get legal aid, then it is very difficult for them to mount a defence and ensure that the trial gives them all the rights they are entitled to in terms of being able to put the case that they are innocent.

Just recently the Honourable Justice Lex Lasry delayed a case because there simply was not enough legal aid funding for the accused to have representation. That is a sad thing. On the one hand we are talking about what happens if an offender breaches their parole, but what happens if someone simply wants a chance to go to court, put their life back together, put their case and hopefully be declared innocent? That also has an impact on people's lives, and it ought to be taken into account by this government, not just the other side of the law and order debate.

The bill also relates to the issue of legal representation for children. In the past children aged seven and older in the family division of the Children's Court were entitled to some representation. We are talking about serious cases. Some people will say this is not about a large number of cases, but it is about serious cases where the future of the child is at stake. Whilst we note that there was a recommendation in the *Report of the Protecting Victoria's Vulnerable Children Inquiry* to lift this threshold to 10 years of age, we also note that a further recommendation, which was not about children but about funding cuts to legal aid, stated that those deemed not mature enough to provide direct instructions to a legal practitioner should still be independently legally represented on a best-interests basis. This recommendation of an important inquiry is not being enacted by this bill, which is just about money. That is not good enough for children who find themselves in circumstances where they need some assistance with matters that will affect the rest of their lives and their quality of life.

We have some other concerns about this bill which the government has been silent about. The concerns are in regard to the impact of the parole provisions in the legislation. We have heard from those opposite that there is going to be a massive increase in the number of

people on parole who will go back to jail. We ask what data modelling has been done on the impact of this law in terms of the court system, the police system and the jail system. If we are to believe the law and order rhetoric from those opposite, there has to be an impact on the resources of police enforcing this legislation, the capacity of the courts enforcing this legislation and our jail system in terms of its capacity to house the vast numbers of prisoners that will be coming through.

We do not have the answer. It is a simple question, which I would think everyone in the community and everyone in this house, particularly those opposite, would want answered. I look forward to getting that detailed information when those opposite have their turn to speak. The truth is that this issue is important and the data modelling should have been put forward. But we have not heard anything. There has been absolute silence on that matter.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to rise to contribute to this very important debate on the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. If one wanted to understand the difference between those on this side of the house and those opposite, one only needed to listen to the contribution from the member for Eltham. His justification for not looking at tougher sentencing laws and tougher penalties is that it might put pressure on our police force if it were given the power to go out and arrest more people. For people on this side of the house — —

Mr Herbert — On a point of order, Acting Speaker, I do not mind being verbally, but it should in some way relate to my actual contribution. The member for Ferntree Gully is deliberately being inaccurate. He is saying things that are simply not true.

The ACTING SPEAKER (Mr Morris) — Order! What is the point of order?

Mr Herbert — My point of order is that he should come back to the bill rather than verbally the opposition.

The ACTING SPEAKER (Mr Morris) — Order! The point of order is relevance, and I do not uphold the point of order.

Mr WAKELING — On this side of the house we believe law and order is an important issue, and that is why we are implementing legislation, like this bill and a whole range of bills that have been through this house.

The ACTING SPEAKER (Mr Morris) — Order! Sadly it is 1.00 p.m. and I need to interrupt business.

14:00:00 **Sitting suspended 1.00 p.m. until 2.03 p.m.**

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Hospitals: funding

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and it is a very straightforward question. Will the Premier reverse the \$616 million in savage health cuts — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order and stay that way, please.

Mr ANDREWS — I might start again. My question is to the Premier, and it is a very straightforward question. Will the Premier reverse the \$616 million in savage cutbacks that he has made to the Victorian public hospital system? Yes or no?

Mr BAILLIEU (Premier) — What an irony. Months and months of silence from the Leader of the Opposition — silence! As members would know — —

Honourable members interjecting.

The SPEAKER — Order! Again I ask the house to come to some sort of order — I am looking at both sides — because this is not going to last for very long if members want to keep this up.

Mr BAILLIEU — Months and months of silence from the Leader of the Opposition — —

Honourable members interjecting.

The SPEAKER — Order! I will not tolerate this anymore. The first one who opens their mouth will be out, and the second one will be out. Enough is enough.

Mr BAILLIEU — Months and months of silence from the Leader of the Opposition in regard to the health funding cuts that were made in October-November last year by the commonwealth. In October-November last year these cuts were made and announced by the federal government — \$1.6 billion announced by the commonwealth — and since then we have had denial. There are only two comments that I think can be found from — —

Mr Andrews — On a point of order, Speaker, the Premier is clearly debating the question that he was asked. He was asked about the cutbacks that his

government has made, and he ought to be asked to direct his answer to the question, not to what he would like to go on about but what he was asked about — his own record.

The SPEAKER — Order! I do not uphold the point of order, because I believe that the answer was relevant to the question that was asked.

Mr BAILLIEU — There are only two comments I can find from the opposition in regard to the funding cuts.

Honourable members interjecting.

Ms Allan — On a point of order, Speaker, in *Rulings from the Chair* of June 2012 at page 163 there is a very clear ruling that attacks on the opposition are inappropriate. Given that the question did not make any reference to the opposition, to opposition policy or to the federal government, we ask that you bring the Premier back to answering the question within the requirements of the standing orders and to cease debating the question.

Mr Ryan — On the point of order, Speaker, the Premier is very clearly answering this question in context and in accord with the ruling respectfully which you have given. If I might say, having opened Pandora's box the opposition cannot slam the lid closed when it is getting an answer which is referable to the question that has been asked.

Mr Merlino — On the point of order, Speaker, the Premier was clearly debating the question and referring to opposition policy. This was a very simple one-sentence question about reversing the \$616 million cuts of the Baillieu government. The Premier — we think he is the Premier — should answer this question.

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

Mr BAILLIEU — Let me make it clear. The coalition government has increased health funding by \$1.3 billion since coming to office — a record \$13.7 billion. Funding to hospitals in Victoria at the last budget increased by more than \$360 million to a record level. The coalition government in Victoria has honoured its budget in full, unlike the commonwealth, which did not honour its budget, and that is the basis of recent public debate. You would have thought many people would have joined that debate, but they have stayed predominantly silent.

Mr Merlino — On a point of order, Speaker, the standing orders require the Premier to be factual when

answering a question. I am happy to make available to the house the budget papers that show cuts in 2011–12 and 2012–13.

The SPEAKER — Order! This is not a time to make a speech.

Mr Merlino — Black and white.

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

Mr BAILLIEU — As I said, the coalition government has honoured its commitments in the budget, and it has increased funding to hospitals to a record level. We have increased funding to the health sector since we have come to government — \$1.3 billion.

14:10:00 Savings that have been made have been reinvested. As everybody knows, we have increased funding to hospitals. Those who were silent for months and those who sought to support the commonwealth with its unilateral cuts in October and November last year ought to be hanging their heads in shame. They have been silent. The only comments we can find from the Leader of the Opposition is a quote from 4 February — —

Ms Allan — On a point of order, Speaker, once again the Premier is offending the standing orders. He is debating the question. The question made no reference to the Leader of the Opposition. It made no reference to comments that the opposition leader may or may not have made. The Premier is so desperate to blame someone else for his — —

The SPEAKER — Order! I do not uphold the point of order. I do ask the Premier to come back to answering the question.

Mr BAILLIEU — Let me simply say that somebody had this to say about the commonwealth's cuts, and I quote — —

Honourable members interjecting.

The SPEAKER — Order! The Premier has concluded his answer.

Hospitals: federal funding

Mr WAKELING (Ferntree Gully) — My question is to the Premier. Can the Premier update the house on the strong stand the coalition government has taken against federal funding cuts?

Mr BAILLIEU (Premier) — We have spoken up about the federal government's unilateral funding cuts

to hospitals. We have taken the national lead, unlike some who have been silent. We have been calling for the \$1.6 billion unilateral funding cuts to hospitals to be reversed. They were made in October and November last year by the commonwealth government based on flawed population figures. Last night I received a charming letter from the Prime Minister, advising me that the federal government had decided to abandon \$107 million in unjustified federal government cuts to Victoria's health system. On its own, at face value, the \$107 million will be welcomed by hospitals in Victoria. But this is a short-term political fix based on political reasons. That is the fact, because \$107 million restored in Victoria is not \$475 million, which is what was cut in an estimate of our share of \$1.6 billion. It is not just across Victoria, because this affects all hospitals across Australia, and indeed these cuts will resume in July this year.

These funds were cut unilaterally. They were cut in Victoria and hospitals had to adjust. The net result is that hospitals have been on a roller-coaster budget. They set their budgets after the state budget and after the commonwealth budget, and then come October and November the federal government pulls money out of the hospital funding pool. Hospitals have had to adjust, and now for a short-term political fix the Prime Minister restores just \$107 million to Victoria and hospitals will have to adjust again. Then in July, when these cuts are resumed, they will have to adjust again.

Some have been absolutely silent about this and that is disappointing. We believe the commonwealth got this wrong and we said so. It based these changes on dodgy population figures. On the one hand the federal Labor Treasurer, Wayne Swan, based grants for local government on one set of population figures — a 1.3 to 1.4 per cent rise. On the other hand he based hospital funding on another set of population figures, and that has led to these changes. We have spoken about it many times and we have taken a lead nationally. Now Queensland, New South Wales and other states want their money restored. They want it restored not just to July, but they want it restored all the way. Otherwise patients will continue to suffer, hospitals will continue to suffer and families will continue to suffer.

This is not a Victoria versus the commonwealth issue. All state health ministers have condemned these cuts, and we urge the commonwealth to completely reverse the cuts. Not only did I get a letter from the commonwealth, but all premiers got a letter from the commonwealth, and that letter threatened the states — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBERS

Members for Lara and Yan Yean

The SPEAKER — Order! Under standing order 124, the members for Lara and Yan Yean can leave the chamber for 1 hour.

Honourable members for Lara and Yan Yean withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Hospitals: federal funding

Questions resumed.

Mr BAILLIEU (Premier) — All state premiers have now been threatened by the commonwealth. How is the commonwealth raising the \$107 million for this short-term fix? It is doing so by taking other money away from Victorians. This is a disgraceful, short-term political fix.

Hospitals: funding

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier, and I ask: will the Premier now release the hospital contracts, otherwise known as statements of priorities, signed by his Minister for Health and health services in September last year, so that all Victorians can see the full impact of this Premier's \$616 million cutback to our public hospital system?

Mr BAILLIEU (Premier) — I would have thought that as a former health minister the Leader of the Opposition would have a little more to say. He has been absolutely silent on these issues for months.

Statements of priorities were prepared after the state budget and after the federal budget last year, so that hospitals could form their budgets. I would have thought the Leader of the Opposition would know that as a former health minister, but he seems not to.

14:17:30 What happened is that in October-November hospitals were advised that money was being withdrawn from them by the commonwealth. Quite clearly the statements of priority had to be renegotiated, and that has happened. What is now going to happen is a short-term political fix from the commonwealth, and they will have to be renegotiated again. Come July, when these cuts resume, they will be renegotiated again. This is the rollercoaster of hospital funding the

Leader of the Opposition voted for in the other house. He is silent on the issues, and it is a disgraceful performance.

Mr Andrews — On a point of order, Speaker, I am loath to interrupt the Premier, but the question related to statements of priority signed in September last year that are sitting on the Minister for Health's desk and whether the Premier will ensure that they are released for all Victorians, as is required under the Health Services Act 1988. That is the question, and that is the one that ought to be answered. If this is a Premier of openness and transparency, he should answer the question.

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

Mr BAILLIEU — A little common sense from the Leader of the Opposition would be a good thing. Statements of priority are released publicly. If they have to be renegotiated, they have to be renegotiated.

Mr Merlino — On a point of order, Speaker, the standing orders require the Premier to be factual. The act requires that each statement of priority and any variations should be made public. That is what the act says. That is what the Minister for Health is responsible for. The Premier should answer the question.

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

Mr BAILLIEU — What a fabulous point of order from the Deputy Leader of the Opposition — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBERS

Members for Footscray and Kororoit

The SPEAKER — Order! Under standing order 124 the members for Footscray and Kororoit can leave the chamber for an hour.

Honourable members for Footscray and Kororoit withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Hospitals: funding

Questions resumed

Mr BAILLIEU (Premier) — If a statement of priority is subject to change, it has to be varied and renegotiated. That is the very point I have just been making, but the Deputy Leader of the Opposition does not seem to understand. Those statements of priority are subject to negotiation, and now they will have to be subject to renegotiation again.

Mr Andrews — On a point of order, Speaker, the Premier is debating the issue. He has been asked very clearly: will he release the statements of priority from September last year — yes or no? If he is not prepared to release them, he should simply say so. If he does not want to show the damage his cuts are doing, he should say so.

