PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 9 August 2007

(Extract from book 11)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

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

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

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

Family and Community Development Committee — (*Assembly*): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Scheffer and Mr Somyurek.

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

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mrs Maddigan. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

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

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

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

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

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

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: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Ms A. P. BARKER

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The Hon. J. W. THWAITES (to 30 July 2007)

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Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
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Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 6 August 2007

[2] Resigned 6 August 2007

CONTENTS

THURSDAY, 9 AUGUST 2007

Thursday, 9 August 2007

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 12 to 36 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Abortion: legislation

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house:

1. the avowed desire of some members of Parliament to decriminalise late-term abortion;

2. there are around 90 000 abortions in Australia annually, which is 5 per hour, or 1 every 6 minutes;

3. the command of Almighty God 'You shall not murder' in Exodus 20:13; His clear instruction that human life begins at conception, as stated in Psalm 139:13–16; Matthew 1:18, 20, 21; and Luke 1:39–44; and His express command not to kill the unborn in Exodus 21:22–25;

4. the scientific fact that a new human life begins at conception, with its own DNA, blood group, blood type, separate blood supply, heartbeat and gender;

5. the fact that today's modern medicine and medical treatment ensures a high survival rate for babies born prematurely, as early as 23 weeks' gestation and improving continually ('67 per cent survival at 23 weeks: Royal Women's Hospital' in *Premature Baby Debate Needed:* Pike, the *Age*, 07/06/05).

The petitioners therefore request that the Legislative Assembly of Victoria:

preserve and retain the current provisions of the Victorian Crimes Act 1958 that make it a crime to deliberately kill babies capable of living outside the womb (section 10 'Offence of child destruction');

expand the provisions of sections 65 and 66 of the Victorian Crimes Act 1958 to prohibit all forms of abortion at any stage of pregnancy, excepting those extremely rare instances of indisputable medical emergency where the mother's life can only be saved at the expense of the unborn child;

require, through appropriate legislation, that all such emergency abortions be performed with the goal of delivering the baby alive together with supply of modern medical care for the premature baby.

By Ms NEVILLE (Bellarine) (139 signatures)
Mr TREZISE (Geelong) (166 signatures)
Mr MULDER (Polwarth) (1510 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Dr SYKES (Benalla) (533 signatures)
Mr WALSH (Swan Hill) (34 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition signed by residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in regional areas should remain in regional areas and as such, we oppose plans to pipe additional water from the Goulburn or Latrobe Valley to Melbourne.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, localised recycling projects and stormwater capture.

By Mr NORTHE (Morwell) (27 signatures)

Pensioners: concessions

To the Legislative Assembly of Victoria:

The petition of Victoria residents draws to the attention of the house to the significant hardship facing senior pensioners today as they struggle with rising cost of living issues.

We also would like to point to the house that many ethnic seniors have not had the opportunity to build superannuation nest eggs like today's workforce and are forced to rely on a very small pension.

We therefore request the following that the Legislative Assembly of Victoria:

1. Reintroduce the former state government pensioner motor vehicle registration concession discount.

2. Standardise electricity concession rates throughout the year, recognising that cooling systems in summer are as important to seniors' health and wellbeing as heating systems in winter.

3. Increase the pensioner concession rates for utilities and council fees.

4. Increase public transport safety and provide more assistance provided to older people travelling on public transport.

We ask that the issues be addressed as a matter of urgency as many senior pensioners are suffering significant financial hardship which affects their general health and wellbeing.

By Mr DONNELLAN (Narre Warren North) (72 signatures)

Health Professions Registration Act

To the Legislative Assembly of Victoria:

The petition of Hugh Doherty, resident of the Oakleigh electorate in Victoria draws to the attention of the house:

The Health Professions Registration Act came into force on 1 July 2007, this act replaces the Medical Practice Act 1994.

People now making complaints against medical practitioners to the Medical Practitioners Board of Victoria (the board) under the Health Professions Registration Act 2005 will still be confronted with the most unjust, contentious and unconstitutional practices and processes of the board by the enactment of this act.

Under the Medical Practice Act 1994 the board had the power to deny complainants due process, natural justice and the right of an independent hearing of the appeal to the Victorian Civil and Administrative Tribunal by simply enacting section 25(1)(a) of the act and thus avoiding accountability and scrutiny.

The Health Professions Registration Act 2005 totally removes the right of an independent review under section 181 of the act by removing the independence of the tribunal by the stacking of the tribunal with medical practitioners.

181. Victorian Civil and Administrative Tribunal Act 1998

In schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998, after part 5 insert —

"Part 5A — Health Professions Registration Act 2005

11A. Constitution of Tribunal for hearings

The Tribunal is to be constituted for the purposes of making a final determination under Part 4 of the Health Professions Registration Act 2005 by at least 3 members, of whom at least 2 must be health practitioners with professional qualifications in the health profession regulated by the board that is a party to the proceedings.".

1. I therefore request that the Brumby Labor government seriously review and amend the Health Professions Registration Act 2005.

2. Establish independent bodies to investigate and hear complaints against medical practitioners.

3. Reinstate the independent VCAT appeals process that does not include medical practitioners on the tribunal.

By Ms BARKER (Oakleigh) (1 signature)

Rail: Nunawading level crossing

To the Legislative Assembly of Victoria:

The petition of concerned Victorian residents draws to the attention of the house that traffic congestion at the Springvale Road, Nunawading, level crossing continues to increase, that only one level crossing has been grade separated since 1999 and that Connex rail passengers and staff, motorists, heavy vehicle drivers and pedestrians are all at risk due to the lack of grade separation. The petitioners therefore request that the Legislative Assembly of Victoria immediately grade separates this level crossing on Melbourne's busiest rail lines. And your petitioners, as in duty bound, shall ever pray.

By Mr MULDER (Polwarth) (487 signatures)

Tabled.

Ordered that petition presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

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

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

SUPREME COURT OF VICTORIA

Report 2005–06

Mr HULLS (Attorney-General) presented report by command of the Governor.

Tabled.

BUSINESS OF THE HOUSE

Adjournment

Ms PIKE (Minister for Education) — I move:

That the house, at its rising, adjourn until Tuesday, 21 August.

Motion agreed to.

MEMBERS STATEMENTS

John Nicol

Mr PALLAS (Minister for Roads and Ports) — I rise to acknowledge the tremendous contribution to the Werribee region of Mr John Nicol. Last Friday night I had the great pleasure, with the generous assistance of the Western Bulldogs Football Club, of presenting an award to John for the work he has done for the local community and for the western suburbs of Melbourne over the last 40 years. He is a man who understands the true meaning of community: it is about putting in day in and day out, and it is about being there when it matters and showing genuine concern for those around us.

John understands that building a winning image requires time, commitment and a genuine and demonstrated affection for your community. Actions speak louder than words, and John's list of community activities is remarkable and impressive, including being city engineer with the City of Werribee for 20 years; past president and life member of Apex; past president of the Werribee Rotary Club and chairman of the Rotary cancer research appeal; chairman of the Werribee Mercy Hospital campaign appeal and chairman of the Werribee Mercy Hospital advisory council; school council member; foundation member and life governor of the Wyndham centre for the mentally retarded; board member and current president of the mighty Werribee Tigers Football Club; chairman of the EastLink Community Advisory Group; and the list goes on and on.

