

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 18 February 2014

(Extract from book 2)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary	Mr N. Wakeling, MP

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.
(*Council*): Mr O'Brien and Mr Ronalds.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Assembly*): Mr Burgess, Mr McGuire and Mr Shaw. (*Council*): Mrs Peulich and Mr Ronalds.

Education and Training Committee — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmarr and Mrs Kronberg.

Electoral Matters Committee — (*Assembly*): Mr Northe. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

Environment and Natural Resources Committee — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr Madden and Ms Ryall.
(*Council*): Mrs Coote and Mr O'Brien.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mrs Peulich.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller. (*Council*): Mr Viney.

Law Reform, Drugs and Crime Prevention Committee — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott. (*Council*): Mr O'Brien and Mr Ondarchie.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.
(*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.
(*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

Speaker:

The Hon. CHRISTINE. FYFFE (from 4 February 2014)

The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:

Mr P. WELLER (from 4 February 2014)

Mrs C. A. FYFFE (to 4 February 2014)

Acting Speakers: Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson.

Leader of the Parliamentary Liberal Party and Premier:

The Hon. D. V. NAPHTHINE (from 6 March 2013)

The Hon. E. N. BAILLIEU (to 6 March 2013)

Deputy Leader of the Parliamentary Liberal Party:

The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:

The Hon. P. J. RYAN

Deputy Leader of The Nationals:

The Hon. P. L. WALSH

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank ⁶	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
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Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
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Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield ¹	Broadmeadows	ALP	Naphtine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan ²	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane ⁸	Melbourne	ALP
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Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
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Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Holding, Mr Timothy James ³	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin ⁴	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer ⁵	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 18 February 2013

⁴ Resigned 27 January 2012

⁵ Elected 21 July 2012

⁶ Elected 19 February 2011

⁷ Elected 27 April 2013

⁸ Resigned 7 May 2012

⁹ LP until 6 March 2013

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Tuesday, 18 February 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 2.04 p.m. and read the prayer.

COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS

The SPEAKER announced receipt from the Governor of commission authorising her to administer prescribed oath or affirmation of allegiance to any member of the Legislative Assembly who has not already taken and subscribed the same since his or her election to the Legislative Assembly.

QUESTIONS WITHOUT NOTICE

Alcoa

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to a Geelong resident named Bozica, whose husband and son will both lose their jobs at the Alcoa Point Henry aluminium smelter, and I ask: given that tonight there will be hundreds of families just like Bozica's who will sit at their dinner tables contemplating unemployment, when will the Premier finally admit that Victoria is in the midst of a jobs crisis?

Dr NAPTHINE (Premier) — I was advised this morning by Alan Cransberg that Alcoa had made a decision at its board meeting this morning that the Point Henry smelter, which has been under strategic review since February 2012, will cease operation in August this year and further that the rolling mill at Point Henry will cease operation at the end of this year. After 50 years of operation in the Geelong region, this is a decision that will have an impact on Victoria and Geelong and particularly the employees of Alcoa. Our thoughts are with those employees and their families. That is why we as a government will continue to work with Alcoa, work with the employees and work with the community to make sure we provide the support those employees and their families need, the retraining opportunities those employees need — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to cease interjecting while the Premier is answering this question.

Dr NAPTHINE — That is why we have already put in place a Geelong innovation and investment fund. It was put in place 18 months ago. Indeed, we put

\$4 million into that fund and said that we would put another \$2 million into that fund. It was matched at the time by the federal Labor government, but it was missing in action on that fund.

Honourable members interjecting.

The SPEAKER — Order! While I understand that every member in the house has passion and concern about this, I ask members to let us listen to the Premier's answer.

Dr NAPTHINE — We have also provided \$11 million for the Geelong Advancement Fund, and we have made a substantial contribution to the so-called Ford fund, of which nearly \$25 million is available for the Geelong community.

I can advise the house that since we have been in government there have been 66 900 new jobs created in Victoria. That is the second-highest level of job growth in any state or territory except Western Australia. In regional and rural Victoria 19 000 new jobs were created in 2013, and in the Barwon south-west region 800 new jobs were created in the final quarter of 2013. That can give the employees at Alcoa, who we are working with, the opportunity to see that we are creating jobs in this state.

In the Geelong area only two weeks ago Coles announced, and I stood with Coles — —

Honourable members interjecting.

The SPEAKER — Order! I remind all members that when the Chair is on their feet, every member will remain silent. I ask members to cease interjecting.

Dr NAPTHINE — Coles announced an extra 1000 new jobs in the Geelong area. There are also 300-plus new jobs through the national disability insurance scheme headquarters that we got for Geelong, there are 600-plus jobs through the WorkCover headquarters that is going to Geelong and 500 new jobs at Cotton On.

We have announced in recent times new jobs at Carbon Revolution, Farm Foods Retail Services, AKD Softwoods, Backwell IXL and Little Creatures brewery. We are creating jobs in Geelong because Geelong is a vibrant, strong economy. This is a tough day for those people at Alcoa, but we will work with them to create the jobs and opportunities in Geelong for them and their families.

SPC Ardmona

Ms McLEISH (Seymour) — My question is to the Premier. Can the Premier advise the house of how the coalition government’s coinvestment in SPC Ardmona will create jobs for families and build a better Victoria?

Dr NAPTHINE (Premier) — I thank the honourable member for Seymour for her question. Last Thursday I was pleased to be with the Deputy Premier to announce a \$100 million coinvestment to secure the long-term future of SPC Ardmona in Shepparton and the Goulburn Valley. This is great news for jobs in the Goulburn Valley, great news for fruit growers and great news for fruit pickers and contractors. This is great news for the Goulburn Valley and the fruit processing industry in Victoria. This coinvestment has secured the future of 2700 jobs in the Goulburn Valley. This is about the coalition government doing the hard work, consulting with industry and working in partnership with industry to secure jobs in Shepparton and the Goulburn Valley.

As we know, the Goulburn Valley is a world leader in the efficient production of clean, green high-quality fruit and in horticulture. We believe there is a bright future for the horticultural industries and for food processing. We believe the opportunity to process these products locally for the Australian and world markets is something that we as a government need to work with industry to achieve. That is what our coinvestment is about — working with SPC Ardmona to secure jobs, secure the future of fruit growers and secure the industry into the future. Our coinvestment will transform and modernise the SPC Ardmona plant and its equipment at Shepparton, it will improve productivity and efficiency, and it will modernise its product range and marketing.

I welcome the significant increase in sales for SPC Ardmona in recent times. Victorians and Australians have gone out and purchased SPC Ardmona products and caused a massive increase in sales. I also welcome the agreements that SPC Ardmona has struck with major retailers — with Coles, Woolworths, Aldi, IGA and others — to increase the opportunity for SPC Ardmona products to be on those shelves for Victorians and Australians.

We on this side of the house believe our food and food processing industry has a bright and strong future. Last year food exports went up 5 per cent to \$9.3 billion. With the Asian century and growth in the consumer class in Asia there is great opportunity not only for fresh horticulture but also for food processing in this

state. That is why we will continue our policy of coinvestment, strategically working with industry.

We will not play politics with these issues; we will do the hard work. We will consult with industry, we will meet with industry, we will discuss its needs and we will make sure that we put on the table a coinvestment of \$22 million from the state government together with \$78 million from SPC Ardmona — a genuine coinvestment in the future of jobs in Shepparton and the Goulburn Valley and the future of the fruit industry in Shepparton and the Goulburn Valley. It will also provide a secure platform for innovation, productivity and new marketing so that we can secure greater sales locally and renew the opportunity for exports from SPC Ardmona across the world and particularly to the growing Asian market.

This was a great announcement for jobs in Victoria, for the Goulburn Valley and for Shepparton. This is a coalition government working in the best interests of jobs and the future of this state.

Employment

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. I refer the Premier to the fact that under his watch Geelong has lost over 2500 direct jobs at Ford, Qantas and Alcoa and that another 450 jobs are at risk at Shell. My question is: where will these thousands of workers be able to find jobs where they can actually utilise their trade qualifications and expertise? Can the Premier outline where those jobs will be found?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. Can I say with respect to the recent decision at Alcoa that having grown up in the broader Geelong area I know the significance of this decision, but I have also seen Geelong grow and change over the years — from the days of International Harvester and the Pyramid Building Society debacle, which had a devastating effect on Geelong. Geelong has grown stronger through those challenges. Geelong has a diverse and broad economy. The Geelong area is a growing community. It is a proud community with a bright future. As I advised the house in my previous answer, we are creating jobs in regional and rural Victoria at a faster rate than has been done in any other state or territory. In the last quarter of 2013 in the Barwon south-west region, which includes Geelong — —

Ms Allan — On a point of order, Speaker, understanding order 58(1)(a) the content of answers must be direct. The Premier is not directly answering the

question, which went to the issue of specific opportunities for the workers who have lost their jobs in Geelong under the Premier's watch.

The SPEAKER — Order! I am not upholding the point of order at this moment. It was a broad question. I understand the passion in the house today, but I ask members not to interject so loudly so I can listen clearly to the answer to the question. I do not uphold the point of order.

Dr NAPHTHINE — As I was explaining, in the last quarter of 2013, 800 new jobs were created in the Barwon south-west region, which includes Geelong. That is more jobs, not less. And across Victoria 66 900 — —

Ms Thomson — On a point of order, Speaker, I go back to the point of order raised by the member for Bendigo East in relation to what the Premier has just said.

The SPEAKER — Order! Is it a different point of order?

Ms Thomson — It relates to what the Premier just said, which did not relate to the question, as asked, about future jobs for these workers.

The SPEAKER — Order! The member for Footscray knows that members cannot repeat a point of order that has been ruled on. The Premier has said barely half a dozen words since I ruled on the previous point of order.

Ms Thomson — It is a further point of order based on what he has just been saying, Speaker. I urge you to get him back to the point of what jobs are available for these workers — what they will do with their skills. He is not addressing that issue, and he is halfway through answering the question.

The SPEAKER — Order! I do not uphold the point of order. I believe the Premier is answering the question that was asked.

Dr NAPHTHINE — As I outlined, jobs are being created in the Geelong area, including at places like Carbon Revolution, which is employing workers with advanced manufacturing skills.

Honourable members interjecting.

Dr NAPHTHINE — People want to attack people who create jobs. People want to talk about it, but we are out there doing it, creating those jobs.

Honourable members interjecting.

Dr NAPHTHINE — We are creating jobs at companies like Carbon Revolution, Farm Foods, AKD Softwoods, Backwell IXL and Sykes Racing; through the redevelopment of the St Mary's school site in the heart of Geelong; at the Little Creatures brewery and hospitality centre and Karingal's Kommercial; and through government investments in the Geelong and the region.

Have a look at the \$15 million Geelong Library and Heritage Centre, the \$30 million redevelopment of Kardinia Park, the \$500 million Princes Highway west duplication, the \$50 million upgrade of the Great Ocean Road, the \$90 million being spent upgrading the Geelong Hospital, the \$50 million investment in the Waurin Ponds community hospital and the major expansions by private hospitals, including St John of God Health Care and Epworth HealthCare at Deakin University. We are providing \$10 million to improve accommodation at Deakin and the \$7 million REACH centre — the Regional Community Health Hub.

Recently the Minister for Planning announced the Lara West structure plan, which will provide great new investment and job opportunities. There is also the Armstrong Creek structure plan. Late last year we had criticism from the opposition about Jetstar, but our efforts, working with Jetstar, secured those jobs for Jetstar and Avalon. The port of Geelong is going through significant expansion and opportunities.

Mr Andrews — On a point of order, Speaker, these workers are entitled to a direct answer. This is not a direct answer, and I ask you to bring — —

The SPEAKER — Order! The Leader of the Opposition knows the correct form for taking a point of order.

Mr Andrews — Yes. On the point of order, Speaker, this is not a direct answer; it is not in accordance with the standing orders. The trade qualifications and expertise of these workers are what the Premier was referred to very directly in the question, and he has not dealt with them whatsoever.

The SPEAKER — Order! The Leader of the Opposition is straying into debating the point of order.

Honourable members interjecting.

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

Dr NAPHTHINE — Other investments we have made include: the expanded channel works in the port of Geelong to increase the turning circle and create jobs

and opportunities in Geelong through the growth of trade through the port of Geelong; the building of the Grovedale station; the building of the police and State Emergency Service headquarters in Rossack Drive; expanding the Northern Bay College; and providing \$26 million for the Torquay secondary college. These are investments that create jobs and expand the job — —

Mr Andrews — On a further point of order, Speaker, the question was a simple but very important one. The answer should be direct for it to be in accordance with the standing orders, and this answer is not directly or in any way relevant to the specific question that was asked about trade qualifications and expertise of these workers — not a brag list, an answer.

Ms Asher — On the point of order, Speaker, in addition to the fact that a point of order is not an opportunity to restate the question, I refer the Leader of the Opposition to *Rulings from the Chair*, June 2013. I have the new one with me, and I suspect it will be on the same page number. It says:

Answer relevant if related to question's preamble. If a question comes with a preamble, that preamble does form part of the question and the answer can be relevant to the question by being relevant to the preamble.

The preamble listed a whole range of jobs in relation to Geelong. The Premier's answer is directly responding not only to the preamble but to the question asked, and he is well within the standing orders.

Mr Merlino — On the point of order, Speaker, the preamble referred to job losses at Ford, Qantas, Alcoa and Shell — manufacturing jobs. The question related to the qualifications and expertise of those workers and what answer the Premier has for them.

The SPEAKER — Order! The member for Monbulk knows that in taking a point of order one does not repeat the question. The time for the Premier to answer the question has elapsed.

SPC Ardmona

Mr McCURDY (Murray Valley) — My question is to the Deputy Premier and Minister for Regional and Rural Development. Can the minister advise the house how the coalition government's strategic coinvestment in SPC Ardmona will also help secure Goulburn Valley industry and jobs and build a better regional and rural Victoria?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for his question. It was indeed a great day last Thursday when the

Premier and I were present at SPC Ardmona, along with the member for Shepparton, who has done great work in all of this, and a member for Northern Victoria Region in the other place, Wendy Lovell, to say to the hundreds of people there that this coalition government had made a coinvestment with SPC Ardmona which would save that company and secure its future for the Goulburn Valley.

It was great to be able to be there that day, all the more so because it was only a few weeks before that — after the federal government unfortunately had made its announcement that it would not provide assistance and there was apparently no plan B — that the Premier had stood at the gate and promised those people he would be back.

The Premier was back last Thursday with a plan — and not only a plan but a fully funded arrangement. It was a result of the hard work that was necessary to enable these things to be done. We worked carefully and considerately with SPC over a period of weeks to ensure that we could construct a project which could be supported by our government. It took a lot of time to sit down and work through precisely what SPC wanted and how it was looking to achieve it on the one hand and on the other hand to marry it with the programs that we as a government administer throughout Victoria, and throughout regional Victoria in particular. Much to the chagrin of those who sit opposite, we did it. A \$22 million — —

Honourable members interjecting.

The SPEAKER — Order! Members having conversations across the chamber — the member for Bendigo East, the Minister for Water and others — will not be warned again. It is not parliamentary.

Ms Allan — On a point of order, Speaker, under standing order 58(1)(a) answers to questions must be factual. I think it is pretty clear that the Deputy Premier is straying into territory that could be construed as misleading the house — —

Honourable members interjecting.

The SPEAKER — Order! A member is allowed to raise a point of order and to explain why they are raising that point of order.

Ms Allan — I appreciate that, Speaker. My explanation is that he was straying into the territory of verballing and running a commentary on the opposition. We ask you to bring him back to answering the question within the confines of government

business and perhaps on the way through to thank the federal member for Murray, Sharman Stone — —

The SPEAKER — Order! The member for Bendigo East! The minister was answering the question that was asked. I had not noticed him verballing the opposition; I will pay attention to that. I cannot uphold the point of order.

Mr RYAN — The hard work was done, and we have produced the outcome for the benefit of hundreds upon hundreds of people in the Goulburn Valley — not only those who work at SPC but the growers as well. For the many other aspects of this vitally important enterprise this was a fantastic outcome. I might say it is to be contrasted with what some others were doing. Fancy standing up at the SPC gate producing an illusionary cheque for \$30 million, which they could not possibly deliver — —

Honourable members interjecting.

The SPEAKER — Order! I will be upholding the point of order that is going to be raised. I ask the minister not to attack the opposition, but I also call the member for Williamstown to order — chanting a person's name is not orderly. The minister should come back to answering the question.

Mr RYAN — The end result is to the enormous benefit of not only those people in the Goulburn Valley but also the state of Victoria, and indeed it is a great outcome for our nation. I was asked about how this impacts on other elements of development through that region and through the regions of Victoria more generally. It is a pertinent question, because this decision put confidence back into the Goulburn Valley.

As people in the Goulburn Valley have said via an editorial in the local paper, they got their mojo back on Thursday, and they did it because they now know that this industry will flourish, and it will encourage industry at large to be able to invest in the Goulburn Valley. Very importantly the financial sector knows that. For all those industries and all those people, we have now been able to stabilise the position with regard to SPC.

I went out on Friday morning to make the announcement for Pactum Dairy Group — a \$40 million investment and another 52 jobs over the next couple of years, with 100 million litres of ultra-high temperature milk going to be produced, all of it in effect presold the company tells me. It is a great investment. At GrainCorp in Numurkah there is a \$135 million investment, with \$35 million of that going into Numurkah — another nine jobs. The take-out

message is that the people of the Goulburn Valley know that if they want to look to their future, as they have, they can rely upon the Liberal-Nationals government to deliver for them. We said we would, and we did.

Geelong Region Innovation and Investment Fund

Ms NEVILLE (Bellarine) — My question is to the Premier. I refer to the \$24.5 million Geelong Region Innovation and Investment Fund, which was created in May last year following the collapse of Ford to develop new industries and jobs in Geelong. Eight months on, can the Premier outline how many job-creating initiatives in Geelong have received support from this fund?

Dr NAPTHINE (Premier) — I thank the honourable member for her question and for her interest in Geelong and jobs in Geelong.

Mr Eren interjected.

The SPEAKER — Order! The member for Lara has already been called to order once. It is an opposition question; he should listen to the answer of the Premier.

Dr NAPTHINE — We as a government stand ready to support the workers who are affected by the decision by Alcoa, the same as Alcoa itself will do. It is a responsible company. It has a long and strong tradition of working closely with its employees and engaging its employees in terms of their opportunities and in terms of training and support for workers, and it will continue to do that through this process. The question asked about funds for Geelong.

Honourable members interjecting.

The SPEAKER — Order! The question was very clearly about the investment fund for Geelong. The Premier is answering the question.

Dr NAPTHINE — For the information of the honourable member, there are three separate funds that operate in Geelong. The Geelong innovation and investment fund, which was established by this government in 2012 — —

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk! Question time has been going for 38 minutes; I think the member for Monbulk has spoken for 26 of them. I ask him to cease interjecting.

Dr NAPHTHINE — The Geelong innovation and investment fund, which was established in 2012 when there were challenges facing the Point Henry smelter, has, as I understand it, already provided funding for companies such as Carbon Revolution, Farm Foods, AKD Softwoods, Backwell IXL and Sykes boats, among many others.

Ms Neville — On a point of order, Speaker, on relevance, this is particularly related to the fund that was established in 2013. If the Premier looks back on the media releases, it is this fund established in 2013 that we would like to know about. What initiatives since it was established in May have been funded out of that?

Ms Asher — On the point of order, Speaker, a point of order is not an opportunity to re-ask a question that has already been asked. In addition to that, the Premier is directly answering the question that was asked.

Mr Andrews interjected.

The SPEAKER — Order! I say to the Leader of the Opposition that even in interjections members must use the correct titles for members of this house.

Ms Allan — In support of the member for Bellarine's point of order, Speaker, standing orders were amended by sessional orders to include that the content of answers must be relevant to the question that was asked. The member for Bellarine clearly asked about one fund, and we would like the Premier to answer the question about that one specific fund.

Mr Ryan — On the point of order, Speaker, it should not be upheld. Apart from anything else, the real issue here, respectfully, is the pre-organised, confected sense of outrage being thrown at the government from across the chamber, which has clearly been orchestrated — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Ivanhoe

The SPEAKER — Order! The member for Ivanhoe will leave the chamber for 30 minutes.

Honourable member for Ivanhoe withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Geelong Region Innovation and Investment Fund

Questions resumed.

The SPEAKER — Order! When a question is put, every word, whether it is preamble or the actual question, becomes part of the question. The Premier is answering the question. I do not uphold the point of order.

Dr NAPHTHINE (Premier) — A second fund is the Geelong Advancement Fund, which has \$11 million. It is also fully funded by this coalition government. It has funded job development at the St Mary's school site redevelopment as well as Karingal's Kommercial factory.

With respect to the fund that was established in relation to Ford, applications for the first round of funding have been received and are being assessed. This process — —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition will not interject in that manner.

Dr NAPHTHINE — I can advise the house that this process has been delayed as a result of interference by the previous federal government — —

Honourable members interjecting.

The SPEAKER — Order! I advise members for the last time that when the Chair is on their feet, each member must remain silent.

Dr NAPHTHINE — What happened is that former federal Minister for Manufacturing, Kim Carr — —

Ms Neville — On a point of order, Speaker, under standing orders the Premier is required to be factual. The Premier knows this fund closed at the end of September, after the federal election, so it was on — —

The SPEAKER — Order! Taking a point of order is not a time to add to debate. That is not a point of order.

Dr NAPHTHINE — The former federal minister, Kim Carr, tried to appoint one of his union mates as chairman of this fund, which delayed the process. We had to step in to protect the fund and protect the residents of Geelong from jobs for the boys — jobs for the mates. But we now have the process in place. There

has been a change of government federally. We are now getting on with the job of assessing those applications and providing the job opportunities that that fund will generate.

Mr Pakula interjected.

The SPEAKER — Order! The member for Lyndhurst! That is unparliamentary language.

Bushfires

Mr BLACKWOOD (Narracan) — My question is to the Minister for Police and Emergency Services. Can the minister provide the house with an update on the recent Victorian bushfires and the response by our emergency services to conditions described as the worst in the last five years?

Mr WELLS (Minister for Police and Emergency Services) — I thank the member for Narracan for his strong interest in this area. I will start by thanking the Country Fire Authority (CFA) and Victoria State Emergency Service volunteers for their incredible hard work. I also thank the CFA, Department of Environment and Primary Industries, Parks Victoria and Metropolitan Fire Brigade career firefighters for the fantastic job they have done in keeping Victoria safe in very difficult circumstances.

The coordination and cooperation we have seen across all the agencies has been extraordinary. It has been fantastic to see the cooperation among the agencies. The Napthine government is absolutely committed to implementing the 67 recommendations of the 2009 Victorian Bushfires Royal Commission, and that is well under way. The implementation of the recommendations has brought about the most significant change and improvement to emergency management that this state has seen. There is no question that Victoria is better prepared for the current fire season than at any other time before.

As of today there are four fires burning in the state that are not yet under control. We have had about 5000 houses saved around the Kilmore area. There are three significant fires burning in East Gippsland and about 370 000 hectares have been burnt. The current fires at Hazelwood and the Yallourn open cut mine are continuing to burn. Progress has been made to extinguish the fire at Hazelwood, but there are yet weeks of work ahead of us. However, the safety of firefighters and the safety of the community is absolutely paramount in this time.

The emergency services, the Department of Health and the Environment Protection Authority (EPA) are

working together to monitor air quality. The EPA has advised that today is a good day when it comes to air quality, and it is advising people in the area that they are able to open their windows and doors and allow fresh air in. But it is also important that all people in the area remain vigilant and aware of the conditions and keep up to date with the CFA and EPA websites. A community meeting is being held tonight at 6.00 o'clock at Kernot Hall in Morwell, and I thank the member for Morwell for his hard work.

Unfortunately 45 houses have been lost across the state, and since the start of the fire season 78 houses have been lost. Due to the severity of the fires, hundreds of head of cattle and thousands of sheep have perished, and obviously pasture and feed have been lost. The great news is that no lives have been lost and there have been no serious injuries as a result of the fires that started in February despite this being the most dangerous fire season we have had since 2009.

As I said at the start, the cooperation across the fire agencies has been extraordinary except for one example, and let me look at that. All cases of cooperation and coordination have been fantastic, but in incredibly difficult situations, such as the heatwave we experienced, we needed all Metropolitan Fire Brigade (MFB) trucks to be on the road as first responders to help the elderly and the vulnerable. The United Firefighters Union (UFU) slapped a ban on nine of those trucks, and it had the support of the UFU puppet. The MFB had to take the UFU to Fair Work Australia to have the bans lifted. It is difficult to believe that a union would put public health at risk, but it did.

More disturbing is the public support given to the UFU by the UFU puppet. I say the UFU should hang its head in shame, and so should the Leader of the Opposition.

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

The SPEAKER — Order! The minister has finished his answer.

Ms Allan interjected.

The SPEAKER — Order! The member for Bendigo East! The member for Monbulk on a point of order. The minister has finished his answer.

Mr Merlino — I understand that, Speaker. On a point of order, it is unparliamentary and not within the standing orders to make reflections on the opposition — from a minister who was at the tennis while the fires were burning.

The SPEAKER — Order! The member for Monbulk should resume his seat. It may be of interest to members but this is not about them; it is about the people of Victoria.

Geelong Region Innovation and Investment Fund

Ms NEVILLE (Bellarine) — My question is again to the Premier. I refer the Premier to his previous answer, and I ask: can the Premier outline when the applications close for funding under the Geelong Region Innovation and Investment Fund and how many new projects and industries have been supported under that fund?

Dr NAPTHINE (Premier) — The Geelong Region Innovation and Investment Fund is a very important fund. It was established jointly by the federal Labor government and the coalition government in Victoria in response to the decision by Ford to discontinue vehicle manufacturing in Victoria. The Geelong fund was set up as half of the \$49 million in funding that was put together by the federal government, by the state coalition government and by Ford. There is a total of \$49 million of which half was to be allocated for the northern suburbs in terms of Broadmeadows and Campbellfield and half was to be used in the Geelong region.

The purpose of the fund is to provide for firms and businesses in those regions to apply for funding and to outline a business plan where they would create jobs and opportunities into the future and create those jobs and opportunities in a time frame that coincided with the winding down of Ford so that workers from Ford would have a fair and reasonable chance of applying for those jobs and of participating in that industry. Even when we talk to the union and talk to other stakeholders, they say we need to make sure these funds are allocated over the period to provide those jobs — —

Ms Neville — On a point of order, Speaker, the Premier is required — —

Ms Ryall interjected.

The SPEAKER — Order! I say to the member for Mitcham that every member has a right to stand and make a point of order. I ask her not to interject in that manner again.

Ms Neville — The Premier is required to be direct, relevant and factual when he answers a question, and my question was very specifically about this fund,

when the applications close and what decisions have been made since those applications have closed.

Ms Asher — On the point of order, Speaker, the member has again repeated her question, which is against standing orders, but notwithstanding that the member's point of order was used to repeat the question, the Premier was complying with standing orders and was directly answering the question of the member for Bellarine.

The SPEAKER — Order! The question of the member for Bellarine referred to the fund. The Premier is answering the question.

Dr NAPTHINE — As I was outlining, when I go to talk to the workers at Ford, whether they be at Broadmeadows or in Geelong, when the Minister for Manufacturing and I talk to them, they say to us that they want these funds rolled out on a staggered basis over time so that jobs become available as they are seeking those jobs. I can advise the house, in answer to the question, that round 1 for these applications has already closed. Further rounds will be rolled out through the fund process, but round 1 has closed.

Despite delays under the previous federal government and despite the change of government federally the applications are now being evaluated, and I am advised that we expect that announcements will be made in the very near future about the first round funding. This is exactly the process that the workers at Ford want. They want a process that takes the time to create real jobs in their local region as they are seeking to — —

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon!

Dr NAPTHINE — When I stand in the cafeteria at Ford in Geelong, when I stand in the meeting room at Broadmeadows, what the workers are saying to me is, 'Use these funds to provide jobs over a period of time', to coincide with when they are going to be relocating out of Ford. That is what they want, and that is what this fund is about delivering. We are saying that round 1 has closed — those applications — and I can advise the house — —

Mr Andrews — When did it close?

Dr NAPTHINE — It has closed. I can advise the house that we had a significant number of applications both in the northern suburbs and in Geelong. Those have been evaluated and recommendations have been made, so that we expect that announcements will be

made in the very near future on the outcome of round 1. We look forward to further rounds of this fund to create jobs and opportunities for those workers who used to work at Ford.

Workplace unlawful behaviour

Mr BURGESS (Hastings) — My question is to the Minister for Industrial Relations. Can the minister advise the house of how the government is acting to tackle unlawful behaviour in Victorian workplaces?

Honourable members interjecting.

The SPEAKER — Order! The member for Lara and the member for Lyndhurst have been warned already.

Mr CLARK (Minister for Industrial Relations) — I am happy to be able to inform the honourable member for Hastings that the Victorian government is indeed acting to ensure that the rule of law applies to unions and workplaces just as it applies to the rest of the community. No-one is above the law, and that includes trade unions and their associates. In an open and democratic society like Victoria's and under longstanding industrial relations laws, people have the right to make their point of view known through public protest and through taking protected industrial action. However, simply being in a trade union or not liking what someone else is doing does not give trade union officials, their associates or anyone else the right to break the law and to blockade or picket in a way that stops other people going about their lawful business.

Lawlessness and its consequences have been particularly serious issues in the building and construction industry, and that is one of the key reasons why the Victorian government has established the construction code compliance unit and its implementation guidelines. Those guidelines require companies that tender for Victorian public sector work to commit to uphold the law and to implement practices that will support safe, law-abiding and productive workplaces. That is also why the government has recently announced, as I informed the house last time we met, that the government is amending those implementation guidelines to require companies that tender for Victorian government construction work to demonstrate that they have comprehensive drug and alcohol screening measures in place to better ensure the safety of their workers and to demonstrate that they have a commitment to best practice measures to ensure the security of construction sites — measures such as CCTV monitoring, biometric scanning and smartcard technology.

I am also pleased to be able to inform the house that with a coalition government now in Canberra, the Victorian government at last has the support out of Canberra from a government that is seeking to support our efforts to ensure that Victoria has law-abiding and productive workplaces. That is in stark contrast to the situation that we inherited when we came to office and the situation that we had to endure until the election of the Abbott government last September. The Gillard and Rudd governments promised a strong cop on the beat, and then they gave into Labor's union mates. They gutted and then abolished the Office of the Australian Building and Construction Commissioner (ABCC) and watered down the powers of the fair work building inspectorate.

Victoria unfortunately is continuing to pay a heavy price for the abject failure of the previous commonwealth and state Labor governments to stand up to militant unions. We are paying the price in terms of higher costs and delays and, probably even worse, a pervasive culture of fear and intimidation that provides an open invitation to organised criminal activities. That is why the Victorian government was very pleased with the recent announcement by the commonwealth government that it would be establishing a royal commission into irregularities within the trade union movement.

The terms of reference of that royal commission are wide ranging. They include inquiring into and reporting on any breaches of the law by union officials in order to procure an advantage for themselves or for others or to cause detriment to others. The royal commission can also examine the participation by any other persons or organisations in such breaches. This will enable the royal commission to investigate allegations such as unlawful kickbacks, coercion, extortion, boycotts and black bans by building industry unions or union officials and by any criminal bikie gangs or other criminal elements that may be acting in conjunction with them.

The Victorian government warmly welcomes the establishment of the royal commission, which, alongside the restoration of the ABCC — when federal Labor and federal Greens have stopped their obstruction of that restoration — the work of the construction code compliance unit and the ongoing work of Victorian and federal police authorities will help reverse the terrible damage that has been done by federal and state Labor in this area.

Employment

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his statement that the day Ford announced it was closing was a ‘sad day’. I further refer the Premier to his statement that the day Holden announced it was closing was again a ‘sad day’. I refer to the Premier’s statement that the day Toyota announced it was closing was also a ‘sad day’. I refer to the Premier’s statement following today’s announcement from Alcoa that today is indeed a ‘sad day’. How many more sad days do Victorians need to endure before this Premier and his government put down a comprehensive plan for jobs?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. Certainly those four days were sad days for those jobs and those industries. But while some people talk about jobs this government gets on with delivering jobs for Victoria. We roll up our sleeves and get on with delivering jobs for Victoria, like we did with SPC Ardmona. It is all talk on that side of the house and action on this side of the house. There is a lot of difference between talk and real action to protect jobs and create jobs. That is why — —

Ms Allan — On a point of order, Speaker, under standing order 58(1)(b), members are not to debate the matter to which the question relates. The Premier is clearly debating the question, particularly by inviting interjections from the opposition with his commentary on the opposition. I ask you to bring him back to answering the question within the confines of the standing order, which indeed asked the Premier to do his job to save those of other Victorians.

Ms Asher — On the point of order, Speaker, standing order 58(1)(a), as amended by sessional order, requires answers to questions to be direct, factual, succinct and relevant. The Premier was being direct, factual, succinct and relevant to the very, very broad question that he was asked.