The SPEAKER — Order! I have heard enough. I ask the Premier to come back to answering the question.

Mr BAILLIEU — Statements of priority will be released as required. I say again: they are being renegotiated.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition will not be warned again.

Mr BAILLIEU — They have been in the process of renegotiation because of the federal government's funding cuts, and now they will have to be renegotiated again. I know the Leader of the Opposition does not mind putting hospitals through the pain and difficulty of all of that, and he does not mind putting the patients through that. They will be renegotiated, and they will be released as required.

Federal government: state funding

Mrs FYFFE (Evelyn) — My question is to the Treasurer. Can the Treasurer update the house on the impact on Victoria of the federal government's chaotic approach to federal-state financial relations?

Mr WELLS (Treasurer) — I thank the member for Evelyn for her question. 'Chaotic' is an understatement when it comes to the Gillard government; it is an absolute understatement. It is quite clear that the Gillard government has now admitted that the \$107 million cut this financial year was wrong by reinstating it. That was based on dodgy and misleading population figures. Let me tell you that the relationship between the Gillard government and the state government in Victoria continues to reach new lows because the health cuts continue — as of 1 July this year, \$365 million — supported by those opposite. That cut is to front-line

services — emergency departments and maternity wards. It is a front-line cut.

There is a list of chaotic decisions. We have had the review of GST. We have copped a \$6.1 billion hit to Victoria. We wrote to the Gillard government, and it agreed to set up a review — Greiner, Brumby and Carter. What happened when their recommendations came down? Victoria stepped forward and said, 'We will accept the reforms as a package'. Western Australia stepped forward and said, 'We will follow Victoria and accept the reforms as a package'. Lo and behold, what did the Gillard government do? It did not bring forward one reform. We go on to the national disability insurance scheme (NDIS). The Baillieu government supports the NDIS in principle, but the question we have asked is: how is it going to be funded? The question then goes on about the Gonski report, and the Minister for Education has been prosecuting this. We all want quality education for our kids, but the reality is: who is going to pay?

Let me get back to health for a moment. I quote the charming letter from Prime Minister Gillard to the Premier. What a charming letter! It talks about the \$55 million being taken out of national partnerships, but it also goes on to say:

The remaining \$52 million will count against Victoria when allocated future funding for projects in Victoria.

What will it be? A cut in disability? Will it be a cut in pensions, a cut in public transport, a cut in education? Where will the cuts be? What a bizarre way to run a federal government — to just keep punishing and punishing and punishing — —

14:25:00

Honourable members interjecting.

The SPEAKER — Order! The member for Richmond — enough!

Mr WELLS — Let me make this point: this backflip by the Gillard government only occurred because of the pressure by the Baillieu government. It would have never, ever have happened under a state government controlled by Bill Shorten and Stephen Conroy. State Labor has been silent on this. Some organisations put their mates ahead of the sick people in Victorian hospitals, and state Labor members need to hang their heads in shame.

Hospitals: funding

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. Given that detailed hospital performance data from six months ago is

sitting on the desk of this government's health minister, will the Premier direct his Minister for Health to release this data so that all Victorians can see the full impact of this government's \$616 million in cuts to the Victorian public hospital system?

Mr BAILLIEU (Premier) — There is a question from the Leader of the Opposition about releasing data, and it was the previous government that dropped quarterly reporting altogether. As the minister has made clear, the quarterly reports will be made available on a timetable similar to the quarterly report availability under the previous government. I make the point again: there are not \$616 million in cuts, as the Leader of the Opposition referred to — —

Mr Andrews — On a point of order, Speaker, the Premier is debating the issue yet again. He was asked very simply whether he will release September data — that is, September last year. That is the question he should be directed to answer. This notion that somehow the previous government abolished quarterly reporting — —

The SPEAKER — Order! Points of order are not a chance to debate the question. The Premier was answering the question. I do not uphold the point of order.

Mr BAILLIEU — The question included false information. I say again: the hospital budget in Victoria increased in the last budget by more than \$360 million. That is a fact — an increase, with record levels of funding. The only person who stayed silent about the commonwealth government's funding cuts in October-November was the Leader of the Opposition. What did opposition members in the other house do when they had a chance to say something about it? They voted in favour of those funding cuts. The Victorian coalition government has honoured its budget commitments; the commonwealth government has not, and it should reverse those cuts.

Violence: prevention

Mr THOMPSON (Sandringham) — My question without notice is directed to the Deputy Premier and Minister for Police and Emergency Services. Can the Deputy Premier update the house on how the coalition government and Victoria Police are taking a stand against violence in our homes, on our streets and on our public transport system?

Mr RYAN (Minister for Police and Emergency Services) — Victorians were horrified last year at the shocking death of two young women, Jill Meagher and

Sarah Cafferkey. I know the house will recall the huge and spontaneous outpouring of grief across this chamber and across the state as a result of those dreadful events. I know we will all recall 30 000 people marching in the streets of Brunswick in a spontaneous display not only to evidence the fact that we are opposed to these terrible forms of violence but also to show solidarity across this chamber and across the state against violence.

Violence in any form will not be tolerated either through the Parliament or through the Victorian communities represented in this Parliament. This week the Premier and I joined with Victoria Police and community representatives in launching the new Go4Zero community antiviolence campaign. It is a campaign that promotes the collective responsibility of everyone in our community to speak out and reject violence in any form — particularly family violence against women and children. It forges a very strong community partnership between Victoria Police and the community at large. It is supported through the Go4Zero website and through social media. That is a very important element of this campaign. The campaign is intended to empower people to say no to violence. It provides simple tips and advice as to what to do to help others who are confronted with the prospect of violent activity.

In addition to the Go4Zero campaign the government is investing heavily in cracking down on violence in the community. As you know, Speaker, last year the government launched an action plan to address violence against women and children. That was the Everyone Has a Responsibility campaign. It outlines a whole-of-government approach by our coalition government to oppose family violence and sexual assault. It will be supported by an investment of some \$90 million during 2012–13. It is intended to address prevention, early intervention and response measures.

Earlier this year my colleague the Minister for Community Services announced a whole-of-government strategy under the name Reducing the alcohol and drug toll — Victoria's plan 2013–2017. That is also being implemented.

As the house knows, in addition to those measures we as a government are in the process of recruiting, training and deploying an additional 1700 front-line operational police in the course of our first term. By 30 June this year 1200 of those additional police will be out there on the beat, with the balance of 500 to be obtained over the period through until November 2014.

In addition to that, today marks the first anniversary of the highly innovative and successful policy to recruit, train and deploy 940 protective services officers (PSOs). I am delighted to say I joined senior police and some of the PSOs at Flinders Street station today to recognise the fact of this first anniversary.

14:32:30 There were those who said one year ago we would never recruit one PSO. There were those who said we would never get the legislation through this house. There were those who whinged and moaned about this and do so to this day. There are also plenty of others from the same party who are issuing press releases every other day imploring the government to do what it can to have these PSOs deployed to the stations they represent. In fact we have 278 of these officers doing their great work. Now they are across 35 stations in the regional area, and we are going to continue rolling out this great plan. But the core for this, in fairness, is that Go 4 Zero is supported right across this Parliament on behalf of the Victorian community.

Hospitals: funding

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. Given that in the year ending 30 June last year 3493 fewer elective surgeries were performed than in the previous year and an additional 8000 patients in pain were added to the waiting list, is it not a fact that the ‘damage’ was already done under his failed leadership?

Mr BAILLIEU (Premier) — The Victorian coalition government has invested a record amount of money in hospitals. Over the last three years the federal government’s contribution to health care in Victoria has fallen from 44 per cent to 39 per cent. In addition the federal government discontinued its elective surgery bonus, which concluded last year. On top of that we have been dealing with a \$6 billion-plus GST revenue fall from the commonwealth. We have invested record amounts in the budget. We are honouring our budget commitments, and those who have stayed silent on the issue, those who have stayed silent for weeks and weeks while the commonwealth introduced unilateral funding cuts to hospitals, are simply embarrassed now. What occurred overnight is a short-term political fix. It is — —

Ms Allan — On a point of order, Speaker, the Premier is debating the question. I will not repeat the question, but you have it before you. It very clearly referred to the performance of Victorian hospitals, as led by the Victorian government, as a result of Victorian government funding cutbacks. It had nothing to do with the federal government. There is no mention

in the question of the federal government. We ask that you draw the Premier back to answering the question and be relevant to the standing orders.

The SPEAKER — Order! I do not uphold the point of order. The answer was relevant to the question that was asked, which was in regard to funding.

Mr BAILLIEU — My advice is that the federal government’s share of health funding in Victoria has fallen from 44 per cent to 39 per cent. In examining how Victorians have responded to the commonwealth government’s cuts in October and November last year, there are two comments that I found — —

Mr Andrews — On a point of order, Speaker, the question is not an opportunity for the Premier to appraise us of comments from the Victorian community. He ought to be asked to answer the question about the fact that less elective surgery was done last year than the year before, long before any changes to federal funding. That is what he ought to answer and nothing else.

The SPEAKER — Order! The Premier can answer the question the way he wishes as long as it is relevant to the question that was asked. The answer is relevant to the question that was asked.

Mr BAILLIEU — I found two comments in regard to hospital funding in Victoria. One reads:

That’s not perhaps the wisest decision that they may make.

The other one in regard to federal government funding cuts:

Decisions have been made in Canberra that affect patients and affect them badly ...

They are the only two recorded comments that can be attributed to two individuals who are otherwise the lackeys of Bill Shorten and Stephen Conroy: the Leader of the Opposition and Mr Jennings in another place.

Middle East: trade mission

Mr BLACKWOOD (Narracan) — My question is to the Minister for Agriculture and Food Security. Can the minister inform the house of the benefits that will flow to the Victorian economy, farmers and food exporters of the imminent super trade mission to the Middle East?

Mr WALSH (Minister for Agriculture and Food Security) — I thank the member for Narracan for his question and his interest in this trade mission. I will be joining the Minister for Innovation, Services and Small

Business and the Minister for Ports on the super trade mission to the Middle East and particularly to Gulfood. The Middle Eastern market is the third most significant market for exports from Victoria following North Asia and South-East Asia. There are 170 companies going on this trade mission. Fifty-nine per cent of those are small to medium enterprises, so it is a cross-section of industry from Victoria. Forty per cent of those going are new to the Middle Eastern market, and 24 per cent have never exported before, so it is a great export opportunity for businesses to get into the export market and businesses to get exposure into the Middle Eastern market. Twenty-two per cent of those businesses are from regional Victoria. Seventy-five of those businesses are food or beverage businesses or agribusinesses.

The Middle Eastern market imports somewhere between 80 per cent and 90 per cent of their food requirements, so it is a significant market for Victoria. The population of the area is increasing. A high percentage of that population is under 25 years of age, so there are great opportunities for us into the future. The industries that are going are red meat, dairy, grain and horticulture. In the red meat industry a number of abattoirs are going, including the Stapleton family from Ararat, Frewstal from Stawell and Midfield Meat International, and Swan Hill Abattoirs is going for the first time.

14:40:00 It has not exported before. It is currently spending \$32 million to upgrade its plant to get into the export market, and it will be employing 100 additional people at that particular abattoir. This is an opportunity for it to get exposure into the export market through what the Victorian government is doing with this trade delegation.

In the dairy industry Murray Goulburn Co-operative is going. It is very keen to build its branded product in the Middle Eastern market and to increase the presence of the Devondale brand there. Tatura Milk will be there. Last year when it was there it announced a significant upgrade of its plant — \$7.8 million to increase cream cheese production by 50 per cent specifically to target the Middle Eastern market. Burra Foods will be there, which is one of the specialty dairy companies here in Victoria.

In the horticulture sector Select Harvests and Olam, which are two of the big almond producers in the world, will be going this year. Australia is aiming to increase its almond production from 3 per cent to 8 per cent of the world trade. This is an opportunity for those businesses to get into the Middle Eastern market. Olam is investing \$60 million into an almond processing

plant at Carwarp, south of Mildura, which has been assisted with \$1.7 million from this government for road infrastructure, for power upgrades and for water. That money has come out of the Regional Growth Fund. Again, as I said the other day, Regional Growth Fund money is being used to leverage investment from private enterprise to grow jobs in country Victoria.

Wandin Valley Farms, the cherry exporter, went on a trip to China and had good sales there, and it is going again because it can see opportunities — another business that has actually been helped by this government, with a \$250 000 grant to assist in the upgrade of its packaging and sorting equipment so it can target those export markets.