It is little wonder that John has been awarded an Order of Australia medal for service to the community and local government. Communities require champions and John Nicols's commitment has shown that he is truly a champion for Werribee and Melbourne's west.

Boronia West Primary School: maintenance

Mrs VICTORIA (Bayswater) — After I attended an assembly at Boronia West Primary School recently several parents approached me. They wanted to show me around the school to point out areas in dire need of maintenance. What I saw appalled me. The main toilet block is leaking through the roof, the walls and the skylight. In the girls' area, part of the ceiling is so badly water damaged that it is broken and sagging. This is the only toilet block used by over 200 children and teachers. It is not new, it is not modern and it is not pretty — most people would not expect it to be — but everyone would it expect it to be hygienic and safe.

In the B-block classrooms and library there are some high windows whose surrounds are so old that most of them leak, leading to water damage to fixtures and books. The prep classroom leaks so badly that buckets are not an uncommon sight on rainy days. The severe ceiling damage indicates very clearly how long this has been a problem. Is this what we want our five and six-year-olds to think is acceptable in the state school system? Is this what we want them to believe is normal?

Why have our children and our valuable educators become so unimportant under this state Labor government? This is not acceptable to me, and it is not acceptable to the school community at Boronia West Primary School. Their words were that they were 'sick of band-aid fixes'. This is a terrific school with a very committed and caring team of staff and parents trying to show leadership. I ask the minister to please show them that this government cares as much for their kids as they do. I ask her to send in her experts.

Lauriston Lawn Tennis Club: funding

Ms BARKER (Oakleigh) — I was very pleased to recently visit the Lauriston Tennis Club in Rosanna Street, Carnegie, to inform them that the club had been successful in obtaining funding of $5000 through the Brumby government's Drought Relief for Community Sport and Recreation program.

Lauriston tennis club has eight en-tout-cas courts, and in recognition of the need to establish strategies to ensure the future viability of its courts the club very wisely established a step-wise water conservation program, and the $5000 will be used to fulfil part of that program. The money will be used to install

rainwater tanks that connect to club toilets and also provide outdoor water. The funding will also provide for the purchase of magnesium chloride for trial on the court surfaces to see how it manages dust control and the absorption and maintenance of moisture in the en-tout-cas. This trial is an exciting initiative, and with eight courts the club will be able to trial different levels of treatment on each court to determine the ideal concentration for use on en-tout-cas courts.

I very much look forward to the results of the trial, and I am sure there are many other tennis clubs that will benefit from any treatment which could result in less water use. I really do thank Natasha Tepic, president of the club; Adam Fischmann and Derek Hohmann, who are vice-presidents; and Roland Edwards and Jordan Lock, who are committee members, for welcoming me to the club recently, and more importantly for their ongoing hard work to provide a great community tennis club and for initiating ways to better manage water resources and maintain their facilities.

Horsham Special School: replacement

Mr DELAHUNTY (Lowan) — The Lowan electorate, the largest Assembly electorate in this state, has 52 schools providing education services to our communities. Many of these schools need upgrading or, at a minimum, funding for badly needed maintenance. The students and staff of Horsham Special School are to be commended for their patience and for the outstanding work they are doing in such poor facilities, which have been described by Horsham Rural City councillors as appalling, horrendous, disgraceful and Third World. When I visited the school I viewed water dripping down walls where electric power points, equipment and wiring were located, which disturbed me greatly. I am told this is not unusual and that a plumber has said the problem can only be rectified by erecting a new roof over the whole building, as the guttering and drains could never be made to cope.

Last Monday Horsham Rural City councillors launched a blunt and scathing attack on the special school's learning and working environment. Cr Ryan said he struggled to believe what he saw and considered the condition an insult to students, parents and teachers. Cr Pignataro said, 'You call it substandard. I think "disgraceful" would be more appropriate. It's just hopeless. Truthfully the best solution would be to bulldoze it and start again'.

I agree with these comments and with Horsham Special School council that a new school is required. The school has more than 22 students with disabilities on two campuses, 8 teachers, a principal and 15 assistants. On behalf of these special students, the parents and staff, I request the new Minister for Education to approve funds for the planning of a new Horsham Special School and ensure its construction in next year's budget — —

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

Roy Harry

Mr ROBINSON (Minister Assisting the Premier on Veterans' Affairs) — In my dual capacity as member for Mitcham and Minister Assisting the Premier on Veterans' Affairs I want to pay tribute to the life of Mr Roy Harry, a long-time Mitcham resident who died recently at the age of 88. Roy enlisted in the 2nd Australian Field Ambulance during the Second World War and saw service in New Guinea, Darwin and New Britain. He followed that up with service as the secretary of the past members association of that unit and filled that position for some 47 years.

He at the same time commenced an association with Mitcham RSL which lasted for more than 50 years and gave unstinting service in a number of ways to the Mitcham RSL. A citation in 1991 detailed some of the work he had been involved in. He had, for example, been the official sign-writer for the club at that stage for 35 years and had done signs for fairs, socials, happenings and meetings free of charge. He had been the editor of the quarterly magazine for eight years and had been the minute secretary for all meetings for the past 12 years. He had served on most of the club's subcommittees for welfare, fundraising, working bees and visiting the sick and been a seller of tokens and poppies.

Roy Harry was an outstanding and very decent Victorian and a tremendous contributor to Mitcham RSL and his local community. I would like to pay tribute to him and give my deepest condolences to his family.

VicRoads: regional and rural offices

Mr TILLEY (Benambra) — The matter I wish to raise is the lack of VicRoads services in regional Victoria. As the system currently stands, Upper Murray residents have to undertake a 250-kilometre round trip to the nearest VicRoads office in Wodonga to deal with VicRoads vehicle registration and licensing, which can take an entire day out of their time, often meaning that they have to take a day off work to complete requirements. There is an overreliance on the internet to replace personal services; however, many instances

require inspection by VicRoads officers before registration is authorised. Many residents of the Shire of Towong who require these services do not own a computer and do not have internet access, let alone computer or internet skills.

A ridiculous situation occurred recently when a resident of Corryong needed to register both his car and trailer. He phoned the VicRoads main registration booking service, which proceeded to book the two services on two different days. This meant a 500-kilometre trip by the resident and two days out of his week. Either the booking centre is not aware of or has little regard for the distances people are being asked to travel when they make appointments.

This lack of services undermines the efforts of members of the police force in attempting to enforce state legislation relating to road safety. The government should give our country community a fair go and not leave them with little choice but to take risks and become offenders by having to breach road rules and regulations because of a lack of services. I call on this government to stop making continual greedy grabs for cash over providing proper and adequate services to all Victorians. There has been a VicRoads agency in Corryong. Any new service would only need to operate on a regular basis for one or two days per fortnight, and locals could plan around the days of operation.

Melbourne Victory: Geelong game

Mr EREN (Lara) — I attended a very special event in Geelong recently. The reigning Hyundai A-league champions, Melbourne Victory, played the Newcastle Jets in a pre-season cup match. What made it even more special was that it was played at Skilled Stadium, the home of the premiers-in-waiting, the mighty Cats.

As members would be aware, Geelong has a very big soccer community, especially in my electorate in the northern suburbs, and I was very pleased to see so many of them there. This was the first time such a high-profile, non-Aussie Rules match was played on the hallowed turf. Many of Geelong's soccer community and, indeed, the sport-loving community, were there to cheer Melbourne Victory on. It was great to hear the kind of a roar only soccer fans can produce.