The SPEAKER — Order! On the question of the Premier inviting interjections, I think the interjections were so loud that he could not have invited any more than were already happening. On the point of order about answers being direct, factual and succinct, I do not uphold that point of order.

Dr NAPTHINE — The facts are that since the election of the coalition government in Victoria, there are 66 900 more Victorians employed than when we came to government. Indeed, when you compare this across Australia, we are the second-best state for

creating jobs, second only to resource-rich Western Australia. When we come to jobs in regional and rural Victoria we are the leading state. We have created more jobs in regional and rural Victoria than any other state or territory has in regional and rural areas across Australia. So we are no. 1 in regional and rural jobs, and we are no. 2 in jobs overall.

While people on that side of the house talk about things, we are a team that gets on with the real action of delivering jobs for this state, such as 3500 new jobs in Coles across the state, 3500 jobs on the regional rail link project, getting on with creating 3200 jobs on the east–west link stage 1, getting on with creating 3000 jobs on the expansion of the port of Melbourne and starting work on the port of Hastings — real jobs for the future of Victoria.

We are also getting on with delivering jobs in Geelong — jobs through the national disability insurance scheme headquarters that could have gone to any other state or territory but went to Geelong because of the hard work of the coalition state government, which has delivered those jobs in Geelong. We have yet to hear a word of thanks from the Leader of the Opposition on that. When it comes to jobs in Geelong we have already announced that we will put the WorkCover authority head office in Geelong — 600-plus jobs for Geelong. Again there is nothing from the opposition on that; there has been no commitment to Geelong in relation to those jobs.

We are creating jobs throughout the industries of food processing, whether it be SPC Ardmona, whether it be through the dairy industry, whether it be through industries at Moe or whether it be through Geelong industries such as Carbon Revolution, Farm Foods, AKD Softwoods, Backwell IXL, Sykes boats, the St Mary’s development, the Little Creatures brewery or Kommercial at Karingal.

Our state faces challenges, and it faces transition, but people can have confidence in the coalition government. We have a track record of delivering jobs, and we will continue to work hard and deliver jobs. We will not just talk about it; we will do it.

Julian Knight

Ms WREFORD (Mordialloc) — My question is to the Premier. Can the Premier inform the house how the coalition government is acting to protect the Victorian community and keep Victoria’s worst mass murderer behind bars?

Dr NAPHTHINE (Premier) — I take this opportunity to advise the member for Mordialloc and the house that it is the intention of this government to introduce into Parliament today a bill to ensure that Victoria's worst mass murderer, Julian Knight, will never again pose a threat to our Victorian community. Our proposed legislation will guarantee that Julian Knight will never leave prison unless he is dead or so seriously incapacitated that he is physically unable to do harm to any other person. We trust that this legislation will be supported by all parties and all members of the Parliament.

Julian Knight is a mass murderer. He has been convicted of 7 murders and 46 counts of attempted murder. In his 27 years in prison Julian Knight has shown no evidence of genuine understanding of the significant impact of his crimes on families and on the Victorian community. He has shown no evidence of remorse. He has been a very difficult prisoner. His actions in prison show he has no respect for his fellow human beings.

Julian Knight would have been eligible for consideration for parole in May this year. Under the coalition's tougher new parole system, it is extremely unlikely that Mr Knight would have been given parole. However, to ensure certainty, to give comfort to his victims' families and friends, and to ensure the safety of our community and the protection of Victorian families, this government is introducing legislation to make it absolutely certain that Julian Knight will remain in jail.

VEXATIOUS PROCEEDINGS BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to reform and consolidate the law relating to vexatious proceedings in courts and tribunals, to make consequential amendments to various acts and for other purposes.

Mr PAKULA (Lyndhurst) — I ask the Attorney-General to provide a brief explanation of the bill.

Mr CLARK (Attorney-General) — This is a bill to reform the law in relation to vexatious proceedings, broadly in line with a report of the parliamentary Law Reform Committee of the previous Parliament.

Motion agreed to.

Read first time.

HONORARY JUSTICES BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to provide for the appointment of justices of the peace and bail justices, together to be known as honorary justices, the use of titles by current and retired honorary justices and other matters relating to honorary justices and for other purposes.

Mr PAKULA (Lyndhurst) — I ask the Attorney-General for a brief explanation of the bill.

Mr CLARK (Attorney-General) — This is a bill to strengthen the role and standing of honorary justices in the community after the denigration of and threats to the continuation of the Honorary Justice Office under the previous government.

Motion agreed to.

Read first time.

TRANSPORT (SAFETY SCHEMES COMPLIANCE AND ENFORCEMENT) BILL 2014

Introduction and first reading

Mr MULDER (Minister for Public Transport) — I move:

That I have leave to bring in a bill for an act to provide a scheme for the enforcement of transport system safety legislation by re-enacting, with modifications, provisions of the scheme under the Transport (Compliance and Miscellaneous) Act 1983 for the enforcement of transport system safety legislation and adopting and adapting provisions from the Rail Safety National Law and for other purposes.

Ms HENNESSY (Altona) — I ask the minister to provide a brief explanation of the bill.

Mr MULDER (Minister for Public Transport) — It brings directors liability provisions in line with national provisions and also aligns the rail safety regime in Victoria with the national regime.

Motion agreed to.

Read first time.

MENTAL HEALTH BILL 2014

Introduction and first reading

Ms WOOLDRIDGE (Minister for Mental Health) — I move:

That I have leave to bring in a bill for an act to provide a legislative scheme for the treatment of persons with mental illness, to repeal the Mental Health Act 1986, to make consequential amendments to the Sentencing Act 1991, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and other acts and for other purposes.

Ms ALLAN (Bendigo East) — Can the minister provide a brief explanation of the bill to the house?

Ms WOOLDRIDGE (Minister for Mental Health) — This bill provides for a comprehensive rewrite of the Mental Health Act 1986 to reflect modern, contemporary treatment for people with a mental illness who require treatment under the act.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 8 to 17 will be removed from the notice paper unless members wishing their motion to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

TAFE 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 state government's plans to cut hundreds of millions of dollars from TAFE funding.

In particular, we note:

1. the TAFE association has estimated up to 2000 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure; and
3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urge the Liberal state government to abandon the

planned funding cuts and guarantee no further cuts will be made.

By Ms GREEN (Yan Yean) (19 signatures).

Doreen and Mernda schools

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the rapid increase in families moving to Doreen and Mernda in recent years, and the acute shortage of schools.

In particular, we note:

1. there are now almost 2000 students enrolled at government primary schools in Mernda and Doreen; by 2016 almost 4000 12 to 17-year-olds will live locally;
2. there is currently no state secondary school in Doreen or Mernda and a shortage of primary schools, with parents travelling on congested roads to schools as far as Whittlesea, Mill Park, Epping, Greensborough, Eltham, Montmorency and Diamond Creek;
3. the state government has finally caved in to community pressure to fund Doreen South PS (opening in 2014) and phase 1 of Doreen SC for years 7 and 8 only (opening in 2015); however, the area still needs other schools and school buses; and
4. funding has not yet been confirmed for years 9–12 at Doreen SC, nor to build Mernda P–12, nor for more school buses or footpaths to enable students to walk or cycle to existing schools and the new Doreen SC post-2015.

The petitioners therefore request that the Legislative Assembly urge the Liberal government to fund phase 2 of Doreen SC in the 2014 budget, fund the building of Mernda P–12 and fund new bus services and cycle and footpaths.

By Ms GREEN (Yan Yean) (57 signatures).

Epping roads

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Liberal state government's refusal to fund upgrades to Epping Road or on-ramps from O'Herns Road to the Hume Freeway in previous state budgets.

In particular we note:

1. Epping Road services some of the most rapidly growing areas in Australia;
2. the intersection of Epping, O'Herns and Findon roads is recognised by the RACV as one of the worst in Victoria;
3. the upgrade of both roads continues to be a top priority for local residents and the City of Whittlesea; and

4. failure to upgrade Epping's roads is now not simply an issue of resolving congestion, but is critical to saving lives during an emergency such as a fire.

The petitioners therefore request that the Legislative Assembly urge the Liberal state government to fund and commence work on one, upgrading Epping Road; and two, building on-ramps from O'Herns Road to the Hume Freeway as a matter of urgency.

By Ms GREEN (Yan Yean) (40 signatures).

Doreen and Mernda schools

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This petition of certain citizens of the state of Victoria draws to the attention of the house the rapid increase in families moving to Doreen and Mernda in recent years, and the acute shortage of schools.

In particular, we note:

1. there are now almost 2000 students enrolled at government primary schools in Mernda and Doreen; by 2016 almost 4000 12 to 17-year-olds will live locally;
2. there is currently no state secondary school in Doreen or Mernda and a shortage of primary schools, with parents travelling on congested roads to schools as far as Whittlesea, Mill Park, Epping, Greensborough, Eltham, Montmorency and Diamond Creek;
3. the state government has finally caved in to community pressure to fund Doreen South PS (opening in 2014) and phase 1 of Doreen SC for years 7 and 8 only (opening in 2015); however, the area still needs other schools and school buses; and
4. funding has not yet been confirmed for years 9–12 at Doreen SC, nor to build Mernda P–12, nor for more school buses or footpaths to enable students to walk or cycle to existing schools and the new Doreen SC post-2015.

The petitioners therefore request that the Legislative Assembly urge the Liberal government to fund new bus services and cycle and footpaths.

By Ms GREEN (Yan Yean) (90 signatures).

Doreen road safety

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the exceedingly dangerous road safety issues experienced by school students and pedestrians trying to access Doreen Primary School, Plenty Valley Christian School and numerous other secondary schools attended by Doreen teenagers. By 2016 almost 4000 12 to 17-year-olds will live in postcode 3754 and most will still be forced to catch buses to school.

In particular, we note:

1. Yan Yean and Bridge Inn roads carry high volumes of traffic way in excess of what they were designed for, with no footpaths, bike paths or pedestrian crossings;
2. Doreen PS and Plenty Valley Christian School students have no ability to walk even short distances to school, due to the absence of footpaths;
3. there is currently no state secondary school in Doreen or Mernda and a shortage of primary schools, so students catch buses to schools as far as Whittlesea, Mill Park, Yarrambat, Epping, Greensborough, Eltham, Montmorency and Diamond Creek;
4. there is inadequate bus stop space for the volume of buses, with one bus stop even located in a no-standing zone; and
5. there is no safe area for parents to park and drop off their children, especially within an 80-kilometre zone.

The petitioners therefore request that the Legislative Assembly urge the Liberal government as a matter of urgency to (1) fund new bus services, cycle and footpaths; and (2) support Whittlesea and Nillumbik councils to plan and deliver road improvements and safety upgrades.

By Ms GREEN (Yan Yean) (47 signatures).

Northern Health and Austin Health merger

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly recent news regarding the Naphthine Liberal government's intention to merge the boards of Northern Health and Austin Health. In particular we note:

1. that the Naphthine Liberal government has failed to be transparent about any merger plans;
2. that local residents and staff have not been consulted about a merger; and
3. that the government has refused to provide any guarantee that jobs and services will not be cut.

Petitioners therefore request that the Legislative Assembly call on the Naphthine government to be transparent about its plans, conduct widespread community consultation about any possible merger, guarantee that health services in Melbourne's north will not be reduced, and that users will not be disadvantaged by any changes to existing health services.

By Ms GREEN (Yan Yean) (20 signatures).

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 2

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 2 of 2014* on:

- Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014**
- Environment Protection and Sustainability Victoria Amendment Bill 2014**
- Health Services Amendment Bill 2014**
- Justice Legislation Amendment (Discovery, Disclosure and Other Matters) Bill 2014**
- Legal Profession Uniform Law Application Bill 2013**
- Sale of Land Amendment Bill 2014**
- State Taxation Legislation Amendment Bill 2014**
- Victorian Civil and Administrative Tribunal Amendment Bill 2014**
- Water Amendment (Water Trading) Bill 2014**
- Planning and Environment (Fees) Further Interim Regulations 2013**
- Subdivision (Fees) Interim Regulations 2013**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Financial Management Act 1994 — Report from the Minister for Agriculture and Food Security that he had received the Report 2012–13 of the Murray Valley Citrus Board together with an explanation for the delay

Melbourne City Link Act 1995 — Boroondara shared path sublease

Planning and Environment Act 1987:

Amendment C183 to the Cardinia Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

- Cardinia — C174
- Casey — C179
- Darebin — C131
- Greater Dandenong — C168
- Greater Shepparton — C167

- Hume — C175
- Kingston — C139
- Knox — C118
- Loddon — C33
- Manningham — C96
- Maribymong — C115
- Moreland — C34
- Mornington Peninsula — C182
- Mount Alexander — C54
- Murrindindi — C44
- Nillumbik — C86
- Port Phillip — C64, C94
- South Gippsland — C85
- Stonnington — C190
- Surf Coast — C84, C92
- Warrnambool — C75
- Whittlesea — C141

Statutory Rule under the *Meat Industry Act 1993* — SR 2

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 160/2013, 2

Documents under s 16B in relation to:

Education and Training Reform Act 2006 — Ministerial Orders 723, 724

Racing Act 1958 — Harness Racing Victoria — Notice of amendments to Australian Rules of Harness Racing.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 8 February 2011:

Heavy Vehicle National Law Application Act 2013 — Whole Act (except s 53 and Part 2 of the Schedule) — 10 February 2014 (*Gazette S28, 4 February 2014*)

Road Legislation Amendment Act 2013 — Part 4 and s 34 — 10 February 2014 (*Gazette S28, 4 February 2014*).

ROYAL ASSENT

Message read advising royal assent on 11 February to:

Court Services Victoria Bill 2013
Electricity Safety Amendment (Bushfire Mitigation) Bill 2013
Energy Legislation Amendment (General) Bill 2013
Gambling Regulation Amendment (Pre-commitment) Bill 2013
Local Government Amendment (Performance Reporting and Accountability) Bill 2013
Public Administration Amendment (Public Sector Improvement) Bill 2013.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014
Environment Protection and Sustainability Victoria Amendment Bill 2014
State Taxation Legislation Amendment Bill 2014
Victorian Civil and Administrative Tribunal Amendment Bill 2014.

BUSINESS OF THE HOUSE

Standing orders

Ms ASHER (Minister for Innovation, Services and Small Business) — By leave, I move:

That so much of standing orders be suspended so as to allow ministers' second-reading speeches, in relation to the bills listed on the notice paper for Wednesday, 19 February 2014, or Thursday, 20 February 2014, to be incorporated into *Hansard*.

Motion agreed to.

Program

Ms ASHER (Minister for Innovation, Services and Small Business) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 20 February 2014:

Corrections Legislation Amendment Bill 2013
 Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Bill 2013

Legal Profession Uniform Law Application Bill 2013

Small Business Commissioner Amendment Bill 2013

Summary Offences and Sentencing Amendment Bill 2013

Travel Agents Repeal Bill 2013.

This is the request of the Parliament by the government for this week's business program. In moving this motion, I throw down a challenge to the 43 ALP members who constitute the opposition in this place. This is not a heavy workload at all. In fact my desire was to have more bills on the program, but on reflection I do not think the circumstances of last week should occur this week. The government is putting a very light program to the opposition and the Parliament.

This is not a heavy program; it is a manageable program. There are six bills on it. One of those six bills is the Travel Agents Repeal Bill 2013. I remind members that this house has already debated the Travel Agents Repeal Bill 2013 for more than 5 hours, excluding the minister's second-reading speech. Everyone here has been in opposition, and we understand that oppositions need to reflect on their opposition to bills; that is part of the process of government in a democracy. That is understood. However, we have already had 5-plus hours of debate on this bill. I hope members of the opposition have had a chance to see the correspondence from Webjet that says 100 jobs will disappear from Victoria if this bill is defeated. We need to move on and vote on this bill one way or another after the house has invested this amount of time in debating it.

The opposition asked the government for a number of things in relation to the government business program, and a number of those wishes have been granted in the interests of cooperation. Firstly, for some time the opposition has been arguing for the incorporation of second-reading speeches into *Hansard* rather than having them read out in the house. This request has been raised over and over again by the opposition. As members of the house have just heard, not only was this done in the last sitting week, the first sitting week of the year, but I have just moved to allow, by leave and with the support of opposition members — and I thank them for that — ministers to incorporate the second-reading speeches rather than read them. I think members of the house will be pleased to know that this motion passed, because one of the second-reading speeches is 53 minutes long. It is the government's desire to process the four second-reading speeches in the lower house during government business. I think that will take all of 5 minutes now that ministers and the opposition have been through this process once, so it is the

government's desire for that to occur during the government business program.

Two bills will be introduced in the upper house this week. Again, I have signalled to the leader of opposition business, and I am happy to signal to the house as a whole, that given the difficulty of getting the government business program through the house the government will, wherever possible, move bills through the upper house so there will at least be a progression of business for non-financial bills. I note that in this term the government has moved 51 government business program motions and the opposition has agreed to only 12 of them. Again, I am putting the case that in this instance, with a relatively light workload and a number of requests being acceded to, today would be the day when a reasonable opposition would vote for the government business program.

The opposition has also asked for a decent period of debate and a consideration-in-detail stage for the Summary Offences and Sentencing Amendment Bill 2013. Again I have indicated that should the government business program get off the ground, I would be more than happy for the opposition to have all day to debate the Summary Offences and Sentencing Amendment Bill 2013, and the bill will go into consideration in detail as per the opposition's request. I have also tried to accommodate the ALP on the timing of debate. I might add that during our years in opposition we did not receive much consideration from a former manager of government business, Peter Batchelor. But I am a reasonable woman, and in the interests of the smooth running of the house and in the quest for the 43 ALP members to vote for this business program, I have acceded to these requests.

Ms ALLAN (Bendigo East) — Goodness me! The government has thrown in the towel, hasn't it? If it is not the opposition's fault, it is former manager of government business Peter Batchelor's fault that this government — —

The SPEAKER — Order! The member for Bendigo East will speak on the government business program.

Ms ALLAN — I am merely responding to the contribution from the Leader of the House on the government business program. In that contribution we heard that if the government has not got certainty around the government business program, it is either Peter Batchelor's fault — and let us remember that Peter Batchelor has not been a member of this place for over three years — or it is the fault of members of the opposition because we act within our rights as an

opposition and request and demand the right to speak on legislation.

Requests for a consideration-in-detail stage on various bills have gone unheeded until the eleventh hour — and I will admit that it took a change of Leader of the House to actually get some agreement on these matters — when the government is desperate to have a program before this house. It took until the eleventh hour before the government would agree to allow the opposition the right to speak on these bills in the consideration-in-detail stage. Remember that for nearly three years this government has constantly tried to gag debate, and it is only when it is thrown into absolute chaos through its inability to manage the Parliament that it allows us our right to go into consideration-in-detail stages.

I appreciate what the Leader of the House has said about the Summary Offences and Sentencing Amendment Bill 2013, and we look forward to that debate on Thursday, but why is the government making such a big deal of this? It is clear that the government is absolutely desperate to claw back some control of this Parliament and to claw back some pretence that it is actually a government in charge of a legislative program.

Let us consider, too, that since day one of coming to opposition we have been requesting that the government incorporate second-reading speeches.

Again this was ignored, dismissed and ridiculed by the government over and over again. But what did it take? It took the government reaching its final desperate stages, trying to claw together some semblance of a government business program, for it to agree to this sensible reform. I am rapt. I think we are all quite pleased with how well the incorporation of second-reading speeches has gone to date. It has freed up time for debate on bills, which is what the opposition had been arguing for all the way along.

But let us not pretend that this is any great gift from the government. Let us not pretend that this has had to be negotiated, and it is an important outcome. It is on the table and being delivered only because the government is in absolute chaos and is trying to offer up some trinkets to get its business program in order. I put it to you, Speaker, that it is not the opposition's fault that the government does not have a business program. It is up to the government to put its program forward; it is up to the government to put its legislation forward. May it stand and fall on the merits of each individual piece of legislation, and let the government business program stand and fall on its merits as well.

This week we see a list of six bills. It is ironic that the Leader of the House talks about this being a very light program when there are issues of substance on it. For example, we might have a bit more to say about the Travel Agents Repeal Bill 2013. Funnily enough, it is our right as members of the opposition to scrutinise legislation. The Summary Offences and Sentencing Amendment Bill 2013 has already been referred to, and there are other bills that we may wish to debate in detail.

But there are also issues about what is not on the program, and one is the central theme of jobs. This is something that the Labor opposition will come back to time and again: the issue of jobs. We have a jobs crisis in this state. What happened this morning was the terrible announcement of further jobs to go in Geelong with the closure of Alcoa. That is terrible news for Geelong, which has been buffeted over and over by the loss of jobs. But there is no capacity in the government business program to debate these central issues.

That is why the opposition has concerns with the government business program. It is why, week in and week out, we on this side have protested when our rights to take bills into the consideration-in-detail stage have been taken away from us. We have protested when our concerns about time for debate on legislation have been dismissed out of hand and with great arrogance by the government time and again over the past three years. It is only now, at the last minute, that we are seeing signs of a hand trying to reach across the table to broker an agreement. I am sorry to inform the Leader of the House that the opposition is not able to support the government business program. We want to see a debate about the central issue of jobs. We think that is critical to the state of Victoria.

Mr TILLEY (Benambra) — I rise to support the Leader of the House and the government business program. It would have been the truest test of reasonableness for the entire 57th Parliament for the opposition to demonstrate good faith in regard to what the government had on offer.

I will make my remarks particularly short, because we now know the ALP's intent is to disrupt and stop the good work that the coalition government is doing. I and, no doubt, the entire government strongly support the hard work and effort put in by the Leader of the House on the business program. On that note, it is unfortunate that the ALP will not pass this test of reasonableness.

Mr PALLAS (Tarneit) — I wish to support the position put by the manager of opposition business, and

that is essentially to indicate that we do not support the government business program. The manager of opposition business has highlighted that the reason — which has been restated — is that until the business program incorporates that there is a need for a real debate around jobs it will continue to be defective and will continue to let down the people of Victoria.

The government has previously — in fact as recently as the last parliamentary sitting week — been on the public record extolling the virtues of its capacity to govern and its ability to do its job in the absence of a government business program. That is not what the opposition is seeking here. We are seeking a genuine engagement around the content of that business program so that sufficient time can be put aside for bills to be appropriately debated, and this Parliament can be informed about and deal with the issues that are critical to the wellbeing of Victorians, which seems to be largely peripheral when it comes to this government getting up and extolling its own virtues.

This government needs to recognise that this is not a business-as-usual situation. This is a time that requires leadership from government. It requires a willingness from government to embrace an approach to the business program that will ensure that real debate occurs so that Victorians can have some confidence that this Parliament is attending to the needs of the community. In relation to this idea of extending hands across the water in respect of the government business program and that there should be a meeting of minds, those things will happen the minute that the minds of those opposite turn towards the issues that really and genuinely confront Victorians. At the moment government members are in denial, and this business program is really more about getting on with business as usual rather than recognising the substantive problems that confront Victorians.

We heard from the member for Benambra, who was applying the truest test of reason. According to him the truest test of reason is that the opposition supports the government's business program. I point out that the truest test of reason of any Parliament is that it does its work efficiently and effectively and focuses upon the interests of and the matters that concern the people of the state.

Ms Asher interjected.

Mr PALLAS — I hear the Leader of the House saying that we were not able to manage the business of this Parliament efficiently last week. That was not what we heard from her last week on morning radio, and that was not what we heard from the Premier when he

spoke publicly about these issues. He said, 'Of course we can manage with this'.

The SPEAKER — Order! On today's business program.

Mr PALLAS — So whether or not a business program exists — from the acknowledgement and the concessions of those opposite in terms of their public statements — matters little. We were told the Parliament would operate as it had over many years previously, as the Parliament does in the other place. It is just facile for the government not to embrace the need to genuinely debate and engage in negotiation with the opposition around the content of the business program so that this Parliament can move forward in a substantive way in regard to bills being introduced and managed through this place and so that the opposition gets an opportunity to debate specific bills.

The truest test of reason, as the member for Benambra said, is in effect that the government conduct itself in a way that enables Parliament to attribute what it considers an appropriate amount of time to debate bills, rather than this process that government members now seem absolutely wedded to, which is in effect turning their backs on a genuine engagement with the opposition with regard to the priorities that are being set.

Our view is that this government is not working well. It is not prioritising its work. While the bills that have come before this Parliament in many ways provide the capacity for issues to be debated, what they do not provide is the appropriate allocation of time for each and every bill to be appropriately negotiated and applied. What the program does not do is provide the capacity for substantial debate to be brought to this place so that the people of Victoria can have some confidence that this is a government — this is a Parliament — that concerns itself with the things that concern them. At the moment this government business program is nothing more than a demonstration of the denial that this government is suffering from.

Mr CRISP (Mildura) — I rise to support the government business program on behalf of The Nationals. It is a program that the opposition should have supported. I also support the comments already made in support of the program. I note that the member for Bendigo East spent 4 minutes and 50 seconds saying 'No' — she strung us out to the very end of that time.

The Corrections Legislation Amendment Bill 2013 is one of the bills on the program. There were comments

from the other side about jobs. Let us look at the program in relation to jobs. The changes provided for in the Drugs, Poisons and Controlled Substances (Poppy Cultivation and Processing) Amendment Bill 2013 will help build jobs in regional Victoria. There is a need for pain relief in Asia, and as the population grows both more affluent in Asia and older elsewhere the need for poppy cultivation needs to be met. The cultivation and processing of poppies equals jobs.

I turn to deal with the Legal Profession Uniform Law Application Bill 2013. This is legislation to smooth the way for the legal profession to work across borders. This will save money and time, and to me that equals jobs. The Small Business Commissioner Amendment Bill 2013 is about implementing more efficient and effective ways of resolving commercial disputes. If businesses are involved in commercial disputes, they are not getting on with business; if they are not getting on with business, they are not growing their business and delivering jobs. These bills are important to Victoria. I am extremely surprised that an opposition that is focused on jobs has decided to oppose the government business program. The Summary Offences and Sentencing Amendment Bill 2013 is also on the program. The Travel Agents Repeal Bill 2013 has been extensively debated already. Given the importance of the bills, particularly in relation to jobs, The Nationals very much support the government business program.

Mr DONNELLAN (Narre Warren North) — I welcome the opportunity to make a small contribution to the debate on the government business program. As the Leader of the House said, the opposition has supported 12 out of 51 government business programs, which is about a quarter of them. I would have thought that is not a bad level of support; it is a lot more support than we used to get from the government when it was in opposition.

The government has suggested that we are being obstructionist. Realistically we are not here to support the government; we are here to put forward our own point of view. We are here to debate legislation. We are here to say whether we support or oppose bills that come before the house. Somehow government members now think we have an obligation to get bills through the house for them, which is ridiculous. If the government cannot manage its own members, cannot manage its own votes and cannot bring members to order, it is no use it suddenly looking to the opposition — which did not support the coalition's agenda when it came to government — to support its government business program. It is not the role of an opposition to support the government in getting the numbers to get its business program through.

An opposition's role is to put its own point of view — to debate the bills. We did that last week with the Travel Agents Repeal Bill 2013, with which we have serious concerns in relation to consumer protections. When it comes to the Small Business Commissioner Amendment Bill 2013, even though the Liberal Party proclaims that it is the great supporter of small business it was Labor that introduced the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner which is now being rolled out around the country. At the end of the day we are here to put our own point of view forward, including on the Summary Offences and Sentencing Amendment Bill 2013, which we have serious concerns about. It is very much shut-up-shop legislation. It stifles debate, protest and many things across the board.

We want a realistic amount of time in which to debate these bills. We want to push them forward, but that does not necessarily mean that we as an opposition must support this government's business program. We have our own agenda. We believe jobs should be on the business program in terms of what the government is doing. To be honest I do not see a lot in the program that relates to jobs. We have bills that deal with drugs, legal issues and corrections, but I do not see a lot on the government business program which suggests that the government is focused on the most important thing for the Victorian public at the moment — that is, delivering jobs and job security.

It is no use asking the opposition to fix up the mess the government has created for itself by putting forward government business programs that are not supported by some individuals in the house. It is up to the government to deal with that. We are not here to assist the government; we are here to represent the interests of our own constituents — the people who chose to put us in here. They know our views, they know what we are focused on and they know that at the end of the day our no. 1 priority is jobs — jobs, jobs, jobs and nothing else.

The government has suggested that going into the consideration-in-detail stage is a great gift for the opposition. It is not a great gift. I do not consider it a gift at all. It is a part of the processes of this house that can help us get to the bottom of the issues that cause many bills to be returned to the house many times because the government simply has failed to listen to the contributions of opposition members. Maybe if a little more time were allowed for debate, which will occur if the government business program does not get through, we might get the legislation right and not have to bring it back to the house twice — I think we may have even had legislation that has come back to the

house three times. I am not sure; maybe that is a record so far.

At the end of the day it is important that the government very much refocus its mind on the important issues, and those issues do not include shutting up debate on the summary offences bill and removing the ability for people to protest and disagree with the government. That is a very typical thing for the conservatives to do; they talk about freedom of speech, but as soon as they get into government the first thing they do is shut it up. This summary offences bill goes very close to shutting up debate and protest, which is a great concern of ours. We look forward to the opportunity to speak to it in a consideration-in-detail stage because it is an important part of protecting the rights of the Victorian public and this community. As such, I welcome the opportunity to make this small contribution on this business program, but we do not support it.

House divided on motion:

Ayes, 44

Angus, Mr	Naphine, Dr
Asher, Ms	Newton-Brown, Mr
Baillieu, Mr	Northe, Mr
Battin, Mr	O'Brien, Mr
Bauer, Mrs	Powell, Mrs
Blackwood, Mr	Ryall, Ms
Bull, Mr	Ryan, Mr
Burgess, Mr	Shaw, Mr
Clark, Mr	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Gidley, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kotsiras, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McIntosh, Mr	Watt, Mr
McLeish, Ms	Weller, Mr
Miller, Ms	Wells, Mr
Morris, Mr	Wooldridge, Ms
Mulder, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Hutchins, Ms
Andrews, Mr	Kairouz, Ms
Barker, Ms	Kanis, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
Carroll, Mr	Madden, Mr
D'Ambrosio, Ms	Merlino, Mr
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Edwards, Ms	Noonan, Mr
Eren, Mr	Pakula, Mr
Foley, Mr	Pallas, Mr

Garrett, Ms
 Graley, Ms
 Green, Ms
 Halfpenny, Ms
 Helper, Mr
 Hennessy, Ms
 Herbert, Mr
 Howard, Mr

Pandazopoulos, Mr
 Perera, Mr
 Richardson, Ms
 Scott, Mr
 Thomson, Ms
 Trezise, Mr
 Wynne, Mr

Motion agreed to.

MEMBERS STATEMENTS

Qantas Australian Tourism Awards

Ms ASHER (Minister for Tourism and Major Events) — I would like to congratulate the Victorian winners and finalists in the Qantas Australian Tourism Awards, held on Friday, 7 February. Victoria received three gold, seven silver and two bronze awards. The Frankston Visitor Information Centre won best visitor information and services for the second year running. Blue Moon Cottages won best standard accommodation, and the Melbourne Cup Carnival won in the major festivals and events category.

In terms of silver placegetters, a range of products within Victoria won these prizes: Melbourne Zoo, major tourist attractions; Moonraker Dolphin Swims, ecotourism; Leisure Options, specialised tourism services; the Enchanted Adventure Garden, adventure tourism; Stillwater at Crittenden, tourism restaurants and catering services; and Space Hotel, backpacker accommodation. Bronze placegetters were the 2012 RACV Energy Breakthrough in the festivals and events category and Crown College in the tourism education and training category.

This is an excellent result, as 25 Victorian finalists competed against the best each state had to offer. It recognises and reinforces Victoria's reputation as a leading tourist destination. On the one side many members of this house would have heard me talk about the \$19 billion-plus industry and the number of people tourism employs, but on the supply side it is of particular significance that we have such good-quality tourism product to keep visitors coming to the state of Victoria. I was delighted to be present at the awards.

Altona rail loop

Ms HENNESSY (Altona) — Changes to train timetabling on the Werribee line that were made in 2011 have produced transport nightmares for many commuters from my electorate who use the Altona loop. I have raised this issue and the impact it has had on my local community many times in this chamber. The timetable changes have meant that a commuter

who wants to travel off-peak from Altona to the city loop has to change trains three times. This is a great challenge for many people at the best of times, so it should come as no surprise that patronage has dropped. Many people are concerned that the government will use the fact that patronage has dropped as an excuse to not address the timetable changes.

My constituents are also concerned that the government will not take steps to address the harsh and unfair impact of these timetabling changes. The changes would be challenging even if the network were running at its best, but all too often the network does not run at its best — far from it. It is a source of great frustration to my constituents that they are the subject of constant bypasses, which result in them being dumped at Newport or being kidnapped off to Laverton station and then left to find their own way home. On the days of extreme heat and rail cancellations Altona loop commuters were subject to no replacement bus services, late replacement bus services or bus services that did not bring them back to Altona. I request that the minister explain what steps can be taken to address this issue.