We are going to have the opportunity to visit the Emirates Airline's kitchen in Dubai. There are 80 000 meals prepared in that kitchen per day — a great opportunity for our businesses to be part of that food supply.

This trip is about building relationships for our exporters, growing export markets and creating jobs right across Victoria, particularly in regional Victoria and for those food businesses that are going.

Hospitals: bed numbers

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. Given that the Minister for Health has refused to release statements of priorities signed last September and given that the Minister for Health has refused to release hospital performance data from the September quarter last year — that is, nearly six months overdue — I ask: will the Premier at least release now the location of even one of his promised 800 extra hospital beds? Just one?

Mr BAILLIEU (Premier) — I can inform the house that the September quarter figures for 2004 were released in April 2005, the September quarter figures for 2005 were released in April 2006, the September quarter figures for 2006 were released in May 2007, the September quarter figures for 2007 were released in May 2008, the September quarter figures for 2008 were released in July 2009 and the September quarter figures for 2009 were released in April 2010. We are releasing quarterly reports, and the minister will release them in a timely and appropriate fashion.

Mr Merlino — On a point of order, Speaker — —

The SPEAKER — Order! The Premier has concluded his answer.

Mr Merlino — He was not being relevant to the question. He had 3 minutes — —

The SPEAKER — Order! The Premier has concluded his answer.

Melbourne Markets: relocation

Mr SOUTHWICK (Caulfield) — My question without notice is to the Minister for Major Projects. Can the minister update the house on the progress of the Melbourne Markets in Epping and what he is doing to fix the problems that were left after years of mismanagement?

Dr NAPTHINE (Minister for Major Projects) — I thank the member for Caulfield for his question and his interest in this very important project. Members would be aware that the project to relocate the very important Melbourne fruit, vegetable and flower market to Epping was completely mismanaged by the previous Labor government, resulting in the project being many years later and hundreds of millions of dollars over budget. I am pleased to advise the house today that this government has taken another significant step forward to fix the problems it inherited from the previous Labor government.

The government has called for expressions of interest for the construction of over 100 000 square metres of warehousing at Epping. This project will involve the investment of tens of millions of dollars and create hundreds of jobs in Epping and the northern suburbs. I would have thought that the members opposite would have been interested in jobs being created in the northern suburbs — clearly they are not.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBERS

Members for Williamstown and Yuroke

The SPEAKER — Order! The member for Williamstown and the member for Yuroke can both leave the chamber for an hour.

Members for Williamstown and Yuroke withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Melbourne Markets: relocation

Questions resumed.

Dr NAPTHINE (Minister for Major Projects) — This warehousing is critical for market tenants to store fruit and vegetables and complement their operations on the market floor complex, which is almost completed. On coming to office and looking at this project, I was surprised that under the previous Labor government there were no provisions whatsoever for warehousing at Epping. It is of note that at Footscray Road there is room for only 30 000 square metres of warehousing. Many operators at the market have to have warehousing off site. At market briefings tenants have advised us that they want as much as 125 000 square metres of warehousing at Epping to improve the operation, provide storage and make sure that they have warehousing that is only a short forklift drive away from where they are selling their fruit and vegetables.

We were also pleased that in December last year, when we had a ballot for stores for warehouse wholesalers, there was 100 per cent active participation in that process. They came along, put their hands up and said that they wanted to be part of the market move to Epping because they had confidence that this government could deliver on this project. The previous Labor government promised that the project would cost \$300 million and be delivered by 2010. The Auditor-General said that it will cost more than double that \$300 million. The Auditor-General said it is many years late and identified incompetent management and incompetent leadership from the minister who was formerly responsible for this project, the member for Tarneit. He absolutely mismanaged this project, and as a result of his mismanagement he has been promoted.

Honourable members interjecting.

Dr NAPTHINE — The Auditor-General identified this project as one of the most incompetently managed projects in the history of the Victorian government. The member for Tarneit was responsible — —

Mr Nardella — On a point of order, Speaker, the question was asked by a member on the minister's side of the house. It was about government business. It is not about an attack on anyone on this side of the house. As per the standing orders, I ask you to bring the member back to government business.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Dr NAPTHINE — This project was completely mismanaged by the former minister and the former Labor government. We are fixing the problems we inherited from the previous Labor government. We

have announced this warehousing project that will deliver enormous investment and hundreds of jobs for the northern suburbs and get this project back on track.

JUSTICE LEGISLATION AMENDMENT (CANCELLATION OF PAROLE AND OTHER MATTERS) BILL 2013

Second reading

Debate resumed.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to continue my contribution on this very important piece of legislation, which addresses an issue that concerns the community and me — that is, the cancellation of parole for serious offenders. It took the coalition to do something about this very important issue. The community would be well aware that there are many people who have been affected personally by people on parole committing heinous crimes, and there has been a call by many in our community to see governments act on this. Members will recall the recent example of the Corp family, who organised a rally calling for the government to change the legislation in this important area. It took a coalition government to respond to this issue; a government that is committed to fixing law and order in this state.

I am very proud to support this legislation. As I pointed out in my contribution before the luncheon break, those opposite have questioned, challenged and queried why we are implementing this very important piece of legislation, but members of this government know that the community expects us to act on issues regarding community safety. That is why members have seen a raft of legislation introduced into the Parliament covering this very important topic. The community has seen this government's commitment of 1700 new front-line police officers and the commitment of 940 protective services officers (PSOs). I am very pleased to see that in my own community the Boronia and Ferntree Gully railway stations are now protected by PSOs, who have been warmly embraced. As all Victorians know, a change of government at the next election will see the PSOs scrapped across our rail network. Those opposite should hang their heads in shame for adopting such an appalling position on the PSOs.

This bill is very important. It implements a number of changes that will meet the need to uphold community standards. The first thing is that sex offenders and serious violent offenders convicted of a sex or violent offence while on parole will automatically have parole cancelled. The second thing is that sex offenders and

serious violent offenders charged with a sex or violent offence while on parole must have their cases considered by the Adult Parole Board of Victoria, with a presumption that parole will be cancelled. That is the presumption, and it is then up to the parole board to determine why that cancellation should not occur. If a sex offender or serious violent offender is convicted of a lesser offence, they will have their parole reassessed with a presumption that parole will be cancelled. For all other offenders convicted of fresh offences carrying a term of imprisonment while on parole, the adult parole board will have to deal with their parole with a presumption that their parole will be cancelled, and all other offenders charged with fresh offences carrying a term of imprisonment while on parole must be reassessed by the parole board.

The community has asked the government and this Parliament to deal with this issue. That is exactly what the government has done. I would have thought that those opposite would have learnt a lesson from the election and from what has happened over the last 18 months, when the Victorian community has been crying out for changes to our legislation in regard to offenders. I am just amazed and surprised at the contributions of those opposite when they question, query and worry about the bill before the house. In his contribution the member for Eltham said that the government, in creating this kind of legislation needs consider what impact it will have on the police force. I would have thought that the fundamental concern here was not whether or not the police force can deal with offenders but creating laws that actually stop offenders from reoffending. I would have thought that was the priority of this Parliament, and I would have thought that was the priority of governments. I, for one, will support legislation that sees that a serious sex offender who is out on parole and charged with a sexual offence has their parole cancelled. This is not about the effect of this legislation on the police force. What message is the member for Eltham sending to the Victorian community? His presumption is that the impact of this legislation on the police force is more important than the views of the Victorian community.

We are putting in place policies to deal with serious sex offenders and we are also employing more police. 14:57:30
Members of the opposition stand condemned and they still do not get it. The coalition went to the last election with a very clear policy on law and order. I am proud to say that we took a position that was different from that taken by those opposite. We listened, we spoke to Victorians and we found out what they wanted. They wanted stronger laws to deal with serious sex offenders and people who were committing serious assaults and they wanted to see more police on our streets. That is

exactly what we are delivering in this state. This is important legislation that demonstrates that a government is not only acting but more importantly is listening. It hears and understands what people want and knows that it is expected to act.

I did not attend the rally that took place but many concerned Victorians attended. I am advised that they heard from one of my constituents, someone I speak proudly of in this place, and that is Mr Noel McNamara who heads Crime Victims Support Association. He is a wonderful man, a great Victorian and a great Ferntree Gully resident who every Saturday morning sells sausages at Ferntree Gully Village to raise money for victims of crime. He does this off his own bat because he wants to do everything in his power to help those who are less fortunate and who have suffered at the hands of offenders. People like Noel have said that they expect governments to listen and to act. I can only hope legislation such as we see before the house today which has been implemented by the Minister for Corrections is another demonstration of a government that is not only listening but acting.

I would have thought that when those opposite hear the harrowing stories of families who have lost loved ones at the hands of serious sex offenders or violent offenders who are out on parole, they would not stand up in this place bemoaning, belittling and criticising the government. Instead they would stand up and say, 'We got it wrong; we had 11 years of government; we did the wrong thing; we should have fixed it, we didn't do that. We accept the fact that we didn't do it but at least this government is doing it'. I hope they would say, 'This is important legislation and we will stand up in this place and support it without restrictions'. All members of the opposition have done is to go to their communities and say, 'We will support the legislation. Don't worry, we back you', and then they stand up in this place and whinge and whine about the legislation this government is introducing. Members of the opposition have to put their hands on their heart and work out what they stand for. Do they support legislation or do they oppose it? They cannot say one thing out there and then go and do the other. I am pleased to see this bill pass through the house.

Ms HALFPENNY (Thomastown) — Those who commit sexual and violent crimes against others should face the full force of the law. Surely no-one would have anything but compassion and sympathy for those who lose loved ones and those who are the victims of some of the most heinous and awful crimes. No-one could imagine the grief experienced by families who have lost loved ones or been the victims of such terrible crimes. The penalties that apply to those who commit these

terrible crimes should necessarily be tough and at a level where people believe justice has been done. In some ways government members have misinterpreted what Labor members are saying. We are not disagreeing with tough penalties; what we are saying is that tough penalties alone are not enough to deter people from committing some of these awful crimes.

I will refer to a number of aspects of the legislation that we are debating today briefly as others have already gone through the bill in great detail. The first aspect concerns changes to circumstances in which parole can be cancelled. The provisions in this legislation mean that offenders who have committed sexual or other serious violent offences and have been charged during their parole period with committing further sexual or violent offences must have their parole cancelled. In cases where a prisoner who has committed a sexual or serious violent offence is charged while on parole with committing a further offence that is not of a sexual or violent nature the Adult Parole Board of Victoria 'may' cancel their parole, as opposed to 'must'. These are the nuances of the current legislation. It provides for circumstances where parole must be cancelled and other circumstances where there is some discretion and parole may be cancelled.

The second aspect of the legislation I refer to is the issue of electronic monitoring. Again, this is something, as I understand it from looking at the history, that already occurs and the inclusion of electronic monitoring within the context of the legislation we are talking about today really just puts into the law practices that are already occurring.

The third aspect is the representation of children in cases before the family division of the Children's Court, in particular cases involving child protection. Prior to this legislation a child aged seven or above, if determined by the court as having the maturity to articulate instructions to a legal representative, was able to have independent legal advice and instruct their own lawyer. This legislation increases that threshold from 7 to 10 years of age with the same qualification that it is dependent on the maturity of the child and whether in the eyes of the court they have the ability to issue those instructions.

In a recent *Age* article, YouthLaw advocacy officer Tiffany Overall and other advocacy groups stated that this change was unnecessary. Whether a child is aged 7 or 10, their maturity must still be assessed. You cannot just randomly name an age at which point a child should be able to instruct a lawyer. Advocates are concerned that this change to the legislation is not about making the law better, fairer or more just; it is about

saving money. In this instance Victoria Legal Aid must provide further funding to arrange for a child to have access to a lawyer.

They are the three aspects of the proposed legislation I wished to raise. Labor does not oppose the legislation. Penalties should be tough. But what else is the government planning to do to prevent violent crimes being committed against people? We can talk about penalties — that is easy — but what else is the government going to do? More has to be done to prevent crimes being committed so that we do not have victims of crime. We need to look at resourcing to combat domestic violence and legislation to prevent child abuse, not just within the family.

I am a member of the Family and Community Development Committee, which is currently conducting an inquiry into child abuse. There have been many public submissions to that inquiry alleging that very little has been done to prevent heinous crimes being committed against children. In fact a number of public submissions allege that some of the worst crimes were committed against children whilst they were in the care of the state. Most of these allegations are of a historical nature. However, the government must also take some responsibility in preventing violent and sexual crimes being committed against members of our community by ensuring that legislation is passed that will protect the children, women and men of Victoria.