I am very pleased that I was involved in the initial meetings to attract Melbourne Victory to Geelong and pleased that it finally happened. The state government and Geelong council have spent millions on Skilled Stadium to ensure the longevity of the facility, and it is great to see that the whole community is benefiting from that cash injection.

An under-15 women's Football Federation Victoria match was also played as a curtain-raiser to the big game, and all of the girls involved were very happy to be playing on the same turf as their sporting heroes in both codes. I look forward to Melbourne Victory's next game in Geelong, and while I am at it — go Cats!

Peninsula Community Health Service: future

Mr MORRIS (Mornington) — The issue I raise this morning is the government's proposed future administrative arrangements for the Peninsula Community Health Service (PCHS) — that is, merging the service with Peninsula Health. As a former member of the PCHS board, I view the proposed amalgamation with deep suspicion. Community health should be community based.

A similar proposal was considered and rejected by the Kennett government, which recognised that the Frankston and Mornington Peninsula communities required very different services. Despite some difficulties with governance issues in 2005, PCHS staff have continued to provide an excellent service to the Mornington Peninsula community. Amalgamation places those services at risk. The departmental report highlights the unsatisfactory standard of PCHS accommodation across the Peninsula, particularly the opportunities for co-location with Peninsula Health.

Government neglect of public health facilities across the Peninsula is nowhere more apparent than at PCHS. Promised buildings never seem to get off the drawing board. When they do get built they cannot accommodate all the existing services. The discontinuation of hydrotherapy services at the new Mornington centre is a typical example. Nor should we overlook Peninsula Health's recent closure of maternity services at the Rosebud campus.

I congratulate the new Minister for Health on his appointment, and I urge him not to use the smokescreen of 'structural reform' to hide a further reduction in health services for the Mornington Peninsula.

Cadel Evans

Mr HERBERT (Eltham) — I rise to express my congratulations to Cadel Evans on his outstanding achievement in the 2007 Tour de France. I am pleased to inform the house that Cadel was a student at Eltham High School, where he showed great potential and dedication to his sport. A number of teachers who taught Cadel are still at the school, including Greg Thomas, Cadel's sport teacher, who remembers Cadel's strong commitment to his sport. In fact, in his middle

year bike education and recreation report, Mr Thomas comments 'He displayed a high level of skill through active participation in class activities, particularly bike riding'. In his year 11 report, Peter Nicholson, Cadel's physical education (PE) teacher, comments. 'Cadel's research project on the technique and technology of mountain biking was outstanding'. Even in his year 12 report, Rob Whiteley, a great PE teacher, comments on how good Cadel's project on the design and implementation of a training program was.

Cadel's school reports indicate a student who was committed to his studies and disciplined to succeed. Clearly, Cadel is a terrific example of what can be achieved through perseverance, commitment and the pursuit of excellence. Cadel is an outstanding role model for our young people. I congratulate him on this recent success and wish him all the best for his future endeavours.

Housing: tenant income

Mrs POWELL (Shepparton) — I received a letter from Peter and Alissa Michie of Shepparton, advising that Alissa is on a disability pension and Peter is on a carer's pension and they live in an Office of Housing property. Last year Peter joined the Australian Army Reserve. He did the right thing and advised the Office of Housing. The Office of Housing said that it did not need to know, as the department could not use army reserve pay as assessable income. This was the same advice the army had given Peter and was an incentive for him to join.

Now, 12 months later, the Office of Housing has performed a rent review and has noticed payments on the bank statements from the defence force. The department told them that not only is it including the payments as income but it will backdate the rent from the time Peter joined. When Peter asked how the office would work it out, it said it would take an average over the 12 months and apply that to increase the rent. If Peter does not work, he does not get paid, and he may only work for six months. The department told Peter he would regularly have to put in applications for rebated rent.

Peter spoke to his staff sergeant, who said he had never heard of this happening. A reservist's income is not subject to tax or means testing. A phone meeting was set up with Major O'Brien, staff from the Office of Housing and Peter and Alissa. The issue was not resolved, and Major O'Brien said he would take the matter further. The Office of Housing said that if Peter and Alissa did not sign an agreement to pay the back rent, it would take them to court to have their possessions seized, and they would be evicted.

I call on the housing minister to urgently investigate this case and ensure that army reservists are not disadvantaged by having their pay assessed as income for rental purposes.

Federal government: interest rates

Mr HAERMEYER (Kororoit) — Yesterday's interest rate rise of 0.25 per cent increases the cost of an average house for people in my constituency and many others by an average of $40 a month. That means that since the last election the cost of a mortgage will have gone up by something like $200 a month for the average household. When you add the very hefty rise in fuel prices and the perpetual escalation in grocery prices, you realise that people in my electorate and many others have seen their effective cost of living go up since the last federal election by around about $500 a month. That is a very steep increase. These are the battlers who put John Howard into office. These are the battlers who are now being punished for having done so.

These people pay their bills, they are honest people, they work very hard and they are being crucified through no fault of their own. It is time this federal government woke up and started to pay some attention to them. These people are aware of the deceitful, divisive and cynical nature of this Prime Minister. They have had enough of this tricky weasel, and they are going to put him out at the next election.

Peninsula Community Health Service: future

Mr BURGESS (Hastings) — The Mornington Peninsula community does not want the proposed merger between Peninsula Community Health Service and Peninsula Health. A packed public meeting at Rosebud recently voted unanimously that the Peninsula Community Health Service should stand alone. The Peninsula Community Health Service provides a service focused on the needs of the local community. It is an invaluable service to pensioners and those on low incomes.

If the proposed merger goes ahead, the emphasis on individualised and local care, where the staff and patients are on a first-name basis, will be lost forever. It will destroy the smaller community organisation feel of the current service and will inevitably result in patients having to travel to Frankston to obtain treatment. The suggestion that the amalgamation will result in more

effective service delivery across the peninsula has been rejected by the community.

Peninsula Community Health Service belongs to the community of the peninsula, and that community is telling the Brumby government to keep its hands off it. I strongly support the community's opposition to this move and will do everything I can to ensure this amalgamation does not eventuate.

Country Women's Association: Balnarring

Mr BURGESS — On another matter, I would like to congratulate the Balnarring branch of the Country Women's Association on the successful launch of their nude calendar at a cocktail party at the Balnarring Hall last Friday night. The branch will also be celebrating its 75th anniversary later this year. The cocktail party, calendar and imminent milestone are all testimony to this excellent organisation's heritage, longevity and wonderful work.

Schools: Langwarrin talent contest

Mr BURGESS — I would further like to congratulate the Langwarrin community project and all schools within the Langwarrin school cluster for running an extremely professional talent contest in Langwarrin last weekend. I congratulate all the children who participated. Special congratulations must go to 12-year-old Taylor Piggott of St Jude Primary School, who was the overall winner.

Australian Irish Welfare Bureau

Ms RICHARDSON (Northcote) — I wish to acknowledge the service and dedication shown by the Australian Irish Welfare Bureau in Northcote. The bureau is a non-profit voluntary organisation, whose aim is to assist any person in the Irish community or any person who may be associated with the Irish community who is in distress.