Bushfires

Mr WELLS (Minister for Police and Emergency Services) — The fire danger may not be as significant this week, with lower temperatures and rain forecast in some areas; however, we cannot become complacent. Victoria's fire danger for the remainder of the season is not over. I want to again commend our partner agencies and every single one of our career and volunteer firefighters for working in such a coordinated and cohesive manner. Led by the fire services commissioner, more than ever before we are seeing a united approach by our emergency services as they work together to tackle the dangers faced this fire season.

The Mickleham-Kilmore fire is now contained, and approximately 5000 houses and sheds have been saved. Three significant fires continue to burn in East Gippsland, and advice messages are in place for a number of towns in the area. Approximately 370 000 hectares have been burnt this season across the state. Recent issues around road closures, access to properties and relief payments are being worked through with the relevant agencies as a matter of priority. Authorities are continuing to focus on making areas safe for the return of residents. Work is under way to assess and clear dangerous trees, particularly along roads, so residents can safely get back to their houses, including in the Kilmore and East Gippsland areas.

Approximately 45 houses have been confirmed destroyed since early February for a total of 78 this fire season. I again thank all of our emergency service personnel for the tremendous work they are doing to protect our state during the fire season.

Automotive industry

Mr PANDAZOPOULOS (Dandenong) — I call on the government to provide a jobs plan for the 3000 people who work in the automotive components industry in Dandenong. Dandenong has had a long history of auto manufacturing. General Motors used to be there, and it is the home base for many auto component manufacturers. The government's lack of interest in creating a jobs plan generally, let alone a jobs plan for the auto industry, is of great concern. We need to know how the great skills that have been developed over time and that are so valuable and have multiple benefits to our economy will be utilised. What does this mean for places like Dandenong? Those 3000 jobs reside in Dandenong, but there are also auto workers in many other places of Victoria.

Rightly the government has stepped in to support SPC Ardmona. It was a belated move, but the government has recognised the importance of those jobs for Shepparton and the Goulburn Valley. There are more jobs in auto components than at SPC Ardmona, where the government has rightly intervened. That is why the Dandenong community is very concerned that it is not hearing anything from government. From 2017 onwards we will not have a car industry in this country. We are one of the G20 nations, the 20 richest countries in the world. By 2017 we will be with Saudi Arabia as the only G20 nations without an auto industry. All advanced economies have auto — —

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

SPC Ardmona

Mrs POWELL (Minister for Local Government) — On Thursday, 13 February, I was delighted to be part of the wonderful announcement that SPC Ardmona's long-term future in Shepparton had been secured due to the Victorian coalition government's contribution of \$22 million towards a \$100 million coinvestment with Coca-Cola Amatil. This announcement ended months of uncertainty for employees, growers and businesses in the Shepparton district. Many elated people have told me that they can now feel positive about their futures.

I want to acknowledge and pay tribute to the hard work and determination shown in making this proposal

happen by the Premier, the Deputy Premier and the Minister for Agriculture and Food Security. The Deputy Premier held numerous discussions with SPC Ardmona's managing director, Peter Kelly; Coca-Cola Amatil's board chairman, David Gonski; and many others. Various government departments have also worked with SPC Ardmona.

Agreement was made before the proposed decision date on 18 February to enable people to have job surety. SPC Ardmona can now get on with modernising its plant to better produce the product that consumers want. SPC has also committed to new products, new markets, new branding and new opportunities, but it is up to the consumer to choose to buy SPC's product. People right across Australia have given support. I would like to thank all those who have given support, including Linda Drummond, which has led to sales increasing by 50 per cent. I urge people to remain loyal to SPC Ardmona, a great Australian icon with a great product and wonderful growers who provide the best fruit in Australia. SPC Ardmona is now secure in Shepparton because of the Victorian government.

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

Wingate Avenue Community Centre

Mr MADDEN (Essendon) — I want to congratulate the Moonee Valley City Council and the Wingate Avenue Community Centre for winning the Premier's Recognition Award at the Premier's Sustainability Awards 2013. These awards were launched by the Labor government and have been highly successful.

I want to place on record those who put in the hard work which culminated in such success: Lauren Holst, the former environment project officer with the Wingate Avenue Community Centre (WACC); Scott Neill, Mark Brewer and Fartun Arte, the community representatives; Cr Jim Cusack from the Moonee Valley City Council; Lorna Mathieson from Sustainability Victoria; Stephen Gatford from the Environment Protection Authority; Natasza Purser and Manny Manatakis, former waste project officers at the council; Rod Irons, waste management coordinator at Moonee Valley City Council; Rubydayle Newman and Jan Thorpe from WACC; Roni Beauchamp and Sheridan Blunt from the environmental team at the council; Professor Anne-Marie Hede from Victoria University; Metropolitan Waste Management Group staff, including Michelle Lee, Helen Kerley and Hamish Jacobsen; and Lynette Linton and Sylvana Nikolovska from the Ascot Vale housing office.

Mark Brewer, Fartun Arte, Faye Murphy, Vince Mounsey, Yanling Zhou, Tri Tran, Ivan Scurry, Elene Amare, Tesfalem Kidane, Kamran Bashir and Abuk Akuar are the champions in seeing such enormous success by doing their hard work on the ground at the local housing estate. This tremendous result has been achieved through the hard work of many contributors.

Beaconsfield Upper and Gembrook primary schools

Mr BATTIN (Gembrook) — In the past week I have had the pleasure to attend two schools and present leadership badges and jackets to grade 6 students. I first attended Beaconsfield Upper Primary School to present the leadership badges to all students who are stepping up to take on the many challenges for the coming year. I was impressed by the way the students conducted the school assembly and spoke so confidently in front of the many parents in the hall.

I also had the pleasure of attending Gembrook Primary School to present badges and jackets. What an amazing group of leaders this school has in all age groups. The students were ready for the year ahead and to represent the school in the community and make sure that they have a positive influence amongst other students. It is pleasing that both schools have environment captains or environment warriors who will continue the focus on the important area of improving our environment for the future.

Gembrook electorate infrastructure

Mr BATTIN — Recently a local councillor used a paid advertisement in a local magazine to criticise the government on infrastructure projects in the Gembrook electorate, particularly in the Dandenong Ranges. I would like to put on the record the level of government investment in my electorate in the last three years: \$6.27 million for the Emerald police station; \$6 million to rebuild Emerald Primary School; \$5.167 million for a safety upgrade of Healesville-Kooweerup Road; \$988 000 for the installation of boom gates at three level crossings; \$150 000 for the refurbishment of Emerald Community House; \$75 000 to upgrade the Emerald scout hall; \$600 000 for environmental improvements to Emerald Lake Park; \$60 000 for lights at Gembrook Cockatoo Football Netball Club; more than \$4 million to ensure the survival of that great icon Puffing Billy; funding for a 24-hour ambulance roster for Emerald and Belgrave; and more than \$30 000 to support local community groups.

I am far from finished. I will continue to campaign for more police, a new truck and station for Clematis

Country Fire Authority and more support for local community groups in the region.

Somerville Road, Yarraville

Mr NOONAN (Williamstown) — I draw the house's attention to a reckless and dangerous decision by VicRoads and the Napthine government to ignore a request for an illuminated speed sign to be positioned outside Kingsville Primary School on Somerville Road in Yarraville. Everyone knows that children are our most vulnerable road users. VicRoads' own website states:

Research shows that children under age 12 do not have the skills and experience to be safe in traffic ...

Words on websites do not save lives, and they will not save children. In an extraordinary letter dated 28 January 2014 the Minister for Roads described the installation of an illuminated speed sign outside Kingsville primary as a low priority. The minister might deem it a low priority, but the City of Maribyrnong's comprehensive risk assessment concluded that the illuminated signage is essential.

What makes the government's decision even more incomprehensible is that more than 12 000 vehicles pass by the school each day. Of those 12 000 vehicles, more than 2000, or one in every six, is a truck. Because there are night curfews in place, almost all of those trucks are travelling past the school during the hours of 6.00 a.m. and 8.00 p.m. By my calculations that means there are approximately 140 trucks an hour passing the school. Those are VicRoads' own figures. Heavy trucks and children just do not mix. The minister seems content to hide behind the poor advice provided to him by VicRoads and ignore the safety enhancement that is so necessary. I implore the government to act before someone gets hurt.

Mount Pleasant Road Primary School and Kindergarten

Ms RYALL (Mitcham) — I would like to express how appalled I am at the cheap political attack staged by the state Labor opposition on the Mount Pleasant Road Primary School community. I absolutely stand behind the school council and the principal in their decision to demolish building 2. The demolition was not an easy decision for the school council to make. The school had been neglected for a long time, and although it finally had something that looked nice, at least on the inside, it was structurally unsound and would not serve the school community into the future. An independent audit showed that the Mount Pleasant

Road Primary School building was the worst in our state.

Unlike other local schools, Mount Pleasant Road primary was not given a massive new multipurpose school hall with an indoor basketball court. Instead part of the run-down and structurally unsound 1958 building received a massively expensive \$700 000 refurbishment. That is like putting a bandaid on a broken leg. The part of the building that was refurbished had a certificate of occupancy restricting the floor loading, meaning the hall would be unsafe if used for its intended purpose. The refurbished area had windows which would not open and doors that could not be closed and were therefore unusable, and there were soft spots on the floor. The refurbished window frames and original glazing and roof structure also meant that a high level of maintenance would be required in the future and that cost would be borne by the school.

The school community is very excited about its new school buildings, and I join in the excitement that this wonderful school is finally getting the attention it deserves with its new buildings. If Labor members knew the facts before running off to the media, they would know that undermining this fantastic school community is a completely unnecessary kick in the guts.

Bushfires

Ms GREEN (Yan Yean) — Last sitting week this house solemnly noted the fifth anniversary of Black Saturday. Tragically, some 24 hours later, the community that I have the privilege to represent was again threatened and ravaged by fire. The Mickleham fire threatened communities such as Beveridge, Wallan, Kilmore, Darraweit Guim and beyond. However, I never cease to be amazed at how communities come together to help each other get through such disasters. I acknowledge on the record the more than 300 firefighters who were on the fireground 24/7, many of whom were from communities that were impacted by Black Saturday. At one stage there were 63 appliances on the ground and more than a dozen aircraft. Some 5000 homes and 13 000 people were protected. Some people were without power for up to seven days, and many families spent a number of nights sleeping in the Wallan relief centre.

I acknowledge not only the firefighters, the State Emergency Service and Victoria Police but also the wonderful team members at the Wallan relief centre, who were led by the Shire of Mitchell and did an amazing job in supporting the community. I thank the

Leader of the Opposition and the shadow minister for emergency services, who joined me in thanking the community. These fires show that the threat in the outer suburbs is ever present and that we must be ever vigilant so that life and property can be preserved.

John Whyte

Mr CRISP (Mildura) — Vale John Whyte, whose life was spent in consideration of others. John's leadership style was to listen and then offer advice. John held many leadership positions in our community, in particular in the citrus industry and, through its importance to citrus, the water industry, as well as in his church and many other positions. Through the citrus industry and the church I met and was mentored by John for many years. That mentoring continued until very recently, particularly as John followed his passion for tractor restoration as editor of the local newsletter/magazine. John would drop off a copy to my office every month and check on my wellbeing. In every way John was an outstanding gentleman. I share in the grief of his wife, Karen, and his family but also celebrate a life that many could aspire to.

Northern Mallee Sports Star Awards

Mr CRISP — It was my pleasure to represent the Minister for Sport and Recreation at the Northern Mallee Sports Star Awards on Friday, 7 February. Mildura has a lot of sporting talent, and to have celebrated it with a gala evening was indeed special. Congratulations to Demi Samaras and all the people who participate in sporting activities or help through volunteering in the Mildura electorate.

Northern Mallee Leaders

Mr CRISP — The Northern Mallee Leaders program has kicked off for this year. It was my pleasure to welcome and present badges to the participants in the 2014 program, through which 21 people are giving up their time to commit to future services in their community.

Melbourne Storm

Mr CRISP — It was my pleasure to attend the recent Melbourne Storm Stormy Night event with a number of Melbourne Storm players, led by Cooper Cronk. The National Rugby League players were there as part of the National Rugby League's Tackle Bullying program.

Lunar New Year

Ms D'AMBROSIO (Mill Park) — I am very pleased to share with the house my attendance at a wonderful occasion in celebration of the Chinese and Vietnamese Lunar New Year in my local community. On Saturday, 8 February, I was pleased to join with the Whittlesea Chinese Association and the Whittlesea Vietnamese Truong Vuong Women's Group at the Thomastown Recreation and Aquatic Centre to celebrate the Year of the Horse. The centre was, as usual, chock-a-block with terrific events, all multicultural, including Bollywood dancing, line dancing, beautiful Chinese song, traditional music, modern music, instrument playing and calligraphy demonstrations. There was something for young and old — something for everybody in the local community.

I wish to acknowledge the presence of the federal member for Scullin, Andrew Giles, and Cr Kris Pavlidis from Whittlesea City Council, who have been terrific supporters of these two organisations. I wish to pay special tribute to Nhan Phan, Trinh Nguyen, Regina Leung-Hining, Albert Yew, Bee Yew and Thomas Ling, who were the key organisers of this terrific event. A special mention must also go to Arthur Yong, who is the inaugural president of the Whittlesea Chinese Association and whose continuing support is much appreciated by all.

Carrum electorate kindergartens

Mrs BAUER (Carrum) — With the start of the school year it has been a pleasure to resume my strawberry pots program, which aims to encourage preschoolers to get involved with growing plants and enjoy the fruits of their labour. The program involves me visiting kindergartens in my electorate armed with a decorative strawberry pot and strawberry seedlings. I then get to help the children plant the seedlings and talk about how to care for the plants. So far I have visited 10 kinders, and the reaction from teachers and children has been delightful.

Carrum Downs Secondary College

Mrs BAUER — It was a pleasure to visit Carrum Downs Secondary College last week. During my visit I was able to speak to senior staff and learn about the school's great programs and what needs to be done to make a great school even better. I was particularly impressed with its innovative programs such as the on-site beauty salon, and I look forward to going back to Salon Magnolia and testing the skills of the budding stylists.

Stone Outdoors

Mrs BAUER — Carrum Downs business Stone Outdoors is one smart operator. The concrete paving manufacturer will receive \$50 000 through the coalition government's Smarter Resources, Smarter Business grants to improve processes to capture and reuse waste materials created during the manufacturing process. It is great to see Stone Outdoors improving its materials and its energy efficiency and boosting its economic performance. Once again, congratulations to them.

Cranbourne electorate schools

Mr PERERA (Cranbourne) — Cranbourne Secondary College is home to approximately 1500 students. The college has been crying out over the last three state budgets for a commitment to and funding of stage 3 of the required modernisation project. This stage includes important science and technology wings. In government Labor invested over \$8 million for the completion of stages 1 and 2 of the college's modernisation project. Unfortunately stage 3 is nowhere to be seen.

Cranbourne West Primary School is basically bursting at the seams. In government Labor invested over \$5 million in modernising the school. However, over the last three budgets the school has received no support from this government for its major regeneration projects or to bring its portables up to the standards of 21st century education.

This government is letting down not only the students, teachers and volunteers of these well-established schools but also the parents and the Cranbourne community as a whole. The government needs to understand that it cannot do an about-face when it comes to a child's education, especially in constantly growing areas like the electorate of Cranbourne. Public education is very important to low to middle-income families who choose to live in Cranbourne and surrounds. These families cannot afford expensive private education — —

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

Geelong region employment

Mr KATOS (South Barwon) — Today is a difficult day for workers at Alcoa's Point Henry plant and their families. My thoughts are with them and also with the employees of companies that supply to Alcoa that will be impacted by today's announcement. We must all be resilient and take a positive view into the future, despite

the disappointing news. There are positive initiatives by the Victorian coalition government — for example, relocating WorkSafe's headquarters to Geelong if we win the next election, which will mean 600-plus jobs. The national disability insurance scheme headquarters being located in Geelong is another example, adding 300-plus jobs. The coalition has also worked closely with Cotton On to deliver 500-plus jobs.

We are providing support through the Geelong Advancement Fund and the Greater Geelong Industry Fund to innovative Geelong companies in emerging technology areas, such as Carbon Revolution. Many of the new employees at Carbon Revolution are former Ford and Qantas workers. The Australian Future Fibres Research and Innovation Centre's Carbon Nexus facility at Deakin University is a \$34 million research and development facility which will provide the basis for innovative carbon fibre and materials research.

On top of that, we have approved structure plans for developments at Lara West and Armstrong Creek, which will provide stimulus for the region. I personally toured Armstrong Creek last week and saw the hundreds and hundreds of jobs that are being created by the structure plans that are in place. There are also major investments in Geelong Hospital, the Waurin Ponds hospital, the Epworth Geelong hospital and to the expansion of the St John of God Hospital. I am confident Geelong will transition into new industries in the future.

Dianella Community Health

Mr McGUIRE (Broadmeadows) — I am delighted to inform the house that the first sod will be turned this week to begin building a super-clinic in Broadmeadows. My involvement in helping to provide strategy, coordinate partnerships and campaign for this project to deliver vitally needed health services extends over many years. The project has been delivered because the former commonwealth Labor government committed \$7 million to the project, but Dianella Community Health has been forced to borrow \$4.7 million to ensure that the project proceeds because the Victorian government is requiring \$2.7 million to be paid straight into its coffers for the land on which the clinic is to be built.

The Victorian coalition government has not provided any funding for this project and instead is set to profit by \$2.7 million from the establishment of this essential community health service, while its own metropolitan health plan identifies Melbourne's north as having the greatest health needs and greatest projected growth. I again call on the Victorian government to reconsider its

position with respect to the sale of the land by recognising the benefit to the community of having this project delivered and acknowledging that the people of the Broadmeadows electorate and its community health service providers deserve the support of a government that has historically taken money away from vital projects in Broadmeadows. This reverse Robin Hood effect has been produced by the Minister for Planning, who claims publicly that he represents the people of Broadmeadows in the upper house. I call on him to finally deliver for the people of Broadmeadows and not rip them off.

Latrobe Valley fires

Mr NORTHE (Morwell) — I rise today to pay tribute to those who continue to fight fires across Victoria and particularly those in the Latrobe Valley. Remarkably, damage to homes and assets in the Morwell electorate was minimal, mainly due to the incredible and heroic efforts of our firefighting crews. Unfortunately there are still some major challenges in terms of the mine fire at the Hazelwood power station, but the work and effort of all involved in such difficult and complex conditions is to be admired. Of primary concern is the health and wellbeing of those tackling the mine fire and of course our local community. Many thanks to our Country Fire Authority personnel and volunteers, the Metropolitan Fire Brigade, Hancock Victorian Plantations, departmental staff and industry firefighters from our electricity generators in tackling the initial fires and the current mine fire as well. To all those working long hours at the incident control centres, including personnel from the Country Fire Authority, the Department of Environment and Primary Industries, Parks Victoria, Victoria Police, Ambulance Victoria, VicRoads, the Department of Health, the Environment Protection Authority, the Latrobe City Council, SP AusNet and Gippsland Water: we acknowledge your dedication.

Our volunteers, such as Sheryl English, Linda Stewart-Wynd and their Red Cross team and the Country Fire Authority auxiliary, along with local businesses and clubs, have been just remarkable in their support of our community and our firefighters. At our relief centres, Latrobe City Council staff and community volunteers also provided enormous assistance. As an example of the extensive community goodwill, Mark and Helen Henning from the Traralgon Guardian Pharmacy along with the Traralgon Findlay & Weymouth Chemist opened their respective businesses after hours to accommodate the health needs of those staying at the Traralgon relief centre.

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

Building and construction training

Mr HERBERT (Eltham) — Last week I visited education and training organisations in Wodonga. I visited some excellent, well-run, dedicated and resilient organisations that were surviving despite massive funding cuts from both state and federal Liberal governments. However, I was genuinely surprised to hear that no training provider in Wodonga offers a government-funded certificate IV qualification to become a qualified builder. This qualification is mandated in New South Wales and is offered by Riverina Institute in Albury, but it is not mandated in Victoria and it is not offered by Wodonga TAFE. In fact if a Victorian tradie wants to become a builder — if a person wants to better their life by becoming a qualified builder — they have to travel to Melbourne to do a government-funded course, go across the border and pay full fees for a course in New South Wales or enrol in a Housing Industry Association (HIA) course, once again on a full-fee basis.

The only other way a person can become a legal builder in this state is to undertake a complex competency test, which I am told the HIA supports very well. I am advised also that the HIA is keen to offer government-funded training to tradies who want to become house builders but that, despite sympathetic words from the minister, it is denied a government contract. It seems that in this state if you are a dodgy tick-and-flick training provider you get multimillion-dollar government contracts, but if you are a peak organisation for house builders, if you want to offer high-quality qualifications to your members and if you want to see the quality and business expertise of builders improve, then you are denied —

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

Edithvale-Seaford wetlands

Ms WREFORD (Mordialloc) — On Sunday I attended the Friends of Edithvale-Seaford Wetlands open day. Members of the friends group are proud volunteers with a great resource and terrific facilities, such as the discovery centre and the Duck Inn. They do a great job under the leadership of Phillipa Bailey and stewardship of Margaret Hunter. They recently experienced some vandalism at the Duck Inn, which is a real pity. I congratulate the group on the great job they are doing in improving a wonderful community asset.

Aspendale and Parkdale primary schools

Ms WREFORD — Recently I presented badges to the school leaders at Aspendale and Parkdale primary schools. It is pleasing to see there are so many enthusiastic young leaders at both schools. Aspendale Primary School is on the move under the leadership of principal Phil Anthony and his team, especially now that the first stage of the redevelopment that our government promised at the 2010 election is under way. Parkdale's principal, Leanne Bradney, and her team have their school in wonderful shape, with around 550 children attending the vibrant school.

Chelsea Heights Tennis Club

Ms WREFORD — On the weekend I attended Chelsea Heights Tennis Club's open day. The tennis club is a really family friendly club that has a terrific atmosphere. President Richard Lai and his new committee team are doing a wonderful job for the community. As the Minister for Sport and Recreation likes to say, they are getting more people more active more often — and the kids are loving it. I am sure that this club will grow and prosper even more in the next few years.

Kevin O'Callaghan

Ms BEATTIE (Yuroke) — It is with much pride that I stand today to pay tribute to two great examples of exceptional community spirit. Firstly, I congratulate Kevin O'Callaghan, who was recently named Hume Citizen of the Year. He is a Craigieburn resident of almost 40 years whose community service saw him become a founding member of the Craigieburn State Emergency Service unit back in 1981. This service remains a great source of support to local residents in times of need, thanks to the commitment of dedicated volunteers like Kevin. Kevin was instrumental in the establishment of the Craigieburn Anzac Day committee and the Craigieburn emergency response team.

Firefighters

Ms BEATTIE — Following the recent fire activity in the northern area of my electorate, I wish to pay tribute to the firefighters and Country Fire Authority volunteers who put their lives on hold and on the line to battle those fires to ensure that there was no loss of life. I had the privilege of spending time with those returning from the fire front last Monday afternoon and to hear firsthand of their experiences battling to save properties and livestock. Although they were exhausted, their dedication was undeniable. Each and every one of these firefighters had given his or her all in

the preceding hours to try to control the blaze and diminish its capacity to cause damage and destruction. These are the true heroes of our communities, and I pay tribute to them for their dedication.

SMALL BUSINESS COMMISSIONER AMENDMENT BILL 2013

Second reading

Debate resumed from 11 December 2013; motion of Ms ASHER (Minister for Innovation, Services and Small Business).

Ms RICHARDSON (Northcote) — I am delighted to rise to speak again in this house, in particular on the Small Business Commissioner Amendment Bill 2013. I congratulate you, Deputy Speaker, on your appointment. I thank the former Speaker for giving me leave from the house; I appreciate that.

As this is the first time I have risen to my feet in my new role as the shadow minister for small business and innovation, I also take this opportunity to thank the former shadow minister, the member for Essendon, who is not here at the moment, for his hard work and ongoing concern for small business in Victoria. I thank him for the role he has played in supporting the interests of people in small business while holding the government to account. His shoes are indeed rather large to fill, and I do not mean that to have any double meaning. I look forward to the challenge that the role presents. From the outset I put on the record that Labor will not be opposing this bill. However, there are some issues I wish to raise today in the debate.

Before I begin to deal with the detail of the bill, I would like also to thank the Minister for Innovation, Services and Small Business, who has just entered the chamber, for all that she has done to help facilitate my return to Parliament. It is very much appreciated. As tempting as it might be to take up her offer — that she put to me in the get well card that she sent — that I could speak about a particular level crossing in her electorate at any time, I will resist the temptation to do so just at this particular time.

The bill is pretty straightforward. Its purpose is to amend the Small Business Commissioner Act 2003, which was passed by the then Bracks Labor government to establish the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner. The role of the small business commissioner, as established then, was far reaching at its heart. It was of course to enhance a fair competitive environment for small businesses in

Victoria. It is a very challenging role, to say the least, particularly in the current environment. We are fortunate indeed to still have in the Parliament a former Minister for Small Business, the member for Footscray, who created the office as part of her responsibilities for small business. It is thanks to her and the former Bracks government that we had the office in the first place and now have it playing the important role that it does.

Fortunately at the time the office was created in 2003 the current Minister for Innovation, Services and Small Business was then the shadow minister for small business. She put on the record some of her concerns, albeit within the confines of her support for the bill that was then introduced. The Office of the Small Business Commissioner was created with bipartisan support and with all of us very keen to see whether the office could meet its objectives. Improving conditions for small business is a very important objective and one that is understood by every member on this side of the house, because when it comes to small business ultimately it is all about jobs. It is of course the engine room of our economy, and it is small business for which we need to get the conditions right if we are to see an increase in jobs in the Victorian economy.

The question that this bill puts before members is whether it does in fact enhance the role of the small business commissioner and whether the minister has sought to address some of questions she raised in 2003 with the establishment of the office. We have the advantage of the office having been in operation now for 10 years, so we are able to review the task that is being undertaken as to whether the office has been able to meet its key objectives.

The office, according to all accounts, helps small businesses avoid exposure to expensive litigation by enabling them to raise complaints about unfair market practices through alternative dispute resolution mechanisms. It does all of this with just 14 to 16 staff, and it deals with roughly 1200 to 1300 complaints every year, or about three or four every day. That figure does not include inquiries, which come on top of the official complaints the office deals with. I am told around 80 per cent of the complaints are resolved by the commissioner through mediation, which is a very good success rate by any measure.

The small business commissioner helps prevent predatory market practices. It provides small business with information to assist in decision making and provides advice to government about regulatory practices that disadvantage small businesses. The commissioner monitors government procurement protocols to ensure that they do not preclude small

businesses from tendering for and participating in government contracts. The commission also assists small businesses to develop and implement codes of conduct where requested, a role that is codified in the current bill.

The Small Business Commissioner Amendment Bill 2013 is a logical extension and clarification of the small business commissioner's role in ensuring a fairer playing field for small business. At the time of the introduction of the principal act in 2003 the then shadow minister sought clarification over whether the small business commissioner could seek to resolve disputes between small business and government agencies. The answer at the time was yes. However, to date only 2 per cent of complaints to the commissioner relate to disputes between government agencies and small businesses. With the state government being the biggest business in town it is perhaps optimistic to assume that this low percentage rate of complaints is all down to good luck and good management.

In clause 5(3) of the bill the minister has removed any question over the jurisdiction of the commissioner by adding the words 'or commercial dealings' to the original section, rather than the commissioner's jurisdiction being left as complaints relating to unfair market practices. This will give the commissioner unquestionable jurisdiction when dealing with matters relating to government versus small business disputes in the future. To that end, the bill also extends the powers of the office of the commissioner to seek information from various government agencies in relation to any disputes that it has on the books or that are ongoing. This is obviously a good measure that seeks to provide for the commissioner's expanded role.

The bill also provides for the issuing of certificates by the commissioner. The current act does not provide the commissioner with any punitive powers. This amendment seeks to punish businesses that refuse to partake in mediation or that fail to act in good faith as part of that mediation. The bill provides that the Office of the Victorian Small Business Commissioner will have a new power to name businesses in its annual report. The rationale behind this is to give a bit of a stick to the commissioner to encourage businesses to resolve disputes through the office of the commissioner.

Under the proposed changes in the bill the commissioner can name a business without there being an independent review. The opposition sought a response from the minister's office on this matter, and was advised that the only avenue for a business that seeks an independent review of a decision by the small

business commissioner to name them in the annual report is to seek judicial review under the Administrative Law Act 1978. By the minister's office's own admission, this would be a very expensive course of action for any small business to undertake. Given that the small business commissioner is all about trying to avoid small businesses having to undertake costly litigation, it is worthwhile for the minister to think about whether some kind of independent review that avoids litigation could be provided for by amendments in the future to ensure that we are not needlessly racking up legal bills for small businesses.

The bill also provides that the commissioner will be able to issue certificates to complainants and respondents stipulating that mediation was undertaken unsuccessfully or that mediation was not undertaken at all. The purpose of this amendment is to ensure that in the event that a complaint progresses to the Victorian Civil and Administrative Tribunal (VCAT) or court, parties can prove that they have attempted mediation unsuccessfully. This is a useful amendment in our view.

The bill also gives the commissioner an opt-out clause. Under the current act the commissioner must investigate every complaint they receive. The bill will allow the commissioner the opportunity to refuse to investigate a complaint in a limited number of circumstances, including if the complaint is trivial or vexatious, is unlikely to be resolved through alternative dispute resolution or could more appropriately be dealt with by another public entity or other person. The bill will give the commissioner the opportunity to send the small business to that relevant agency, which is a good measure. Given that the number of complaints received by the commissioner could increase exponentially as a consequence of the bill making it plain that government agencies will be dealt with in the future, it is certainly a good measure. In the event that the commissioner does choose to refuse to investigate a complaint, a letter will be sent to the complainant informing them of the decision and of alternative avenues to resolve the dispute.

The bill also codifies a number of the practices that are currently undertaken by the commissioner. The act as it stands only allows the commissioner to resolve disputes through mediation. There have been a number of circumstances where the commissioner has used other mechanisms to resolve disputes, so the bill broadens the alternative dispute resolution mechanisms that are open to the commissioner and sets those out in legislation. In particular, educating a party about how a dispute may better be resolved is obviously not mediation, but it gives both parties an opportunity to perhaps sidestep

mediation and legal action, and that is obviously a good thing for small business.

There are other miscellaneous amendments. The commissioner will have the power to request information from government agencies, and that makes sense for the commissioner's ongoing work. The commissioner will be able to seek legal opinion from VCAT on the likely result of any dispute brought before VCAT in respect of a complaint. This bill will also give the office of the commissioner statutory immunity from prosecution, and the commissioner will have an express power to consult with small businesses on the development of codes of conduct where requested.

That in a nutshell is the bill as presented to the house, and the amendments are set out plainly and clearly in the bill. These amendments are worthwhile, but I fear they are baby steps and fall somewhat short of what the Minister for Innovation, Services and Small Business called for in 2003 when she sat on this side of the house. She called on the then government to look at the introduction of the commissioner, and that is what I will talk about now. The then shadow minister expressed concern about the wide brief being established for the new commissioner, and I agree wholeheartedly on that. In 2012–13 we saw the largest increase in the number of complaints, with 1673, which was a 10.8 per cent increase. The commissioner also plays an advisory and consultancy role on behalf of the minister.

Back in 2003 the then shadow minister quite rightly expressed concern that government can be tardy in the payment of bills to small business, and this creates genuine cash flow problems for small business. However, there is nothing in this bill that addresses either the need for extra resourcing for the small business commissioner or the need to address tardiness when it comes to the payment of bills by government. There is nothing in this bill that seeks to deal with that concern which was expressed in 2003.

The other point I wholeheartedly agree with that the then shadow minister raised in 2003 is that it is extraordinarily difficult for small business to compete fairly for state government contracts. This is a real and fair concern of small business, but unfortunately yet again this bill will do nothing to address this concern. I fear that again it will fall to Labor to address this concern if or when it is given an opportunity to do so. Members can expect us to have more to say about that in the future.

Furthermore, under section 5 of the current act the commissioner has broad powers to monitor a range of

factors that may impact on small business, such as emerging market practices, industry codes and government legislation, procedures and administration. Most of these monitoring functions are at the discretion of the commissioner, and he can make a report to the minister off his own bat should the need arise, but there is one notable and perhaps not altogether surprising exception — that is, the commissioner may only look at government legislation, procedures and administration when he is asked to do so by the minister. In other words, only the Liberal minister can initiate an investigation into the impacts on small business of the Liberal government's policies.

The minister has said she wants to ensure that the small business commissioner has a legislative mandate to mediate disputes that small businesses have with government bodies, and to that extent this bill achieves its aim. I endorse what the minister says, but surely this bill would have been an excellent opportunity to provide the commission with a complementary power to look, on his own initiative, at the broader impacts on small business of this Liberal government's policies. We have seen the federal government require a family impact statement to be undertaken whenever relevant legislation is passed; why not have a small business impact statement for Victorian legislation?