Mr KATOS (South Barwon) — It is a pleasure to rise to make a contribution in support of the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. The Baillieu government was elected on a policy of increasing police resourcing and getting tough on crime. Police resources under the previous government fell away to the lowest per capita in Australia. It is a long haul to get those resources back up, but that is what the Baillieu government is doing. Getting tough on crime is what we were elected to do.

During my campaign in the South Barwon electorate I campaigned extremely heavily on law and order issues. When I doorknocked I gained a strong indication from the community in South Barwon that it wanted us to get tough on crime and increase police resources. I doorknocked almost 14 000 homes during that election campaign. On one of those occasions I doorknocked a house in Grovedale, a southern suburb of Geelong, and inside found a film crew for *7.30 Victoria*. The owner of the house, Nicole Plowman, was recounting the story of the vicious killing of her brother, for which the offender was given a lenient sentence. It was a very poignant story. One thing that was apparent to me from this experience is that jail means jail. That is what

Nicole wanted; she wanted people who are convicted of crimes to serve jail terms.

The government has gotten on with delivering on its policy of law and order. Among the things that the Baillieu government has already done is abolish suspended sentences. As I said earlier, jail means jail. No more slaps on the wrist. That has been put to me very strongly by my local community, both as a candidate and as a local member. I believe most members in this house would be being told the same thing by their communities.

The government has introduced new hoon driving laws that get tough on fools who behave inappropriately while driving. We have introduced antibullying legislation including Brodie's law to stop acts of bullying in the workplace like the one that unfortunately led to that young girl taking her life. We have brought in anti-bikie legislation, which recognises that most of these bikie gangs are involved in organised crime and consequently we are getting tough on them. An Independent Broad-based Anti-corruption Commission has been established that will oversee elected officials, judges and people in high office. The previous government had 11 years to introduce that. What did it do? It did nothing.

We are also well on the way to delivering 1700 additional police in this term of government. In my own electorate construction of the new Waurn Ponds police station, a \$13.6 million commitment, will be started this year; I am really looking forward to that. We have also boosted resources for jail beds, because if we are going to get tough on crime these perpetrators have to be put somewhere.

The bill before the house today has three overall objectives. It amends the Corrections Act 1986 to provide for cancellation of parole in circumstances where a prisoner has been charged with or convicted of certain offences. The bill also clarifies the powers of the Adult Parole Board of Victoria in relation to the electronic monitoring of prisoners. The bill also amends the Children, Youth and Families Act 2005 to clarify the circumstances in which a child may be legally represented in matters before the family division of the Children's Court.

As the Minister for Corrections said in his second-reading speech, parole should be treated as a privilege; it is not a right. If someone is sentenced to a custodial sentence and they are released early on parole, that is not a privilege; they are fortunate to be out early. The community certainly expects that if a prisoner is released on parole, they adhere to the conditions placed

on them. Obviously one of the main conditions is that they do not reoffend. We take that very seriously. Under the changes to the parole system, if you reoffend with a serious crime or sex offence, then you will go straight back to jail. In my view that is very sensible and is what the community expects of us as legislators. If the person who has the privilege of being out on parole reoffends, then they should be sent to jail; that is what they deserve.

The changes proposed in this bill will make Victoria's parole regime the toughest in the country. I am proud of that. I am proud that this government is sending a clear message that if you reoffend whilst on parole, you should expect to go back to jail. The provisions under consideration in this legislation are similar to those in South Australia, Tasmania and the Australian Capital Territory, where parolees who are convicted of further offences will have their parole cancelled. Victoria takes that one step further. In certain circumstances, if charged with an offence, a parolee can have their parole cancelled.

The bill also amends the Children, Youth and Families Act 2005 to clarify the circumstances in which children may be legally represented in child protection matters. Currently the age is 7; that is now being raised to 10.

15:15:00 I think of my children — I have four sons, aged nine, eight, six and two — and even the eldest would struggle to give instructions to a lawyer and understand what was going on. At nine Zachary, my oldest boy, is very bright, but I cannot see him — heaven forbid that it would ever happen — having the capability to give instructions to a lawyer with regard to legal matters. My eight-year-old and six-year-old would be completely lost; they would not know what to do. That reform is very sensible. Obviously a child needs to be old enough to know what they are doing.

As far as parole goes, the changes that have been proposed are that sex offenders and serious violent offenders convicted of a sex offence or violent offence while on parole will automatically have their parole cancelled. Sex offenders and serious violent offenders charged with a sex offence or violent offence while on parole must have their cases considered by the Adult Parole Board of Victoria, with a presumption that parole will be cancelled. These are very sensible changes. These are people who have committed a serious crime, and the community expects that while out on parole offenders have to do the right thing. If a person is given an opportunity to be released from custodial sentence and that person is caught reoffending, they need to go straight back to jail. That is very sensible and what my community expects.

The government's commitment to law and order is very important. I firmly believe it was one of the key platforms that saw us elected in 2010. The previous government had a reputation for being soft on law and order, allowing perpetrators to get away with too much and receive lenient sentencing and slaps on the wrist. As I said, everyone deserves a chance. If it is a person's first time before a court and they have never done anything wrong before, I understand some leniency; however, when you get people going back to court for the fourth, fifth or sixth occasion, I do not think the courts should show leniency. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to contribute to the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. At the outset of my presentation I make it very clear that I support the use of parole to enable worthy prisoners to more effectively reintegrate back into society, but I, along with the community that I represent, am a harsh critic of the parole system as it operates at the moment. We believe that parole is a privilege, not a right, and if that privilege is abused, then it is back to jail.

I expected full and unequivocal bipartisan support for this bill. However, some members of the opposition while using the term 'not oppose' have made claims such as that this bill simply codifies existing practice. That claim was made by the member for Yan Yean and the member for Bendigo West, and people can go to the *Hansard* to verify that.

Did they listen to you, Acting Speaker, the member for Benambra, when you listed case after case where serious sex offenders and other serious criminals on parole committed heinous crimes? Did they listen to the member for Shepparton who spoke about the absolute tragedy of the Irwin sisters being raped and murdered by a criminal who had a long history, who under the existing parole system was out in the community and who committed not just that crime but other crimes as well? Did the members opposite listen to that? Can they say this bill is codifying existing practice? Can they say the system is working at the moment when that is what is happening? They cannot say that with hand on heart.

I also commend the member for Shepparton for the campaign that she has conducted since the Irwin girls were so brutally murdered by a man out on parole because of a system that was broken. She conducted that campaign on behalf of the girls and their parents to at least get something out of that tragedy and try to ensure that events like that will not occur again. I reiterate that this bill is about making it clear that parole

is a privilege, not a right. If that privilege is abused, then it is back to jail.

It is also interesting that those on the other side have also questioned whether the current system is actually broken, and as I have said, there is evidence to indicate that. A concern has also been expressed about this legislation reverting to the presumption of guilt in the case of some of these matters — in that if a parolee who is a serious sex offender is charged with a crime, then there is a presumption of guilt unless there are extenuating circumstances. I say to the member who raised that angle, the member for Kororoit, that she should talk to her community. She should ask members of her community if in the circumstances outlined in the background to this bill and the environment that we are working in they support what the coalition government is doing or if they want to give these offenders, who have a terrible track record, a presumption of innocence that enables them to go out and so often, as we have seen, commit heinous crimes.

15:22:30 In my electorate a situation arose where a constituent came to me to raise his concerns about a serious sex offender — a man — who had repeatedly drugged, beaten and raped a person. This man had threatened to murder the constituent. Under the parole system as it works at the moment, that man was able to continue with that antisocial and serious behaviour for a considerable time until eventually, after allegations of illicit drug possession and the growing of illicit drugs were made, he was charged and taken to court, he was found guilty and he was fined. I repeat: a man with that track record was taken to court, found guilty of serious offences and simply fined.

As it turned out some other things occurred after that, another warrant was made for his arrest and he was put in jail. Nevertheless, it was clear from that person's track record that he had already had one or several chances too many to continue his illegal activities, continue to be a threat to the safety of a constituent in my electorate, continue to be a threat to a child and continue to drug, beat and abuse a person. Our system, as it operates at the moment, allowed him to do that.

I say to the Minister for Corrections and to the coalition government that by bringing this bill before the house — a bill which is about serious sex offenders or serious violent offenders — we are removing the presumption of innocence when they are charged with serious offences and we are saying, 'You have abused your privilege; that privilege is going to be removed from you'. That is what our community expects us to do. As the Minister for Police and Emergency Services indicated in his response to a question in question time

today, this measure is part of our coalition government delivering on our commitment to make Victoria a safer place to live, work and raise a family. We are doing that because that is what the community wants.

In conjunction with this legislation which toughens up the parole regime, we are also toughening up on people found guilty of gross violence. We have more police on our streets and more protective services officers. Over and above that, we are also running an education campaign. We are trying to send out the message that domestic violence and other forms of violence and criminal activity are not acceptable.

Criticisms have been levelled at the government, particularly by the member for Yan Yean, that the government is not doing enough. In fact the member for Yan Yean accused the government of misleading the community. I say to the member for Yan Yean that she should look at the total package that the Baillieu-Ryan coalition government is delivering, and she will see that it has responded to community concerns about crime, violence and serious sex offenders, and that it is putting in place a series of measures, including tougher penalties and the revocation of parole if a serious offender commits a serious offence. She will also see that we are running an education program. We have a complete package.

There have been other interesting criticisms of the bill, including one which I think was made by the member for Cranbourne. He suggested it is important that the effectiveness of this legislation be monitored, and I agree with him wholeheartedly. Nevertheless, is it not fascinating that a member of the Labor opposition would propose that something should be monitored, particularly when Auditor-General's report after Auditor-General's report have identified a lack of outcome focus in programs undertaken by the previous government and an absolute disconnect between grassroots activity and furry objectives? Is it not fascinating that a member of that party could make the common-sense request that we have monitoring?

I endorse this bill, I endorse the proposition that its effectiveness should be monitored and I am confident the results will show that this regime will be effective, because members of the coalition government are demonstrating clearly that we will be tough on crime and tough in relation to parole. Parole is a privilege, not a right, and if that privilege is abused, then it is all over red rover.

Mr BATTIN (Gembrook) — It gives me great pleasure to rise to support the Justice Legislation Amendment (Cancellation of Parole and Other Matters)

Bill 2013, and this is a great note to start on. We came into Parliament on Tuesday this week, and one of the first debates we had was on the government's business program. We spoke about the bills that were coming up and the program for the entire week, and those opposite were more than happy to get up at that time and talk about how the program did not have much depth. To use their words, now famous, they said the program was 'not important'. Is now not the perfect time to say it was not important? They have run out of people to discuss and debate one of the most important bills on this agenda.

This bill is out there and goes right in line with the coalition's way forward of protecting our communities and ensuring that we have the best options for Victoria's future. This bill is about reminding Victorians that government members understand and need to make sure that people on parole understand that parole is a privilege, not a right. Parole is a privilege given to parolees, who should not jeopardise it. If they do, then the parole board has the right to take that privilege from them, and I think it is important that we strengthen that provision.

I was talking about the opposition members over there, most of whom have packed their bags and gone home. I am not quite sure where they are. Obviously they are not interested in this particular matter. I note that the opposition's fantastic new shadow Treasurer, who has held that portfolio for a whole week now, has been so lazy that he has not been able to think of a question to ask in his first week as the shadow Treasurer. That is quite disappointing, and those opposite should work on that.

I will follow up some points made by the member for Benalla who spoke about law and order in Victoria. This government has a fantastic story to tell. I heard the member for Benambra speaking earlier about some of the frustrations faced by members of the police force and others in the legal system, particularly in relation to matters of parole. This government has a whole package coming forward which is about education. It is about getting the message out there about what we can and cannot accept and what we will and will not accept.

The coalition's package is about ensuring that sentences are appropriate and in line with community expectations. What those on the other side totally forgot about and neglected to do when they were in government was to listen to the community. We have to bring the system in line with what people expect. People in the community expect that when someone who is on parole commits any offence punishable by imprisonment, such as a serious violent offence or a

sexual offence — or if they commit a violent offence or are charged with any such offences — that person's parole will be cancelled. That is an expectation that I think they should have, and it is an expectation they should be able to continue to have. To make sure we have a safer community we are including these and other measures as part of the package.

The government has developed an anti-violence advertising package called Go4Zero, because government members do not want to see violence on our streets. We do not want to see the sorts of headlines we have seen in the past, including the ones about people being glassed. I do not want to see reports about such events happening at Berwick railway station — someone was glassed at that station. The government is putting measures in place to prevent these sorts of events from happening.