This year marks the 30th year of the bureau's service to the Irish community. Its work is not only recognised in Australia but also acknowledged by the Irish government. Leaders including Mary Robinson have ensured a visit to the bureau is included in their hectic schedule during tours of Australia. The president, Owen Fitzsimons, has extended an open invitation to both my electorate officer, William Dowling, and me to attend their weekly luncheon for members. We have enjoyed these visits enormously. While both of us are of Irish ancestry, I know that the warmth and generosity of the bureau is extended to many members of the community.

Recently I had the privilege of working with the bureau to secure better parking facilities outside the centre on Langwells Parade. Working with the local council, it appears that we are about to reach an outcome to the satisfaction of all. I take this opportunity to commend the Irish Welfare Bureau and look forward to working with it on an ongoing basis to ensure it continues its fine work well into the future.

St Mary's Primary School, Thornbury: artwork

Ms RICHARDSON — I wish to congratulate the students from St Mary's Primary School who have provided artwork to display in my office windows on High Street. The students have produced works of outstanding beauty. High Street is one of the busiest shopping strips in Melbourne; however, the artwork has inspired people to pause and reflect on the marvellous works that come from our young people. Such is the quality of the works displayed that I feel certain many of these students could pursue an arts-related career. I also wish to thank Sharon Maguire, St Mary's dedicated art teacher, for bringing out the best in her students.

Eastern Transport Coalition: public relations consultant

Mr HODGETT (Kilsyth) — The Eastern Transport Coalition (ETC) is made up of seven councils — Manningham, Yarra Ranges, Maroondah, Whitehorse, Monash, Dandenong and Knox. Its primary objective is to have the federal government fund public transport in Melbourne's outer east. One wonders why on earth a group of local councils would choose to lobby the federal government on public transport, a state issue. Why would this group of local councils hire a public relations consultancy firm, spending thousands of dollars to lobby the federal government for funding for public transport at ratepayers expense, shifting the blame from the state Labor government? It raised my suspicions.

If you look hard you will discover that the public relations consultant doing the work for the ETC is Labor Party member and former Labor mayor of Moreland, Robert Larocca. If you look deeper you will uncover that Robert Larocca was a former adviser to both the member for Footscray and her husband, the federal member for Wills, Kelvin Thomson. He was the electorate officer to Kelvin Thomson when a liquor licensing character reference was written for Tony Mokbel. And — guess what? — he was the mayor when a controversial $18 million, 10-storey development in Brunswick by Tony Mokbel was

approved, despite the wishes of his own internal department and 74 objections. Council approved the project two months after Mr Thomson gave the reference for the liquor licence application.

Given Robert Larocca's history and the fact that his firm has deep-rooted links to the Labor Party, the real reason behind the pressure to have the federal government fund state public transport is quickly exposed. Premier Brumby is behind this. He cannot have it both ways: he screams when the federal government picks up in areas where the state is deficient, but he is happy for a behind-the-scenes campaign to offload the state's doomed public transport system. Our local councils have been conned by Larocca's PR firm, CPR. How much of ratepayers money has been spent on this con job? This stunt has no credibility. All the government wants to do is get off the hook for its public transport failures.

Our Lady of Lourdes Primary School, Prahran: Schools@Parliament program

Mr LUPTON (Prahran) — On 27 July the students from Our Lady of Lourdes Primary School in Prahran attended the Schools@Parliament program here in the Legislative Assembly. Students from grades 4, 5 and 6 participated in members statements and a debate on whether homework should be compulsory. I want to congratulate all the students who participated and who raised very important issues in their members statements. The range of issues raised by the students included the importance of speed limit signs around schools, dealing with poverty in Africa, addressing the drought in Australia, eliminating drugs in sport, tackling homelessness, shark fin soup and shark attacks against humans, and animal rights. You can see that a very wide range of subjects was raised.

I want to congratulate Matilda Arthur, Ashley Forbes, Jack Kelliher, Shana Ruffat, Leighton Sullivan, James Sullivan, Tahnee Barton, John Bezzina, Brandon Conteras, Francesca Cutri, Lucy Elliot, Bridget Moffat, Kosta Mourmouras, Claire Nguyen, Liam Ratliff, Maryanne Waiting and Lucia Xindaras for doing a terrific job. I also want to congratulate everyone at Our Lady of Lourdes Primary School for the great work they do both at the school and in the community.

Police: Warrandyte station

Mr R. SMITH (Warrandyte) — A few weeks ago I had the privilege to be invited by the local police to the opening of the new police station in Warrandyte. It had been left up to the local police to organise the official program, and they had invited all the appropriate guests that you would expect.

As the local member I was to present the Victorian flag and, due to an apology from the member for Menzies, the Australian flag. The Chief Commissioner of Police was attending, as well as the Minister for Police and Emergency Services, as is right and proper. It was only a few short days after the program was released that the government's publicity unit went into meltdown and the events adviser on strategic communication in the Department of Justice — can you believe that such a position even exists? — had suddenly invited just about every Labor politician who had ever heard of Warrandyte.

This events adviser stipulated that Shaun Leane, a Labor member for Eastern Metropolitan Region in the other place, had to present the Australian flag, with specific written instructions that Mr Leane had to do his presentation before the poor old elected member for Warrandyte. Brian Tee, also a Labor upper house member, was invited too. But two Labor upper house members and the police minister were not enough. The member for Yan Yean also had to be dragged across from her electorate to make up the numbers. It would be hilarious if it were not so scandalous that this government needs to have four of its members attend an event such as this, simply for the media coverage.

Surely the public deserves something better for their tax dollars than this ridiculous overrepresentation. This government needs to start focusing more on its long list of failings and a little less on its obsession for media opportunities.

St Mary's Amateur Football Club: 75th anniversary

Mr STENSHOLT (Burwood) — I would like to congratulate St Mary's Amateur Football Club on its 75th anniversary. Last Saturday I was at the Gold Saints lunch at Ferndale Park, Glen Iris, along with club patron, Alan Martello, president, Michael Learmouth, senior vice-president, Norbert Graetzer, committee members, coaches, players, supporters and families. It is a great community club which started in 1932 at Ferndale Park, which was land that the St Mary's Brotherhood acquired in 1930 and turned into an oval, with the help of men out of work during the Great Depression, so that young men could play cricket and football, which were essential elements in maintaining the community in hard times. The trees donated by Cr Warner at the time are still standing tall at the Glen Iris Road goal end.

The club played in the churches league up until 1989 and since then has played in the amateurs, and it has won a dozen or so premierships over the years. I pay special tribute to life members Don Malcolm, Ray Leman and Albert Vickery for 169 years of service to the club between them. Don is still at it, organising with the local council new projects to improve the club. It is an absolutely marvellous record for those three men.

For the record, St Mary's had a good win over Bulleen and is third on the ladder with a chance of making the grand final. It is a great community club and I congratulate it on its 75th anniversary.

Robert Johnston

Mr McINTOSH (Kew) — I join with the member for Malvern to note with regret the passing of our colleague at the bar, Bob Johnston, who died last week just short of 40 years of active practice as a barrister. I would also like to express my profound sadness that due to parliamentary commitments I was unable to join his family and many and varied friends at his funeral last week.

Bob was a strong, committed and active member of the Liberal Party. He was involved in many areas of the party, including serving on the administrative committee and the constitutional committee and as a number of different electorate chairs where he made a significant contribution to the party. I note that not only was he actively involved in his profession but he was also involved in his old school, Marcellin College. Notwithstanding that he had no boys, he was a member of the school council and also an active member of the Catholic Church. He unselfishly participated in a wide variety of community activities.