When Labor established the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner, it was cutting edge. If it is to remain so, the Liberal government will have to do a lot more than it has done in this bill. For instance, while I note that car manufacturers are not small businesses, their demise will undoubtedly have an impact on small businesses that derive an income by providing parts and other services, so why would it not be appropriate for the small business commissioner to have the ability to assess the Liberal government's decision to abandon Geelong and the car industry in terms of the impact of that decision on small business? If jobs matter — and they most certainly do to members on this side of the house — why not have a small business commissioner who can act independently of the minister as a loud, strong voice not just on disputes, not just when the minister asks him to but at all times, ever vigilant and ever proactive in the interests of small business?

Fair trade agreements and their impacts on small businesses create a need for an independent voice and analysis, and clearly with the ongoing pressure on our manufacturing sector we need a commissioner who is able to independently advise the government, which some would say is asleep at the wheel when it comes to manufacturing jobs in Victoria. We need someone in

this state who will hold the government to account no matter how uncomfortable it may make the government.

The car industry is a perfect case in point. All members should consider it imperative to keep the car industry. I think we will be the only nation in the G20 that will not have a car industry, and that is a distressing fact indeed. Unfortunately this imperative does not have bipartisan support. The solution in respect of the car industry perhaps created a need for some radical thinking — outside the box — that may at times have made both sides of the political divide uncomfortable. If we had had a small business commissioner who was able to act in the interests of small business, perhaps that is precisely what we would have seen, and perhaps, best of all, we would also have seen the car industry maintained and thriving, as it is in many other nations.

Mr Battin — On a point of order, Acting Speaker, on relevance, the bill relates to small businesses. I understand that lead speakers do get some leniency, but the car industry has nothing to do with small business and the small business commissioner.

The ACTING SPEAKER (Ms Ryall) — Order! I am mindful of the breadth afforded to lead speakers. I will keep an ear out. I ask the member to continue.

Ms RICHARDSON — I appreciate the opportunity to spell out for the member for Gembrook why a small business commissioner would be critically important for the car industry. The demise of the car industry, as we know, has flow-on consequences. I understand that that Toyota alone supports about 1000 businesses in this state. That is 1000 small businesses that have not had the opportunity to be heard by this state government in respect of the car industry.

The small business commissioner can only act in this space if the minister of the day gives a direction to the commissioner to act. It is our view that it would be in the interests of every small business, the car industry and the Victorian economy if the small business commissioner were let off the leash and able to provide an independent voice. That is why it is relevant to this debate. I am sure there are members on the other side of the house who share our concern about the car industry and the manufacturing industry — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Ryall) — Order! The member for Yan Yean is out of her seat and being disorderly. I ask her to desist.

Ms RICHARDSON — I appreciate that debate on the car industry rouses passion in members on all sides of the house. What Labor is calling for is an independent and clear voice to act in the interests not only of small businesses but of the Victorian economy. In fact I would have thought that the Liberal Party and the members on the other side of the house who form the government of Victoria would be very keen to take up this suggestion and would welcome the opportunity to give small business a clear and undiluted voice at the minister's table rather than to see action only in response to what the minister wants to see happen — in the car industry or any industry. Today we had the announcement from Alcoa. A series of bad decisions have been made that have impacted heavily on the Victorian economy and on small business, and it is our view that the small business commissioner has a very important role to play in that space.

Members should understand that it was a Labor government that established the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner. We established it because we believed that there needed to be fair and competitive work practices right across the board, and for small businesses in particular. In order for that commissioner to perform his role, it is our view that he should be independent of the minister of the day. That would give small businesses a real opportunity to have their voices heard. Issues were also raised by the minister at the time about transparency and the need for any directions that a minister may give to the small business commissioner to be transparent and known to all sides of the political divide and notably to small businesses. Again, this bill does nothing to ensure that the concerns the minister had in 2003 are addressed. As I understand it, the small business commissioner deals with charters relating to small business, and directions were given to the small business commissioner to deal with those charters. We would like to know if those directions are still being given to the small business commissioner to ensure that those charters are being seen to and that he can deliver, on an ongoing basis, what he is called on to deliver.

In conclusion, Labor will be supporting the bill before the house, but we would like the minister — perhaps in her summing up of the debate — to address some of the issues we have raised. The Office of the Victorian Small Business Commissioner has enjoyed bipartisan support since its establishment in 2003, and in that spirit I and my colleagues on this side of the house hope some of the issues raised by the current small business minister, who was the then acting shadow minister — which I think were fair concerns, well and truly — will be acted upon. We, of course, were the ones who

established the Office of the Victorian Small Business Commissioner, understanding that if we get this right, at its heart this will ensure that jobs will be created in this state, because, as we know, small business is the engine room of jobs.

Mr NORTHE (Morwell) — It gives me great pleasure to rise this afternoon to speak on the Small Business Commissioner Amendment Bill 2013. Firstly, can I say welcome back to the member for Northcote. It is great to see her in the chamber. Whilst I did not agree with everything she said in her contribution, it is good to see her back.

Taking up some of the points that the member for Northcote raised in her contribution, I think the small business commissioner has had bipartisan support since 2003; that is very true. It is interesting that Labor had seven years from the introduction of the small business commissioner to make the changes it is suggesting we should make now.

This particular bill does a number of important things. Firstly, it amends the functions and powers of the small business commissioner to ensure that we promote efficient investigation and resolution of commercial disputes involving small businesses. Secondly, it improves alternative dispute resolution services for small businesses, particularly in their dealings with larger businesses and governments, and I will elaborate on that further in my contribution. Thirdly, it confers powers on the small business commissioner to publish information relating to disputes in certain circumstances.

I think it is important to note the roles and functions of the Office of the Victorian Small Business Commissioner. Since its inception, as I said, it has received bipartisan support; there is no doubt about that. It has received around 11 000 applications since 2003. That is a demonstration of the importance of the Office of the Victorian Small Business Commissioner here in Victoria. Indeed in the financial year 2012–13 there were around 1600 applications, so over time the importance and prominence of the small business commissioner has come to the fore. He plays a vitally important role. In another indication of the success of that office, around 83 percent of those applications have been successfully resolved over that period of time, and the client satisfaction rate is around 90 per cent. That again demonstrates the importance of the commission.

To give credit to the government of the day, Victoria was the first Australian jurisdiction to have a small business commissioner, and that move has been adopted in many other states, including Western

Australia, South Australia and New South Wales, and of course the federal government has since established the Office of the Australian Small Business Commissioner. Mark Brennan, who was the first commissioner here, is now the commissioner at a federal level and has done a fantastic job. Can I also say that Geoff Browne, the current small business commissioner in Victoria, with whom I have a very good relationship, is doing a fantastic job. He has really tried to put the offerings of the Office of the Victorian Small Business Commissioner on the map. I know he has been all around the state making sure that not only councils but business groups and organisations are aware of the work of the commissioner. Geoff is doing a great job in his role.

It is not just small business disputes that the commissioner has coverage of. He also has coverage of the Retail Leases Act 2003, the Owner Drivers and Forestry Contractors Act 2005 and the Farm Debt Mediation Act 2011, which of course is very important for our regional and rural communities. The office does a number of different things, including receiving and investigating complaints from small businesses regarding unfair market practices and mediating between the parties or making representations to appropriate persons or bodies on behalf of a small business that has made a complaint. The small business commissioner can do work commissioned by the minister of the day as required, and carries out a number of other important functions. As I said, 1600 applications for assistance in the 2012–13 financial year is not a number to be sneezed at. The importance of the small business commissioner should not be underestimated.

When you have a look at this area on a broader scale, you see that there are around 530 000 small businesses in Victoria, and you realise that figure represents 96 per cent of all businesses in the state, representing 30 per cent of the state's production. The member for Gembrook would know that. Those businesses account for around 1.2 million jobs, which is around half the private sector jobs. The coalition's support for the small business sector is absolutely notable, and I will refer to that later in my contribution.

The bill itself, as I said, proposes a number of important reforms. I guess the lead-up to this bill being before us today was a discussion paper that was put out into the community and that enabled members of the business community to contribute their comments. That was an important first step. One of the key things is a broadening of the functions and powers of the small business commissioner. Currently the commissioner has a statutory obligation to investigate disputes relating

to unfair market practices. This obligation will now be extended to ensure that commercial dealings are captured as well. That provides greater clarity and further powers for the commissioner. As the member for Northcote said, as a result of the extension of this legislation the commissioner will now have discretion to refuse to deal with complaints that are considered vexatious or trivial or where the commissioner reasonably believes an issue is unlikely to be resolved. That is a good measure to put in place.

In some sense we might anticipate that if we are broadening the powers and functions of the commissioner we will have more applications, but Ann Hendy's office should be able to decide, quite rightly, not to deal with matters that are considered to be tedious or vexatious. In some respects some applications might be better dealt with by others, such as the Ombudsman and the like. As I mentioned earlier, the commissioner's powers will also be extended from mediation to include alternative dispute resolution, again giving the commissioner's office greater flexibility. That might be done through other means, such as assisted negotiation, independent neutral evaluation, facilitating meetings and the like. There is also greater clarity about the commissioner's role in dealing with government and government departments when there is a dispute with a small business. This is something that many people have been calling for. The bill makes it very clear that the commissioner absolutely has jurisdiction in resolving disputes between small business and government, whether that be local government, state or otherwise, and that is an important element.

Further, the bill encourages greater participation when there are disputes between small business and government, and I guess between small business and big business as well. While it is not mandatory to attend dispute resolution meetings, the general take-up is reasonably high. This bill allows the commissioner to issue certificates to verify that alternative dispute resolution has taken place. There will be a public record of whether each of the parties has participated in that mediation, and that will form part of the business commissioner's annual report. If a business or government agency has failed to make reasonable endeavours to participate in mediation, it can be named in the annual report. The important point to make is that before publication the offending business or government department will have an opportunity to provide reasons for its failure to attend.

The small business commissioner mediators will have statutory immunity in the event that they perform their legislative functions reasonably and in good faith. Of

course this is in reference to civil cases, not criminal cases. Currently under the Retail Leases Act 2003, the Owner Drivers and Forestry Contractors Act 2005 and the Farm Debt Mediation Act 2011, the mediators have immunity but the small business commissioner does not. This is a very important element of the bill. It will provide coverage for or immunity to mediators and the small business commissioner with respect to the operation of all those acts, which is important. That coverage has been missing, so it is a very important measure now.

The coalition has had many achievements and put in place many programs to ensure that it assists small business. They are articulated through the *Supporting Small Business 2013* document. We have done things such as allow small businesses to participate in the energy saver incentive scheme; reversed the clearway extensions that hurt many retail businesses; reversed Labor's Easter Sunday trading restrictions; halved liquor licence fees for 10 000 small businesses; introduced the Street Life program; continued and further marketed the small business workshops and seminars; increased the support for the Small Business Mentoring Service; provided ongoing support for the Victorian business line; introduced a new Grants Victoria portal program; established a retail commissioner; reduced our WorkCover premiums; and increased the availability of our Mobile Business Centre, among many other things. This bill comes on top of many other initiatives this government has put in place, and I commend it to the house.

Mr PALLAS (Tarnait) — I rise to indicate in support of the contribution made by the member for Northcote that Labor does not oppose the bill. In so doing I recognise the very substantial contribution that small business plays in the economic wellbeing of the state of Victoria. The government tells us — in material associated with the discussion paper attaching to this document — that there are something like half a million small businesses currently trading and that they constitute something like 30 per cent of the state's production. In addition to that we know small business provides almost half of the state's total employment in the private sector.

That is a pretty compelling figure in the context of a recognition that the administrative settings that government puts in place must assist small business in the way that it goes about engaging with government and how it deals with disputes between itself and its customers and commercial partners; and in a broader sense to take a lot of the red tape weight off small business. To do that I think this Parliament was unanimous in its support of the Labor government's

initiative of the establishment of the small business commissioner. That office has demonstrated its worth to the community.

While these amendments go some way to increasing and improving the utility of the small business commissioner, I argue that there are probably some additional changes that could be made. I say that in substance this bill creates a substantial good for the community at large.

The Liberal Party supported Labor's bill in 2003, and it raised some concerns about the nature of that bill and how it operated, while flagging concerns that it wanted to see picked up. The bill follows a discussion paper that was released in 2012. The department has advised that the response of stakeholders in that process was relatively muted in terms of the level of submissions received. They were relatively small in number, but broadly they were supportive of the changes that have been incorporated into this bill. Therefore Labor will not oppose the bill. Having grown up in a small business family I understand the trepidation that running a small business generates in the small business owner about the amount of effort and time they have to put in delivering a quality service to their customers. I should say that by the word 'customers', in my father's case I mean patients. My father was a small-town general practitioner who ran a business that was on some occasions a single business; on other occasions he had a number of partners.

But whatever the business is, when small business has to attend to something more than just the delivery of service and to make sure it provides a quality service or good to the community, it is about making sure that to the extent that government can intervene it does so in a way that enables small business to have not only a clear appreciation of the legislative and commercial responsibilities that attach to it but also a feeling that there is somebody within government to advocate on its behalf. The establishment of the small business commissioner was a great initiative.

I support the content of the changes that the government is proposing here. Anything that lifts the burden from business is a good thing, and from small businesses in particular given the limited administrative capacities small businesses have by definition. The small business commissioner has a statutory obligation to investigate complaints relating to unfair market practices under the arrangements that are in place. The clarification made in the amendments to section 5(2)(c) of the act provides that the commissioner's alternative dispute resolution (ADR) powers are not limited to matters that relate to unfair market practices. That

removes any doubt that might exist as to whether the jurisdiction is expressly intended to include commercial dealings. In effect this is both a clarification and a necessary broadening — at least so far as small business would see it — of the facilitative role the small business commissioner can play.

The amendment is also partly designed to ensure that the new power to investigate complaints relating to government entities is not limited by the definition that is incorporated in the existing bill relating to market practices. Whilst I do not think there was an intention to limit the power in that respect, the clarification is critical because ultimately if a government is in the business of saying, 'We want to facilitate how your business interacts with its commercial operators by providing you with alternative dispute resolution mechanisms', that should similarly be the case in terms of its interaction with government.

In many cases small businesses do have difficulties with government. Governments put in place principles that attach to the way they deal with small business, and those practices, procedures and codes that apply at a bureaucratic level can be not only confusing to small business but also suggestive that the government does not have the level of flexibility that small business needs. The most obvious example is in regard to cash flow and the bill payment practices that some departments apply. If you run a small business and you sometimes live hand to mouth based on your cash flows, the fact that a government entity has a formula by which it will not pay bills before a particular period of time can be quite critically damaging and dangerous. That obligation will mean that small business operators will feel more confident that there is someone they can go to, someone they can talk to, and that ultimately there will be a process — and if need be an ADR process — that they can work through.

The emphasis with a small business commissioner is and must remain on ensuring that small businesses receive the appropriate education and information and also that the small business commissioner is on their side and will act and become involved accordingly. The bill clarifies and assists with that.

There are restrictions in terms of the obligations on the small business commissioner to investigate complaints, and that is reasonable. The small business commissioner should not be obliged to pursue serial complaints or to act in circumstances where alternative mechanisms are available. The act provides that if the small business commissioner chooses not to pursue a complaint that has been brought before them, they must provide to the complainant written advice of the

alternative avenues available to them, and that is a good thing.

The commissioner has available to them a valuable process to publish in the end of year report the names of businesses that failed to undertake mediation in good faith. This naming and shaming process is not entirely the same as that which is applied in other jurisdictions. The practice of fining is becoming increasingly prevalent. It is a mild form of coercive power, but it is one nonetheless. If we are looking at applying a light touch and if we want to ensure, at least as a first avenue, that participants in the ADR processes have a clear understanding that there is a consequence for non-compliance without going as far as fining, this is a good first step.

While the provisions of the bill do not deal with a number of the concerns that the government raised, when in opposition, in respect of transparency, the means by which consultants are employed and the powers of delegation and do not go as far as the government previously indicated an intention to do, they do substantively improve the operation of the small business commissioner. I am happy to indicate that the opposition does not oppose the bill.

Mrs BAUER (Carrum) — It is a pleasure to rise in support of the Small Business Commissioner Amendment Bill 2013. I am a proud member of the innovation, services and small business committee. I take this opportunity to commend the Minister for Innovation, Services and Small Business for her leadership in this regard.

The purpose of this bill is to amend the Small Business Commissioner Act 2003, firstly, to amend the functions and the powers of the small business commissioner in order to promote the efficient resolution of commercial disputes involving small businesses; secondly, to improve alternative dispute resolution services for small businesses; and thirdly, to confer powers on the small business commissioner to publish information relating to disputes in certain circumstances.

I am a strong supporter of local businesses. I engage daily with the businesses — retailers, tradespeople and manufacturers — that are an integral part of community life in my electorate of Carrum. They provide jobs and contribute to the local and also the wider Victorian community. It is interesting to note that there are well over 500 000 small businesses in Victoria, and they represent over 96 per cent of all businesses. It is vital that we provide the support they need so that they can continue to thrive in an increasingly competitive world.

I am proud of the Victorian coalition government's commitment to small business so far. Since being elected in 2010 we have implemented a whole suite of initiatives to support small businesses, and are working hard to make it easier for small businesses. We have implemented a range of legislative reforms. Providing businesses with assistance and reducing red tape are certainly at the top of the list and are some of the ways we happen to support small businesses.

The Mobile Business Centre is a terrific initiative, and that has visited my electorate of Carrum several times. The minister also launched the small business statement *Supporting Small Business 2013* late last year. Cutting WorkCover premiums has certainly been well received, and local businesses tell me how much this has meant to them. We made headway soon after we were elected by allowing local businesses and all businesses to open on Easter Sunday. We also introduced the mentoring program. I have had local businesses, including Gravity Zone in Seaford, recently use that program, and they have given me terrific feedback about it.

Working hard to provide a successful business takes a lot of time and effort, and often it involves dealing with other businesses when you require the supply of goods and services. This relationship is often tested, and disputes arise that require vital time and resources for businesses. This can be a pretty daunting and overwhelming prospect, both financially and emotionally, and sometimes in worst-case scenarios we see businesses close and owners walk away. That is the last thing we need. Issues that may arise and may need assistance to resolve include franchising, licensing, distribution agreements, leasing, partnership, supply contracts and tenders. The costs involved in challenging a commercial agreement or disputing an arrangement through a legal challenge can be enormous and a huge strain for our local businesses.

Since 2003 the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner, has provided support to local businesses involved in disputes. These disputes can be within businesses or with a Victorian government department. In the decade since the Victorian small business commissioner was established we have heard that 11 000 applications for assistance have been received. The member for Morwell in his contribution highlighted that in 2012–13 there were 1600 cases and that 83 per cent of them were resolved. This reinforces the success of the commissioner. At this point I commend the commissioner, Geoff Browne. He is working hard to support businesses right across the state, and he is certainly notifying and supporting

businesses to let them know what their rights and responsibilities are.

The small business commissioner's role is to provide advice on the avenues available to resolve a dispute and, if required, to facilitate mediation between the parties. Victoria's small business sector accounts for almost half of all private sector jobs. This contributes to 30 per cent of our state's economy. When we look locally in my electorate of Carrum, we see that City of Frankston figures show there are about 773 businesses in the communities of Sandhurst, Carrum Downs and Skye alone. These three suburbs, along with Bangholme, are now within the new electoral boundaries of Carrum. Added to this are another 919 businesses that are listed in Seaford alone, as well as other businesses included in the former boundaries of Carrum — in Bonbeach, Carrum and Patterson Lakes. Each of these suburbs has its own share of small businesses that are thriving. Whether in retail, manufacturing or trades, all are important to our local community, and I am proud to stand here in this place to support any legislative change that will support and increase our businesses' chance of becoming successful. That is certainly to be applauded.

It is important that we support local businesses and, by extension, local employment. I am a great supporter of shopping locally. I am fortunate to live in the electorate of Carrum. It is an electorate that has everything you may ever need. We have manufacturers and producers in just about every field. They have made a name for themselves not only locally and nationally but some of them even internationally. There is a great range of trades, wholesale outlets, restaurants, supermarkets, hardware stores, whitegoods stores and specialty shops, and you can buy everything you need locally. I am proud to have implemented a 'shop local' campaign prior to Christmas, encouraging our community to promote as many businesses as it could. We used social media, word of mouth and recommendations through endorsements to promote this.

A 'Keep Christmas in Carrum' postcard was distributed to all households in the lead-up to Christmas. This culminated in a month-long campaign in December, providing people with 100 ways to keep Christmas in Carrum. Four or five suggestions on where to buy a traditional or more unusual Christmas gift were posted every day. Everyone wins with a campaign like this. Not only do businesses benefit financially but also consumers have the convenience of getting everything they need close to home. On a daily basis I hear businesspeople saying they are delighted that people in our local community are thinking outside the square

about other ideas for gifts and ways to support local enterprise, which also creates jobs at the same time.

Protecting our local businesses is vital for the continued growth of our economy, for the continued growth of jobs and for the success of our communities. As we have heard, the small business commissioner, Geoff Browne, provides a vital service to small business owners who may be unsure of their rights and obligations. The commission's role is also to encourage a competitive and fair playing field for Victorian small businesses, providing guidance and low-cost advice.

This bill extends the commissioner's powers. For the thousands of businesses in my electorate it is a terrific resource. Importantly, the proposed amendments in the Small Business Commissioner Amendment Bill 2013 will extend the commissioner's jurisdiction to include investigating complaints or disputes over commercial dealings or unfair market practices. As we have also heard, this will include broadening the scope of reconciliation services to help small business owners resolve disputes with councils, government departments and other government agencies, which for some can be a daunting experience when trying to work their way around the bureaucracy. I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to join the debate on the Small Business Commissioner Amendment Bill 2013. As we have heard, Labor is not opposing this bill. I also welcome back the member for Northcote; it is great to see her back in this chamber.

In speaking on this bill, I would like to take just a little bit of time to compliment Mark Brennan, who was the very first small business commissioner, and the staff who worked in that first Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner, for the work they did in helping to set the standard that small business commissioners from Mark Brennan onwards will have to live up to. Of course we have heard that Mark Brennan now holds the office of Australian small business commissioner, and I wish him very well in that task and know he will do an excellent job.

In setting the scene I want to talk a little bit about what small business actually looks like right now, because it has changed. In truth, the non-employing microbusinesses are the largest growing section of the small business community, with 61 per cent of all businesses now being non-employing microbusinesses. You can see how our economy is changing. That may be a good thing, but it might also be a sign of a very serious illness, of a failure to grow from small business

to medium business to large business and to working internationally and having an international footprint. I have some concerns about that, but this emphasises how important it is that we provide support for those businesses.

As we have heard, the original bill for the small business commissioner was introduced in 2003. It came on the back of an extensive consultative process, which concerned not whether people wanted a small business commissioner but rather what the real issues were that small businesses faced in their local areas. What were their concerns? What was impacting on them? After about 1500 or so sessions of speaking with small businesses, we discovered that one of their biggest concerns was their inability to compete with big business when they were treated unfairly. This also included their interaction with government. It was important that we provide small businesses with someone who had the authority, power and capacity to assist them and look after their interests.

We expected the small business commissioner to provide education for small businesses — to provide them with an understanding of their rights and how understanding the legislation in place could help them protect themselves before they made decisions. That was one of the first key roles of the small business commissioner. Mark Brennan spoke to small businesses in every community throughout the state. He also provided them with information on how to deal with dispute resolution. There were a lot of disputes at the time, particularly with regard to retail leases. At that time we had just introduced into Parliament the Retail Leases Act 2003, which had been totally rewritten to protect small business. A lot of work had to be done on dispute resolution.

We also wanted the small business commissioner to deal with how government responds to small business, because government was one of the worst offenders. To that end, we asked the small business commissioner to work with government departments to develop service charters for small businesses. The small business commissioner was not only to develop these charters but he was also to monitor them. This was not just a document that stayed in someone's drawer or file — it was to be implemented, was ongoing and was to be renewed. We also looked at issues concerning contract arrangements with government, and the fact that government does not pay very well. It had a bad reputation for not paying on time. For small businesses, which need to be paid on time in order to survive, this was a bad thing. Another change we introduced, which was outside of the act but which the small business commissioner was also to monitor, was pay on time —

pay within 30 days or pay interest. This was another important component of the things we wanted government to do to make the life of small business easier.

There was also the issue of regulation. The impact of regulation on small business is different from its impact on big business. Big businesses can hire someone to deal with the impact not only of regulation and legislation but also of how the government implements it. In many cases the problem is not the legislation or regulation itself, but rather it is how the government implements and administers those regulations. We wanted to look for ways in which this could be streamlined and to make the small business commissioner part of that process of streamlining.

I will now consider the bill. Anything which adds to the roles and functions of the small business commissioner and which improves the lives of small businesses is a good thing. However, I do not believe this bill goes far enough. I always hoped that the position of small business commissioner would be ever-evolving; that as people got comfortable with the small business commissioner and their role, their powers and functions would grow, as would their resources. I hope the resources of the small business commissioner will grow to enable the agency to undertake the task before it.

I want to commend the minister for widening the act. Not that the small business commissioner was necessarily restricted, but adding public service bodies, public entities, not-for-profit organisations and in particular councils is a great extension of the role of the commissioner. It will be interesting to see how this develops once the legislation is passed and how it works in practice with dispute resolution. It would be fantastic and a great move forward if we could see these bodies also take into account the pay-on-time initiative. The naming and shaming component of the legislation is also a good one. Whether it goes far enough, I do not know. It is a good first step. I believe that for businesses that are repeat offenders it is time to think beyond naming and shaming and to perhaps introduce fines. I would like to see this change in the act in the future.

I recall that during the debate on the introduction of the small business commissioner some members of the then opposition, who are now in government, were more convinced than others about how fair dinkum we were about the role of the new commissioner. They were left in no doubt that we were very fair dinkum about the small business commissioner — the role that person and their staff would play in assisting small businesses. This can now be seen in the number of

businesses which have been assisted, spoken to and encouraged to understand the legislative frameworks at their disposal and where they can go for advice and assistance to support them before they make decisions so that they do not get into difficulties through ignorance. All of these elements have proved to be a huge success and have demonstrated the importance of the role of the small business commissioner.

As part of that initial cynicism the now Minister for Innovation, Services and Small Business had a lot of concerns, which I believe have been put to bed during the years the small business commissioner has been in place. She would now concede that it was one of the best things that we could have done for small business at the time. I hope she utilises that office's strengths in the role she plays in cabinet as a minister for small business. It is important that the minister take that opportunity to use those resources. I know I did, and I am grateful to my cabinet colleagues who welcomed the input of the small business commissioner in the decisions that we made as a government to aid and assist small business.

I might add I am on my feet because the minister said, 'You will be speaking on this bill, won't you?', to which I said, 'Yes, I guess I will!'. As I said, I commend any changes that improve the functions of the small business commissioner, and these changes do that. I think we can go further, as the member for Northcote indicated. There are a number of areas where the small business commissioner's responsibility could be greater. I look forward to Labor's policy on small business, and I am sure we will be looking after small business in the same way we took our commitment to small business very seriously when we were in government.

Ms WREFORD (Mordialloc) — I rise in support of the Small Business Commissioner Amendment Bill 2013. Small business certainly is an extremely important part of life in Victoria, as we have heard from previous speakers. It is also an extremely important part of life in the Mordialloc electorate, ranging from the shops and cafes in Chelsea, Edithvale, Aspendale, Aspendale Gardens, Mordialloc, Mentone, Cheltenham and Parkdale, to the light industrial edges of Chelsea Heights, to the light agriculture in Bangholme, to the manufacturing in Braeside and the large number of home-based businesses across the whole region.

Small business employs a very large number of people in approximately 47 per cent of private sector jobs. There are over half a million small businesses in Victoria, which is 96 per cent of all Victorian businesses. Whilst it is disappointing that federal Labor

and its Greens partners continue to destroy jobs and small businesses by blocking the government's attempts to remove the disastrous carbon tax experiment, as demanded by the voters last September, this coalition state government is getting on with the job of making life easier for small businesses in Victoria.

The coalition government feels a very strong affinity with small business. We value choice, we value freedom, we like to reward those who have a go and we dislike the antijobs actions of Labor, its union mates and Greens partners. We understand that small businesses do not have the same resources as large businesses, particularly when it comes to starting up and growing a small business. We understand the devastating impact disputes can have on small businesses. We try to provide a legislative framework that assists small businesses. This bill improves the efficiency of commercial dispute resolution involving small businesses by amending and extending the powers of the Victorian small business commissioner. It improves the alternative dispute resolution services for small businesses, particularly those dealing with government and large business, and it extends the range of low-cost mediation services available. It gives the commissioner powers to publish information about disputes in particular circumstances.

The Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner, was established 10 years ago with strong bipartisan support. It was the first of its kind in Australia, and it has been very successful. It has effectively resolved over 11 000 disputes for small businesses, saving them a great deal of time and providing generally satisfactory results for those businesses in a period of great change. Over the decade satisfaction ratings for the service have consistently measured about 90 per cent. In the last financial year over 1600 cases were dealt with, with an 83 per cent satisfaction level. Those were great successes, and it is successes such as those which have led other states like Western Australia, South Australia and New South Wales to copy our model. When Tasmania changes its government from the Labor-Greens government and starts to generate some business for the first time in a long time, it might also come on board.

In small business there is an expression that if you are not moving forward you are going backwards. In this instance the office of the small business commissioner has not changed much over the last decade and so it is really worthwhile doing this review and making some changes. We want to make sure that the commissioner is not only competitive and fair for today but also

competitive and fair for the future. As this government does, we have listened to small business owners and the public, and we have prepared this bill accordingly. The consultation process made it clear that small business and industry groups strongly support the work of the Victorian small business commissioner. This bill now includes commercial dealings within the commissioner's scope for investigation and resolution. Until now investigations have been limited to unfair market practices, but there is a clear desire for commercial dealings to be included. This will extend the commissioner's ability to resolve disputes, and it removes the limitation for the commissioner to deal only with particular market practices.

However, with those expanded powers also comes the need to allow the commissioner to refuse certain applications that are trivial, vexatious or unresolvable. The simple reality is that some complaints are better resolved by another public body or the Ombudsman. Such refusals will be very limited and the commissioner is expected to investigate all complaints that are in the public interest. This bill looks to the future by giving the commissioner greater flexibility in resolution techniques, particularly in dealing with changing circumstances. It provides for alternative dispute resolution services, and the commissioner will no longer be limited to mediation only.

This bill opens up avenues to allow the commissioner to use facilitated meetings, assisted negotiation, independent neutral evaluation, preliminary assistance and arbitration. This is a common-sense approach.

The bill also makes it clear that the commissioner has jurisdiction to help small businesses resolve disputes with both local and state government agencies. Personally I know that small business has many issues with local government. I have had many representatives of small businesses visit my office to complain about their dealings with local government. This bill opens up that option, allowing them to go to the small business commissioner. Previously the guidelines around the jurisdiction of the commissioner were unclear. As much as Labor likes to have one set of rules for unions and another set for everyone else, the government believes there should not be one set of rules for business and another for government.

The bill allows certificates to be issued by the commissioner verifying that alternative dispute resolution has occurred. It allows for the commissioner to name in an annual report any businesses or government agencies that have failed to reasonably participate in dispute resolution. Of course there are opportunities for parties to make written submissions to

the commissioner prior to anybody being named. This is a very fair balance, based on vast experience that shows that cooperation and non-coercive means are the best way to resolve disputes.

The bill also makes a range of smaller amendments. It allows the commissioner to seek legal advice from the Victorian Civil and Administrative Tribunal, and it allows the commissioner to investigate industry codes of conduct and assist in dispute resolution under them. Finally, the bill gives some level of immunity to the commissioner and their staff.

This bill will improve the lives of the owners of small businesses in the Mordialloc electorate as well as those all over Victoria. Small business is a very important part of the life of Victoria. The government supports small business in every way it possibly can. Over the last year, the Mobile Business Centre has visited my electorate on a number of occasions and it has been totally booked out. It is a service that helps improve productivity for businesses, and it offers mentoring and other services. It is another way to support small business.

The coalition feels it has an affinity with small business. The Office of the Victorian Small Business Commissioner has not changed much over the past decade, so it is worth reviewing it now. This bill improves commercial dispute resolution involving small business, it extends the range of low-cost mediation services available, particularly to those dealing with government and large businesses, and it gives the commissioner powers to publish information about disputes in particular circumstances. I commend the bill to the house.

Mr MADDEN (Essendon) — I rise to speak on the Small Business Commissioner Amendment Bill 2013. First of all I want to highlight the fact that the irony is not lost on us today that we are talking about small business at a time when big businesses in this state, particularly those involved in manufacturing, are suffering big-time. What should not be lost is that when you lose a lot of large-scale big businesses, often the focus is on the employees of those businesses, but we also need to consider the impact on all of the small businesses that rely on those big businesses. Whether it is the component suppliers for large manufacturing businesses or whether it is the fellow who drives onto the site to sell sandwiches and morning tea out of the back of a truck, those are the sorts of organisations that are going to suffer over the next few months and years until people feel confident about establishing small businesses that rely on big businesses.