More protective services officers (PSOs) are coming. As I said earlier today, there are more than 270 PSOs out there, and some 1200 additional police have already come through. By the end of this government's first term there will be more than 940 protective services officers working to protect our communities. This is a fantastic initiative that we have implemented for all our communities in every single electorate.

It is quite interesting that in the past we have heard many members of the opposition bag the introduction of PSOs, even calling them 'plastic police'. I remind those opposite that PSOs are men and women who protect not only us here in this Parliament but people throughout our community. They protect the Shrine of Remembrance, and they do an absolutely fantastic job after going through some of their great training.

During question time today members on the other side yelled out, 'Where are the PSOs in my community?'. All of a sudden they are supporting this great policy, but they are the last on board. The coalition came to the table with a policy it believed would work at the time and it was confident with, and the community supported that policy. The community came out and said, 'What a fantastic idea! We want to be safe on public transport'.

The Victorian community supported that plan and elected a coalition government. After the election members of the Labor Party decided to come on board because all of a sudden they wanted protective services officers in their communities. They said, 'We want them at our local train stations'. They are calling them for now, but, as I said, they are the last to come on board. What the other side will not come out and guarantee is keeping the PSOs on. Victorians need

PSOs on stations. They are doing an absolutely outstanding job. You only need to go to stations like Dandenong train station, which has seen a massive change with the deployment of PSOs, or their more recent deployment at the Berwick train station, which is patrolled from 6.00 p.m. until the last train.

In relation to the bill, questions have been raised about what a serious offender or a serious violent offence is. It is important that we get this on the record. It is anything to do with murder, manslaughter, child homicide, defensive homicide or any of the following offences under sections 16, 17, 19A, 20 and 21 of the Crimes Act 1958. For many years serious violent offences in Victoria were something that were almost tolerated. In the 2010 state election campaign we said that should we get into government we would not tolerate violence, including family violence or violence on public transport.

In government we are getting on with the job of making sure we do not tolerate violence at any level whatsoever. As I said, anyone who does commit any of these offences or is charged with any of these offences will have their parole revoked and be put back into prison until they go to trial. As I said before, it is like a drivers licence: it is a privilege, not a right. If you want to expand the comparison to a whole different level, if you get pulled over while driving and you have a blood alcohol reading over .15 when breathalysed, your licence is suspended straightaway and there is no immediate court case. Victorians understand that a licence is a privilege, not a right. We need to make sure that that understanding informs this debate.

The cancellation of parole is automatic if a sex offender or serious violent offender is convicted of another sexual offence or violent offence. Again, as I said, this is something the community expects. In recent months there have been vigils and marches with communities increasingly getting on board with the changes they want to see happen. We have seen headlines such as 'Parole killings anger mounts', which appeared above an article in the *Herald Sun* of 2 February. Victorians understand what is going on. They have seen how neglected the system has been and that the whole parole system needs to change. They understand why we are making these changes and that it is a positive move for safety in our communities.

We have appointed a former Victorian deputy police commissioner, Mr Walshe, to the Adult Parole Board of Victoria. The idea is to get a perspective on what Victorians want and a perspective on what Victoria Police see every day. He is someone who can have a fair-dinkum say about the things he has seen and

attended to in relation to these issues. Mr Walshe has over 44 years experience within Victoria Police. He has 44 years experience dealing with people who commit crimes. He has 44 years experience dealing with criminals.

Mr McIntosh — Thirty-four!

Mr BATTIN — Maybe 34 years experience; I thank the minister. It is important we get someone like that on the adult parole board who can establish what it is like because throughout his career he has dealt with the victims of crime as well as the offenders. He understands the pressures that are put back on victims when parolees get back out. Although my contribution is short, I very much support the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013, which I know the Acting Speaker, the member for Benambra, is happy to support as well. I wish the bill a speedy passage.

Mr CRISP (Mildura) — I rise to make a contribution to the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. I will be reasonably brief in my presentation. The purpose of the bill is to amend the Corrections Act 1986 to provide for the cancellation of parole circumstances where the prisoner is charged, convicted or found guilty of certain offences while on parole; to clarify the powers of the Adult Parole Board of Victoria in relation to electronic monitoring; to amend the Surveillance Devices Act 1999 in relation to electronic monitoring; and to amend the Children, Youth and Families Act 2005 in relation to proceedings in the family division of the Children's Court to clarify the circumstances in which a child may be legally represented and a child may be sufficiently mature to give instructions to a legal practitioner.

The objectives of the bill are to amend some laws relating to the cancellation and variation of parole under the Corrections Act 1986 where a prisoner has undertaken a number of offences. The bill makes it clear that the adult parole board can impose a condition on a parole order that the prisoner can be subject to electronic monitoring. The bill aims to amend that children's act to allow children to give evidence.

The coalition commitment was to get tough on those who offend on parole. This has been made quite clearly. The Premier was quoted in a media release of 5 February 2013 as saying:

Parole is a privilege, not a right and community safety has to be [our] priority ...

That is something we are delivering with this legislation. Parole is available, but again it is a privilege, not a right. Some concerns have been raised about parole orders, and the changes to this legislation will ensure that sex offenders and serious violent offenders convicted of a sex or violent offence while on parole will automatically have their parole cancelled; sex offenders and serious offenders charged with a sex or violent offence while on parole must have their case considered by the adult parole board, with a presumption that parole will be cancelled; sex offenders and serious violent offenders convicted of lesser offences carrying a term of imprisonment while on parole must be re-assessed by the adult parole board, with a presumption that parole will be cancelled; all other offenders convicted of fresh offences carrying a term of imprisonment while on parole must be re-assessed by the adult parole board, with a presumption that parole will be cancelled; and all other offenders charged with fresh offences carrying a term of imprisonment while on parole must be reassessed by the parole board.

The coalition is serious about community safety. We are delivering 1700 more police. We are delivering 940 protective services officers (PSOs), and 270 of them are out there now. This is to give comfort to everybody in our community, but in particular I want to talk about the comfort that this gives to country people.

15:40:00 Our police stations are now becoming fully staffed. We are seeing improvements in law and order and the confidence people have in law and order. Country people have concerns when they are out of their patch, such as when they are in the city and travelling on public transport, but they are very comforted by the presence of PSOs. The comments made over time by the opposition about 'plastic police' were very ill-informed. There is also the great comfort that comes with having had that experience of knowing that you can travel on public transport, including on trains at night, knowing that there are PSOs out there. To hear from the opposition that it plans to scrap this program is absolutely dumbfounding to people in the bush. The city is a strange place; we are ducks out of water when we are here, and being on railway stations at night worries people. The fact that we have PSOs around gives us enough comfort to use public transport in less busy times, which suits us because we do not handle crowds so well either.

Safety is of paramount importance to this community. Reoffending is unacceptable, and this bill will make the consequences of reoffending very clear. Knowing that I have a colleague anxious to make a contribution, with those brief words I commend the bill to the house.

Ms McLEISH (Seymour) — I rise to make a contribution to debate on the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. I am pleased that the Attorney-General has introduced yet another significant bill to this house that is going to make a difference to us in terms of our community safety. I congratulate him very much on bringing this forward.

There are two critical components to this bill. The first is the amendments to the Corrections Act 1986. These amendments are designed to vary and cancel parole in varying circumstances. The second component is the amendments to the Children, Youth and Families Act 2005. This has regard to the legal representation of children in the family division of the Children's Court. I want to put a little bit of context around this in the first instance. It was very much thought that the previous government was soft on crime. There were a lot of concerns about community safety, and there were many incidents happening that people were getting very concerned about. As a government we came in on a platform of strengthening our community protections and strengthening the law and order of this state. This bill is certainly part of that.

Last week we debated gross violence offences. There had been incidents of vicious kicking and head stomping. It was really beyond brawling and included an element of predetermined planning and going away and coming back and causing serious injury to someone. We have had a lot of campaigns. Today we have heard about the Go4Zero campaign. We have additional police on the streets, as well as protective services officers (PSOs). We have begun the campaign not just on our streets but on our railway stations as well, where PSOs are delivering greater safety.

I want to look at the specifics of this bill and begin with the amendments to the Corrections Act, which I mentioned earlier are to vary and cancel parole in particular circumstances. One of the reasons that is extremely important is that currently of the top five most-wanted criminals in Victoria three have breached parole. That is pretty significant. We have heard from various members, including the Premier, about parole being a privilege, not a right, and how what is important is community safety and how all of us have those protections as we go about our daily lives. We should feel that we can go to different places and know that we are being protected as best as possible. Here we are looking at varying the parole system so that parolees who reoffend will have their parole automatically cancelled or reassessed.

I want to give a few specific examples here. Sex offenders and serious violence offenders who have been convicted of a sex offence or serious violent offence while on parole will automatically have their parole cancelled. That is fairly strong. The next one is that sex offenders and serious violence offenders charged with a sex offence or serious violent offence while on parole must have their case considered by the Adult Parole Board of Victoria, with the presumption that the parole will be cancelled rather than the other way around. That is certainly strengthening this element. The next one is that sex offenders and serious violence offenders convicted of lesser offences carrying a term of imprisonment while on parole must be reassessed by the adult parole board, with the presumption — again, a presumption — that parole will be cancelled. The fourth point is that all other offenders convicted of fresh offences carrying a term of imprisonment while on parole must be reassessed by the adult parole board, again with the presumption that parole will be cancelled. This presumption is what is really important; it puts the emphasis on community safety and the onus on the person who is on parole. Finally, all other offenders charged with fresh offences carrying a term of imprisonment while on parole must be reassessed by the parole board. Those points are particularly important.

I want to spend a couple of moments also looking at the amendments to the Children, Youth and Families Act with regard to legal representation in the family division of the Children's Court. It is certainly no secret that when we came to government one of the other arms of our policy was to protect those who are more vulnerable in our community, particularly vulnerable children. A subset of that was the amendment of the operation of the Children's Court so that decisions and processes become more child focused and child friendly. The crux here is that wherever possible we want the court to work safely, effectively and voluntarily with families in the first instance, and if that fails, to then move on to the formal court processes.

Through the Cummins inquiry, which was about protecting Victoria's vulnerable children, a number of matters came out. We are very serious about putting these into place. When you think of the trauma of going to court and the evidence that that trauma and harm is exacerbated for children and young people because of the combative nature of court and the mistrust in the stressful situation that that is, you realise that it is really important. It is noted that we are raising to 10 the age at which children can be deemed to be mature enough to give instructions to lawyers in child-protection matters. This is a terrific bit of legislation, and I commend the bill to the house.

Ms RYALL (Mitcham) — I rise to speak on the Justice Legislation Amendment (Cancellation of Parole and Other Matters) Bill 2013. I commend the Minister for Corrections on the introduction of the bill, his second-reading speech and the bill being before the Parliament now, because it is absolutely in line with community expectations and with the wishes of victims of crime, many of whom I have spoken to over the years. The bill — and hopefully its speedy passage and proclamation — will bring reassurance to them and reduce the stress and trauma they go through, as well as being in line with community expectations.

15:47:30

The bill amends the laws regarding cancellation or variation of parole under the Corrections Act 1986. It is focused on the situation where a prisoner has been charged with or convicted of an offence whilst they are on parole. The bill makes it clear that the Adult Parole Board of Victoria can also impose electronic monitoring as a condition of a person's parole. We have heard the minister, the Premier and many others in the chamber say parole is a privilege, not a right. That is the way it should be; it needs to be a privilege and not a right. In keeping with its being a privilege it should be able to be revoked in the circumstances outlined in the bill.

In my early working life I spent considerable years at the Alfred hospital, where I saw many victims of violent crime who had been senselessly assaulted or bashed. It certainly brought home the issues this bill deals with — that is, the horrendous nature of violent crime and sex crime — and therefore the importance of making sure that in the event of a parolee reoffending, and certainly if the reoffending is of a violent or sexual nature, the privilege of parole should be revoked. I have been a strong advocate of White Ribbon Day and the elimination of violence against women. I was very pleased to see the introduction of the Go Zero campaign, which the Deputy Premier talked about earlier today. On that note I commend the minister and the government for the reforms that have been introduced in relation to parole, law and order and getting tough on crime, particularly after 11 years of **the former government** which was pretty lax on crime.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

**ENERGY LEGISLATION AMENDMENT
(FLEXIBLE PRICING AND OTHER
MATTERS) BILL 2012**

Second reading

**Debate resumed from 20 February; motion of
Mr O'BRIEN (Minister for Energy and Resources).**

Mr O'BRIEN (Minister for Energy and Resources) — In summing up on this important bill and important economic reform, I thank all members who spoke on the bill and welcome the fact that members of the opposition have indicated that they will not be opposing it. Nor should they, because this is an important bill that seeks to fix a lot of the mess that the former government created when it introduced smart meters. It allowed the cost of the smart meter program to blow out from \$800 million when it was originally scoped to \$2.3 billion. That is not money the taxpayers or the Treasury pays; that is money that Victorian electricity users pay on their bills. They have been paying that on their bills since 1 January 2010. When the former Labor government got projects wrong, Victorians paid higher electricity bills. That is what has happened. The coalition was were elected on a clear policy to review the program top to bottom. We did that.