From my point of view Bob was perhaps Rumpolian in nature in that he maintained a successful criminal practice but was always a repository of great forensic skills. He provided great advice and encouragement to many young barristers, including me. His sage advice was also available to me at the bar and when I became shadow Attorney-General. I express my sincere condolences to his wife, Suzanne, and the rest of his family.

Personal Alert Victoria program

Ms MORAND (Minister for Children and Early Childhood Development) — I was very pleased to present the 20 000th personal alert alarm to a local Mount Waverley resident, Edith Pleysier. The pushbutton personal alert pendants or wristbands are a practical means of support for vulnerable and frail older people who live on their own and might be isolated from their relatives.

Participants in the Personal Alert Victoria program can, like Mrs Pleysier, call for help by pushing a button which connects through a receiver unit plugged into the phone line which automatically dials a monitoring centre. Trained staff then call a nominated relative, friend or neighbour of the person needing help. Participants can call the monitoring centre each day, which provides peace of mind to them and their loved ones. Many people live on their own and may not have relatives close by, so the personal alert alarm gives peace of mind not just to the person who has the alarm but also to their relatives. They know they have a system in place they can call on and that a monitoring system will be in action straightaway if any unexpected event occurs.

This support is of particular benefit and in high demand in Waverley, where there is a high concentration of older residents. In fact over 20 per cent of the population in the electorate of Mount Waverley is aged over 65. In 1999 there were just 8000 of the devices in circulation and by the end of this year there will be more than 21 000 alarms in circulation. It is a great system for helping and supporting our frail elderly at home.

Berwick Church of Christ: parishioners

Ms GRALEY (Narre Warren South) — Senior pastor Barry Cutchie, ably supported by his wife, Anne, and the folk at Berwick Church of Christ are gold-star community-minded people. I say thank you to them for the youth services, playgroups, counselling support and reading help that parishioners provide in the local area. In typical altruistic style they recently hosted an appreciation breakfast to acknowledge the work of people who help others — Country Fire Authority personnel, councillors, chaplains, Lions Club members, police and even MPs. We shared a delicious breakfast, and we enjoyed each other's company. Goodwill was everywhere.

Last weekend I joined with the congregation at the Berwick Church of Christ to hear the stunning voices of the Watoto Children's Choir. Watoto's vision and mission are represented through music and dance which is an energetic fusion of contemporary gospel and traditional African rhythm. The Berwick Church of Christ was filled with music and dance and the great spirit of giving. Money raised at the concerts is used to fund Watoto children's villages where children aged 2 to 12 years are cared for by a house mother, live with

seven siblings, attend school and receive a quality education.

The Berwick Church of Christ is raising money for the Casey education room. Members of the congregation are going to Uganda in January to help build the new facility. It is the second mission to Uganda by the church. In Africa there are 60 million orphaned and vulnerable children, and by 2010 there will be 50 million children orphaned by AIDS. My thanks go to all those individuals and groups whose mission in life is to help others in Australia and overseas. God bless them all.

LEGAL PROFESSION AMENDMENT (EDUCATION) BILL

Second reading

Debate resumed from 19 July; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The subject of legal education is a topic of interest to many of us who come from a legal background and have passed through various forms of legal education in the early stages of our careers. It is probably a topic of interest to the Attorney-General for that reason, if no other. There are a number of urban myths around about the legal qualifications of our Attorney-General, but I want to defend him against the accusations that are sometimes levelled against him.

Our Attorney-General attained his legal qualifications in 1982 through the articled clerks course at RMIT. That course was available at that time but regrettably was discontinued shortly afterwards in the 1980s. It was a course that was available for those who wanted to qualify as lawyers through practical work supplemented by the course provided by RMIT. Many fine lawyers went through that course and graduated with distinction. I place on record particular acknowledgement of the senior partner at the law firm at which I undertook articles, Jock Macindoe, who had undertaken that course and had one of the finest and sharpest legal minds in Melbourne at the time I undertook articles. He was a fine representative of that course.

Many courses have a few rotten apples in the barrel. The fact that the Attorney-General passed through this course should not be an adverse reflection on the calibre of the course provided by RMIT. It is not RMIT's fault that the Attorney-General did not pay proper attention during lectures or did not round out his legal education in subsequent years.

It is certainly not its fault that the Attorney-General can come into this house and present absolutely absurd arguments relating to constitutional law and Westminster traditions, can present arguments that totally contradict the point that he seeks to make and can draft motions for presentation to this house that violate Westminster traditions and lead the government into the sort of scrape we saw last night, when the Leader of the House had to come into the house and move a motion agreeing to consultation between the standing orders committees in order to try to avert in the future the sort of intemperate language that the Attorney-General, in violation of Westminster traditions, included in his motion the other day. That reprimand of the Attorney-General by this house was well deserved. It is something for which he needs to be accountable rather than those who provided him with his legal education.

The bill before the house proposes to make a number of further changes to the regime of legal education that applies in this state. Although the bill does not make direct alterations to the system of legal education, it restructures the bodies that govern the regime of legal education. As the Attorney-General said in his second-reading speech, it is built around a review he commissioned that was undertaken by Ms Susan Campbell and reported on in 2006, the *Review of Legal Education Report — Preadmission and Continuing Legal Education*. That review made a number of recommendations which will have some significant effect on legal education in this state. Perhaps the best way to explain the core of the recommendations is to quote a paragraph from the executive summary at page 7 of the report. The report says:

> The committee therefore decided to recommend that Victoria adopt the new Queensland 'traineeship' system to replace the current articles system. A graduate completes a year's traineeship with a legal firm or office working under the supervision of a practitioner (in effect articles by another name) but at the same time must complete training in the 'competency standards for entry-level lawyers' developed by the Law Admissions Consultative Committee and the Australasian Professional Legal Education Council. The competencies cover core areas of practice, such as civil litigation practice, commercial and corporate practice and property law practice, together with lawyer's skills, ethics and professional responsibility and two elective areas.

This set of recommendations is something of a curate's egg. The recommendation to retain the practical, workplace-based experience that has been provided by the articles system is a sound one. I also think it is sensible for the report of the review to focus on

ensuring that there is proper breadth of coverage of core competencies within the articles system or the system of practical, workplace-based, legal education. If there is a weakness in the existing system, it is that some firms do not provide their articled clerks with the breadth of legal education that is appropriate. To that extent I think the recommendations are welcome.

I must express some reservations, though, about the jargon and the renaming or rebadging that has crept into the recommendations. As the executive summary itself makes clear, it is effectively continuing the system of articled clerkships by another name. I question the wisdom and the merits of introducing the renaming of what is effectively the same system. There is a saying in government and in bureaucracy that when one is in doubt about what real reforms to introduce, one should reorganise. It can similarly be said that when one wants to try to add grandeur and impressiveness to changes one is making, then one renames.

I would have thought it would have been far preferable to retain the reference to the articles of clerkship and legal graduates becoming articled clerks, first of all because of the tradition, which is certainly not something to be despised, and secondly, to recognise the dislocation and adjustment costs that are involved when there is a renaming for renaming's sake. Similarly there is a degree of jargon creeping into some of the terminology being used here, such as 'competency standards for entry-level lawyers' and some of the badging of the areas of core competencies. There are probably also issues about the merits of the particular areas of core competencies that are being covered. No doubt those closely involved in legal education can debate that.