Small business is not glamorous; it does not provide a glamorous lifestyle. It is often seen as a lifestyle — as a small business owner you have freedom and independence. Often those who are wage slaves in large organisations will think, ‘If I run my own business, I will be my own boss and I will not have to put up with the demands of working as a pay-as-you-earn employee’. So there is a degree of attraction, probably until you start working in that small business and you realise that you have nobody to rely on other than yourself and in certain circumstances you are more reliant on some of those big businesses than ever before without some of the benefits that might come from being an employee of those organisations. That is not only big industry and big business, it is also big government and small government for all intents and purposes. Governments can sometimes be the worst payers for some small businesses.

When I talk to representatives of small businesses in my electorate they tell me that cash flow can be a signal to them that the economy is struggling. When the fellow who does some of our printing comes into my office I often ask, ‘How is business?’, and he will tell me how the printing industry is going. He still has the turnover he needs to run his business, but he says that the great indicator for him of how the economy is tracking is cash flow and whether people are paying in 7 days, 28 days or whether they are pushing their payments out to about 60 days.

Over the last few years he has highlighted to me that more and more people are paying the bills but they are pushing their payments out further and further. That is a signal that they are trying to find another line of credit, and by paying their bills later they are extracting every bit of credit they can from the people to whom they have to make payments. We are seeing more and more of that. That is the indicator for him, and it is a great indicator if you are trying to understand what is happening in small business — that is, if you are trying to find out what the cash flow is like for a business where other small businesses and big businesses have to pay them.

In the lead-up to the last election the coalition said it would take up more opportunities to use small businesses and that it would treat them better than the former government did. I am not confident that that has taken place at all. Basically we have seen no indication of how the government is tracking with small business other than a few brochures. I have some concerns about some of those brochures. A brochure released by the government in 2013 entitled *Supporting Small Business 2013*, in a section headed ‘Message from the Premier and minister’, contravenes the Auditor-General’s

guidelines for printing these types of documents because it mentions the Australian Labor Party. My understanding is that the Auditor-General does not allow governments to politicise these documents. Governments cannot mention their political party in these documents and they should not mention other political parties.

Mr Walsh interjected.

Mr MADDEN — Rather than saying what you have done, you have said in this brochure that you want to reverse something that Labor did. You actually mentioned Labor. You did not say the ‘previous government’; you said ‘Labor’. I would suspect that you have breached the Auditor-General’s guidelines for a start — —

The ACTING SPEAKER (Ms Ryall) — Order! The member will speak through the Chair.

Mr MADDEN — Don’t be surprised, Acting Speaker, if we come back to this matter in the not-too-distant future when we are discussing the Auditor-General’s guidelines in relation to these sorts of documents.

In debating this bill we are talking about the small business commissioner. As I said, the issue for small businesses in my electorate is particularly around cash flow, particularly in situations where they are being squeezed by some of the bigger companies upon whom they rely heavily. Often a big company will say, ‘We have changed our terms of payment — we are no longer going to pay you in 30 days; we have now decided to pay you in 60 days’. If you are a small business, where do you go with that? You can go to the small business commissioner, but I am not sure you would have a lot to argue about, because in a sense the big business would be one of your major clients. You are providing a service to them and they have decided that the terms of payment are going to be different, so you have to put up with it. That is what we are now seeing across the economy.

Another issue I have heard from local traders is in relation to retail. The nature of retailing has changed. People are buying more online, the economy is a bit slower and cash flow gets held up a bit. Landlords are not acknowledging the changes in market conditions, so small businesses, retail traders in particular, are being squeezed at both ends. Not only are they being squeezed by the landlord, who says, ‘We will not bring down your rent because the trade has dropped or diminished’, but they have other people who should be paying and the terms of payment have changed. Small

businesses are being squeezed at both ends, and on top of that you have a government which is sitting on its hands. That is why government members' hands might look bigger in portraits — because they are sitting on them. Businesses are being squeezed at both ends and you are getting a slowdown in the economy.

As I have said time and again, when the government decided to signal to the public service that its numbers were going to be cut substantially we saw a contraction of the economy overnight. People just stopped spending. You will now see a lack of confidence in employment, not just relating to the loss of jobs — which will of course have a dramatic impact on the economy — but also for those people who are employed. They suddenly feel vulnerable because they do not see the government doing a whole lot. Even the SPC workers, who have been guaranteed their positions to some extent, will stop spending at the rate — —

Mr Walsh — You just talk the place down, don't you? You are talking it down.

Mr MADDEN — No, they will stop spending. I know people who are nervous on a day-to-day basis and feel vulnerable, so what do they do? They save a little bit more. That is not a bad thing for them, because they are keeping that money in the bank to give them a bit of protection if something comes undone, but that shrinks the economy. The level of confidence is a very important thing, but this government is giving nobody that confidence; it forgets that the psychology of the economy has a huge impact.

The impact of the closure of big businesses and businesses reliant on affected industries, and the general feeling in the community of a lack of confidence, not only in this government but in what is happening in the economy, is starting to shrink the economy. You are going to see more complaints from small businesses as their cash flow dries up and their leases fail to adjust to the contraction. You could see small businesses close down, and I suspect you are going to see a lot more complaints in the meantime.

What the government needs to do — which has not been signalled here in any way at all — is provide additional resources for the small business commissioner. When times get difficult in the economy — when people want to arm-wrestle over what might seem to be small bills but are for many people significant in terms of their business operation — you are going to see more complaints and more requests for these things to be resolved. The government is going to need to invest more money. I will be interested to read the report, when it comes out,

as to how many complaints have occurred in this financial year and where they are tracking. We support the bill, but that in no way reflects any confidence in this government.

Mr BATTIN (Gembrook) — It gives me great pleasure to rise to support the Small Business Commissioner Amendment Bill 2013. Being a former small business operator, I will first of all describe exactly what it is like to be in a small business and what you have to go through in the day-to-day running. It was interesting to note some of the comments from those opposite; it would be very interesting to ask how many years experience in small business they have among them. I can guarantee my three or four years in a small business would outdo the whole of the opposition's front bench.

I will talk about two small businesses that I had the pleasure of operating. One was a home-based business via the internet. We all talk now about the internet as something that is taking over our retail sector. We started our first home-based business in about 2004 or 2005. In the end it did not survive, but I learnt a lot from it and took that into a business that I had later on, which I ended up making a very good deal of and sent into the future, which was a fantastic opportunity.

Mr Northe interjected.

Mr BATTIN — I thank the member for Morwell very much. As a small business operator I had a franchise. One thing that comes up quite regularly when you are talking about a franchisee and a franchisor is some of the disputes that can occur between those two organisations — —

Mr Northe — You have still got 10 minutes, Brad.

Mr BATTIN — Thank you very much, the member for Morwell, yet again.

The difficulty in the relationship of a franchisee to a franchisor is that you have to work together very closely; you have to ensure that you are on the same path, in the same team and heading in the same direction; but you have to take into consideration that a franchisor is in some circumstances a big business. We had a Bakers Delight franchise. It was a small business, but Bakers Delight overall is a very large business. We had to deal with the consequences of changes from Bakers Delight head office that would affect franchisees throughout the state and the country. There were 700 franchisees within the network. The head office also handled a lot of the dealings in relation to our suppliers, so any changes they would negotiate, although it may have been seen as a small change for

the franchisor, could have a major impact on the small businesses at the end of the line that were purchasing flour from the mills, sugar or whatever it was for the store.

Any changes within the industrial relations laws would obviously have an effect. We would discuss some of the agreements with our franchisors and they would put a submission forward, but it would generally be a submission on behalf of the larger business, not always on behalf of the smaller one. Each of these issues was an opportunity, presenting a dispute that we needed to work our way through.

Since coming to government the coalition has been very keen to support small businesses in Victoria, and we want to see small businesses grow. That is our challenge and our target in Victoria. We now have over 500 000 small businesses in this state and collectively they are one of the largest employers, if not the largest, across the state. Many of them are microbusinesses with just one or two staff members. In my electorate we have many thousands of small businesses, from home-based businesses through to businesses in our main streets in Berwick, Beaconsfield and Pakenham, which all rely on some of the services offered by the government to give them the best possible opportunities for growth. That includes some of the services that were mentioned by the member for Carrum in her contribution on the bill, such as the Mobile Business Centre. The centre parked its van in Berwick and spoke to local business operators about opportunities. It was the first time many of them had heard of the small business commissioner; some were not aware that someone was there to assist with dispute resolution.

We had the small business commissioner come out and speak to people who run small businesses. At a small business forum the small business commissioner discussed what people in small business can do and how they can interact with the Office of the Victorian Small Business Commissioner to ensure that they have opportunities for dispute resolution without having to go through a full legal process. The office gives them the opportunity to have someone assist them with negotiations.

One of the relevant changes being made by this bill is the opportunity for the small business commissioner to discuss some issues with the Victorian Civil and Administrative Tribunal (VCAT). That is very important. It provides the commissioner with the opportunity to go to VCAT and get an understanding of how rulings would work and would affect small businesses and other businesses that they are dealing with. That again gives an opportunity to deal with

issues without having to go through the full legal process, which can have a high cost burden. If you have a small business, going through something like VCAT can be very detrimental to the business and the cash flow that comes through.

As I said, as the member for Gembrook looking at supporting small business, I have been looking at other opportunities to support small businesses in the electorate. I have to be honest; I did steal an idea from the member for Carrum and introduced a shop local campaign. That is a very important thing, and everyone in the chamber should get behind shopping local. The reason for shopping local is that it actually supports local jobs and keeps the economy in your area going. It is very important to provide those opportunities. Local businesses generally support the local community. We are running a Shop Local 2014 campaign which, believe it or not, will be launched this Sunday. It is a very exciting time for our small businesses in Gembrook, to have the launch of our fantastic new shop local campaign to encourage people to get back to their local shops. We will launch that at the Berwick show on Sunday.

The Berwick show is another fantastic opportunity for our small businesses to get out there and let people know what they are and are not doing in the area. Of the small businesses that are on board so far, we have clothes stores represented by Harry's Clothing, a menswear store, and many other stores that provide alterations. We have Shanikas and Benno's and all our other food shops on board. We have our souvenir places et cetera that are willing to come on board and have a look around to get small businesses going there.

We also had a look at the town of Gembrook, where small businesses have been struggling over the years. Puffing Billy used to come to Gembrook and then it stopped for some time. During that time a lot of the businesses very much struggled. Now Puffing Billy has returned, which is a good thing for the local community, and we have supported it by putting funding into it. It comes up only once a day, and we would like to see it come more often. Going through the shops up there, you see that they have really been struggling with what has been going on in the local community. They are trying to work together. With the shop local campaign they are very keen to ensure that they can have further growth and encourage the locals to get on board and shop local. It is fantastic that we have opportunities for people in our businesses to get out to the local community and have the community understand why it is important to keep the local shops there.

We have been working with the local schools as well. We have been encouraging people in our local businesses to communicate with schools. One of the local IGAs provides fruit to a school. The kids get the fruit and obviously the business gets the kudos of supporting a local school. Hopefully that will provide the opportunity for people to come back into their local communities and support the local businesses in the town.

Over the years in Berwick we have had the bigger businesses of Coles and Safeway come in. That does make it harder and it puts more pressure on our local stores. Now we are encouraging people to get back into the small local stores. The chamber of commerce has been doing an absolutely fantastic job with that, especially through a social media campaign. Now they compete not only with the local stores but obviously with the expansion of other stores through Fountain Gate et cetera.

The upgrade of Clyde Road over time has disrupted a lot of the traffic through there. Now that Clyde Road is officially open and running effectively, we have trade returning to town. I was quite disappointed just recently when I read a document that was about something to do with 10 000 and was about ripping up Clyde Road and putting in a grade separation. That was not supported by those opposite for 11 years and now they want to rip it up and put the struggle back into those small businesses. The people in small businesses down there are saying, 'That's not what we want. We've got the road finished and we've got business returning'.

When talking about small businesses, you only need to go as far as the Melbourne Metro rail tunnel. Those on the other side have not spoken up once about that. People have spoken about Swanston Street being torn up. I am glad that the Premier has said that he would not accept a plan that included the ripping up of Swanston Street. It would be absolutely terrible for small businesses in Melbourne to rip up a street for two years and divide the area. People want to shop in our local areas and in the city. They will not come here if Swanston Street is ripped up and a massive well is put in the middle of town, making it very difficult to get from one side of the city to the other. That is something about which we need to make sure that we put the right plans in place. That is another way that this government will continue to support small businesses, whether in the city or out in my electorate. With that contribution today, I support the bill and I wish it a speedy passage.

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on the Small Business Commissioner Amendment Bill 2013. It proves that the initial Labor

initiative has stood the test of time and continues to evolve. A former colleague, André Haermeyer, was the minister who introduced the innovation and it was continued by the then Minister for Consumer Affairs, the member for Footscray, who gave an excellent history of it in her contribution to this debate.

The reality is that all members understand small business. There would hardly be a person who has not at least worked in small business. Others will of course have had the opportunity to own their own business or manage businesses. I have worked in many small businesses. If I go through my career, I have worked in a newsagency, a takeaway food shop and two milk bars. I even learnt to weld and worked as a welder in a small engineering place with seven employees. For seven years I was a manager of a McDonald's restaurant, which was a bigger business but was a franchise operation. All of us have friends or acquaintances who run their own businesses, so we are all very much aware of the needs of small business. As legislators, we need to be aware of the needs of small business because it is a core part of the economy. It is where the future growth in jobs will occur.

People who run small businesses need ongoing support, which is why there was a need to establish the Office of the Victorian Small Business Commissioner in the first place. The office deals predominantly with disputes between businesses. In our own communities we have small businesses that are retail, industry or offices. When we are approached about a dispute it is often between businesspeople. The reality is that people in business are not always aware of their rights or responsibilities, in the same way as members of the general public are not. The Office of the Victorian Small Business Commissioner has a very important role in the education process to assist people in business to understand their rights and responsibilities and, where needed, to assist with some dispute resolution mechanism. It is a shame that, as we hear in reports, some businesspeople do not want to be part of a reasonable dispute resolution mechanism. They are, of course, named in Parliament. The reality is that these are issues for businesspeople themselves.

I was at the cabinet table when the decision was made to establish the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner. There is always anxiety about increasing the number of what are in effect public servants, but we need them if they help to improve our economy and competitiveness and provide some incentive to allow for business growth. There are a number of barriers to business growth. They are not all about labour costs, as we often hear. We have had the

Prime Minister say that the issue for SPC Ardmona was labour costs and the company was saying that. We have some businesspeople saying that penalty rates are the problem for business, when the reality is there are a whole lot of other things.

When we look at the complaints received by the small business commissioner, who has specific legislative responsibilities in this area, we see that many are about retail leases. The biggest complaints I get from businesspeople are about the cost of leases and the inability to predict what those costs will be. Especially as times get tough, rental leases tend to go up higher than inflation. When you are getting squeezed every year and you are not sure what your revenue is going to be, it is a big issue. Of course labour costs are a big issue as well, but they are not the only one.

Small businesses tell me, especially in Dandenong where we have so many migrant small business people, that they feel they are being killed by the landlords and there is no mechanism for them to deal with landlords' rents. It seems to be okay to argue about labour costs, but not okay to argue against a property investor who rents out factories or shops or owns shopping centres, which are also a big problem. Many of us are aware of businesses that have had to relocate, not because they did not have customers but because the terms of their lease renewal were unreasonable and unjust. Many businesspeople do not want to go through the process of using the small business commissioner for that issue; they simply cannot be bothered. They need to make a business decision because these things get dragged out. The market power is really with the landlord, and the businesses have a very short period of time in which to decide what to do.

Often a small business will end up copping something very unreasonable as a cost and then start talking about having to focus on other things. Because of landlords increasing rents, businesspeople become keen to reduce their staff labour costs and get into arguments about abolishing penalty rates, even in businesses that have run successfully using penalty rates for years. I was a manager at a McDonald's, which had penalty rates, and the business functioned very well using penalty rates, but there are the other costs. When you are under pressure because of rising costs that are outside your control, you will look at the costs over which you think you might have some control. It is important that we support all the needs of small businesses. We should not focus just on their labour costs or electricity costs, as some members have brought up, but on all their costs.

Although I will not be a member of future parliaments, I hope the small business commissioner's role will evolve. I would like to see the commissioner's role expand to include reporting on the impact of government policy. The reality is that the issue is not just about government purchasing. We have heard from many members that government can be slack about paying on time — it is not just government but many businesses that are slack in this way — but there are many other things that government does that impact on small business.

During members statements this morning I spoke about the 3000 automobile manufacturing jobs in Dandenong. Most of those auto component manufacturers are small businesses. Many of them have fewer than 20 employees. These businesses are going to be impacted upon by government policies such as free trade agreements, purchasing policies and so on. As a former tourism minister, I know tourism is all about small businesses and microbusinesses, and they are very dependent on tourism funding for regional events and regional marketing, which has been cut in recent years. Those are the things we are hearing about from regional businesses. The small business commissioner should be able to comment on these things as cabinet makes decisions so that government is aware of the broader impacts of its policy. There is scope for that, and it would be quite easy for the small business commissioner's office to be involved when government makes significant changes that could adversely and severely affect the functioning of small businesses.

At the dinner break I have to go to a Hellenic Australian Chamber of Commerce and Industry event. As members we are in touch with business groups all the time, and we try to support them. We all want businesses to grow, irrespective of their size. We particularly want to see small businesses grow because in small business you can really be an innovator and be your own boss. However, if you encounter barriers, the small business commissioner can try to assist with that.

We have had a major redevelopment in Dandenong, the Revitalising Central Dandenong initiative, which was all about trying to make sure that business functions properly. The investment by the state government in a proper functioning business centre can act as an incentive for existing businesses to grow further. It can also create an environment where new businesses can earn more money and locals are encouraged to shop locally rather than go further away. That investment has been really important. The Labor government put nearly \$200 million into that project, which this government has continued.

Those redevelopment works, such as street upgrades, impact on businesses in the short term. The previous member mentioned the potential impact of the metro rail tunnel project. Whenever you are expanding rail capacity, you are going to have problems. All you have to do is visit the Springvale level crossing upgrade, which is going on at the moment and will be open around Easter, and see the impact that those works have had on nearby small businesses. However, everyone understands we do these things for the long-term good, despite the short-term pain.

We all support the small business commissioner. It is great that Labor introduced the office. There were cynics at the time, and they sit on the other side of the house. The office of the commissioner has stood the test of time. It proves that incoming governments can support good ideas and encourage them to evolve. This bill is part of that process. I hope in the next Parliament we will see more advances in the role of the small business commissioner in providing support to business. The commissioner helps to provide a level playing field for businesspeople who are in conflict with other parties but who are simply trying to grow their business.

Ms RYALL (Mitcham) — I am delighted to stand to talk about the Small Business Commissioner Amendment Bill 2013. I want to pick up on something the member for Dandenong said in his contribution to the debate. He said everyone in this house knows small business because they have worked in small businesses. Having been a small business owner for 15 years, I have to say to him that working for a small business is very different to owning or running a small business — enormously different. I owned and worked in and on my small business for 15 years. It is important to clarify that working for a company is very different to the pressures that are exerted on you when you own and run a business.

I commend the coalition for this bill. I make the point — and it is an important point to make — that there was a bipartisan approach to and acceptance of the principal legislation 10 years ago, and I am delighted to hear that those opposite will support this bill and the changes it will bring about.

One of the key elements of this bill is the improvement of dispute resolution services. In one decade the Office of the Victorian Small Business Commissioner has received and resolved over 11 000 applications for assistance. One of the things those resolutions produce is smoother running and a minimising of disruption for small business. Since the introduction of the small business commissioner in this state we have seen small

business commissioner roles picked up in other states and in the federal jurisdiction, which I applaud.

In terms of the investigation of complaints, the bill extends the commissioner's jurisdiction to investigate and resolve disputes. Currently the jurisdiction applies only to complaints about unfair market practices, and this bill extends that to include commercial dealings. The bill gives the small business commissioner the ability to name and report on organisations that do not embrace the opportunity of mediation for dispute resolution, and I also applaud that.

In my community I have an enormous number of small businesses operating in all sorts of areas — from professional services to trades and retail across a broad spectrum of disciplines. The commitment and dedication of the people who run those small businesses are extraordinary. Having been one, I know that the owner of a small business is everything, particularly for microbusinesses, which many of our businesses are. You are the human resources manager, the accounts manager and the sales and marketing manager. You look after product delivery and warehousing as well. You essentially cover everything, working on the business and in the business to make it successful.

In many small and microbusinesses people are technicians. They are very good at providing the service the business provides, but their experience and understanding of managing, running and growing a business may be minimal. One thing I am thrilled about is the role this government plays in funding the Small Business Mentoring Service, ensuring that businesses have access to industry experts who have been there and done that and can assist them in areas such as marketing, finance and strategy. That is really important.

Having been involved to such a large degree in small business, I know that disputes are devastating for the owners of small businesses. They chew up all their time and thought processes. Their focus is not on the business but on the dispute. Many members have mentioned cash flow, which is king to any business, particularly small business. When a person is embroiled in a dispute or is getting a dispute managed, or when they are having difficulty getting their accounts settled by other businesses, their cash flow is restricted. Those sorts of things put limitations on and create issues with cash flow and choke a business's ability to grow or even exist. It is commendable that the small business commissioner can look at not just retail leasing but a range of disputes from a small business perspective.

When small business gets involved with very large business, ‘dancing with an elephant’ is the phrase that is often used. When a small business dances with an elephant it can often end up underneath the elephant’s foot. In that respect it is the elephant that calls the shots, so it is good to know that we have a small business commissioner who is there for the little guy and will stand up and assist with getting outcomes that enhance the processes and profitability of a business as well as its ability to continue in business and expand and grow.

There are a number of business organisations in the electorate of Mitcham — the Whitehorse Business Group, the Blackburn Chamber of Commerce and Industry, the Ringwood Chamber of Commerce and Industry, the Mitcham business group, the Nunawading Traders Association and also the business groups for the megamile that runs through Nunawading. These business groups do a fantastic job of assisting their members to expand their horizons and their knowledge of business management.

The small business commissioner complements the services this government has in place to support small business. The feedback for the minister that I receive from small business owners in my electorate is that the Business Victoria website is outstanding; it gives people the ability to access information and resources. Enhancing the small business commissioner’s role and expanding the commissioner’s powers will add to the suite of resources available to small business to assist with fulfilling its functions.

We have all heard about the massive number of small businesses in Victoria — over half a million. We know that small business provides approximately half of all private sector jobs. Small businesses make up 96 per cent of all businesses. We cannot underestimate the impact that small business has on our economy across Australia, statewide and locally in municipalities. Anything that can be done to assist small business — whether it is reducing red tape, whether it is the small business commissioner’s role in assisting with disputes, whether it is the Small Business Mentoring Service helping businesses to expand, grow and do what they do better — is absolutely commendable.

I applaud the minister for bringing this bill forward. I sympathise with small businesses, having been there and having had to make sure that cash flow continues and disputes do not take over. We are enabling businesses to do what they do best — that is, providing services, products and employment. The member for Essendon mentioned the squeeze of economic changes on small business, as did the member for Footscray. We

all recognise the changes and impacts of a transitioning economy. Given that, I commend the bill to the house.

Mr LIM (Clayton) — I am delighted to contribute to the debate on the Small Business Commissioner Amendment Bill 2013. Before I embark on addressing the detail of the bill, it would be remiss of me not to pay tribute to the long list of impressive former ministers for small business on our side over the 11 years we were in government between 1999 and 2010. This list shows how progressive we on this side of the house are when it comes to dealing with small business, yet there is this myth that the conservative side is more friendly to the small business owner. That myth was broken over those 11 years.

I could give example after example of how progressive and positive the initiatives that we delivered were for the small business community, but there is one enduring legacy that has now been stopped by this government — a project that was ongoing for some time. I can recall one wintry morning when I was required in my capacity at the time as Parliamentary Secretary for Victorian Communities to represent the then Minister for Small Business, who could not make it, at a seminar for a small group of Chinese-speaking migrants who aspired to start small businesses in Australia.

This was another initiative of the Labor government, and it had been going on for years. It occurred over a period of about five to seven weekends and was for people who had come to a new country and did not have a clue how to deal with setting up a small business here. The seminar covered subjects like taxation, how to deal with the bank, how to tender, how to meet the requirements of the Environment Protection Authority, health requirements, how to handle the local council and a whole range of issues.

This was very important to these migrants because the processes were alien to them, particularly those from, say, mainland China. What really touched me was that they responded very well to this seminar. The issue that came out of that session which they raised with me was that they were dying for advice like that on an ongoing basis. For example, they wanted an advisory body — with Chinese speakers, of course — so that they could tap on or ring up asking for advice and guidance. Like every other community, they have people who exploit them because they are new to this country. They are dealing with authority, sometimes dealing with people who have misled them, brought them into terribly misleading projects or businesses, and they have ended up losing money and being exploited by their own people.

That program was called Under New Management. The name is just to say, 'If you want to start a business, this is the range of issues you need to be prepared for'. I am very proud that Labor left this legacy. Unfortunately the present government did not see fit to continue that kind of program. This is just one small example of how proud we are on this side of the house that we always forge ahead, come up with new ideas and are very positive and business friendly. This is a very important term. We are truly business friendly, contrary to what people on the other side would say. They try to make the business world believe that we are unfriendly and are just exploiting business.

Having said all that, I am actually very pleased to address the bill. This bill amends the Small Business Commissioner Act 2003 to provide the Victorian small business commissioner (VSBC) with more powers to look at a wider range of disputes. The bill will ensure that small business disputes with the government will fall under the jurisdiction of the small business commissioner. This will ensure that rules for small businesses and government agencies are uniform. It will also allow the commissioner to use a wider range of dispute resolution services.

VSBC provides quick, effective and low cost dispute resolution services for businesses. It celebrated its 10th birthday in March 2013. As I mentioned, we on this side of the house are very proud of that achievement. This amendment bill comes to us just a little more than a decade after the Small Business Commissioner Act was introduced in 2003.

The VSBC has been vital to the small business community in Victoria. This is clearly demonstrated in the increasing demand for the services provided by the commissioner. In 2012–13 the total number of applications for assistance received reached a record high of 1673, mediations grew 14.7 per cent to 811 cases and the mediation settlement rate reached 83.1 per cent, a large improvement on the previous 2011–12 year rate of 76 per cent.

The majority of disputes the commissioner deals with relate to matters under the Retail Leases Act 2003. The commissioner often sees disputes regarding outstanding payments owed by tenants, the value of rents, outgoings and expenses, repairs and maintenance, the return of security deposits and lease options and renewals. In addition to the investigation of small business complaints and dispute resolution, the VSBC also provides information and education relating to small businesses, and a review of government practices.

The success of the VSBC has led to neighbouring states New South Wales, Western Australia and South Australia, as well as Australia, to create equivalent bodies based on the Victorian model. How proud we all should be. This can be regarded as a great testament to the success of the Victorian small business commissioner and the important role he plays in our community. Small businesses are an integral part of the Victorian economy. They make up 96 per cent of all businesses in Victoria and supply almost half of all private sector jobs. There were almost 530 000 small businesses operating in Victoria as of June 2012.

The amendment of the small business commissioner's powers will promote the efficient resolution of commercial disputes involving small businesses. Previously, the legislation required that the commissioner be involved in dispute resolution where there had been unfair market practices. This scope was considered by many to be too narrow. The bill will remove the requirement that unfair market practices first be established before an investigation or dispute resolution can take place. Despite the broader sense of what may be investigated, the commissioner may refuse applications if they are considered too trivial or vexatious, or if it is deemed that a resolution is unlikely to be reached. The bill provides that the commissioner and mediators will receive statutory immunity from liability for legislative functions that are carried out in the course of their standard practices which are in good faith and are reasonable.

I commend the bill to the house, and I wish the Victorian small business commissioner well in continuing to serve our business community with distinction.

Mr CRISP (Mildura) — I rise on behalf of The Nationals in coalition to support the bill. The purpose of the Small Business Commissioner Amendment Bill 2013 is to amend the functions and powers of the Victorian small business commissioner in order to promote the efficient resolution of commercial disputes involving small business, to improve alternative dispute resolution services for businesses and to confer powers on the commissioner to publish information relating to disputes in certain circumstances. That is what the bill is about.

Small business is at the heart of Mildura, and history supports that view. We got started in the Mildura region very much on the back of soldier settlement, whether that be on horticultural or dryland properties. A large number of businesses have and do pop up around that small business concept of the soldier settler. They are repair businesses and processing businesses that

package and value-add to the fruit transport businesses, and so on. Mildura has grown from that base of small business. Like other areas we have a degree of remoteness and certainty, and we promote shopping local. We know how important it is that the dollars that are spent locally stay local and go around and around before they move on to other areas. However, we also know that disputes can cripple small businesses because they distract the business owner from going about developing their business. It impedes development, and therefore impedes the creation of jobs.

Jobs are at the heart of small businesses. That is why 10 years ago the Victorian government established the small business commissioner. Over that time the commissioner has resolved around 11 000 applications, and in 2012–13 it received 1600 applications, of which 83 per cent were resolved. Now the government is aiming to help the small business commissioner move on further. Perhaps before we talk about that we can talk about the success of the Office of the Victorian Small Business Commissioner, which is being reflected by the adoption of similar offices by many other states and the commonwealth. Following 10 years experience, it is now time to consider how the functions and powers of the small business commissioner might be expanded and updated as appropriate.

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

Mr CRISP — Given that it has been 10 years since the Small Business Commissioner Act 2003 was reviewed, it is quite timely that the powers of the Victorian small business commissioner have been reviewed and are now being expanded. In 2013 public consultation was undertaken around the functions and powers of the small business commissioner. Some support was expressed for clarifying and extending the commissioner's powers and functions in a number of ways. The bill extends the commissioner's jurisdiction to investigate complaints and resolve disputes. Currently the commissioner has jurisdiction regarding complaints about unfair market practices; the bill extends the commissioner's jurisdiction to include commercial dealings more broadly.

When it comes to dispute resolution, which is what the small business commissioner is about, the Small Business Commissioner Act 2003 focuses on the commissioner's use of mediation to resolve disputes, and the bill explicitly extends the commissioner's functions to include other forms of alternative dispute resolution. This will provide the commissioner with greater flexibility in dealing with issues that arise, complaints that need to be addressed and disputes that need to be settled.

The amendments update the Small Business Commissioner Act 2003 to ensure that the commissioner's office provides a full range of dispute resolution services. That is something that has changed over the 10 years since the principal act was introduced — many more alternative dispute resolution methods are available. This is vital because, as the Minister for Innovation, Services and Small Business pointed out in her second-reading speech, things have changed. If you want to lodge a complaint or take legal action, authorities will look to see that you have done all you can to resolve it before you get to the courts.

The bill also vests new powers in the commissioner to assist small businesses in disputes with government agencies. Formerly, if a complaint were made about a government department or a local council, the commissioner was limited in their jurisdiction to intervene or assist small businesses, because state and local governments have been able to claim they are not public entities. It would be reasonable to say that many businesses over time have issues with their local councils, and this will provide a mechanism to help resolve some of those issues. It will not resolve all of them, but it is yet another step along the way to doing so. The commissioner can receive and investigate complaints about every level of the public sector, which includes state government. This means that if a government department or local council is subject to a complaint, it will have a statutory obligation to attend to the matter and participate in the dispute resolution process.

There is also the process of documenting all of this. If any of the dispute resolution mechanisms fail, the commissioner can issue a certificate attesting to the fact that it has failed to resolve the dispute or is unlikely to do so. As I said earlier, that is necessary because it validates the claim that there have been reasonable endeavours to resolve the dispute. In turn it is recognised by the courts that an effort has been made and that due process had started before the matter got to the court.

There are some consequences associated with the reporting of certificates. The bill enables the commissioner to publish the names of businesses and government organisations that have unreasonably failed to participate in the dispute resolution process. There is a little bit of an incentive there to make sure that everybody participates.

There are also new reporting powers. It is an interesting feature of the bill that it vests new powers in the commissioner to publish any other adverse information about the outcome of an investigation of a small

business complaint. Previously the commissioner did not publicise such matters. This new power gives the commissioner the ability to shine a light on unfair market practices. It will be interesting to see whether any agricultural or horticultural enterprises use this opportunity. There are often accusations or stories about unfair market power and leverage, in particular when the many and weak — for example, a lot of horticultural producers — are selling to the few and strong. There will be some interesting test cases as this legislation rolls through.

There is also an immunity section. The bill provides statutory immunity for the performance of the alternate dispute resolution function by the small business commissioner, mediators and officers, provided it is undertaken reasonably and in good faith. That is something you have to do — that is, protect the umpire in this. The immunity is drafted to have a very narrow application. This is intentional and aims to discourage lacklustre performance of a less-than-reasonable standard, and it is intended that the immunity should not apply to fraud or mischief.