A few remarks have been made in the debate by the shadow minister for energy, the member for Mill Park, that bear some correcting. She is recorded in *Daily Hansard* of 19 February as having said:

... the review —

of the smart meter program —

conducted by this government confirmed the position of the previous government that the AMI program would offer net benefits to Victorian consumers.

That is not actually accurate because the Deloitte cost-benefit analysis of 2011, which has been released, states:

Over 2008–28 the Victorian AMI program will result in net costs to consumers of \$319 million ...

In other words, it said the smart meter program will cost consumers more than it would benefit them. But so much money had already been blown by the former government, so much money had already been wasted, so many costs had already been sunk, that in effect, by the time we came to office there were two choices — scrap the program, which would cost even more money, or try to fix the program, fix the problems, and make it work for consumers. That is what the bill is all

about — putting smart meters to work for consumers. The people who have been paying for them since Labor instituted this program in 2010 will finally start to see some benefits.

The member for Mill Park also claimed:

... the government waited till between Christmas Day and New Year's Day 2011 to release the report of the review ...

I have my press release here and it is dated 14 December, so unless the member for Mill Park is acting on a different calendar in which 14 December falls between Christmas and New Year's Day, I am not sure what she is speaking about. She just got it wrong. Unfortunately other Labor members — no doubt acting in good faith on speaking notes provided by the member for Mill Park — have repeated those sorts of errors. It is a cautionary tale. You should not rely on anything put together by the member for Mill Park, because she has the habit of getting things wrong.

There is another important point I need to make. The member for Mill Park said:

It was certainly the case under the previous government that people would not be forced on to time-of-use arrangements but that that would always be optimal ...

That is not true.

The former government planned to put every Victorian with a smart meter onto time-of-use (TOU) tariffs mandatorily with no choice involved, unlike what this government is doing and unlike what is in this bill. Our arrangements clearly provide that the customer will be in charge. The customer will decide. If they want to stay on a flat tariff or move to a flexible tariff, that will be their choice under the coalition. 15:55:00

I can demonstrate the falsity of the member for Mill Park's statements that Labor wanted to give people a choice as well. I have here a document which was attached to a letter to the managing director of United Energy and signed by Peter Batchelor, MP, Minister for Energy and Resources, dated 27 October 2010. This is not years and years ago; this was just on the eve of the 2010 election. This shows exactly what Labor was going to do had Victoria had the misfortune to re-elect a Labor government. Here is what Labor was going to do when it came to time-of-use tariffs. It is here in attachment 1A. It says that in 2012–14, so by now:

AMI customers reassigned to basic TOU network tariff.

They would be reassigned. There would be no choice, no asking them and no putting the customer in the driving seat, which is what the coalition is doing with its reforms. Let us nail this falsehood right now. If

Labor had been re-elected, it was going to force every Victorian with a smart meter onto a time-of-use tariff whether it suited them or not.

We know that not every Victorian will benefit from a time-of-use tariff and from flexible pricing. Some families, because of the way in which they use electricity, will be better off staying on a flat rate. For example, families who tend to use most of their power during peak periods and do not have the option to shift that usage will be better off staying on a flat tariff. If you are a family who uses most of your power in off-peak or shoulder periods or you can shift your usage to off-peak or shoulder periods, then you can potentially save a lot of money by moving to a flexible tariff. That is why we are introducing this bill. That is why we want to give customers choice. That is why we are not going down the path that Labor wanted to go down as recently as 27 October 2010 of reassigning all Victorians with smart meters onto a time-of-use tariff.

It is important that the record be corrected in relation to these matters. We are the party of choice, and we are the party that says customers should have more control over their own decisions when it comes to electricity pricing and electricity contracts. Labor was the party that first gave us the smart meter program and then was going to force everyone with the smart meter onto a time-of-use tariff, whether it would drive up their costs or not. We think that was wrong, and we have taken entirely different approach.

The member for Mill Park also said:

... they said the government would provide householders with free in-home displays.

My press release of 14 December 2011 says:

The main changes to the smart meter program include:

subsidising in-home displays to help households control their energy bills, with some basic in-home displays available at low cost ...

There is a difference between low cost and free. This may not be immediately apparent to some members opposite, particularly the member for Mill Park, but there is difference between saying something is available at low cost and saying something is available free. For the member for Mill Park to claim that the government said that in-home displays would be available free is a nonsense. I am happy to say that the government has reacted to the commitment in that press release, and we added in-home displays to the Victorian energy efficiency target regulations on 28 February last year. That commitment has already been entered into and delivered.

This is a very important bill because Victoria has had a proud history of being at the forefront of energy market reform. We were the state that first privatised generation, distribution and retail under the Kennett government. We introduced competition at the retail level. We introduced the regulation of prices, which was actually done under the former Labor government. To some extent energy market reform has been something that this government and previous governments have tried to do in the interests of consumers. The key thing we are doing with this bill is making sure that the billions of dollars that have been spent on smart meters will finally be put to work. We are going to give Victorians a return on the investment they were forced to make by the former government. We are going to put those smart meters to work. We are going to give Victorians access to off-peak electricity and rates they have never had before. This is a good bill, it is a strong bill and it is a coalition bill — because we care about affordable electricity for all Victorians.

Business interrupted pursuant to standing orders.

The SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

JURY DIRECTIONS BILL 2012

Second reading

Debate resumed from 19 February; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**STATUTE LAW AMENDMENT
(DIRECTORS' LIABILITY) BILL 2012**

Second reading

**Debate resumed from 19 February; motion of
Mr CLARK (Attorney-General).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**CO-OPERATIVES NATIONAL LAW
APPLICATION BILL 2013**

Second reading

**Debate resumed from earlier this day; motion of
Mr O'BRIEN (Minister for Consumer Affairs).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**JUSTICE LEGISLATION AMENDMENT
(CANCELLATION OF PAROLE AND
OTHER MATTERS) BILL 2013**

Second reading

**Debate resumed from earlier this day; motion of
Mr McINTOSH (Minister for Corrections).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

16:02:30 **Business interrupted pursuant to sessional orders.**

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Rail: St Albans level crossing

Ms KAIROUZ (Kororoit) — I rise today to bring a matter to the attention of the Minister for Public Transport regarding the public consultation of the upgrade to the Main Road level crossing in St Albans. The urgent action I seek is for the release of all designs and drawings displayed at the community consultation into the public domain.

On 28 November 2012 there was finally a community consultation for the grade separation of the Main Road level crossing in St Albans. Many community members attended but were far from satisfied with the government's proposals. Many design drawings were on display at this so-called 'community consultation', but strangely no copies were made available for the public to take home or to share with others in the community who may have been unable to attend the event. Two different proposals were presented: a rail over road option and a rail under road design. The public response to the rail over road option was extremely negative, with particular disdain for the massive rail bridge that would tower over the precinct.

When one looks on the VicRoads website, only two angles are shown for each of the design options. The rail over road option is especially deceiving as the sketch is drawn from an angle and distance so as to minimise the visual bulk of the elevated rail crossing which looms large over the precinct. Other images displayed at the community consultation session which were much better in showing the size and scope of the proposed works have been omitted from the VicRoads website. One can only assume that the negative public response has meant that the most damning designs have been hidden away from further public scrutiny.

This was all but confirmed when, following the consultation, a member of my staff requested the copies be sent to me via email. Our office was told by VicRoads representatives they had to 'work out' how these could be sent. Over a month later, no designs had yet arrived and after a follow-up call the only designs that were released to my office were the two that appear on the VicRoads website. This is simply outrageous. When the local MP cannot get copies of the designs for a major project being proposed in their electorate, what hope does the public have? I call on the minister to stop keeping the people of St Albans in the dark and end this sham community consultation by releasing all the

designs and documents into the public domain for proper scrutiny.

Eastwood Primary School: funding

Mr HODGETT (Kilsyth) — I rise today to call on the Minister for Education to meet with representatives from the Eastwood Primary School community to discuss their funding submission for the schools rebuild project in the 2013–14 state budget. The minister will remember his visit to the school in 2011. On that day principal Lee Ann Green and staff at Eastwood Primary School and the deaf facility showcased the fantastic educational facility that they provide for local students. However, the minister also saw firsthand the subpar buildings in which the school operates and was made aware of the urgent need for a rebuild of the school facilities. The school was given some initial planning funding under the previous government, but, like hundreds of other schools under Labor, it was parked at the planning stage with no indication of when future money would be forthcoming. This caused a great deal of frustration for the Eastwood school community, which was well aware of the urgent need for a rebuild.

From the time the coalition government was sworn in, I have worked closely with Lee Ann and school council president Robert Dark to lobby the minister for the additional funding required to rebuild the school. I acknowledge the presence of Lee Ann Green, Robert and Robert's two boys, Noah and Ollie, in the public gallery today.

The first step was to complete the planning process, and, thanks to \$350 000 in the 2012–13 state budget, the school has now completed its schematic and detailed designs. This has detailed a project for the rebuild of the school, which is costed at \$7.3 million. The school community is urgently seeking this funding as part of the 2013–14 state budget. As the minister has seen, much of the school is in a state of disrepair. Many of the buildings are 60 years old, and the school has fallen well below general upkeep standards, with broken sewer pipes, rotting floor boards, floors and landings, exposed wall cavities, crumbling downpipes, and the list continues.

Since 2008 the school has required \$278 000 in emergency maintenance funding to address these types of issues, and a recent audit projected that the school will need an additional \$324 000 in maintenance funding to get through the school year. Clearly this has become a case of throwing good money after bad in propping up the old buildings. The school community does a fantastic job with its ageing facilities, but it is clear for all to see that the time has come to rebuild the

school. The school has prepared a budget submission document, which I have already passed on to the minister. Over the past two years the school community has engaged in a proactive and positive local campaign to encourage the government to consider funding, and I ask that the Minister for Education meet with principal Lee Ann Green and school council president Robert Dark to discuss their budget submission for the 2013–14.

Schools: Queenscliff camps

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Education, and the action I seek is that the minister, as a matter of urgency, sit down with teachers to resolve the pay negotiations to prevent further impact on local communities. The Premier, as we all know, famously promised Victorians that our teachers would be 'not the worst paid, the best paid teachers in Australia'. The government has broken that promise and Victorian teachers have been forced to take industrial action to try and get reasonable pay and conditions. Rather than undertaking appropriate negotiations, the government then took the teachers to the Federal Court, arguing that the teachers' actions were unlawful — an argument that it comprehensively lost. We are now seeing the consequences of this government's failure to show leadership and end this dispute.

In Queenscliff, which is in my electorate, the consequences are significant. Camp Wyuna, which is run by the YMCA, is popular and widely known for running school camps. It attracts schools from right across the state. Four years ago the YMCA self-funded a \$2.3 million upgrade of the camp facilities, and as a result of that investment the camp now has approximately 9000 people visiting each year. The camp has just recently been notified that three schools have had to cancel their bookings, which is six camps in all.

These cancellations will mean a loss of \$78 000 and will force the camp to lay off 25 permanent and casual staff. It also means that 430 students will miss out on the fantastic learning experiences and adventure of attending a school camp. Businesses and voluntary organisations in Queenscliff will also be hurt as students visit local sites, including the fort, the marine discovery centre and the maritime museum. In fact students staying at Wyuna provide the biggest visitation to these not-for-profit organisations. The loss of ticket sales will be significant. This is money these organisations depend on to maintain and develop their facilities and programs. Local businesses will also miss out on the purchase of food and other goods from the

camp, and the custom of the students and staff visiting the main street shops and cafes.

16:10:00 The CEO of the Australian Camps Association estimates that cancellations have already led to a loss of \$2.3 million in revenue and over 12 000 students missing out on school camps across the state. Again I ask the minister to urgently resolve this dispute with teachers to prevent any further damage to the economy of Victorian communities like Queenscliff.

High Street, Prahran: cycling safety

Mr NEWTON-BROWN (Prahran) — My adjournment matter is for the attention of the Minister for Roads. The action I seek is that the minister look at the drainage infrastructure on High Street, Prahran, and in particular the risks to cyclists getting their wheels caught in drain grates in the gutters of that road.