What is being proposed here needs to be monitored. We have had, by and large, a very successful system of legal education in this state over many years. As I referred to earlier, I think it is a pity that the course for admission to practise through the RMIT articled clerks course was abolished.

Mr Ryan — Hear, hear!

Mr CLARK — I note the strong support for that sentiment by the Leader of The Nationals based on his direct experience.

Having said that, I return to the bill itself. As I said earlier, it creates the framework for a number of changes, although the changes will actually be made by changes to the rules which the Attorney-General says will be released for consultation shortly. The bill contains a range of rather mechanical provisions, some of which raise concerns. The bill will require applicants who apply for admission based on overseas qualifications to pay what are referred to as the 'reasonable costs' of investigating the qualifications that are claimed.

The bill allows the Board of Examiners to consider any disciplinary action against persons while students in deciding whether they are fit for admission. In consequence of that the bill will require universities and other educational bodies to provide the board with documents relating to any disciplinary proceedings undertaken against applicants for admission while they were students. It also requires applicants to pay to the university or educational body concerned the cost of the provision of those documents.

The bill allows the Council of Legal Education to make procedural rules regarding admission to practise and requiring applicants to undergo police checks. It allows the Board of Examiners to require mental impairment assessments, including assessments regarding alcoholism or drug dependency, of applicants for admission if the board believes on reasonable grounds that those applicants may have a mental impairment affecting their fitness to practise. The bill alters the composition of the Council of Legal Education and the Board of Examiners with effect from 1 July 2008. The council is to consist of judges and legal education representatives, and the board is to consist of legal practitioners under the chairmanship of a former judge.

The bill also provides for administrative support for the Council of Legal Education to be provided by the staff of the Board of Examiners in place of the position of honorary secretary, as at present. I should say in relation to the restructuring of the composition of the Council of Legal Education and the Board of Examiners and the change to the secretarial arrangements that this house should acknowledge the dedicated honorary work that has been provided to these bodies over many years both by those serving on them and by those providing administrative support in the role of honorary secretary.

The thrust of the changes being made by the bill is to narrow down the composition of these boards. While the sentiment underlying that is understandable in terms of making the bodies smaller and requiring the attendance of a narrower range of persons, nonetheless those who have served these bodies over many years have done so with great dedication and little public thanks and to the greater good of the calibre of legal education in this state. Their contribution should be acknowledged and placed on the record.

The bill also inserts mechanisms to provide for the removal from the roll of practitioners the names of those whose interstate practising certificates have been cancelled.

In relation to the separate subject of legal costs, the bill makes some changes and corrections and removes anomalies and deficiencies in the regime that was introduced a few years ago for the disclosure of legal costs and the recovery of legal costs. The bill allows statements about legal costs provided by law firms to clients to be based on standard forms that are going to be prescribed in the regulations. It makes it clear that the existing $750 threshold for requirements about statements about legal costs to be provided by law firms is to be based on fees excluding the GST.

The final area of amendment is to allow legal fees held by the legal services commissioner to be released to the firm concerned if the complainant fails to attend for mediation. It also allows settlement agreements about legal fees that have been reached through the legal services commissioner to be lodged with and then enforced through the Magistrates Court. Many of the changes that I have described are sensible, mechanical changes, and the opposition raises no concerns about them. However, there are a number of areas of the bill which deserve some further comment because of the issues they raise.

The first of those is the provision in clause 4 of the bill relating to requiring applicants who apply for admission based on overseas legal qualifications to pay what are described as 'the reasonable costs' of investigating the claimed qualifications. In principle it is reasonable to say that when somebody applies for admission based on overseas qualifications they pay the reasonable, appropriate costs of verifying those qualifications. Clearly it is in everyone's interests, when people make claims about their academic qualifications, that those claims are truthful and that they are properly checked out. However, the opposition has some concern about the open-ended nature of the power being given to the Council of Legal Education to set in effect whatever cost figure it chooses to be paid by applicants.

At the extreme this could be used as an artificial barrier to the entry of persons from overseas seeking to become legal practitioners in Victoria. But without even assuming that potential misuse of the provision, there is a risk that, in a regime where costs can simply be passed on virtually at will to applicants, those costs will balloon and will impose an unreasonable level of expense on persons who are in many cases going to be relatively young and relatively early on in their career and not in a position to easily pay those costs.

We know that the current government is one that is very willing to ratchet up the levels of fees and charges that it imposes on people across the board, both as consumers and in various business contexts. Our current Premier when he was Treasurer introduced a regime for the automatic annual increases of a wide range of fees and charges with no reference to either the actual costs or the fair, reasonable and appropriate costs of providing the services concerned.

When government bodies in monopoly positions are able to charge whatever they will without any independent scrutiny or review, even if there is no malice, it is an open invitation to bureaucracy and a lack of economy and effectiveness to give them the power to simply pass on those costs, at whatever level they may be, to the unfortunate person, who has no choice, if they want to achieve the result they are seeking, but to pay those costs. We flag that as a concern. We believe it is important that the council be prepared to justify and defend the level of costs it imposes on applicants in those circumstances and that it exercise a degree of discipline and accountability for the level of those costs.

The next area about which I express some concern is the provision for investigating disciplinary action that may have been taken against a person at the time of their being a student or, as the bill puts it, at the time of their:

> (i) attaining approved academic qualifications or corresponding academic qualifications; or
>
> (ii) completing approved practical legal training requirements or corresponding practical legal training requirements.

Again, in principle this is a perfectly reasonable amendment, and as was explained to the opposition during the course of the very helpful briefing that was provided to us by the department, it is perhaps addressed as plagiarism. That is highly relevant, and people who have been guilty of gross plagiarism as students should expect that to be taken into consideration in judging whether they are fit and proper persons to be admitted to practise. We noted, however, that in his second-reading speech the Attorney-General was much more sweeping in the way he described the scope of this amendment. Indeed he referred simply to:

> … extending the range of issues the Board of Examiners may be informed about to include conduct while in tertiary education.

Of course if the power were phrased that broadly, it would raise real concerns about the sorts of criteria that may be imposed, having regard to the sorts of activities

a number of members in this house engaged in while they were at university in terms of either student political activity or other extracurricular activities.

The provision in the bill is confined to disciplinary action. However, it is not clear whether this disciplinary action is solely action taken against the person by the academic body of the institution at which they were enrolled or whether it could include disciplinary action taken against them by student bodies such as student representative councils and the like while they were undertaking their studies. I say this having at one time served on an electoral appeals body for the then students representative organisation at Melbourne University.

I recall vividly one particular case where a student was accused of improper conduct during the course of a student election. He and his family considered that they needed to go to the trouble of briefing counsel to appeal against that decision on the basis that it may have reflected adversely on his ability to be admitted to practise. So this can be a very sensitive matter, and it is important that we get it clear. It would be helpful if, in closing this debate, the Attorney-General could make it clear for the record that this proposed provision refers solely to action against a person by the institution at which he is enrolled, rather than by student bodies or others that may be associated with the institution.

We also express some concern about the open-ended nature of the obligation that is being imposed on persons, where such a disciplinary issue is being considered, to pay the reasonable costs of the education or training body in complying with the request to provide documents. Again, in principle this is reasonable, but it is a very open-ended power and it is important that unreasonable costs are not imposed on applicants as a result.