This is a comprehensive review of the principal act. It is critical to know that dispute resolution is not inexpensive, and an advocate for small business is necessary. This is because disputes can be extremely disruptive to business operations, especially to smaller businesses, and small businesses generate essential investment in our economy. They are the key driver, and dispute resolution services are vital for those small businesses. An independent advocate for small business diminishes this problem through the way it eliminates legal disputes that otherwise would end up in court and cause massive disruption and cost to businesses. It is a bill I am very happy to commend to the house. It will hopefully enable our businesses to spend less time in disputes and more time employing people and returning profits to the communities they operate in.

The ACTING SPEAKER (Mr Weller) — Order! Before I call the member for Broadmeadows, I remind members in the house that if they wish to have a conversation, they should keep the noise level down or go outside to have their conversation.

Mr McGUIRE (Broadmeadows) — Small business is vital. To give the statistics that back up that proposition, the defining point of relevance is that more than half a million small businesses actively trade in Victoria, and they contribute about 30 per cent of the state's production. That is according to the Australian Bureau of Statistics. That is the significance of this sector in a nutshell. What we have before the Parliament is a bill that will be supported by the Labor

Party because it comes a decade after the Labor Party introduced the Victorian small business commissioner. There is nothing controversial in the changes being put forward in this bill; in fact there are areas where we would like to see the bill go further to enhance the role of small businesses and give them better opportunities.

One of the critical things that has happened with small businesses is in how they deal with their market power and relationships in a power structure with big businesses. We have seen a growth in litigation companies coming into Victoria to pick up on this. They are actually willing to underwrite propositions to go to court because almost inevitably what happens with the imbalance in this power structure is that bigger businesses with deeper pockets and time on their side can take advantage of smaller businesses. That is to the detriment of small companies, which, as I say, are part of the lifeblood of the state and the economy.

The Liberal Party supported the Labor bill in 2003. There were some concerns flagged at that time, and they are dealt with in this bill. The bill follows a discussion paper that was released in 2012. The department has advised that the response of stakeholders was broadly supportive and that the number of submissions was minimal. That goes to the point that this whole proposition is generally non-controversial, so it has garnered the support of both sides of the house.

However, some other issues have been raised in some of the contributions. The lead speaker for the Labor Party, the member for Northcote, who is the shadow minister for small business, talked about the need for the small business commissioner to be independent and have the ability to speak up for small business. She contextualised that in the period we are in right now, when we are looking at what is going on with big business and what is happening with the economy and how there could have been the opportunity for such an independent small business commissioner to say, 'If we do lose an industry like the automotive industry, what is the flow-on effect on small business?'

This is particularly important to me as the member of Broadmeadows. Obviously the Ford Motor Company is located in the heartland of Broadmeadows and has been producing out of there since 1959, the same year my family arrived. It is now in a position where it is looking at the reality of the future, based on its sales model. It is not going to just continue to produce cars to have them parked on the grass around the factory; it has to keep selling. It has the intention of staying open until October 2016, but that is conditional on the sales

imperative. It is not a guarantee. It is not a promise. That is the reality of that.

Then you look at the flow-on effect of that. There are 115 companies in the electorate of Broadmeadows that provide to the supply chain. The proposition put by the lead speaker for the Labor Party — that we should look at the flow-on effects on small business when positions like this are taken — is an idea whose time has come. It would be well worthwhile to look at how this affects the economy all the way through. There will be major job losses at the Ford factory in Broadmeadows, but what is the ripple effect, and how do we measure that?

I am not saying that just from self-interest as the member for Broadmeadows, because this crosses both sides of politics. There are a lot of supply chain companies in Mordialloc and other areas as well. This would be a good way of getting the complete picture of the effects of these major changes we are going through. That is the way the world turns with globalisation. That is the way we have to deal with the realities of the day. Without getting into any further blame game, that is the reality of the proposition. We can look at how that could happen, and that is of importance.

The other issue, as I was saying at the outset, is how small business relates to big business and how you get a better balance in getting a result without it becoming highly litigious. That almost inevitably places small business at a disadvantage because of the muscle and clout of big business, and time is on the side of big business. If we look at what has happened so far, the Office of the Victorian Small Business Commissioner deals with about 1200 to 1300 complaints per year, which is 3 or 4 complaints a day. The statistics show that about 80 per cent of complaints are resolved by the commissioner through mediation. That is a great result in terms of efficiency and effectiveness for business because if you run a business, you want to actually be working in the business. You want to be in the business and doing all of that.

There has been some gratuitous commentary from the other side of the house that is false and offensive about who has run businesses and who has done start-up companies and all the rest of it. I ask the people on the backbench on the other side to actually — —

Mr Morris — People on the government side.

Mr McGuire — I ask people on the government side to do a reality check and not to be misleading in the house and all the rest of it. I have done start-up companies, businesses — the whole bit. Let us just

steady on how the system fits and works and what can be done to improve it. I put this forward in a bipartisan way so that we can get to this. For three years I have put up with the old 101 routines on how to run a small business, but I am calling it now — I am well over it. Let us just move on.

Mr Watt interjected.

The ACTING SPEAKER (Mr Weller) — Order! The member for Burwood!

Mr McGuire — Currently only 2 per cent of complaints received by the commissioner relate to government departments; however, this is a relatively low figure — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Weller) — Order! If the member for Burwood and the member for Richmond wish to continue their conversation, they should take it outside the chamber.

Mr McGuire — Thank you for your protection, Acting Speaker; it is much appreciated. We are now in a situation where the number of complaints has been a relatively low figure but it may increase as a result of this bill expressly including government agencies within the commissioner's scope. This is another issue. It goes to the issue of cash flow. If you are running a small business, you want government agencies to pay on time. You do not want to have done the hard work — with your bills to pay and your quarterly reports to be done and all the things you need to have happen — while you are still waiting for the government to sign off on the day. I agree with that proposition.

As I said, the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner, was a Bracks Labor government initiative. The commissioner is trying to get a more level playing field because I am still yet to find the level playing field. It is talked about a lot in theory, but in practice we know that the realities of life are very different. At least the commissioner is trying to even the imbalances out, which we support.

The small business commissioner also monitors government procurement protocols to ensure that they do not preclude small businesses from tendering for and participating in government contracts. This is an important issue. Innovation can be lost because small businesses are played out of major government contracts and tenders due to scale. Sometimes you lose that cutting-edge innovation because big players are

better at being able to get the forms in. They have the back office clout and the scale within their offices to do it, so I acknowledge that, and I like that proposition. It deserves support and acknowledgement. The commissioner also assists small businesses to develop and implement codes of conduct where requested, a role that is codified in this current bill. Again that goes to other issues of tidying up what is happening in small businesses and giving them a fairer go, which I support.

The bill gives the small business commissioner new jurisdiction to investigate complaints from small businesses that relate to government and government agencies. Again I suggest that is more about the timing of payments, so I acknowledge that issue as well. I support this bill, and Labor supports it.

Mr MORRIS (Mornington) — It is a pleasure to rise to support the Small Business Commissioner Amendment Bill 2013. As we have heard, the position was established in 2003 with bipartisan support, and it was an Australian first. In the decade of its existence it has received and resolved more than 11 000 applications for assistance. Over the journey it has had a substantial impact in reducing business disruption, which in itself adds to the productive capacity of the state. It was subsequently copied by New South Wales, South Australia, Western Australia and now the commonwealth, which all have small business commissioners based on the Victorian model. Ten years on from its establishment, it is time to consider whether the legislation is up to date. Clearly it is not. Techniques have moved on in that time. There are, I am sure, better ways of dealing with the issues that were intended to be addressed by the original bill, now the act.

What is a small business? If we take the Australian Bureau of Statistics definition, a small business is one that has 1 to 19 employees and a medium enterprise is one that has 20 to 199 employees. By that definition there are over half a million active trading small businesses in Victoria. But the Small Business Commissioner Act 2003 quite deliberately does not include a definition of small business or its potential market. That gives the commissioner the broadest possible jurisdiction and the opportunity to assist both small and medium-sized businesses, because depending on the nature of the enterprise, simply because you have 20 people working for you does not mean you do not have the challenges of being a small business.

What does the commissioner do? The commissioner is intended to promote a fair and competitive operating environment for its targeted businesses. It does that by preventing business disputes arising, by resolving

disputes when they occur and by investigating unfair market practices. Indeed the commissioner not only works under the commissioner's principal act but also under the Retail Leases Act 2003, the Owner Drivers and Forestry Contractors Act 2005 and the Farm Debt Mediation Act 2011. Under those three additional acts the commissioner is the first port of call; if that does not work, if the dispute cannot be resolved, then the Victorian Civil and Administrative Tribunal is the next alternative.

It is important to recognise the areas in which the commissioner is intended to work, because there has been a lot of discussion about all sorts of other areas where the commissioner could become involved. The areas of practice are things like licensing and agency agreements, franchise agreements, distribution agreements, leases, partnerships, supply contracts and tenders. The commissioner deals with those sorts of things and is not, as some members of the opposition seem to want to argue tonight, a de facto industry commissioner. We need to remember that the decisions that have been made and referred to by the opposition in the context of this debate, particularly in the automotive industry, have been based on market realities. No matter what pain is caused — and certainly pain results from those decisions — an industry commissioner is not going to be able to resolve it.

As I mentioned a couple of minutes ago, there are half a million or more small businesses in the state of Victoria. In fact 530 000 are actively trading small businesses providing 47 per cent of private sector jobs. A total of 28 per cent of small businesses operate in regional and rural Victoria. Again there has been some commentary about rural and regional Victoria. If we have a strong small business sector, we will have a stronger rural Victoria. Simply by weight of numbers, the small business sector is a critical component of the state's economy and certainly a very significant driver of economic growth. In local economies like my own on the Mornington Peninsula the role of small business is absolutely critical. Tourism is a very significant employer but small business generally is absolutely critical in generating employment opportunities, absolutely critical in generating opportunities for our young people and absolutely critical in ensuring the ongoing prosperity of our towns and our villages.

I do not speak on this bill in an abstract sense. I have had more than 25 years experience in small business, so I have been around the block a few times in that regard. Anyone who has worked on their own behalf — and there are more than a few in this house who have — knows that while the rewards can be great, that is not always the case. The hours are long, and if there is

weekend work to be done, it is almost always the proprietor who does it first, because otherwise they incur penalty rates. It is probably a lifestyle decision as much as anything else, but that is part of the joy of running your own show and being your own boss. Because of the demands that are placed on almost any small business operator, as a government we have to be vigilant about not loading up small businesses with red tape, but we also need to make sure that the decks are not stacked against them in ways that would negatively impact on the operation of small businesses. We need the operators to be focused on their businesses, not on filling in forms or fighting unnecessary battles.

In that regard I recognise the work of the government and the runs it has on the board in this term. We went to the election with a series of policy commitments, which have now been implemented, such as reversing the clearway laws which were having a significant impact on many small businesses; halving the liquor licence fees for more than 10 000 small businesses; ending the confusion around Sunday trading — who could trade and who could not — by allowing all Victorian businesses to trade on Easter Sunday; and more flexible public holidays. Melbourne Cup Day is an important day in Melbourne, but for other parts of Victoria its significance is considerably less. It is only right that those communities should have the opportunity to celebrate their own day and enable their traders to trade on Melbourne Cup Day.

The government has also been very much in favour of practical support for Victorian small businesses. The Victorian small business statement entitled *Supporting Small Business 2013*, came out in October last year and sets out a wide range of legislative and regulatory reforms in relation to providing assistance and opportunities for small business to grow. There are many other programs such as the small business festival, which has 300 events. It provides opportunities for engagement with more than 11 000 small business operators participating in over 1000 workshops and seminars. It is about getting people together and opening their eyes to opportunities. The walk-ups to the Mobile Business Centre — almost 10 000 of those in three years — increase direct engagement. Those are all critical things in supporting small businesses. Depending on the type of business, operating a small business can sometimes be a little bit isolating. You are operating your own business, but you are often so busy you do not have the opportunity to get out and engage. It is about promoting all those sorts of things.

In terms of budget initiatives, there has been more than \$67 million in funding for new and continuing initiatives in the last 12 months. Employment start-ups

got \$7.5 million over four years, there was \$12.8 million for Business Victoria online and \$16 million over four years for Driving Business Innovation. A subject close to my heart is tourism, which got \$8 million over four years in terms of promoting tourism in regional economies, and there was \$8 million over four years to promote the number of international visitors who reach Victoria. If we get them into Melbourne and get them out of Melbourne, we get them exposed to small businesses. Many tourism operators in my part of the world have had terrific benefits from those programs. They have a terrific story to tell; they just need a bit of assistance to tell it. I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the debate in relation to the Small Business Commissioner Amendment Bill 2013. I grew up as someone who was interested in politics and how the law works, and it always interested me that our political opponents often talked about small business as the engine driver of the economy and the community more generally. It seemed that somehow these people did not associate or perhaps align themselves with the workers who are more likely to see themselves as being represented by the Labor Party. It might be helpful for me to explain for the benefit of those on the other side of the house that small business is not only about those who own and run small businesses but also the people who are employed in small businesses. I would say there are a lot more people working in small businesses than people owning small businesses. They too deserve a voice; they deserve to be represented in this Parliament.

As I head to work in the morning I sometimes drop in at a local cafe and talk to the owner. There are many of those businesses in Rosanna, the area where I live. I drop into Jillian's Cafe Bar and get a coffee in the morning. The owners have been working hard for a couple of hours before 6.30 or 7 in the morning when I drop in. Many of us, when we go to a small business, whether for a coffee or to buy something on the way home, are thinking about our interests, needs and demands and not necessarily about the people who are giving up their time to earn a living and working at times when most of us are either pursuing recreational activities or seeking relief from the daily grind.

Everyone needs a course of redress. I have many examples of people in my family and others who work in small businesses and seek the protection of the law in Victoria to advocate for them and represent their rights. There may be small businesses that think they are performing well and earning good money but are perhaps not paying superannuation to their employees.

When people choose to buy a small business, no matter how successful, and workers are happy to take their daily pay and work their 8 or 9 hours, it is important that those workers are being rewarded through superannuation and other entitlements. On this side of the house we see ourselves as people who particularly represent the views, entitlements and rights of workers.

As a member of Parliament I talk to owners of small businesses in Ivanhoe, where we have significant large shopping centres, and in the shopping strips across East Ivanhoe, Eaglemont, Ivanhoe, Rosanna, Heidelberg, Macleod and other places. People there are working very hard, particularly in the mall where my electorate office is located — perhaps the only shopping centre across the electorate other than in Heidelberg. I understand that while there are those people —

Ms Asher interjected.

Mr CARBINES — Very slowly. Those people work very hard, thankful to be employed and working in small businesses. But I have learnt a lot more in the past few years about the demands on those who run small businesses, the time that they put in and in particular the pressures that they face when we change the law. These are matters that affect their revenue and the way they conduct their operations. They have to concern themselves with very significant issues beyond just running their businesses. It is important that we concern ourselves with the rights of small business owners.

It is also important to concern ourselves with the rights, obligations and entitlements of the employees who help to run those small businesses. It is one thing to work for large organisations and companies, or in fact to work for the government. That provides a level of comfort for workers, who may feel that their entitlements are more likely to be met because they work for a significantly larger organisation. A person working for 5, 10, 15 or 20 years as a casual worker or on an irregular basis at the local cafe, real estate agency or drycleaner might put in just as much time as employees of some of the very significant large businesses in our community, or employees of the government, but have less of a sense that their entitlements are protected and their superannuation is being paid.

Across a large organisation there is strength in numbers, and that is something that we on this side of the house understand very clearly. Small business owners have pressures to deal with and their employees might only number two, three or four. Employees might work in that small business for 10, 15 or 20 years and not feel protected.

How protected do the workers feel who might have been employed up until recently at Toyota, Ford, Holden or a range of other companies, with tens of thousands of workers, for 10, 20 and 30 years? How do they compare in their confidence that obligations are being met by the employer? We have the same pressures on workers whether they work for very small or very large businesses. There are great pressures for business owners and there are also great responsibilities.

In the experiences of people that I deal with in my office in the West Heidelberg mall often those working as casual employees in small businesses are concerned about whether their superannuation is being paid. They go to a job interview and are asked not about their skills, experience or referees but, ‘What do you think is a fair day’s pay that you should receive?’. They might say, ‘I would like to think that a fair day’s pay would be the award’. That is a fair and reasonable request. These are the pressures that workers in many businesses, small or large, are under. But if you work in a large business, there is a larger cohort of employees to bring pressure to bear about the sorts of standards they expect from their employers and what is fair and reasonable.

I have learnt a lot in the past few years in dealing with small businesses, which I had not come across in my other modes of employment in the past, because as a local representative you involve yourself not only in schools and hospitals but in your local strip shops. You see people who commit many hours of their time to running their businesses. At the same time you remain cognisant of your responsibility to advocate on behalf of people in these very small businesses who have very small avenues for advocacy and very small levels of support to ensure that they continue to get their rights as workers — their superannuation, workers compensation and a range of things that are important to them — when things go wrong.

The small business commissioner was introduced by the Bracks Labor government with the support of the opposition at the time. We see a lot of things about fair work commissioners, whether in the federal or state parliaments, but let us just say that the names change often; I am sure there have been many other names for the role.

In relation to the role of the small business commissioner and the amendment, which is particularly important to me, there are new powers for the small business commissioner to name in their annual report businesses that refuse to participate in mediation or fail to do so in good faith. I acknowledge the hard work of the small businesses in my community and the great

work they do; I do not hear very many bad stories at all about their work or the employment they provide to people in my community. But if you work in a small business, you work in an environment that is very difficult, whether you are the employer or the employee, and we all need to be cognisant of that.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Small Business Commissioner Amendment Bill 2013. As members know, small businesses are an essential part of Victoria's economy. The member for Ivanhoe said that small businesses are the engine room of the Victorian economy. I suggest that they are the driver of the engine room of the Victorian economy, a very key component. The member for Ivanhoe also mentioned that when we talk about this bill we should be remembering those employed by small businesses. I also accept that we certainly need to be aware of all those involved with small business. What the member for Ivanhoe and others should remember when we talk about the more than 530 000 small businesses in Victoria is that more than half of those are sole traders. More than half the people in small business, who go to work day in, day out, do not have people to talk to or confide in. It is they who put their money on the line day in, day out, to ensure that they are able to grow their businesses and hopefully employ people as their businesses grow, but they certainly contribute to our economy.

This debate is about a very important piece of legislation. As members have heard, we have had the Office of the Small Business Commissioner, now the Office of the Victorian Small Business Commissioner, the establishment of which had bipartisan support, for 10 years. In that time more than 11 000 applications have been assessed and resolved. We all know that it is far better to have conciliation and arbitration to work towards fixing a problem without having to take it through the courts. People in small businesses have enough on their plate without having to go through the legal process and red tape, which take up more of their time. Our government is all about reducing red tape. We have made a commitment to reduce red tape by 25 per cent right across all departments over the term of our government. The Minister for Innovation, Services and Small Business, who is at the table, has worked tirelessly to support small business and has initiated a number of policies to ensure that our small businesspeople can do what they want to do — that is, get on with the job of doing business in their profession or trade and focus on that and not worry about all the other things that are around them.

The bill provides the Office of the Victorian Small Business Commissioner with further teeth, so to speak,

and allows the office to broaden the options for those who come to it with some form of dispute. Previously there were very limited options for small business people to resolve issues, particularly those that involved councils or government departments. In the past, if there was an issue with a government department or council, which are effectively larger businesses, they could decide to ignore a request of the Office of the Victorian Small Business Commissioner to hear a dispute and arbitrate on it, and the small business person would be left out on a limb. The only option for that small business person would be to take the process to the Victorian Civil and Administrative Tribunal and other courts which, of course, takes up time and money. It certainly is not what those in small business want to do. The bill allows small businesses to have a dispute with a council or government department resolved as quickly as possible and in the most amicable way possible.

I reflect on an example of what could happen. Some years ago, in Acland Street in the City of Port Phillip, just outside my electorate, there was a cafe called The Vineyard.

Honourable members interjecting.

Mr SOUTHWICK — The Vineyard was a great facility, as opposition members are acknowledging. After a number of years of operation, the premises were up for lease renewal. The property was owned and managed by the local council, which opened it up to a bigger, broader process. That took months and meant that there was uncertainty for that business. The operators of the business had built it up over 10 years and at one point there was a question over whether they would be able to continue operating in those premises or would have to relocate. It was a very difficult time for the owners. Petitions were drawn up which gained a lot of local support. Thankfully, the business was successful in its application and the lease was renewed.

In those circumstances, there was not the option to take the council, in that particular instance, to the Office of the Victorian Small Business Commissioner. The amendments made by this bill would have allowed the business to take the council to the office for a quick and easy arbitration. The matter would have been sorted. The owners of the business would not have had to run a campaign which took up about six months of their time to achieve the outcome they wanted.

The bill provides flexibility for complaints to be investigated. The example that I just gave involved commercial dealings. The bill extends the complaints that can be resolved from those involving unfair market

practices to those of commercial dealings, including the reputation, history and activities of the business in the past. The bill provides a number of options for small businesses, including preliminary assistance, conciliation, an independent neutral evaluation, facilitated meetings and arbitration. People in small business will be able to sit down and work out a deal with those with whom they have an issue. Most importantly, it provides for a full suite of dispute resolution services. The bill is really about flexibility. It is about giving teeth to the Office of the Victorian Small Business Commissioner. It is very specific about the agencies that the office deals with.

The bill establishes a statutory obligation for parties to attend for a dispute resolution, which, as I said, is very important when a dispute involves a government department or local council. That is very important when a government department or local council does not want to engage in the dispute resolution process. It allows for certificates on alternative dispute resolution to be issued and the documentation of what has taken place to be published. The publication of that information, including in annual reports, will expose government departments and local councils to the fact that they were not party to a dispute resolution mechanism — that is, that they were not willing to play ball.

The bill is very important because it is not hitting parties over the head with a big stick, so to speak, and it is not creating a whole lot of extra red tape, which the government is not looking at doing. The bill is providing the opportunity for representatives of parties to a dispute to say, 'Let's do what we can to resolve this dispute. Let's ensure that we don't get negative publicity by having this published in an annual report. Let's ensure that we get this resolved as quickly as possible'. This is an important element of the bill which will ensure that obligations are met, that disputes are settled and that small business people can get on with what they do in creating jobs.

We have heard from a number of speakers on both sides about the importance of small business. It is absolutely crucial that we do what we can to support small business. During a street walk in Carlisle Street over the weekend I talked to a number of retailers who spoke of the issues that they face day in, day out. Small business people need to be supported in any way that we possibly can support them. The amendments made by the bill are the sorts of things that are welcomed by small business people. The productivity report has been very explicit in indicating how supportive small business people are of this form of legislation.

The bill is part of the government's agenda to get on with supporting small business and, by removing red tape in any way possible, it is getting out of the way by allowing small business people to do what they do best. We have a hardworking minister who has been diligent in making sure that people in small business are supported, that they have a voice and that we have good legislation and provide other support. Whether it be festivals, mentoring services or the host of programs we run, we do it for one reason — that is, to support small business people by assisting them to provide jobs and to ensure that they have a voice.

Mr WAKELING (Ferntree Gully) — Deputy Speaker, firstly, I take this opportunity to congratulate you on your appointment to the office you hold.

It gives me great pleasure to rise to contribute to this important debate on the Small Business Commissioner Amendment Bill 2013. I stand in this house as a member of a coalition that prides itself on its tradition of supporting small businesses in Victoria. As has been said, small business is not only the engine room of the economy but also, as the member for Caulfield highlighted, the driver of the engine. We on this side of the house do not just say it; we live it. Many members who sit on this side of the house have actually run businesses. They have been the ones taking out a loan, leasing a shop or factory and, most importantly, employing staff.

The Victorian small business commissioner has, with bipartisan endorsement, provided great support to the small business sector. The bill before the house relates to the management of conflicts that can arise for small businesses, an area I know only too well. In a former life as an employee in the industrial relations department of the Victorian Automobile Chamber of Commerce, part of my job was to represent many small businesses from across the state of Victoria in dispute processes, particularly with respect to industrial relations and mainly in the area of wage disputes and unfair dismissal claims.

I know only too well the challenges that businesses, and particularly small businesses, face. Small business owners, particularly those from rural and regional Victoria, invariably had to shut their business to attend a jurisdictional hearing at the then Australian Industrial Relations Commission in Melbourne. Businesses that were members of an industry association — no different to the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group and other organisations in this state — were fortunate that as part of their membership someone would manage that process for them. However, not all small

businesses have that advantage, and along with the responsibility of running their business they have the bureaucratic nightmare of dealing with local government, state government departments or other bodies with which disputes can arise. As we have heard from the stories in this house, some of these disputes can take a long time to resolve.

I recall from my time working to resolve disputes on behalf of small businesses that as their representative I was able to undertake most of the work of dealing with the commission and the person making a claim, or their legal representative. I took on that responsibility for them, which enabled the small business owner to get on with their job. However, we should think of those organisations that do not have the luxury of someone else standing up for them and doing that work. Doing the work to manage that process while at the same time trying to run a business and keep the doors open is a major struggle. It is pleasing that this bill enables the small business commissioner to provide further assistance for small business and streamline the process so matters can be resolved in a timely fashion.

There are nearly 530 000 small businesses actively trading in Victoria, and they supply upwards of 47 per cent of private sector jobs. Around 28 per cent of small businesses are located in regional and rural Victoria. We are talking about a sector which is significant. It is incumbent upon governments to do everything in their power to provide the necessary help and assistance for small businesses. This government not only talks about helping small businesses but goes out there and does it. Some examples of what this government has done include the halving of liquor licence fees for over 10 000 small businesses and ending the confusion around Easter Sunday trading. I remember in a previous life dealing with changes to trading brought about by the former government and the confusion that caused for small businesses. This government got on with the job and ended that confusion. We have extended the Victorian Energy Saver Incentive scheme to small business, in addition to households, making energy more efficient for small business operators. Through Consumer Affairs Victoria we have established a new small business infoline to provide necessary assistance for the small business sector.

In practical terms many businesses are able to receive advice through the government's Mobile Business Centre small business van. In a couple of weeks the small business van will again be visiting my electorate at the Mountain Gate shopping centre. I know businesses that have received assistance from Small Business Victoria because they were able to access information through that resource, which travelled close

to their business. This government is about creating an environment in which small businesses can operate fairly and ensuring that small businesses can grow.

Mr Pakula interjected.

Mr WAKELING — It is always interesting to hear the interjections of those opposite, but I can say one thing: under the watch of this government employment has risen. We have employed more people. There are 60 000 more people working in the state of Victoria than there were under the watch of those opposite. That only occurs — —

Mr Pakula interjected.

The DEPUTY SPEAKER — Order! If the member for Lyndhurst wants the call, he should stand in his place at an appropriate time. The member for Ferntree Gully to continue without assistance.

Mr WAKELING — I understand that it is unruly to take up interjections, but I note that there are some in our community who do not like to hear good news about what is happening in the state of Victoria. I can tell you one thing, Deputy Speaker, there are over 60 000 people who are grateful for the work of this government because they have a job. That is 60 000 extra people who have a job today who did not have a job under the watch of those opposite. This is a government that gets on with the job, rolls up its sleeves and makes decisions.

Instead of just sloganeering about what we should or should not be doing, this is a government that actually gets on with the job and does it. For example, this government sat down with SPC Ardmona and got a resolution. We see \$100 million — —

The DEPUTY SPEAKER — Order! I ask the member for Ferntree Gully to come back to the bill.

Mr WAKELING — People on this side of the house are passionate about small business. We know that as a government we must do everything we can to protect small businesses and help them grow, because every small business that operates in this state creates an opportunity for one or more people to gain employment. Small business is what drives employment in this state; 47 per cent of all private sector jobs are in small business. Deputy Speaker, as someone who has operated a business you know full well about the needs and benefits of small business in this state.

I am pleased we have a government that is taking action. I am pleased that the minister at the table, the

Minister for Innovation, Services and Small Business, is keen and acting on this important issue. I have firsthand knowledge of the impact that regulation has on small businesses and the problems they face when dealing with disputes. I am pleased to be part of a government that is prepared to do something, to roll up its sleeves and to do what it can to provide further assistance to small business. I commend the bill to the house.

Debate adjourned on motion of Ms KANIS (Melbourne).

Debate adjourned until later this day.

CORRECTIONS LEGISLATION AMENDMENT BILL 2013

Second reading

Debate resumed from 11 December 2013; motion of Mr WELLS (Minister for Police and Emergency Services).

Mr PAKULA (Lyndhurst) — It gives me pleasure to speak on the Corrections Legislation Amendment Bill 2013 and to indicate that the opposition will not oppose the bill. This bill makes a series of changes which are relatively minor in many respects in regard to prisons, to the Adult Parole Board of Victoria and to the rights and responsibilities of prison guards, and it has some effect on prisoners as well.

It is an omnibus bill in the corrections space, doing many and varied things. It makes new provisions for the censoring of letters that are exchanged either between prisoners or between prisoners and former prisoners. It makes changes in regard to firearm use by escort officers. It empowers the minister to enter into a lease for a prison. It makes changes to the regime for alcohol and drug testing of certain parolees. It provides for an offence of failing to comply with conditions for parolees subjected to electronic monitoring, such as electronic monitoring exists, and I will go to that in more detail during the course of my contribution. It provides for the appointment of a deputy chairperson of the adult parole board. It authorises some disclosure of confidential information that is held by the adult parole board, and it makes a range of other administrative and minor changes.

The bill also makes amendments to the Serious Sex Offenders (Detention and Supervision) Act 2009 in regard to the powers of the court and of the adult parole board, and it makes consequential and minor amendments to the Prisoners (Interstate Transfer) Act

1983 to clarify some of the rules around the location of the handover of prisoners. There is nothing earth shattering in this bill. It is not a major piece of legislative reform, but it makes a range of minor amendments that I will deal with in more detail during the course of my contribution.

For some time there has been a regime around the censoring of correspondence between prisoners and, for want of a better term, the outside world. In the Ombudsman's report into the death of Carl Williams at HM Prison Barwon, which was handed down in April 2012, the Ombudsman identified certain examples of not only correspondence but also telephone calls exchanged between prisoners in the months leading up to Carl Williams's death. Had an interception of those items of correspondence occurred, it may have legitimately raised concerns about the safety of Mr Williams, so one of the recommendations in the Ombudsman's report was that there should be a new regime in regard to the censoring of correspondence between prisoners and that Corrections Victoria ought to develop guidelines to ensure that all prisoner mail in high-security and management units is assessed before being forwarded to the intelligence unit. Some of the changes being delivered by this bill are a response in part to some of the recommendations in the Ombudsman report.

The bill proposes to effectively relocate from regulations into the Corrections Act 1986 some of the provisions that relate to the use of firearms by escort officers. It was presented to the opposition during the departmental briefing as being more appropriate that some of these fairly significant powers be contained in an act of Parliament rather than in regulation. Given that the provisions include the rules, for want of a better term, regarding the discharge of a firearm at an escaping prisoner, the opposition agrees that it is more appropriate — it is certainly not inappropriate — that they be contained in an act of Parliament rather than being left to regulation.

However, the bill does a little more than that. It also extends the authorisation in regard to the use of non-lethal firearms — for example, tear gas guns — particularly in the case of a prison riot or some other serious incident. The bill proposes to authorise the use of those non-lethal firearms by escort officers in those circumstances.

The opposition is interested, perhaps curious, that at this time the government is bringing in provisions to effectively extend the circumstances in which escort officers might use tear gas. Given the increase in our prison population, given the well-reported malaise not

just in the courts but in the transfer of prisoners from holding cells to the courts and given the massive overcrowding we are seeing in a prison system that is bursting at the seams, it may well be said that the government is right to expect more riots and more serious incidents at correctional facilities. In those circumstances it may well be said that the government is prudent to extend the circumstances in which escort officers might have to use tear gas. I would be interested to hear from government speakers whether the insertion of this provision is in fact in response to information or intelligence the government has received that leads it to believe it may be more likely now than ever before that we may see riots and large-scale unrest amongst our prison population.

We have recently seen *Report on Government Services* data which shows that we have had a higher than ever spend on prisons and an increase in recidivism and reoffending. The saddest part about all that is that this rise in reoffending is not something the government can say has slapped it across the face in some sort of surprising way. This rise in reoffending was predicted by this government and budgeted for in its first budget. The government walked into this rise in reoffending with its eyes open. It has implemented policies that make an increase in reoffending and an increase in the prison population not just a consequence but a planned consequence of its policy settings. It is little wonder that we are seeing increases in assaults between prisoners and between prisoners and prison guards. In those circumstances having a legislative framework that makes the use of tear gas easier is perfectly understandable.