By way of background, this issue was raised with me by a local constituent. I am most grateful that he has raised the issue because when I went to look at the drains on High Street it was quite clear that there is a serious problem. Cyclists generally travel to the left of the carriageway, and that is where the drains are located — they are within the bluestone guttering, where cyclists often have to travel. When cyclists approach the drains they are forced to move to the right to avoid going over the top of them, and if they go over the top of them, their wheels can drop into them. This is quite a serious issue, and I urge the minister to consider a solution.

The minister has certainly already committed funding to cycling safety and infrastructure over the course of his term as minister in this government. One example of this is the action he has taken on the dooring of cyclists. The house will recall that the coalition government increased fines from \$141 to \$352 to reflect the seriousness of dooring. As far as other infrastructure funding goes, we have seen many other projects, including \$10 million allocated for bicycle infrastructure in the last financial year. This funding has been used to extend the Federation Trail, improve the Gardiners Creek trail, improve the Melbourne Bike Share program and improve the Heatherton Road shared path. There has also been the incorporation of bike paths into various roadworks over the last couple of years, including the Dingley Bypass, the Stud Road duplication, the Narre Warren-Cranbourne Road duplication and the Springvale Road grade separation project in Springvale. There is also the \$3 million Ride to School program. In my electorate of Prahran the minister has overdelivered in cycling infrastructure. At the time of the last election I sought funding of

\$200 000 to improve the bike lanes down Chapel Street. I understand that funding of \$1 million has been provided to create bike lanes down both sides of Chapel Street, from the Yarra River to Dandenong Road.

In conclusion the coalition government and the minister have shown great commitment to cycling safety and infrastructure, particularly in my electorate of Prahran. On this issue of the drain grates on High Street, I urge the minister to come to have a look at the problem as a matter of urgency, to look at the public safety issues and to assist me in finding a solution to this problem for my local community.

Country Fire Authority: Fiskville training facility

Ms GARRETT (Brunswick) — I wish to raise a matter for the attention of the Deputy Premier in his capacity as Minister for Police and Emergency Services. The action I seek is that he immediately release and act on the findings of an investigation that was conducted by the engineering firm Cardno Lane Piper into the safety of soils, water and air in and around the site of the Fiskville training facility. I understand that the firm began its investigations into the Fiskville site and its surrounds in July 2012, and that the Country Fire Authority (CFA) was provided with a report in November 2012.

I understand that the report contained some extremely concerning findings, in particular that there are seriously unsafe levels of perfluorooctane sulfonate and perfluorooctanoic acid in the soil and water at the site, in surrounding farmland and as far as 18 kilometres downstream in waterways that feed into the Geelong and Werribee water supplies. These chemicals are known carcinogens, and they have been found to have negative impacts on prenatal health and morbidity. Dangerous levels of these chemicals have also been linked to kidney and liver disease. It is our understanding that senior people within the CFA have seen the contents of the Cardno Lane Piper report, and that at this stage they are not taking any action on its findings. Instead they are seeking further information and results. While this procrastination and secrecy go on, people continue to work at, train at and live near the Fiskville facility.

It is worth noting that the Metropolitan Fire Brigade (MFB) had ceased using the Fiskville site during 2012 for its training purposes, and it was about to recommence hot fire training there in October 2012 when the United Firefighters Union (UFU) lodged a grievance over ongoing concerns about the safety of the site and its surrounds. In response to that grievance the

MFB has agreed to not recommence using Friskville for its training purposes. It is also worth noting that in correspondence with the UFU yesterday, WorkSafe indicated that it was unable to respond to this matter in accordance with its statutory time frame obligations in relation to a request for an investigation under the Occupational Health and Safety Act 2004 with the potential for a prosecution due to the breadth and complexity of this matter. In the interests of the safety of those using the Fiskville site, the surrounding land users and the security of the water supply many kilometres away, I call on the Deputy Premier to immediately release any and all findings of the report and investigation and to satisfy both himself and Victorians that any and all appropriate preventive steps in regard to the usage of this site are taken.

Roads: Mount Waverley electorate school crossings

Mr GIDLEY (Mount Waverley) — I raise a matter for the Minister for Roads. The action I seek is that he visit the Mount Waverley electorate to look at pedestrian road safety issues, in particular at school crossings. The importance of pedestrian safety, particularly the safety of schoolchildren, is paramount. In the electorate that I represent we have a range of government and independent schools, both primary and secondary. Many of the children attending those schools utilise school crossings and other road infrastructure to get to and from school. Many of those children are quite young so they require the assistance of good infrastructure and well-trained pedestrian crossing supervisors. It is for that reason that on many occasions I have raised this issue with the minister to highlight areas for improvement in my electorate.

As I mentioned, we have quite a number of schools in my electorate. Parents tell me that they very much value pedestrian and school crossings because they give them a sense of safety and security. With everything that they have on their minds in regard to their kids, that sense of their children being safe and secure at school and when using pedestrian crossings assists them very much, and also assists the children. As I said, I have made representations previously on this matter. One of the reasons I have done so is that unfortunately there has been some misinformation put out in relation to the safety and funding of school crossings. That is unfortunate. One thing you should never play politics with is the safety of children and the legitimate concerns of parents for the safety of their children. That is why it is my hope that if the minister is able to come out to the community I represent, he will not only improve his knowledge of pedestrian and school crossings but will also be able to set the record straight.

He will be able to indicate what the government is doing to support the safety and security of children as they interact with our roadways on the way to school. He will be able to set the record straight and stop the misinformation. That is important to me as a local member who has the privilege of representing their community and of putting those representations forward and who values the safety and security of children wherever possible, particularly in their interaction with the road network. It is for that reason that I ask the minister to visit my electorate.

Surrogacy: parental recognition

Mr MADDEN (Essendon) — The matter I raise this afternoon is for the Attorney-General. I ask the minister to find a way — a mechanism, regulatory, legislative or otherwise — to have the commissioning parents of a specific child born as the result of a surrogacy arrangement recognised as the legal parents of this specific child on the child's birth certificate.

Mr Hill, a constituent of mine, has raised with me issues relating to his grandchild and that child's birth certificate. The Attorney-General and his staff are aware of this matter because I have presented this information to his office and his staff on several occasions. The department has also been approached on this matter. Unfortunately I have had no response from the Attorney-General or his staff. I have been eager to have the matter dealt with outside Parliament because it is a particularly delicate and sensitive matter for the family members involved.

The commissioning parents met the criteria for surrogacy as set out by the Canberra Fertility Centre and the sister of the commissioning mother became the surrogate mother. The child was born in December 2010 at the Royal Woman's Hospital in Parkville, Victoria. The surrogate mother and her partner are registered on the birth certificate as the child's parents and the child's commissioning parents are not able to be listed on the birth certificate. The commissioning parents, who love and care for the child and are in effect the biological parents and carers of the child, are not able to be registered on the child's birth certificate as the legal parents of this child.

16:20:00

Even though there is a court order, a parentage order, from the Supreme Court of the Australian Capital Territory, to have the birth certificate amended to reflect the commissioning parents as the legal guardians of this child, I understand that Victorian law cannot enforce or necessarily recognise that order. As such, the commissioning parents have no legal status. As parents they cannot exercise parental responsibility in matters

such as granting permission for the simplest of things. They cannot grant permission for health care, enrolment for child care, vaccinations or travel overseas — a virtual plethora of items that any parent must decide in the course of any one week in a child's life, and these are the most formative years of their child's life.

My request is that the Attorney-General deal with this as a matter of urgency through whatever mechanism he can, and as a matter of utmost importance resolve the impasse for this child, the child's parents, and for any others who might be in this position now or in the future.

Frankston: school crossings

Mr SHAW (Frankston) — I wish to raise a matter with the Minister for Roads. The action I seek from the minister is for him to visit Frankston and set the record straight regarding VicRoads funding for school crossings in Frankston. I was extremely alarmed to read in the local newspapers that school crossings in Frankston were being shut down and further alarmed to read that recent information about school crossings made available by Frankston City Council had been misleading.

Unfortunately Labor's Lee Tarlamis, a member for South Eastern Metropolitan Region in the other place, and a number of Frankston councillors, in a not uncommon theme, have attempted to stir the pot at the most anxious time for parents and their children — the start of the school year. Lee Tarlamis said that the cuts are totally unnecessary and endanger the lives of our school children. In the *Frankston Times* he was quoted as saying:

This is yet another funding cut by the government that affects our school children and it's disgraceful these cuts will put their lives at risk.

What a lot of attempted political point-scoring in relation to the most defenceless of people, our children. Spruiking that the government is putting children's lives at risk is disgraceful and unacceptable, but not out of character for those on Labor's left who are desperate to the point of upsetting parents and causing grief. The media, in like fashion, caused angst amongst children, parents and schools with headings in the *Frankston Standard Leader* of 28 January such as 'Supervisors to go in VicRoads funding cut' and sourcing the mandatory parent with children to give her opinion on why these make-believe cuts should not occur, with one or two school principals asked for their opinion on an event that is not even happening. They are irresponsible tactics by Laborites at stressful times for vulnerable

people. They should be ashamed of themselves. I welcome the minister's response.

Epping Road, Epping: duplication

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads. The action I seek is for the duplication of High Street, which becomes Epping Road, from south of Findon Road to Craigieburn Road East, including traffic lights at Findon Road. I have made similar requests on a number of occasions and have been met with laughter and derision. I know that the minister understands the threat of bushfires, given that many have impacted on his own electorate in recent years. Following the truly terrifying 2000-hectare fire in Epping on Monday of this week, I beseech the minister for a change of heart and a reordering priorities by him and VicRoads by amending the funding criteria to recognise bushfire threat as a justification for now funding this road.

Epping Road and its intersection with O'Herns Road and Findon Road is badly in need of an upgrade. In 2010 Labor pledged to upgrade this road at an estimated cost of \$17 million, which was not matched by the coalition. Given the ongoing growth, the council now estimates — —

Mr McIntosh interjected.

Ms GREEN — This is not funny when it is about what happened with the bushfires on Monday.

The SPEAKER — Order!

Ms GREEN — Ministers should not be laughing about what happened on Monday.

Mr McIntosh interjected.

Ms GREEN — It is not funny. The council estimates that with the ongoing growth since the 2010 Labor pledge, the upgrade will now need to be more comprehensive at a cost of up to \$50 million for duplicating the road to Craigieburn Road East. The road is regularly congested and is causing problems for the fire brigade when its members try to get their trucks out. The problems on Monday were not unexpected and potentially tragic, given the government's refusal to upgrade this road and other roads in the area, despite the ongoing growth in recent years. Indeed it was this gridlock that caused the Country Fire Authority to alter its advice for the community to stay put.

The Aurora Community Association is also lobbying the commonwealth and state governments to fund interchange ramps from O'Herns Road to the Hume

Freeway. The minister wrote to me only last week and said, amazingly, that the Hume Freeway project is not needed until 2046 — we could be riding in spaceships by then — despite the growth in Epping and Wollert South being completed within 10 years. Following the fires, a Baillieu government media spokesperson has callously wished the Whittlesea council ‘the best of luck in getting money from Infrastructure Australia’, despite their having been no bids by the state government for this project or any other road project in Yan Yean.

Currently the only way onto the Hume Freeway from Epping North is either north from Donnybrook Road, which was closed on Monday due to the fires, or Cooper Street, which ended up being closed as well. In 2009 Labor funded the triplication of Cooper Street. However, upon election, in its first budget in 2011 the government suspended this project and then backflipped in 2012. Had the government not done a backflip and had the road project gone ahead, it might have meant that Cooper Street did not have the extra capacity that it had on Monday and it might have been able to carry more traffic. Instead, the government has dithered. In 2006 the population in the area was 727 and in 2013 it is expected to be 11 000. I ask the minister to please act.

Merbein: library and community hub

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Local Government. The action that I seek is for the minister to visit Mildura to open Merbein library and community hub. After having operated for 50 years on the site, in June 2012 the old Merbein library closed to allow for the construction of a new library. Merbein also needed a community centre, in particular a club for senior citizens, who gave up their shared meeting rooms for the expansion of the local kindergarten. Construction started in 2012 and it is nearly complete, so it is time to plan the official opening.

The Mildura Rural City Council has requested that I invite the minister to open the new facility. The project was funded from two government programs. It received \$450 000 from the Living Libraries program and \$500 000 from the Local Government Infrastructure Fund. The total cost of stage 1 of the project is \$1.577 million, of which the Mildura Rural City Council has contributed \$627 000.

This is an important project for Merbein and it has been of great interest to the community. To engage the community, the Mildura Rural City Council through Cr Judi Harris convened a community reference group,

including the historical society, the development association, the girl guides, the Merbein Progress Group, senior citizens and others.