I should also put on the record the concern that has been raised by the Law Institute of Victoria (LIV) in relation to this provision in a letter to me dated 9 August 2007. The institute said that it supports the extension of the range of issues that the Board of Examiners (BOE) may consider but then said:

> The LIV does however submit that the BOE should ascertain whether such complaint or disciplinary matters were subjected to rigorous, transparent and fair processes to determine their veracity and take these matters into account.

One would certainly hope that the Board of Examiners would do that.

The institute's very helpful letter to me also raised a number of other issues about the bill to which I will make some reference. The institute indicates its support for the change to the process of appointing members to the Council of Legal Education and the Board of Examiners, but it raises some concerns about whether the Board of Examiners would be broadly representative of the legal profession. These provisions are now set out in clause 14. The law institute has made some suggestions about appointments upon the recommendation of the institute, appointments from the wider profession and appointments upon the recommendation of the Victorian bar.

I have some concerns about direct nominations by specific, nominated bodies. However, I think the institute raises a fair point in saying it is important that a wide range of legal representatives be appointed to the Board of Examiners. One would certainly hope that the council, in nominating those members, consults widely and ensures that a wide range of practitioners is represented on the board.

The law institute has also raised an issue about the publication by the Legal Services Board of notice of consultation about legal profession rules. It is important that people know where that notice will be published and that it be published in journals, newspapers and the like where it will come to the attention of those who will have an interest in the contents of those rules. The institute also supports the clarification about disbursements being exclusive of GST, but it has raised what seems to me to be a reasonable question about whether the exemption should be increased to the level of $1500, which is specified in the model bill under the national regime, rather than the $750 that is in the legislation at present.

The final area raised by the institute to which I refer is granting to the Legal Services Board the power to apply to the Supreme Court for a practitioner to be struck off the roll where they have been found guilty of a criminal offence or have had interstate regulator action against them, which again is something which the institute supports. This raises the broader issue of the way the Legal Services Board has been operating over the time since it was established.

I know there is some concern in the ranks of professional legal bodies as to whether the Legal Services Board is being as diligent and effective as it could be in following up disciplinary matters which either it has referred to the legal professional disciplinary bodies for consideration and report or those bodies have raised with the Legal Services Board. If there is to be credibility and integrity in the legal disciplinary system, then it will be important that the Legal Services Board acts promptly and effectively to

deal with complaints about legal disciplinary matters and ensures that the highest standards are upheld by the profession.

In conclusion, most of the amendments made by the bill are mechanical and are perfectly reasonable and supportable. There are, however, the reservations that I have referred to, and I hope those concerns will be addressed by the government and by the Attorney-General during the course of the debate.

Mr RYAN (Leader of The Nationals) — The member for Box Hill, in his usual excellent contribution, referred to the RMIT course — the articled clerks course, as it was colloquially termed. I am proud to say that I am a graduate of that course, and the bill before the house offers the opportunity to reflect upon the great contribution the course itself made to enabling people to join the ranks of the legal profession coming from a base of particularly practical experience. The structure of the course was, essentially, the first year full time and then another four years working in a legal office with lectures morning and night. I eventually graduated from that course just a few years prior to the present Attorney-General doing so.

I listened to the contribution to the debate by the member for Box Hill with some measure of trepidation, as I increasingly roamed around in my mind about my years of experience in the course. The time I spent in it was not without its moments, for the want of a better description. In first year, for example, we had lectures at 7.45 in the mornings and at 5.30 in the evenings. The course was structured in that way because all the people lecturing us were involved in the law from a practical perspective.

We had a superb line-up of those who were involved: Sir Daryl Dawson, prior to his elevation to the High Court of Australia; the late and great Ray Dunn, who was absolutely brilliant in and around the Magistrates Court at Richmond, particularly in the area of criminal law; Daryl Wraith, who also practised at the bar and still does in criminal law; Sir Edward Woodward, who had a very distinguished career not only in the law but in academia as well and even headed the Australian Security Intelligence Organisation at one stage during the course of his brilliant contribution to society; and many others of a similar ilk who were themselves lecturers of outstanding ability and brought much to the course and gave it the credibility it enjoys to this very day.

My own participation in it, though, was not without its moments. The morning lecture concluded at about 8.45 and then, as I said, the next lecture was not until 5.30 p.m. The lectures were conducted in the institution that is delightfully named Oddfellows Hall, just down the road from RMIT in Latrobe Street. At the conclusion of the morning lecture, along with a number of others, I would gallop down Latrobe Street to the caff and take our spot at the pontoon table. Whereas many others more diligent than I would devote their day to careful study of the law and all the things that make that profession wonderful, I confess in this most public of forums to having participated in games of cards from 9.00 a.m. until about 5.20 p.m., at which time, along with others, I would depart the caff at a gallop and run back up the hill to Oddfellows Hall to have another evening's entertainment with a lecture from Phillip Mandy, who is now a Supreme Court judge, where His Honour would tell us about the joys of constitutional law — when it was not unknown for me to go to sleep.

RMIT also had a football team of some renown, where I had the pleasure of playing either centre half-back or centre half-forward. There was a pool hall right next door to Oddfellows Hall. So this was a year undertaken by crossing a number of Rubicons on the part of yours truly. I concluded first year with a series of distinctions in poker, pool, billiards and football, and thankfully fell over the line in the first year through the great efforts of three of my very close mates — Mick Blewett, John Kelly, who now heads Foley's List up at barristers chambers, and Chris Bishop. The four of us formed a team that used to study together at the end of the year to enable us to eventually pass examinations, which I fortuitously did in that first year.

At the conclusion of first year there was a capacity to transfer out of our course at the RMIT and go to Melbourne University. What you needed to do was go to the associate to the Chief Justice and make application. Through him you were able to obtain your actual marks. There was no other way whereby you could get your marks in the sense of a number: you either passed, failed or got an honour or otherwise. The done thing in our course was to make this application, simply because you could find out what your marks were.

I went through this process, and I well remember going to the office of the associate on the particular evening when I was to pick up my sealed envelope that contained the information as to whether the marks I had obtained would qualify me to go to Melbourne University. With some trepidation I went to the associate's office, received the sealed envelope with the marks inside it and walked down the hall. As I opened the envelope I heard from the associate's office his dulcet tones saying to me, 'You are not going

anywhere, son!'. So it was that I remained in the RMIT course.

Four years later, fortuitously, I was able to pass. I concluded the fifth year topping the course in tax and obtained some other honoraria along the way, but I am eternally grateful to those who helped drag me through that course, to the magnificent assembly of people who lectured us throughout and for the opportunity which was afforded to so many of us to be able to participate in the profession. Going through that course also enabled me to have a much better opportunity to practise law because of its mix of the practical and the very necessary theoretical aspects of legal practice. In turn, that better enabled me to practise in a country environment.

I take this opportunity to pay due regard to those who practise the law, particularly in a country environment. The area of practice in those locations has changed enormously over the years. It is extremely competitive. A lot of the mainstays of country practice are gone now, including free access and no competition. For example, the area of conveyancing has been opened up. No-one complains about that; I think it is a very good development from a consumer perspective. Subject to all the necessary controls and the regulatory aspects of its being put in place, I think it is a good thing that consumers are able to get access to a broader range of services than was the case. Nevertheless this was a domain that once upon a time was occupied only by the legal profession. A lot of work came through areas that we now know to be basically under the control of the Transport Accident Commission, and similarly there was a lot of work in areas now dealt with under the guise of the WorkCover legislation.