What I would say to government members is that if they believe for a moment that a rising crime rate, a rising rate of reoffending, a higher than ever prison population and prisons bursting at the seams is somehow a sign of success or something the government should be proud of or should crow about, then this government is more delusional than even I believed it to be. Having more people in jail, having more people reoffending and having more people arrested is not a sign of success. It is not a sign that your so-called 'tough-on-crime' approach is working. The real hallmark of a successful tough on crime approach is a crime rate that is going down; it is people being deterred from committing crime. Seeing the crime rate rise, seeing the reoffending rate rise and seeing our prisons fill up to the point of bursting is not a sign of success; it is an admission of failure. That is, I think, the background to this new power being given to escort officers to discharge tear gas and other forms of non-lethal firearms. I would say to the government, 'If that's the best you've got in response to the crisis that is

engulfing our justice system, then I think you need to reset'.

In regard to parole, the bill allows for information held by the adult parole board that has not been disclosed in a decision to be provided to the Coroners Court. That is already the case for other courts. Beyond that, the bill provides for disclosure, if the minister consents, of information that has been given to the adult parole board and reasons given by the board for any decision.

In one respect it is easy to understand why the minister would want to have the final say over matters such as that, but the concern this provision raises in the minds of opposition members is that it would give the minister of the day — whether it be the minister in the government as it is currently constituted or a future minister in a government of a different hue — the power to pick and choose what information he or she wants released. The information that is released by the adult parole board for the benefit of the community ought never be released subject to anyone's political agenda. It ought to be released subject to rules and regulations that are applied without fear or favour and that are free of the taint of politics. We are concerned about a provision that says certain information can be released at the discretion of the minister.

Currently some parolees are subject to conditions on their parole orders requiring testing of abstinence from drug and alcohol consumption. Those parolees are subject to directions to be tested, but there is no explicit power. The bill effectively confirms that the power exists and allows the testing of parolees at any time in order to monitor their compliance with those provisions. That is a sensible approach, and the opposition takes no issue with it.

The bill extends the breach of parole provisions to include the breach of an electronic monitoring condition, and it is easy to contemplate what those breaches might be — tampering with a device or attempting to remove a device that might be placed on a prisoner. I think members know that those parolees living in the residential facility at Corella Place are already subject to electronic monitoring, and the government has made commitments about the electronic monitoring of other offenders, not all of which have been delivered yet.

There was an interesting exchange in the other place last sitting week between Mr Tee, a member for Eastern Metropolitan Region, and the Minister for Corrections in regard to the electronic monitoring of arsonists. Those of us who are members of the Public Accounts and Estimates Committee would recall that at last

year's budget estimates hearings the minister presented an electronic monitoring device with a great flourish and threw it across the table at us. In question time in the last sitting week the minister was asked about the commitment that was given in 2010, I think, to electronically monitor arsonists and about how many arsonists are currently being monitored. The original question from Mr Tee was answered; it looks like the minister spoke for almost 4 full minutes, at the end of which no-one in the Legislative Council was any the wiser about whether any arsonists have actually been electronically monitored.

In answer to the supplementary question the minister was able to confirm that in fact some of the people at Corella Place who are subject to the Serious Sex Offenders (Detention and Supervision) Act, who we know are electronically monitored, had also had a history of arson but no-one who had been specifically convicted of arson had been monitored in accordance with the government's commitment. We look forward to that commitment being delivered on, even though we are running perilously close to the end of this electoral term.

There is a provision for more than one deputy chairperson of the adult parole board to ensure that there is always someone available to fill the position in the absence of the chair. The opposition takes no issue with that amendment. It is a sensible amendment to say the adult parole board should not be left in a circumstance where there might not be a chair at any point in time. We have seen a number of amendments being made to the parole system in recent times. More legislation has been introduced in the other place just today in regard to Julian Knight, and the opposition looks forward to being briefed by the government on that bill. I simply make the point that the government has made numerous claims about the changes it has already made to the parole system and has insisted, not just to the Parliament but to the Victorian community, that the issuance of those previous bills would ensure that serious offenders were not released on parole.

I would be concerned if this new legislation were in any way an admission by the government that the parole reforms it has already implemented may not be all they are cracked up to be. Given the rhetoric we heard from the government when those earlier bills went through the Parliament, one would have thought those bills had already made it nigh on impossible for someone with Julian Knight's history to be released. The government is perhaps somewhat belatedly conceding that the changes it has already made are not in fact all they are cracked up to be.

As my friend the member for Altona has said on many occasions in this place, the efficacy of our parole system is not just a function of the laws. It is not just in a function of what reforms are put through this Parliament. It is a function of resourcing. This is a system that, from the police force, through to legal aid, through to the courts and right up to the parole system and the prison system, is chronically underresourced, particularly given the policy settings that this government has put in place. It is one thing to trumpet your tough-on-crime credentials, but if you are either stealing resources from schools, hospitals and the public transport system to fund the reforms or you are not funding them properly at all, none of it makes any sense. The resourcing that the government applies or does not apply to the system will be as important as, if not more important than, any of these reforms in determining whether the system works properly.

I have to say the other changes made by the bill are fundamentally minor. They really deal with some minor changes to the Prisoners (Interstate Transfer) Act 1983 in regard to the enactment of nationally agreed provisions and in regard to giving the corrections minister a stand-alone power to enter into a lease or licence over Crown land reserved for prison purposes. There are also some amendments to the Corrections Act 1986 for police to make application to the Supreme Court for an order authorising the temporary absence from prison of a prisoner who wishes to voluntarily provide information to police. The changes being brought about by this bill include a requirement that the application be accompanied by an affidavit.

I have dealt with most of the substantive changes to the bill and in a much more cursory sense with some of the more minor changes. But in reiterating that the opposition will not be opposing the bill I repeat the point I have made not just in this contribution but many times before in this chamber: it is not sufficient for any government to simply seek to use the power to legislate to trumpet its own self-assessment.

This government's self-assessment is that it is tough on crime, but being tough on crime requires more than sloganeering and more than legislation. It requires a deep understanding of the circumstances a government needs to put in place to actually make the incidence of crime in a community less likely. It needs a deep understanding of what drives criminal behaviour and the government interventions that might deter criminal behaviour. It needs a deep understanding of the resourcing required when you are going to make it more likely that people will be arrested, more likely that people will plead not guilty, more likely that trials will run longer and more likely that people will stay in

prison longer. It needs a deep understanding of the resource implications of that. It needs an understanding of not just what resources are required but where they are coming from.

All of us know that state governments have only so much capacity for revenue raising. We are not the commonwealth. As a state we are fundamentally reliant on GST, payroll tax, stamp duty and land tax. Every extra dollar that gets poured into our corrections system, the courts and the justice system more generally is coming from somewhere. It is coming from our schools and hospitals, our ability to deal with transport congestion and our ability to help support jobs, which we have heard much about in this place.

That is not to say it is illegitimate, but there has to be a dividend. If you are going to shift resources from all those other areas of government endeavour and put them into our corrections system, the justice system, the courts and the police, there has to be a dividend. The dividend has to be a safer community, a crime rate that is falling, not rising, and a reoffending rate that is falling, not rising. If all you are doing is pouring resources out of schools, hospitals, transport and jobs and pouring them into prisons at a time when the crime rate continues to increase and when our streets are no safer, then the Victorian community is entitled to ask, 'Where is the dividend from that for us?'. With those words, I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution to the debate on the Corrections Legislation Amendment Bill 2013. I am pleased to hear the opposition will not be opposing it. I enjoyed most of the contribution from the member for Lyndhurst. He talked about this government's commitment to law and order and getting tough on crime. 'Tough' is one word for it, but the main thing is that we are taking law and order seriously, and that has not occurred in this state for many years. This is why we are trying to make the changes that need to be made — because others have not been game to make them. Many of the bills that have come through this house while we have been in government have dealt with law and order because our communities have demanded that we take it seriously, and we certainly have done that.

As we have heard tonight, the bill makes a number of amendments to the Corrections Act 1986, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Prisoners (Interstate Transfer) Act 1983. The bill amends the Corrections Act in a whole range of areas. Firstly, it permits letters between prisoners or between prisoners and ex-prisoners to be stopped or

censored should that need arise. I am not saying that will happen in all cases, but this amendment allows flexibility in the system if the need arises. The bill also broadens the circumstances in which a prison officer is authorised to discharge a non-lethal firearm, for example, as the member for Lyndhurst said, to stop a riot in a prison or to prevent a serious threat to security of a prison.

It will also give to the Minister for Corrections a stand-alone power to enter into a lease or licence over land reserved for prisons or for prison purposes. That is a practical outcome of the bill. It will allow for the testing of prisoners on parole for alcohol or drug use where the Adult Parole Board of Victoria has imposed terms and conditions on the parole order that relate to alcohol or drug treatment for testing or alcohol abstinence. In regard to many of these changes, if you ask the average person on the street, they would assume that such provisions already exist in the legislation, but in fact they do not. It is important that we tidy up this legislation so that it reflects what people in our communities expect. The bill makes numerous other amendments to the Corrections Act 1986.

The bill amends the Serious Sex Offenders (Detention and Supervision) Act 2009 to permit the adult parole board to direct an offender to be electronically monitored when residing at a residential facility under the act, and I will go into that a little later. The bill also addresses minor technical drafting errors that over the years have needed tending to. Furthermore, the bill amends the Prisoners (Interstate Transfer) Act 1983, which is part of a national scheme for the interstate transfer of prisoners, and again I will go into that a little further on in my contribution. As one of the boundaries of my electorate borders New South Wales, I know that cross-border anomalies are a major issue in our regions. This is another example of where we can make subtle but practical changes, which I will go into in a minute. Part of the bill is a result of a recommendation in the Ombudsman's report into the death of Carl Williams.

The bill responds to a wide range of operational and technical issues that have been identified. It continues the government's commitment to the reform of the Victorian parole system, because we believe that is paramount.

I want to touch on the Corrections Act 1986 and the Ombudsman's report into the death of Carl Williams. I noted earlier that all communication between prisoners, including letters, should be closely monitored to avoid compromising prison safety. One can only guess as to whether such a measure would have changed what occurred, but it has been highlighted that there may be

some opportunities there. In accordance with a recommendation of the Ombudsman, the bill will amend section 47D of the Corrections Act so that the governor of a prison can stop or censor letters between prisoners or between prisoners and ex-prisoners providing there is reasonable belief that the sending or receiving of letters may be a threat to the management and the good order of a prison's security. It is important that a governor has that power for the benefit of his or her prison.

Still on the Corrections Act 1986, the bill amends the act to authorise the use of non-lethal firearms by prison escort officers to control serious prison incidents such as riots. The type of non-lethal firearms that may be used by prison officers will be set out in the corrections regulations. The bill expands the circumstances where a non-lethal firearm — for example, a gas launcher — may be used to include situations such as riots or where there is a serious risk to the safety and good order of a prison. The amendment is required because prison officers are currently covered by the Corrections Act 1986 and the Corrections Regulations 2009, which only permit the discharge of a firearm: firstly, at a prisoner if the prisoner has escaped or is attempting to escape, or at a person assisting a prisoner to escape; or secondly, to stop a person causing death or serious injury to a person in a prison, an officer or a prisoner outside a prison.

An example is the use of tear gas in the case of a riot. Tear gas is launched from a gas launcher that comes within the definition of a firearm, so technically it cannot be used to prevent escape or to stop a person causing death or serious injury. The bill puts flexibility back in the system. It gives governors, escort officers and prison guards flexibility to make prisons safer so that they will not get caught up in red tape in the event of a riot. The bill will permit the discharge of a prescribed non-lethal firearm to control situations that do not involve an escape, a threat to life or the threat of serious injury.

I will touch on the electronic management of parolees. It is currently not an offence under the Corrections Act 1986 for a prisoner on parole to breach an electronic monitoring condition. Corrections Victoria currently reports non-compliance with electronic monitoring to the adult parole board, which can only vary or cancel parole, but it is not an offence. That is what I was talking about earlier: most people would assume that if you tamper with your electronic device — if you try to remove or damage it — that would be an offence, but it is not. The bill will cover off on a few of these anomalies. For consistency with the Sentencing Act 1991, under which this is punishable by a maximum of three months' imprisonment, the bill will introduce the

same offence under the Corrections Act 1986. This is also a practical measure.

As promised, I will touch on the Prisoners (Interstate Transfer) Act 1983, which is part of a national model scheme for prisoner transportation. The amendments made by the bill will allow prisoner handovers at places other than prisons — for example, airports, borders or other places that are more practical than prisons in terms of reducing costs. It would be far cheaper to do it where it should or could be done. Again this is a practical outcome. Other changes to the act include allowing interstate prison officers to transfer prisoners within Victoria and clarifying their powers to arrest prisoners without warrant in the case of an escape. The proposed changes to this legislation were agreed to by corrections ministers in 2010 before being agreed to by the then Standing Committee of Attorneys-General. New South Wales has already implemented these changes, and they appear to be working well.

I want to talk about the Serious Sex Offenders (Detention and Supervision) Act 2009, and I will very briefly touch on it, because I know I am running out of time. I know you, Acting Speaker, would love me to speak for a lot longer, but I can see that there are others who would like to make a contribution.

The Serious Sex Offenders (Detention and Supervision) Act permits a court to impose a condition on a supervision order authorising the adult parole board to give a direction that an offender is to reside at a residential facility, such as Corella Place near Ararat. These conditions provide flexibility for an immediate response where an offender may be residing in the wider community but for some reason must be urgently moved to a residential facility.

I will not go on. I have missed many points, but others will cover those. Those points include the court powers and detention orders that make up powers related to the role and responsibilities of the deputy chairperson of the adult parole board and drug testing of parolees. I am sure others will cover those. In the meantime I wish this bill a speedy passage through the house.

Ms DUNCAN (Macedon) — I rise to speak on the Corrections Legislation Amendment Bill 2013. This bill makes a number of changes to the Corrections Act 1986 that affect prisoners, prison guards and the Adult Parole Board of Victoria. The bill specifically provides that letters between prisoners can be stopped or censored, makes changes regarding firearm use by escort officers, empowers the responsible minister to enter into a lease of up to 99 years on Crown land for a prison, allows alcohol and drug testing for certain

parolees, provides as an offence failure to comply with conditions for parolees subjected to electronic monitoring, provides for a deputy chairperson of the adult parole board, authorises disclosure of confidential information from the adult parole board to the coroner and makes other administrative and minor changes. It also makes changes to the Serious Sex Offenders (Detention and Supervision) Act 2009 to give the courts power to vary or revoke an order and permits the adult parole board to direct that an offender at a residential facility be electronically monitored. It clarifies the review timing of orders, and it makes other procedural amendments.

Some of the changes that are outlined in this legislation already occur in terms of letters being stopped or censored if they are a threat to management or to what is considered to be the good order or the security of the prison. In the Ombudsman's report that came about as a result of the death of Carl Williams in a high-security area while in Barwon Prison, the Ombudsman identified a number of examples of telephone calls and letters that had arrived in the lead-up to Carl Williams's death. We know that much of this data was collected at the time. Those letters were seen and those phone calls were monitored. Still, we know that intelligence is only as good as what is then done with it. If that intelligence is just left to sit idle, then it is not of much use. Another recommendation made in that Ombudsman's report advises that Corrections Victoria develop guidelines to ensure that all prisoner mail in high security and management units be assessed by prison collators before being forwarded to the intelligence unit.

This bill makes some changes to firearm use. It proposes to relocate provisions relating to the use of firearms by escort officers from regulations to the Corrections Act and makes changes related to the discharge of firearms at an escaping prisoner. It also proposes to authorise the use of non-lethal firearms by escort officers to control serious prison incidents, such as riots. We know that this is going to become increasingly necessary as we see crime rates rising, as we see budgets spent on prisons rising and as we see the rate of recidivism rising. There have also been increases in assaults between prisoners and against guards.

Many people who have worked in the criminal justice system for many years — people like Rob Malasecca, who is part of the Victorian Custody Reference Group, along with other people who have been involved in these areas for many years — are increasingly concerned about the overcrowding in our prison system. Their concern relates to an increase in riots and

increased assaults, both on prisoners within the system and on prison guards.

Sadly many of the powers that have been given will be needed. While the government crows and brags about its so-called tough-on-crime policy, we know many of these procedures are counterproductive, and we are actually seeing that in terms of the crime rate. If the overall role is to reduce crime, then we should be seeing reductions in all of these things. In fact we are seeing the opposite; while our prison rates are going up we are seeing public safety going down. One needs look no further than America to see how counterintuitive many of these things are. America has one of the highest incarceration rates in the world and also has one of the highest crime rates. This tough-on-crime approach is sometimes good for a headline in a tabloid newspaper but it is doing little, if anything, to protect people on the street.

The issue of parole and the Adult Parole Board of Victoria is a very good case in point. This bill allows information held by the adult parole board that has not previously been disclosed in a decision to be provided to the coroner. This can already be done by some other courts. It also provides for the disclosure of information that has been given to the adult parole board or reasons given by the board for any decision if the minister consents. I am not sure why this would be necessary. We want to see less political interference in the criminal justice system. There is a concept we must keep in mind, and I am reminded of the classic case of former Queensland Premier, Joh Bjelke-Petersen, who under questioning showed he failed to understand what the separation of powers meant. I fear that there is a lack of understanding of that concept in the state of Victoria. Under the guise of tough-on-crime policies we see continued political interference, undermining of our courts and undermining of the adult parole board.

This legislation has the potential for the minister to pick and choose what information is made public — and I have grave reservations around that being a role of a minister of the Crown. Parolees are currently subject to a condition on their parole that may require treatment with or testing for various drugs. There may be an order for them to abstain from drugs or alcohol, and they may therefore be subject to testing. There is, however, no explicit power. The bill will confirm this power and allow the testing of parolees at any time. We know this is currently happening, but this bill makes it an explicit power. As an opposition we have no issue with that. The bill also extends the breach of parole provisions to include the breach of electronic monitoring conditions. This may involve actions such as tampering with or removing an electronic device. The bill also provides

for a deputy chairperson for the Adult Parole Board of Victoria to make sure there is always someone available to fill the chair. I think many of us would support that and any additional resources that are given to the parole board because it really is the gatekeeper in terms of ensuring community safety.

Much is made in the media and in this chamber about the role of parole. It is an incredibly important system. We often hear, 'We're not going to give parole; we're going to be tighter on parole. We're not going to grant it as easily, and we're going to revoke it more easily'. The problem with that is that increasingly we see prisoners who are getting up to their head sentence simply released into the community. There is no opportunity to monitor them. There is no opportunity to provide them with any devices to ensure that the community is safe. Cutting out or refusing parole may sound good on paper, but it can often be counterproductive. It does nothing for community safety. As I said, it can actually do the reverse.

As an opposition we support the role of the adult parole board. We believe there should be less political intervention in its workings, less undermining of it publicly by this government and more resources provided to it to support the very important work that it does. We understand it is an important tool for integrating prisoners back into society. That is not because we like prisoners, we are soft on crime or we do not want to see people punished for the crimes they commit. It is because we believe that a government's overwhelming concern should be about public safety and reducing the risk of recidivism and the number of crimes that are committed. This is the best way to make our community not just feel safer but be safer.

There are a number of other provisions in this bill, but I have run out of time. I commend the bill.

Mr SOUTHWICK (Caulfield) — I rise to speak on this very important bill, the Corrections Legislation Amendment Bill 2013. We have heard a number of contributions on the bill today. We on this side of the house are proud of our reputation in law and order and what we have been able to achieve in this area. The public provided us with a mandate in the last election. They told us they wanted us to make sure that the streets were safer and that offenders were punished by being locked up when the severity of their crimes warranted it. We wanted to ensure that we delivered on that, which is what we have been doing. This bill will further that ensure we are able to achieve this.

The bill makes a number of amendments to the Corrections Act 1986, the Serious Sex Offenders

(Detention and Supervision) Act 2009 and the Prisoners (Interstate Transfer) Act 1983. I will touch on a number of elements in the bill. Firstly, I want to address the comments of the member for Lyndhurst, who said that the test of success is not more arrests but rather the crime rate going down. He also claimed that the streets are not safer. If you went out and conducted a straw poll of anybody in the community, particularly those who use public transport and have seen the rollout of protective services officers on train stations or the 1700 additional police who have been employed, they would disagree. The current number of police is a record in Victoria's history. These are front-line police, and they are proactive. The police are out on the streets doing what they have signed up to do, which is to make sure people feel safe.

There is no question that when more police are on the streets and protective services officers are on train stations, the result will be more arrests. It is a fact. It is all very well to say that more arrests are a bad thing. Ideally we would prefer to have less arrests. In a harmonious world we would all live peacefully, nobody would commit crimes and we would minimise the number of people who were detained or put away in prisons. But the harsh reality was that we needed more police. The Minister for Police and Emergency Services, who has just entered the chamber, has delivered those additional police. We are ensuring that those police are on the streets and that they are proactively policing. That is why there is an increased number of arrests. The police are doing what they have been told to do, which is their job.

I want to allude to one particular element, which is the crime statistics. There was a decrease in personal or household crime from 3.3 per cent in 2008 to 2.6 per cent in 2012–13. Nevertheless, personal crime is still a huge problem. These are people who are perpetrating the worst possible crime: assault on a person. As many as 65 per cent of those crimes of physical assault in Australia are caused by alcohol or drugs.

When we are looking at this bill before the house today we see that the drug and alcohol testing of those prisoners is a very important part of it, because it says that once those who have a drug or alcohol problem are locked away the problem will not continue, that we are on top of those sorts of things, that we will ensure there is proper management of the situation and that once the person leaves the prison they are not worse off than when they first come in.

The Law Reform, Drugs and Crime Prevention Committee, of which I am a member, is currently looking at the supply and use of ice, or

methamphetamines, in Victoria, and we have already heard of some horrific situations and circumstances involving those drugs. The other day somebody said they would prefer to have their son locked up in a prison because they know he would be safe there as opposed to being on the streets given what he is exposed to on a day in, day out basis. That is what this bill goes towards achieving.

We have heard reports from the Ombudsman, particularly in the Carl Williams case, where there were certainly gaps that needed to be addressed. I commend the Minister for Corrections for getting on with the job of ensuring that that report was adhered to and that a number of the details were addressed in this legislation.

Elements of the bill relate to when letters between prisoners or ex-prisoners may be stopped or censored, and again this is part of the Ombudsman's report into the investigation of the Carl Williams murder. The Ombudsman found it to be important that those sorts of letters are looked at, and when it is explicitly stated that a crime is about to be committed or some form of riot or activity is mentioned, it must be stomped on at the first possible opportunity.

As I said before, there is the express testing for alcohol for prisoners on parole and the provision that the minister be given stand-alone power to enter into a lease or licence over land reserved for prisoner purposes upon which a prison is to be situated. Again this bill allows that flexibility. The bill provides for types of non-lethal firearms authorised for the use of escort officers to be prescribed in regulations. It also moves the current legal authority for the use and discharge of firearms by escort officers from corrections regulations to the Corrections Act 1986. Some of these are procedural in element, but they are very important nonetheless for ensuring that there is consistency.

Electronic monitoring compliance is very important, because we see under the corrections section that it is not a mandatory offence if that monitoring device is tampered with. Here we have a situation where people would not expect that — particularly when it comes to a sexual offence — if they have been given a monitoring device and it is tampered with, then under the corrections laws that type of tampering is not considered a crime. This is part of effecting change to ensure consistency and ensure that failing to comply with these sorts of conditions is an offence.

I will talk about some of these other things, but it is very important that we are out there ensuring that people are doing the right thing, increasing our

visibility, ensuring that people are feeling safe and providing an increased police presence. One of the things that failed over the last 11 years was investment in this area — that is, investment in policing and certainly investment in corrections. We saw that, and the coalition has increased funding for the adult parole board from \$2.5 million to \$3.2 million in this term, and staff has increased by 25 per cent. The coalition has funded in the order of another \$800 million in the corrections area. We had to spend most of this because of certain failed policies of the opposition, which did not invest in this area when it was in government. The opposition has many times said that we have not invested in prisons and we have not provided the prison beds, when we are going out there and doing it.

Ms Duncan interjected.

Mr SOUTHWICK — We have taken over a failed system from the previous government that did not invest in this area. If you take the Ararat prison as an example, you can see it was an absolutely bungled project. It was a project that was a perfect opportunity, which the former corrections minister came in and fixed up. He ensured that he was able to deliver on that contract.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Macedon has had her turn and should return to her seat.

Mr SOUTHWICK — Here is another example of us getting on with the job, ensuring we are able to have those additional beds and ensuring that people feel safe. That is what we do. It is what we are proud of, and it is what we will continue to do.

Already there are 791 beds, with 2500 beds in the pipeline. We are getting on with the job of ensuring that we have the beds available. It is a last resort to put someone in prison. It is something that we do not want to do, but when we have to do it we need to have those beds available, and that is what we are getting on with doing. I am sure every Victorian feels better and safer for the fact that this government has been able to deliver and will continue to deliver on a tough but fair law and order policy. I commend the bill to the house.

Mr PERERA (Cranbourne) — I rise to make a brief contribution on the Corrections Legislation Amendment Bill 2013. The bill seeks to amend the Corrections Act 1986 to make changes that affect prisons, the Adult Parole Board of Victoria, prison guards and prisoners. There are quite a number of changes, and the opposition is not opposing the bill. An unprecedented number of Victorian prisoners died in

custody in 2013. That was confirmed by senior corrections officials. The Ombudsman tabled his report *The Death of Mr Carl Williams at HM Barwon Prison — Investigation into Corrections Victoria* in April 2012.

The report identified several examples of telephone calls and letters in the months leading up to the death of Carl Williams. It should have raised concerns at the time. Among other recommendations, the Ombudsman advised that Corrections Victoria should develop guidelines to ensure that all prisoner mail in high security and management units is assessed by prison collators before being forwarded to the intelligence unit. Stopping or censoring the prisoner letters if they are a threat to the management, good order or security of a prison is a sensible recommendation.

The increase in prisoner numbers is not a benchmark of success and should not be a record the Napthine government is proud of. The chances of riots or even deaths occurring among those in custody increases with congestion in the prisons. The more prisons you build the more prisoners you hold. Education is the best way to help. The former chairman of the criminal law section of the Law Institute of Victoria, Rob Melasecca, is quoted in the *Age* of 17 November 2013 as saying that it was:

... just a matter of time before riots eventuate and there are potential deaths in custody.

The article states further:

He also expressed concern at the risks to police officers in the 'pressure cooker' of crowded cells, where he said their overworked roles as jailers was undermining traditional police work.

It is at breaking point; the government knows that very well and is anticipating escalating problems, including prison riots. That is why the bill proposes to authorise the use of non-lethal firearms such as tear gas guns by escort officers to control serious prison incidents such as riots.

Currently parolees subject to a condition on their parole orders requiring testing for abstinence from drugs and/or alcohol are directed to undergo testing; however, there is no explicit power to enforce it. The bill will confer this power and allow the testing of parolees at any time to monitor their compliance with their parole conditions. The bill extends the breach of parole provisions to include breach of an electronic monitoring condition, such as tampering with the device or removing it altogether.

The Labor opposition recognises the fundamentally important role parole plays in promoting public safety in Victoria. It is of paramount importance that the Victorian community has confidence in the parole system and that community safety is protected and enhanced by the system in place. At present parole is an essential tool in reintegrating prisoners back into society with the support and supervision required to minimise the risk of recidivism or reoffending. But in most cases a person is released on parole into the community upon completion of a custodial sentence without any structured support or supervision. This is a very dangerous procedure. No parole system is completely flawless and risk free; however, the alternative, where no system of parole exists at all, is far too risky to consider.

The bill provides for more than one deputy chairperson to be appointed to the adult parole board. This will ensure that there is always someone available to act in the absence of the chairperson. The cost can be justified if it adds value to and strengthens the role of the board. Therefore it is important to consider the adequacy of government resourcing to enable the parole system to function effectively.

The bill provides that a court can direct an offender to reside at a residential facility. The court may impose a further condition that the adult parole board can direct the offender to be electronically monitored to ensure that they comply with their orders. GPS technology helps to track offenders, even when they are out of range of a unit. The idea of electronically monitoring convicted arsonists was put forward by the member for Hawthorn as the then Leader of the Opposition in the lead-up to the 2010 state election. This was part of the broader \$5 million policy to also use GPS technology to keep track of the state's serious sex offenders. Is this another broken promise? Only nine months before the next election the electorate is still waiting to see these reforms come through. The government likes to make big promises about GPS electronic monitoring of offenders but is yet to deliver on those promises. In opposition members of this government promised that arsonists would have GPS ankle bracelets, but they have now gone very quiet. The opposition does not oppose this bill.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Kilmore Racing Club

Mr PAKULA (Lyndhurst) — The matter I wish to raise is for the Minister for Racing, who is also the Premier. It concerns events that have been occurring at the Kilmore Racing Club over many, many months now, matters that have been the subject of a degree of media reportage and which, frankly, need to be brought to a conclusion.

The Kilmore Racing Club is a beautiful racing club; it is one that I have been to on a number of occasions. It is quite distressing that the club seems to be continually named in the public domain for reasons other than the racing that goes on there. For the uninitiated, and I know the minister would not be one of the uninitiated in regard to this dispute, there have been matters between a trainer, Ms Goodrich, and her partner, Mr Hassall, and the CEO of the club, Mr Cameron, which has resulted in Ms Goodrich effectively being barred from the track for a period of time. There have been matters between trainers; there have been matters relating to the signing or non-signing of various agreements in regard to the way trainers use the facility.

There have been calls for intervention by the Premier and Minister for Racing, and also by Racing Victoria. There have also been calls for the appointment of mediators. This matter is no longer within the purview of Racing Victoria alone, because it now seems there are disputes between various harness racing trainers and the club in regard to training times and use of the facility. This has led to the signing of petitions by numerous trainers and riders at the club, and there have been claims and counterclaims about who is at fault.

I do not presume to know who is responsible or who is right or wrong in this matter, but I know that it has become a cross-code concern. I have had conversations with officials at both Racing Victoria and Harness Racing Victoria, and without verballing anyone it is fair to say that no-one is really sure how this matter will be resolved. Given that it is now a matter for both racing and harness racing, the Minister for Racing really needs to step in and provide some guidance and leadership to implement a solution that will bring matters at Kilmore Racing Club to a conclusion.

Patterson River boating safety

Mrs BAUER (Carrum) — I raise a matter for the Minister for Ports. The action I seek is for the minister to commit to a long-term plan for the improvement of infrastructure, facilities and water safety on Patterson River and where it enters Port Phillip Bay. It is terrific to see the minister in the house tonight. The coalition government is committed to the boating safety and facilities program, a grants-based program that supports waterway managers and community groups. Under the program the government invests \$5 million per year in boating facilities and safety equipment.

In 2012–13 the government invested \$3.36 million from the sale of recreational fishing licences into 77 projects to improve fishing access across the state. In the Carrum electorate the government has already funded a number of important projects on Patterson River, including an upgrade of the Carrum Beach rock wall development, a new retaining wall, works on the banks of the Patterson River bridge underpass and a boat ramp upgrade. The government has also granted a five-year lease for a manned staff presence at Launchingway, which will ensure that boaters have not only a facility where they can fill up with fuel or pick up those last-minute items but also a safe place to launch and retrieve their boats. This commitment also ensures that people heading out on the bay will have the latest information about water and weather conditions.

If we add to this the government's funding of a dredging program to assist with the safe passage of boats through the mouth of the river, its funding of community education programs and funding totalling around \$850 000 for the Carrum Surf Life Saving Club and Carrum volunteer coastguard, we can see that the government has demonstrated a commitment to improving water safety on the river and bay. However, more needs to be done to cater for the hundreds of thousands of recreational boaters, swimmers, jet skiers and fishing enthusiasts who use this internationally recognised waterway. Each day during the peak summer snapper season between 400 and 500 boats use the river, proving how popular boating is and how popular the lakes and rivers are. The minister is already aware of the need to find a long-term solution to the narrowing of Patterson River due to the strong winds and natural sand build-up in the area, which have created a hazard for recreational and commercial boat operators. I raised this matter in the Parliament in October last year.

Recreational boating and fishing contributes significantly to the economic development of the Carrum electorate in a number of ways. Visitors to the

area spend money on bait, fuel, accommodation, food, equipment and fishing charters, all of which adds to the local economy. We must work hard to ensure that this wonderful asset continues to flourish and develop. If the minister can assist in putting in place a forward plan for the precinct, we can go a long way towards achieving that goal.

Geelong region school maintenance

Mr TREZISE (Geelong) — I raise an issue for the Minister for Education. The action I seek is that the minister fund maintenance work for schools in the Geelong region that have been so blatantly overlooked by the government since it was elected in 2010. As was described on the front page of the *Geelong Advertiser* last Tuesday, which is backed up by numerous school principals and the Australian Education Union, this government has for its own political reasons ignored the desperate pleas of nearly two dozen Geelong schools for funding to do basic but important maintenance work.