A joint project has added much to Merbein and has put the library at the centre of the community. I acknowledge the work that the council and community have done to achieve stage 1. I need to warn the minister that on her arrival they will be talking about their plans and what they want to do for stage 2. The site is prominent in the town and I look forward to the minister being available to open the committee facility.

As the minister is also the Minister for Aboriginal Affairs, I am quite sure that I can fill her day on her visit to Mildura with meetings with the council and the Mildura Aboriginal Corporation. Its chairman, Keith Hampton and CEO Rudy Kirby are anxious to meet the minister in her capacity as the Minister for Aboriginal Affairs. I can organise other things as well during her visit. I hope the minister can find the time soon to open this valuable community facility.

Responses

Mrs POWELL (Minister for Local Government) — I thank the member for Mildura for his work in his community. I know that the Merbein library has been long waited for and that the community is absolutely delighted that it will be opened soon. The Merbein library and community hub will not be just a library, as the member for Mildura said. The government has been giving money from not just the Living Libraries fund but also from other funds that it has.

I will be delighted to join the member for Mildura. I am sure that we can make a time to not only meet with the people at the library and for me to have the honour of opening the library, but I would like to meet with the council too. I look forward to that because we could probably discuss a number of issues. I know that there are some Aboriginal groups there and I would be delighted to meet with them. I am happy to do that.

Since this government was elected we have established a Living Libraries infrastructure fund of \$17.2 million over four years. Already in the last two years \$8.96 million has been provided for 32 library projects. I have just written to every council and every regional library corporation advising that the third round of funding is now open and urging them to put in an application. Hopefully all members of Parliament will be asked to support their local libraries and put in a bid on their behalf. 16:30:00

With regard to the Merbein library and community hub, this is a \$1.577 million project — and that is for stage 1. The member for Mildura has already warned me that when I go there they will start to talk to me about stage 2. Stage 2 is about the inclusion of historical and health services facilities. This is going to be a massive project for the Merbein community. As I said, this is a \$1.577 million project which incorporates \$457 000 from the Living Libraries infrastructure program in 2010 and a further \$500 000 from the coalition government's local government infrastructure program. That was out of the Regional Growth Fund. The Mildura Rural City Council also very generously put in \$627 000. It understands the importance of that community hub to its community and has been very generous in making sure that it works with and listens to its community.

As the member for Mildura said, the project involves the demolition of the former small and outdated library. This will be replaced with a new community hub featuring a library, which is now three times larger, and community rooms as part of stage 1. The library will feature wireless internet access; computer facilities; increased access to resources, including books and DVDs; educational programs; and a secure outdoor space for library users to enjoy.

Staff from my office will speak to staff from the office of the member for Mildura to organise a time that is convenient for his office, for me, for the council and for all of the other groups in his area. I look forward to going to his electorate and particularly to officially opening the library and meeting with some of his constituents

Mr MULDER (Minister for Public Transport) — The member for Yan Yean raised an issue with me relating to the northern growth corridor. As the member would be aware, based on the projections in *Victoria in Future 2012*, 2046 is the year in which Melbourne's population is expected to reach 6 million people. The northern growth corridor would be fully developed, and as a result the O'Herns Road interchange, the O'Herns Road duplication and the Edgars Road extension would all be required. I have no doubt that a number of the other roads the member mentioned as part of her contribution would also need upgrading based on those *Victoria in Future 2012* projections.

This is not to suggest that there is anything to stop the government — if VicRoads has not determined a time frame in which these projects must be delivered to support this growth and they are required earlier — putting them forward for funding options, and of course

they would be considered as part of any future funding that became available.

The member mentioned Cooper Street, and I am sure the member would be quite aware of the story behind that street. Work on Cooper Street was delayed because of the botched Melbourne Markets project implemented by the former Labor government, and I think the Minister for Major Projects gave that pretty good coverage today. However, once it was determined that the market project would go ahead, naturally the Cooper Street project proceeded. The member firstly criticised and secondly thanked us for doing that project, but I am sure the member understands that it was all part of the delay that occurred as a result of the Melbourne Markets.

The member for Frankston raised a very important issue in relation to school crossing supervisors and the subsidies provided for councils, in this instance to the City of Frankston.

Ms Green — I am sorry to interrupt the flow, and I know the minister is going on to respond to the member for Frankston, but I want to clarify for the minister that the request for action I made was for the duplication of High Street from south of Findon Road to Craigieburn Road East. I am grateful for the minister's answer and for his coming into the house, and I know I mentioned a number of other projects, but my specific request was for the duplication of High Street from south of Findon Road to Craigieburn Road East.

Mr MULDER — I apologise for not picking that issue up, but I had three people in my office and the member was talking so quickly that we just could not get the names of all of those roads down — the member rattled out an awful lot over a very short period of time. We will have a look at *Hansard* and get back to the member.

As I was saying in relation to Frankston and the school crossing supervisor subsidies, we provide these subsidies to councils to assist them to place supervisors at school crossings that have met the warrants that are set out by VicRoads. We do this in a very collaborative manner and work hand in hand with councils because we know this is such an emotive issue for families, for schools and for schoolchildren. I was outraged and disappointed by the simple fact that my office was contacted in relation to Frankston and I made it very clear that there would be no cuts to subsidies at, but nevertheless an article did appear with Frankston councillors and local Labor members of Parliament claiming that the subsidies were going to be cut. Nothing could be further from the truth.

We have a fantastic record in this state on safety around school crossings and around schools. They are considered to be the safest place for children to be — safer than travelling on a school bus — because we take it very seriously. Not only are we funding the crossings in Frankston, we are funding more of them. Therefore we take exception to the Labor Party frightening the living hell out of the school, school teachers, children and parents. It was irresponsible of the Frankston City Council to make that claim when it simply is not true. I will be going out to Frankston and meeting with the member for Frankston at one of the new crossings that is going to have a supervisor attached to it.

The other thing about this issue is that people who undertake this role — ‘lollipop’ people, as we call them — take great pride in their work, and I imagine there would have been a number of them who would have also been somewhat concerned that they were going to lose their job and lose their contact with young students as a result of those announcements. The article was totally and utterly irresponsible, and I look forward to going out to Frankston and setting the record straight with the council, with the local Labor Party representatives and most importantly with the member for Frankston, who works very hard for his community.

16:37:30 The member for Kororoit raised an issue with me in relation to the St Albans level crossing. VicRoads has undertaken a great community consultation process. The St Albans community has not seen that before; it never saw that under a Labor government. Here we are, a coalition government in the Labor Party heartland consulting on the \$16.5 million that will be going into the planning of the next group of level crossings to be abolished.

The member referred to some documents I have with me in relation to the consultation that took place. She would like copies of the document. This one does not have my photo on it, but I am more than happy to put a photo on it, write a foreword, then sign it. The member would be more than welcome to then distribute it. Perhaps I will put a photo of the Premier on it.

We are out there in the Labor heartland delivering for the people of St Albans. The reason that working documents are not handed out willy-nilly is that they are working documents and to have those circulated through the community when there will be changes made as a result of the consultation process would be utterly irresponsible. It would not make an ounce of sense.

Nevertheless we have made this commitment when the Labor government would not look after its own

heartland; we are doing the work. We had the federal Minister for Infrastructure and Transport, Anthony Albanese, and the federal Minister for Employment and Workplace Relations, Bill Shorten, say that these projects are state government responsibilities. In the last federal budget Anthony Albanese’s South Australian mate Pat Conlon got \$232 million for level crossings. We got nothing — zero, nought!

We are committed; the people from St Albans know that we are committed. We are right there in the Labor heartland delivering a great project to which the former Labor government would not commit. — An \$82 million commitment at the last election for half of one level crossing!

Ms Kairouz interjected.

The SPEAKER — Order! The member for Kororoit is getting an answer and should be grateful.

Mr MULDER — The member for Prahran is a very hardworking member for his community. He is very closely aligned with cyclists in his community, and he has raised a very important issue regarding the danger cyclists face if their bike wheels drop between drain grates when moving to the side of the road. He has looked at this issue and has asked me to see whether the government would consider doing something about it. I have had discussions with VicRoads. We plan to conduct a trial in which we will look at replacing a number of grates on a bike route to see if we can get a safer outcome for cyclists.

It is always the little things that count, as the member for Prahran would be aware. He has picked this up on behalf of cyclists in his community. We are prepared to look very closely at that on top of — I will not go over them all again — all of the great cycling projects that have been rolled out by the coalition.

As the member would now be aware, as the Minister for Public Transport and Minister for Roads I have taken full responsibility for all bicycle trails. We are working on a comprehensive program to make cycling enjoyable and safe around the state. It is the little things that count; it is the little things that will make a big difference to the cyclists in the member’s electorate. I thank the member for bringing this issue to my attention.

The very hardworking member for Mount Waverley has raised another very important issue that I touched on just before, and that is the issue of school crossing supervisors. Once again the member has been falsely bagged in his community by the Labor Party and Labor councillors for daring to cut funding to school crossing

supervisors in his electorate. Yet again I am going to have to go out there with the member for Mount Waverley to set the record straight, because there is no funding cut in his electorate. All of the crossing supervisors that were funded in the past will be funded going forward.

The coalition government is responsible for setting two record low road tolls. Our children are dear to the hearts of each and every one of us. We should not be in the business of politicising road safety by dragging in children, schools and parents. It should not happen. It is absolutely and utterly disgraceful. Those Labor Party members who took part in this campaign should hang their heads in utter shame. I will be out there with the member at one of those crossings to discuss this issue with the lollipop people. The member will be able to provide parents with assurances from the Baillieu government that we are going to take care of their kids. We should all be doing that and not frightening the hell out of them. Those opposite should hang their heads in shame.

Mr DIXON (Minister for Education) — The very hardworking member for Kilsyth raised a matter regarding Eastwood Primary School. I visited that school in 2011 and saw the condition it was in. I also saw the great work that it is doing. It is a very popular school with great teaching and learning programs. The member for Kilsyth has been a great advocate for that school. There are a number of issues regarding the condition of the school buildings and how the design and condition of the classrooms affects modern teaching and learning. The school has reached a stage where some serious work needs to be done.

The member has asked me to meet with a deputation from the school. The budget is coming up and we are working through those processes at the moment. I am more than happy to meet with the member and members of the school community to discuss that issue.

The member for Bellarine raised an important issue with me regarding innocent community businesses getting caught up in the teachers dispute. The bans put in place by the Australian Education Union (AEU) on outside activities such as camps have caused distress not only to businesses but to families and students. Students love school camps and the range of outside-hours activities. I am very mindful of that. It is not my decision to put these bans in place; teachers make those decisions. The union has asked its members to put those bans in place. I will pass on the member's request and ask the AEU to lift those bans, as it is responsible for putting them in place. The government certainly did not put them in place.

Turning to the broader issue of the teachers dispute, this is about the teacher performance system here in Victoria, which is totally broken. We want to fix it. We now face a situation where 99.8 per cent of teachers achieve the top level of pay without any real performance management. You cannot say you have a performance management system when you have that sort of outcome. There is a situation in place in many schools where the best teachers in the school, those who really put in, are being paid the same as those teachers who do not put in. That is just not right. It is not fair on education in Victoria; it is not fair on the education of the students. That is what we are talking about; that is the sticking point.

The union is not interested in having quality teachers; it is about consolidating the power of the union. We want to talk to the union about that. Those issues are on the table. We are talking to the union. Negotiations are continuing. It is quite disappointing that bans have been put in place during good faith negotiations. There was a full-day strike last week that was incredibly disruptive to the community, businesses, schools and children's education. That happened in the second week of school. That was very disappointing. But good faith negotiations are taking place and both parties are at the table and talking.

The member also mentioned that court action has been thrown out. It has not been thrown out. We are still pursuing it because we believe a number of issues regarding the current bans are not legal. We are continuing to pursue these through the courts. The bans, which are not necessarily legal, are having a huge negative effect on local communities and teachers. I take the member's comments on board, but I think it is very important that the member pass on to those who have been affected that it is not the government's decision to ban camps and after-school activities; it is the AEU's decision to do that.

Mr McINTOSH (Minister for Corrections) — The member for Brunswick raised a matter for the Deputy Premier in his capacity as the Minister for Police and Emergency Services, which was to act upon an engineering firm's report in relation to the Fiskville Country Fire Authority training centre. I will make sure that the minister responds to that matter. 16:47:30

The member for Essendon raised a matter for the Attorney-General to find a way to ensure that commissioning parents are recorded on the birth certificate of a child in the circumstances of a surrogacy arrangement, and I will ensure that the minister responds to that matter.

The SPEAKER — Order! The house stands adjourned.

House adjourned 4.47 p.m. until Tuesday, 5 March.