Unlike the Minister for Education, I have an ongoing working relationship with all government schools within my electorate, and the common concern is their unmet maintenance needs. I am referring to schools like Montpellier Primary School, which for years has pleaded to have its leaking roofs fixed. How many times have I visited Montpellier Primary School and seen buckets in the hallways to catch drops from the leaking roof? This is not just a matter of schools complaining unnecessarily; the government's own departmental assessment highlighted that at least 19 schools in the Geelong region require urgent maintenance because of these poor conditions.

As the *Geelong Advertiser* listed last Tuesday, these schools include North Geelong Secondary College, Whittington Primary School, Oberon South Primary School, Oberon Primary School, Montpellier Primary School, Oberon High School, Highton Primary School, Clifton Springs Primary School, and the list goes on. Andrew Augerinos, the principal of Oberon Primary School — a school in the member for South Barwon's electorate — told the *Geelong Advertiser* that the roofing and guttering of the school is 'destroyed'. He said fixing leaks costs thousands of dollars each year and went on to say:

I called the department to find out when my school was getting money and was told we might get some in the next round but they didn't know when the next round was.

Mr Katos interjected.

The DEPUTY SPEAKER — Order! The member for South Barwon will stop interjecting.

Mr TREZISE — Even more damning is the situation of Whittington Primary School, whose principal, Barry Speight, told the paper:

... the only parts of the school to pass condition benchmarks were the bike shed and shade sails.

Given this deplorable situation, especially in schools like Whittington, Oberon and Montpellier, I call on the Minister for Education to genuinely commit to schools in my electorate of Geelong and to provide adequate funding for maintenance of schools across the region.

Geelong defence contract bid

Mr KATOS (South Barwon) — I rise in this evening's adjournment debate to raise a matter for the attention of the Premier. The action I seek is for the Premier to come to Geelong and meet with the mayor of the City of Greater Geelong, Darryn Lyons, to discuss ways of progressing Geelong's bid for the LAND 400 defence project. The land combat vehicle system — LAND 400 — is a commonwealth procurement project to replace the ageing Australian light armoured vehicle currently used by the Australian Army. The construction contract for the LAND 400 project is worth \$10 billion. This will see 800 vehicles constructed over a 15-year period commencing in 2018, which has the potential to create up to 4000 jobs in Geelong. The LAND 400 project also includes an ongoing 30-year maintenance contract worth a further \$10 billion.

Geelong's bid has the support of the City of Greater Geelong, the federal member for Corangamite, Sarah Henderson, the Geelong Chamber of Commerce, the Committee for Geelong, the Geelong Manufacturing Council, Enterprise Geelong, G21, Deakin University and Avalon Airport. Geelong is uniquely placed to be successful in our bid for the LAND 400 project. We have a workforce skilled in motor vehicle manufacturing, facilities that can readily be adapted for such a purpose, fantastic research and development organisations, such as Deakin University, and emerging high-technology industries, such as in carbon fibre. The LAND 400 project presents a unique opportunity to establish a world-class industry here in Victoria, which would be a major boost to the regional and state economy.

The Minister for Manufacturing was recently in Geelong where he was briefed about Geelong's capabilities for securing the LAND 400 project, and he was very impressed with what he heard and saw.

Mayor Lyons recently led a delegation to Canberra where he met with the federal Minister for Defence, Senator David Johnston, and the federal Assistant Minister for Defence, Stuart Robert. He was given a greater insight into what is required for Geelong to be successful in its bid. Assistant Minister Robert will be in Geelong on 7 March to see firsthand why Geelong is well-positioned for the 400 project, and I commend the member for Corangamite for securing his visit.

It is important that we market our bid now and get in early as we will certainly have competition from South Australia, but, as I have outlined, I believe Geelong is best suited for this project. In light of Ford's impending closure in 2016 and today's announcement that Alcoa will cease operations by the end of this year, it is of great importance that we make every effort to secure projects such as the LAND 400 project. Geelong has a skilled workforce that can easily transition into defence manufacturing. I want the Premier to see this firsthand and to meet with Mayor Lyons with a view to seeing what the Victorian government can do to ensure that Geelong is successful in securing the LAND 400 project.

South Morang railway station

Ms D'AMBROSIO (Mill Park) — My adjournment matter is for the Minister for Public Transport. The action I seek from the minister is for him to look into expanding the car parking facilities at the South Morang railway station. I have received many complaints over the last couple of years from local constituents who are frustrated when they turn up at the station car park only to find that they cannot leave their car anywhere. They risk missing their train while they look for alternative parking or getting a parking fine for parking illegally.

The house will be aware that the South Morang rail project was funded by the Labor government. It included a net increase in the number of car spaces along the route of the upgraded and extended line, not to mention a state-of-the-art station at South Morang and new stations at Thomastown and Epping. The Labor government had also committed to establishing other car parks along the route of the proposed express busway linking Mernda to the South Morang station. Unfortunately that proposal has been cancelled by the Napthine government. These extra car spaces would have been available by now had the government not axed this initiative, and this would have taken some pressure off the car park at South Morang, not to mention the congestion along Plenty Road.

The Napthine government has also stopped funding the expansion of bus services to new housing estates, forcing people to take their car to the station. Under Labor we were rolling out new bus services to new communities and extending existing services with higher frequency and extended operating hours. The Whittlesea bus review formed the basis of that rollout of services. Unfortunately that was brought to a screeching halt three years ago.

Local residents should not have to wake up with the birds at the crack of dawn just to get a car park ahead of everyone else. Families often have to get the kids organised and off to school in the mornings, so this situation is not good for family life and it is not good for congestion on our roads. The government needs to invest in public transport in my local community instead of ignoring it. Late last year the Auditor-General reported on the government's lack of investment in infrastructure and services for the outer suburbs, including Whittlesea, and unfortunately this government has not taken any tangible steps to start tackling this problem. Growing communities such as those in the suburbs of Mill Park, South Morang, Epping and Wollert deserve their fair share, but they certainly cannot see it happening when the government is instead sinking \$8 billion into a road tunnel in the middle of the city that will do very little to ease congestion on our roads. I urge the Minister for Public Transport to deal with this issue head on and start proving his worth as a minister.

North-eastern Victoria sporting events

Dr SYKES (Benalla) — My matter is for the Minister for Sport and Recreation. My request of him is for a continuation of support for significant sporting events in north-east Victoria, in particular the SCODY 3 Peaks bicycle event, which will be held in the beautiful north-east Victoria high country on 9 March. Activity-based tourism is very important for the north-east Victorian economy. Tourism Victoria, under the guidance of Sara Quon and in conjunction with local government, the alpine resorts and local businesses, has identified a market niche of tracks and trail tourism for walking and, in particular, bike riding.

The coalition government has supported this tracks and trail-based tourism in a number of ways in north-east Victoria. Tourism Victoria has supported events such as the Kangaroo Hoppet and a series of bike events. Regional Development Victoria has supported track and trail construction. Bushfire and flood recovery money has gone into track and trail repair. The Minister for Sport and Recreation, through his agencies and funding, has supported events such as the Kangaroo

Hoppet. In fact he was there last year and enjoyed a fantastic day in the high country, and he may care to comment on that when he responds to my request.

Over the past three years the coalition government has made significant contributions: the Mount Buller BMX track, about \$300 000; the Mystic Park BMX track, about \$150 000; the Bright–Harrierville rail trail, \$1 million; the alpine walking trail, over \$800 000; and the list goes on and on. Through local initiatives and coalition government support, many events have been initiated and quickly grown in popularity.

Just recently we had the Tour of Bright in north-east Victoria. That bicycle event attracted between 1000 and 2000 riders. It was sold out within a matter of days of the opening of registrations for people to attend. The SCODY 3 Peaks Challenge is a great event, which goes from Falls Creek through Tawonga Gap to Mount Hotham and then returns. About 1000 or 1500 people compete in the bike ride, which is of about 170 kilometres. It is tough, but it is in absolutely beautiful country. In addition to the 1000 or 1500 riders there is a support group in excess of a couple of thousand people. We have many, many people flocking to the area and enjoying the cycling and other activities. This is consistent with the theme of the coalition government, and in particular the Minister for Sport and Recreation, of having more people, more active, more often. I seek more money from the minister to ensure we achieve that.

Melbourne Water chief executive officer

Mr FOLEY (Albert Park) — The matter I wish to raise is for the attention of the Premier. I ask the Premier to refer the circumstances of the sacking of the CEO of Melbourne Water, at the behest of the Minister for Water, and the deep-seated problems associated with the government's agenda in the water portfolio, to the Auditor-General. I do so because the water sector in this state is in crisis because of the minister's mismanagement.

The background to the sacking of the CEO of Melbourne Water summarises the issues that have set the ground for the policy and governance failures by the minister and his Orwellian Office of Living Victoria (OLV) as his hand-picked, price-is-no-object delivery agency for the mess that has become water policy under his watch. The revelations in today's papers — not the reference to the settlement of yet another taxpayer defamation case, at the minister's behest, but the jobs-for-the-boys, contracts-for-mates operation that is the Office of Living Victoria — all come back to the minister's door.

Let us consider the backdrop to the circumstances of the sacking of the CEO and the clear message it sends to independent water professionals. The first stage was the establishment of the Office of Living Victoria to give form to the minister's policy agenda. Bypassing normal accountability mechanisms, established outside the usual structures of the department and therefore of accountability and probity measures, we have seen, as revealed today, an array of questionable financial decisions in the OLV. We have also seen the minister take the opportunity of there being vacancies on the Melbourne Water board to insert his hand-picked political party mates to key board positions. Then came the 2013 water plan processes to determine the next five-year water plans for the sector across the state and the independent review and determination of this process by the Essential Services Commission.

The 2013 water plan, and OLV's processes of no business case or robust decisions being put forward for the OLV agenda, was knocked back. This infuriated the minister and his Praetorian Guard in the leadership of OLV, to the point where they decided enough was enough. So in January we saw the fairer bills program, again overseen by the OLV, and this time with the assistance of Graeme Samuel backed by yet another team of consultants, to deliver by the end of this financial year savings, cuts to organisations, and efficiencies of up to 40 per cent. All water board CEOs and chairs have been brought in to have their efficiency targets, infrastructure projects and goals set out for them. In this case the CEO and chair of Melbourne Water had an added test put to them for a commitment to change; the government is seeking a new culture. Quite rightly, the CEO saw this magic pudding approach to water policy as nonsense. The CEO of Melbourne Water made it clear by implementing a reorganisation he saw as in the best interests of the independent organisation he was meant to be a part of. He did that last week. The minister immediately expressed no confidence in him, and the CEO was sacked.

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

Sandringham electorate boating safety

Mr THOMPSON (Sandringham) — The matter I wish to raise is for the attention of the Minister for Ports. The action I seek is support for the development of boating infrastructure in Victoria in general terms and more specifically within the Sandringham electorate, that might also address boating safety. Victoria is regarded as having one of the greatest coastlines in the world, and the foreshore between

Hampton and Mentone reflects many of the great attributes of Victoria's coast. There is also some great boating infrastructure. The Sandringham Yacht Club, which was enhanced in preparation for the 1956 Olympic Games in Melbourne, is a great recreational sailing precinct that has recently hosted world championships. At Half Moon Bay we have the Black Rock Yacht Club, which is a great training school, and numbers of Olympic athletes who have gone on to win Olympic gold medals have trained there. I mention Mark Turnbull specifically, who won in the 470 class in Sydney.

There are other great infrastructure areas as well. The Beaumaris Motor Yacht Squadron has provided a valuable service for members in providing access to the bay through its boat launching facilities. There was a debate about a project initiated a number of years ago for the replenishment of sand at Half Moon Bay. To the great credit of the minister, local aspirations were met. At the time one of the concerns was the possibility of the boat launching ramp at Half Moon Bay being clogged up. There has been a recurrent need for the dredging of that precinct. Sometimes as the tides have changed recreational boat users have been left high and dry. They have had to plan their movements back into the harbour in order to get their boats onto the launching ramp.

Also in terms of safety a very important role is undertaken by Coast Guard Victoria. Its members are some of the many volunteers in this state who make a magnificent contribution to the safety and wellbeing of people in the community, and they stand alongside the members of the lifesaving clubs around the bay and on inland waterways in Victoria which number 56 or so. Lifesaving club members do an outstanding job, and they work and serve predominantly as volunteers. Likewise with the coast guard volunteers, who are citizens who are there in fair weather and foul to assist in the safety of people who might become subject to adverse weather conditions on the bay and might need support in search and rescue operations.

The action I seek from the minister is that he ascertain what constructive support might be available to improve boating safety on the bay, noting also that there are now 1 million more Victorians than there were 15 years ago and that we need to improve access to important boating infrastructure in Victoria and on Port Phillip Bay.

Bushfire roadblocks

Ms DUNCAN (Macedon) — The matter I wish to raise is for the attention of the Minister for Police and

Emergency Services. The issue I raise relates to roadblocks set up following fire events. The action I seek from the minister is that he review the current policy and procedures for roadblocks set up following fires to determine whether some changes could be made to allow land-holders and residents to return to their properties in a timely manner. It may be that more resources are required to enable safety assessments to be made sooner. Members would be aware of recent fires that impacted heavily on my electorate. Towns such as Gisborne, Sunbury, Riddells Creek, Clarkefield, Romsey and Darraweit Guim were impacted and under threat for some days. Our emergency services did a great job in minimising the impacts of those fires. While a number of houses, outbuildings and a deal of fencing and livestock were lost, the situation could have been much worse.

The issue that arose following those fires that has been brought to my attention relates to roadblocks that were set up to prevent land-holders and others from entering the areas impacted by the fires. I have received numerous emails and phone calls outlining the situation that many land-holders have found themselves in. Locals have described to me situations in which they have left their properties during the fire and have then tried to return in order to feed and water stock. Some have said that in some instances they have been kept out for up to three days while stock may have been injured and certainly were without feed.

In some instances land-holders stayed and defended their properties, and they may have required fuel. They needed to leave their properties but were told that if they left they could not return. In some cases people simply turned around to go back, without much-needed supplies. In other instances roadblocks were encouraging people to use minor roads or tracks to get to their properties, going around the blocks and potentially putting themselves at even more risk. We have heard stories of looting in some places. Certainly only locals need to access those areas, but many people have told me of situations where in their view there had been little risk and many emergency vehicles had been moving freely through those areas. In other cases roadblocks were set up in areas that had not been impacted at all.

I appreciate that this is a difficult issue and that there is no one-size-fits-all solution, but I am concerned that people may be reluctant to leave their properties in the face of a fire threat for fear that they will not be able to return in a timely manner. This is a serious problem. Police are put in a difficult situation when trying to enforce roadblocks, with locals often having better local knowledge of the area and in some cases of the

potential risks. No-one wants to see people injured or killed by falling trees or powerlines following a fire, and all roadblocks are designed to protect communities from such risks. No-one wants to see injured animals left unattended for days because areas are not deemed safe enough to enter, whether by land-holders or Department of Environment and Primary Industries staff responsible for animal welfare.

I ask the minister to review the policy surrounding the setting up of roadblocks to determine whether there is any opportunity to have a system that would ensure community safety on the one hand while improving access and allowing land-holders and residents to return to their properties and their livestock in a more timely manner. It may be, as I said, that more resources are required.

Ashburton Library and Community Centre

Mr WATT (Burwood) — My adjournment matter is for the Minister for Local Government, and the action I seek is for the minister to visit my electorate of Burwood for the official opening of the newly redeveloped Ashburton Library and Community Centre, for which the Victorian government contributed funding to the City of Boroondara.

The Victorian government is investing \$17.2 million in the Living Libraries Infrastructure program to deliver new or upgraded library facilities throughout the state. The redevelopment of the Ashburton Library and Community Centre was completed late last year and is a testament to the program. The library is a valued community hub located in the heart of the Ashburton shopping strip with a clearly defined street presence and good access to public transport. It is a key community facility within the Burwood electorate, and its benefits reach beyond the Boroondara municipality into the cities of Monash, Stonnington and Whitehorse and the regions of Alamein, Ashburton, Ashwood, Bennettswood, Box Hill South, Burwood, Camberwell, Chadstone, Glen Iris, Hartwell, Holmesglen, Jordanville, Solway, Surrey Hills and Wattle Park.

The Ashburton library project has resulted in a large, intergenerational library facility in a catchment characterised by a large population of older adults as well as a significant number of young people. The new facility tackles the spatial and program demands of an increasing number and wider range of library users. The technologically advanced library facilities and services provide the community with access to information and communications technology and establish the appropriate infrastructure to manage the changing nature of library usage. The old Ashburton library had

insufficient space to effectively accommodate the growing and changing population. The increased public spaces make for informal networking as well as formal community engagement that supports social connection, which is particularly important to the Ashburton community.

The library holds a special place in the hearts of Ashburton residents, with the main library space and the Copland room being used by many community groups. It also holds a special place in my heart and in the hearts of my children. My boys have recently discovered Marvel comic books, and it was satisfying to see the pure enjoyment on their faces at the vast array of comics on offer at the library.

I congratulate the project team at Boroondara City Council and the builders and tradespeople who worked assiduously to make this facility more in keeping with the demands of a 21st-century clientele. In June 2012 I had the pleasure of accompanying the minister to see the council's proposal for the redevelopment of the facility. I would like to extend to the minister an invitation to see the result of the hard work of those involved.

Responses

Mr DIXON (Minister for Education) — The member for Geelong raised with me a matter regarding a number of maintenance issues in schools in the Geelong area. He has been very vocal in calling for extra maintenance funding for his area. I wonder if he was as vocal when the Labor government was in power for 11 long, dark years, during which time, as you may recall, Deputy Speaker, there was a lot of money around. There was a lot of GST revenue coming into the state and great opportunities. What happened in the Geelong area? As we saw right around Victoria, there was a cut in maintenance funding by the previous government. Would you believe that? When you cut funding for 11 years, schools start to deteriorate. The roofs did not start leaking 3 years ago; the roofs started leaking because no-one looked at them for 11 years. That is what we inherited.

This is not me making things up. An independent audit was carried out and it was found that there was a \$420 million maintenance backlog. The Auditor-General backed that up and said that figure was correct. It was the first time we ever had a clear picture of the state of disrepair of Victorian schools. That is what the Auditor-General said, and that is what the independent audit found. The member for Geelong was very quiet when he was in government. He did not

stand up for his schools; he stood by and watched as 20 per cent was cut from school maintenance funding.

This government has increased maintenance funding by 40 per cent. We had that one-off \$50 million last year to start to address this backlog, based on need. The mess that was left by the previous government is showing right around Victoria. In fact we had a school in the member for Mitcham's electorate that was so badly maintained it literally fell down, and we have had to rebuild it. That is the picture that we have inherited. We are working hard. We have increased maintenance spending, in contrast to the previous government, which reduced maintenance spending. As part of our budget considerations this year we will be judging funding for all schools on merit.

Dr NAPHTHINE (Premier) — I will respond to the member for South Barwon, a very hardworking member who genuinely represents his electorate and works hard for not only his electorate but the whole Geelong region. He has asked me to make time in my diary in the near future to meet with the mayor of Geelong, Cr Lyons, to discuss the opportunities for Geelong to be involved in and be the lead centre for building the LAND 400 defence vehicle. This is a great opportunity for Geelong. It is a \$10 billion contract, as the member for South Barwon said, and it is something that is a natural fit for Geelong and the Geelong region. Geelong has expertise in advanced manufacturing and skills in the automotive industry as well as in design and construction, and it is the centre for the development of carbon fibre, the next generation material that is very important in the design and construction of vehicles.

I understand that this work has been done by the City of Greater Geelong, with the backing of Deakin University and Gordon TAFE, both of which have great training programs to support this sort of plan; the Geelong Manufacturing Council; G21; and the Committee for Geelong. I am pleased to advise the member for South Barwon that I am a great supporter of this campaign from Geelong for the contract to build the LAND 400 defence vehicles in Geelong. I am a supporter of defence contracts for Victoria, such as at Williamstown shipyards, where work is currently being undertaken on the landing helicopter dock ships HMAS *Canberra* and HMAS *Adelaide*. There are opportunities in the future for further work on patrol boats and supply vessels at Williamstown. Thales Australia at Bendigo has a great track record of building the Bushmaster vehicles and is very much in line for building the next generation of light armoured vehicle. However, there is an opportunity for Geelong for the LAND 400. Geelong is well placed for it.

I can inform the member for South Barwon that I will be more than happy to arrange a meeting with the mayor in the near future and to support his campaign. I advise the member for South Barwon and the people of Geelong that in my meeting last week with the Prime Minister, the Deputy Prime Minister, the federal Treasurer and the federal Minister for Industry this is one of the very issues that I and the Deputy Premier raised directly with the Prime Minister — this opportunity for Geelong. I am sure that the member for Geelong, who is in the chamber tonight, would also endorse the great work of the member for South Barwon in fighting for this contract for Geelong, and the member for Geelong will get right behind the member for South Barwon and back this important project.

The member for Lyndhurst raised an issue with regard to Kilmore Racing Club, particularly in relation to training operations with respect to thoroughbreds and harness racing. We know Kilmore Racing Club is a great club with a great history of both harness and thoroughbred racing. Indeed the club's thoroughbred racing cup meeting is on Sunday. I urge people in the Kilmore district to go along and attend the Kilmore Turf Cup, which is a great race day. The racing club also puts on great race days for harness racing as well as thoroughbred racing.

Kilmore is also an important training centre for both the thoroughbred industry and the harness racing industry. I am aware that issues have been raised in relation to some personality clashes between trainers, their staff and the management of the club. First and foremost I would say that these issues are best resolved locally by the committee, the CEO and the people concerned sitting down around a table.

If it is not possible to achieve a solution, then I recommend the involvement of Country Racing Victoria and Racing Victoria, which run thoroughbred racing in this state and are independent of government. That is the appropriate mechanism for dealing with those issues. Similarly with respect to harness racing, Harness Racing Victoria is the body to be involved in that process. This matter is best dealt with by the industry and for the future of the industry by people sitting around the table and sorting out these problems in a common-sense way, and I urge that that happen at Kilmore.

Another issue was raised with me by the member for Albert Park. I am surprised that the member has had the temerity to come into this house and raise issues of water management. He was a member of a government which we will never, ever forget gave us the \$24 billion

desalination plant. Melbourne families have already paid out \$728 million for the desal plant, and — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The members for Macedon and Albert Park have raised their matters. If they want to hear a response, I suggest they listen and behave.

Dr NAPHTHINE — The member for Albert Park raised an issue about the management of water by the Minister for Water. The minister is delivering outstanding leadership on water in this state. Under this government we do not see the people of Melbourne paying \$728 million for a desal plant that has not produced one drop of water — \$728 million; \$2 million a day for not one drop of water, but when the member for Albert Park and his government were in office that is how they managed water in this state.

Who will ever forget? People in country Victoria will never forget the promise made by the Labor Party to never, ever take water from the north to the south, because as soon as the election was over those people on the other side who speak with forked tongues, including the member for Albert Park — the champion of the north–south pipeline, again a \$750 million — —

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Macedon

The DEPUTY SPEAKER — Order! Under standing order 124, the member for Macedon can leave the chamber for half an hour.

Ms Duncan — Thank you. Why don't you make it an hour?

The DEPUTY SPEAKER — Order! The member will just leave.

Honourable member for Macedon withdrew from chamber.

ADJOURNMENT

Responses

Debate resumed.

Dr NAPHTHINE (Premier) — The people of country Victoria will never forget the mismanagement of water

under the Labor government — the duplicity, the lies and the absolute insult to country Victoria — and the taking of water from the north and trying to put it in the south. That \$750 million pipeline exists now as an absolute symbol of the waste of money and the mismanagement of water by the previous government. The member for Albert Park was a leading member of that government's team. He was the one who was right up front and centre championing the north–south pipeline and the desal plant, and he has the temerity to come into this house and ask about issues with regard to the management of water under the Minister for Water.

The Minister for Water knows more about water and sustainable water management than the whole of the Labor Party put together. He cares about good water management and sustainable water management.

The Office of Living Victoria is a monument to the work of the Minister for Water. On 14 February the member for Albert Park said that the Office of Living Victoria had come out of a ministerial council that advised the Minister for Water about:

... future water security options and work in a good policy area around how we reduce our water demands through recycling and very good processes.

When the member for Albert Park spoke to Jon Faine he said the Office of Living Victoria was a good idea, yet he comes in here and attacks it.

I will not take up much more of the house's time. This was an absolutely disgraceful performance by the member for Albert Park. Someone whose party brought us the desalination plant and the north–south pipeline has the temerity to come in here and talk about water management when the Minister for Water is delivering the very best water management we have seen in this state, certainly since the turn of the century.

Mr MULDER (Minister for Public Transport) — The member for Mill Park raised an issue with me in relation to the South Morang railway station and car park requirements at that station. I remember that when we opened the station at South Morang the member for Mill Park arrived on the scene and attempted to take credit for the delivery of that project. If the member wants to take credit for the delivery of the project, she has to be prepared to take credit for the fact that the scoping of the project was wrong from day one. The day the station opened it was evident there would be a problem with car park capacity. A couple of years later the member for Mill Park asks, 'What are you going to do about the stuff-up we made at the South Morang railway station?'

The member talked about car parks along the corridor, about the rail extension to Mernda and about the so-called busway that was supposed to be a rail extension. Just prior to the last state election it went from being an extension to the rail line to a concrete strip for buses all the way to Mernda. Now Labor members are saying they want to bring forward the rail extension to Mernda. It has gone from a rail extension to a busway and back to a rail extension.

When we came to government I got hold of the Williams Landing project just in time. It would have been another Laverton situation, with lifts and stairs, so when the lifts broke down elderly people and women with prams would not have been able to get off the platforms. I did not quite get there in time to intervene in the botched scoping of the South Morang railway station, and the member for Mill Park has the cheek to come in here, only a couple of years after the station was opened, and ask, 'What about fixing up the mess we left behind with the railway station we scoped?'

Regional rail was exactly the same. There was no money for signalling, no money for grade separations and no money for drains. It was exactly the same situation.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Mill Park will stop interjecting. She raised the matter, and she should listen to the response. The member for Mill Park will cease interjecting. The minister, without assistance.

Mr MULDER — The member also raised issues in relation to buses. There are 3800 additional bus services per week compared to when we came to government.

The member also raised issues about the east–west link project, obviously not aware of the announcement recently made by the Premier and me of \$108 million to be spent on public transport initiatives as part of that project. There will be a dedicated busway onto Hoddle Street and an upgrade to turn Alexander Parade into a magnificent boulevard with canopy trees, and of course all of the north–south tram routes — Lygon Street, Brunswick Street, Nicholson Street — will be upgraded. There will be new stops and a tram priority; this is a fantastic outcome for public transport.

I would suggest to the member for Mill Park that if she wants to raise an issue about public transport in her electorate, then she should be prepared at least to say, 'We got it wrong'.

I will have a look to see if we can do something about the fact that this project was poorly scoped and the fact that it was delivered without enough car parking spaces. I will have a look at that on behalf of the member for Mill Park, but I suggest that she go back to her electorate and say, 'We got it wrong from day one'.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to a matter raised with me tonight by the member for Benalla — a member who, as we all know, is a great supporter of sport and recreation in his electorate and who is always looking for ways to maximise sporting participation and development opportunities in his electorate.

The coalition government is committed to giving more people the opportunity to get involved in sport and recreation opportunities in their communities. I am proud to say that the Victorian government, in addition to building sporting facilities and reducing barriers to participation, funds significant sporting events across Victoria. The Victorian government is providing \$2.4 million over two years to sporting and community organisations to assist in the delivery of significant sporting events within Victoria.

The member for Benalla spoke about the Kangaroo Hoppet that we funded last year. I was fortunate enough to have time to get up there, and it was a magnificent day in the north-east. It was a beautiful setting, there was lovely sunlight and it was a great day. I congratulate the member for Benalla, who also participated in this event, which was an amazing event for north-east Victoria — well run, well organised and attracting international athletes.

As we know, sport plays a vital role in Victorian communities, and that is why the Victorian government has continued to invest to attract the best events, to attract the best talent and to inspire others to get more active more often in sport and recreation. I am proud to announce tonight that the Victorian government, through its Significant Sporting Events program, will contribute \$5000 to the SCODY 3 Peaks Challenge this year. We have provided funding for this event since the inaugural event in 2011 because of the work of the community and the strong advocacy of the member for Benalla.

This event, as was highlighted by the member tonight, will be held in the alpine region on 9 March 2014, and will involve participants cycling the three peaks of Tawonga Gap, Mount Hotham and Falls Creek. This event provides another opportunity for the alpine region to showcase to even more people its towns, its local sports facilities, the talent it has and its magnificent

climbing region. Again I congratulate the member for Benalla. This is a fantastic event, which puts not only a lot of talent into the area but also a fair bit of economic activity. I congratulate the member on his advocacy for his community.

Mrs POWELL (Minister for Local Government) — The member for Burwood asked me to visit his electorate and join the Boroondara City Council to officially open the newly redeveloped Ashburton Library and Learning Centre. I would be absolutely delighted to officially open this state-of-the-art library, and I look forward to seeing the finished product.

I was there, as the member said, in June 2012 to make the announcement of the Victorian government's funding from the \$17.2 million Living Libraries Infrastructure program. I was there with the Boroondara council. The member for Burwood has raised the need for this upgrade with me several times in Parliament, as well as raising it with me privately. He has a very strong passion and commitment to his region, particularly to the library. He has stated that he takes his children to that library and is always really pleased to use those facilities.

I will ask my office to work with the member for Burwood and with the City of Boroondara to find a suitable date and time. The coalition government contributed \$215 000 to this redevelopment from the Living Libraries Infrastructure program, but this was a really large project. It is a state-of-the-art project that was expected to cost about \$7 million in total. I commend the Boroondara City Council for its initiative in investing in this library and listening to its community. I look forward to meeting with the mayor, Cr Coral Ross, and the council at a time convenient to them, along with the member for Burwood. I am pleased to visit his electorate and to officially open the library along with the council.

Mr HODGETT (Minister for Ports) — I rise to respond to the adjournment matter raised by the member for Carrum. I am pleased to say that I was down at Patterson River not too long ago and can attest to its popularity as a boat launching facility. It is the busiest one in the state, I believe. I spent time with the member for Carrum talking to locals about boat launch and retrieval facilities, parking and local issues in and around the Carrum boating precinct.

It is a policy of the coalition government to ensure that recreational boating is made safer and more accessible for all Victorians. The main annual funding commitment of the coalition government for boating infrastructure is the boating safety and facilities

program, the BSFP. This ongoing commitment proves that the coalition government recognises the importance of improving boating infrastructure and safe access.

I am pleased to advise the house that 51 projects have been recommended for funding within the 2013–14 round of the BSFP, and I am delighted to advise the member for Carrum that a master plan for the Patterson River precinct is amongst the successful projects, with a recommended allocation of some \$60 000 towards the master plan. The project will be undertaken in partnership with Kingston City Council and the Boating Industry Association of Victoria. Importantly the support for this project will better inform us of how to most effectively and efficiently use the facilities at Patterson River.

As I said, Patterson River is the most popular boat launching site in Port Phillip Bay. It is vital that the facilities and infrastructure are adequate to support increasing demand for recreational boating. We on this side of the house are committed to working hard to continue improving facilities for recreational boaters and to promote safe access to our waterways. I commend the member for Carrum for her hard work and local knowledge in raising this matter with me, and I look forward to visiting the Patterson River precinct with her again in the not-too-distant future.

I will also respond to the adjournment matter raised by the member for Sandringham, and I acknowledge his commitment to waterway and community safety. It is a priority of the coalition government to support our important volunteer search and rescue bodies. As I mentioned, we are also committed to making sure that our boating launch facilities are maintained and that recreational boating is available to all Victorians.

I am delighted to advise the member for Sandringham that two projects within his electorate have been successful in being recommended for funding. Firstly, the coalition government will provide funding of some \$3445 — nearly \$3500 — for the volunteer coast guard at Sandringham to upgrade its equipment. This will allow for clearer signals between vessels and the base at Sandringham. The volunteer coast guard does an incredible job, and the coalition is very proud to have the opportunity to provide tangible support by funding an upgrade of equipment.

Secondly, Bayside City Council has been successful in recommending a full renewal of the boat ramp facility at Half Moon Bay — a significant project worth over \$275 000. Like Patterson River, Half Moon Bay is a popular launch site that allows access for recreational boating in Port Phillip Bay. Full renewal will happily

enhance safety and allow the ramp to be efficiently utilised in all tidal and weather conditions. I am pleased to announce that these projects have been recommended for funding under the boating safety and facilities program, and I am committed to keep working to improve the provision of boating infrastructure and facilities. Again, I commend the member for Sandringham on his hard work in identifying these local issues and bringing them to my attention so we can assess and improve boating facilities in and around the Sandringham electorate.

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Macedon, who I note has been removed from the chamber for unparliamentary behaviour, raised a matter for the Minister for Police and Emergency Services regarding road blocks following the bushfires in her area. I will ensure that the minister has that adjournment matter presented to him, and he will respond.

The DEPUTY SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 10.57 p.m.