Practices in the country have had to adapt to the enormity of those changes. People in country locations want to be able to come to the one place to receive not only their legal services but also a range of financial services, accounting services and investment advisory services. That now imposes enormous pressure on those who practise in the country given the need to develop the mix and match of their practices to ensure they can continue to provide services to country Victorians in a manner which is appropriate to their needs.

That has meant enormous change in the way the profession functions in country Victorian locations. But I know that, in the midst of all of that, country practitioners continue to make an enormous contribution through the pro bono work they do, particularly in the courts — but it is not only there. It is just the accepted thing around town that every other organisation that wants advice, particularly those who are dedicated to providing community services in a variety of ways, come to the local solicitors and get that advice on a pro bono basis. I think it is tremendous that they are able to do this and that the profession is able to accept what it sees as its responsibility in providing those services, even to this day.

There are challenges aplenty to be faced. The difficulties of getting staff that we experienced as a firm when I was practising in Gippsland continue to this day. I know that is one of the issues that occupy the minds of many of those who continue to practise in country Victoria. There is the succession planning issue and the question of being able to bring to the country people who are prepared to live and practise in those sorts of environments and to do justice to their professional obligations.

All of that can be placed in the context of this legislation, which is largely mechanical in its structure. What it does is amend the Legal Profession Act 2004, which act took effect in Victoria on 12 December 2005. The main purpose of the principal act was to improve the regulation of the legal profession through the implementation of the national model provisions developed through the Standing Committee of Attorneys-General. In May this year the house passed legislation which represented the first tranche of those national model provisions. Now we have another element of that happening here.

In addition to that process this bill reflects in part the review which was commissioned by the Attorney-General in 2006. That review was undertaken to assess whether legal education services in Victoria were providing practitioners at all stages in their careers with the appropriate level of knowledge and skills to support effective legal practice. About 47 recommendations came out of that review, and some of them are reflected in the bill which is now before the house.

The amendments are mainly to do with the modernisation, as it is termed, of the two bodies that oversee admission to the profession and its general conduct, the Council of Legal Education, otherwise known as the council, and the Board of Examiners, otherwise known as the board. The council's primary responsibility is for setting admission requirements, whereas the board is responsible for assessing individual applications for admission. The bill enacts reforms which were identified in the report to which I referred to deal with a number of problems with the statutory framework of both the council and the board. In addition, the board and the legal services

commissioner have requested a number of changes to their powers and to the processes in which they are respectively engaged in order to improve their regulatory functions. Again, that is part of the import of the legislation before the house.

The ultimate intent is that the profession in Victoria is equipped, both through pre-admission training and post-admission professional development, to maintain the appropriate standards required of contemporary legal practice. The member for Box Hill provided a summary of the mechanics of the legislation, so I do not intend to run through it all again. I echo his concern about the capacity of the Council of Legal Education to charge overseas qualified applicants for admission. Under the terms of the legislation the council is to be entitled to recover what are termed 'reasonable costs'. There is always an element of concern when that expression is used in a legislative sense, and one would hope that in exercising its role the cost aspect of this will be applied in an appropriate manner.

Mr Clark interjected.

Mr RYAN — Yes — and be reasonable and appropriate. I echo the sentiments of the member for Box Hill.

There are also amendments which will enable the Board of Examiners to require, if it so wishes, health assessments of applicants for admission. The second-reading speech talks about the focus of that being particularly on drug or alcohol-related issues and matters of a like nature. There is always a concern about confidentiality when those sorts of examinations are being undertaken. Again I am sure, particularly in the context of this legislation, that the appropriate protocols will be applied and complied with — because, as I said, by their very nature these forms of inquiry can potentially be very invasive of one's privacy. There are any number of issues around those matters, of course, that need to be dealt with with a large measure of delicacy.

There is also the capacity for an investigation of what might have happened in a disciplinary sense in any tertiary training being undertaken by an applicant. Again, similar sorts of protocols need to be carefully applied and judgements made on a measured basis, given what it could ultimately mean in the sense of an applicant's capacity to obtain admission. The various other changes that are referred to in the legislation are largely mechanical in nature. The Nationals do not oppose the legislation.

Mr LUPTON (Prahran) — It is a great pleasure to speak on this important legislation, which brings before the Parliament some timely improvements to the processes of legal education and admission to practise in this state. This government has a very proud record of modernising the legal profession since coming to office. One of the important steps the government took in carrying out this modernisation was to set up a review of legal education, which was undertaken by Professor Sue Campbell in 2006.

Professor Campbell and her review team have provided a report to government concerning ways in which legal education services offered in Victoria can be improved, and I must say the Campbell report was widely applauded by the legal profession in this state. I should also mention that one of the members of Professor Campbell's panel was Professor George Hampel, who was previously a justice of the Supreme Court of Victoria and has a very long and distinguished record in legal education in this state.

I remember when I did the bar readers course and signed the bar roll in 1987 that George was a leading proponent of the bar readers course back in those days and has continued through the course of his time on the Supreme Court bench and subsequently to be engaged in a wide range of continuing legal education courses and programs. That is an example of the serious way in which the profession in this state takes the role of professional development and education. I commend him and all others in the profession who give so much of their time to ensuring that the profession maintains the high standards that it does.

The Campbell report that was provided to government proposed 47 different reforms to the way in which legal education services are offered in Victoria, and the government has already implemented or is implementing all those reform recommendations. Some of them involve changes to the Legal Practice (Admission) Rules, and some of them require amendments to legislation. I want to spend a little time talking about some of the matters that do not require legislative amendment but are affected by changes to the admission rules. I want to also look at the specific changes that are being proposed in this legislation, because they form a related series of changes which, when looked at together, will show important improvements to education and admission processes in this state.

In particular one of the reforms recommended by the Campbell review which I believe is important is the change from the old system of articles of clerkship to a new system of practical legal training. I note that there

was a very comprehensive article written in the *Law Institute Journal* in July this year by Professor Sandford Clark, who is a member of the Council of Legal Education's Rules Revision Committee and is the Law Admissions Consultative Committee chair. Professor Clark noted in the article, which is headed 'All the way with PLT' — PLT standing for practical legal training — that from 1 July 2008 Victoria will replace the old system of articles of clerkship with a practical legal training model.

For more than 30 years in this state there have been various types of practical legal training courses offered to law graduates as a method of gaining admission to practise as an alternative to articles of clerkship. The well-known course at the Leo Cussen Institute was the first of those training programs which was offered as an alternative to articles, but also the College of Law Victoria and Monash University are now authorised by the Council of Legal Education as legal training providers.

In Victoria for over 30 years we have had a dual system where some law graduates go through articles of clerkship and others go through practical legal training programs. When you have that type of hybrid system there is a considerable difference in the way in which graduates are trained for their admission to legal practice. There is also within the process of articles a general recognition that experience gained as an articled clerk can be extremely variable, some significantly better than others.

I did my articles back in 1984 with the firm now called Ryan Carlisle Thomas, and my principal, the late Bob Carlisle, ensured that I had an enormous range of terrific experiences up to and including running a large number of Supreme Court trials during that 12 months. It was a great introduction to legal practice and set me up very well for my move to the Victorian Bar a short time later. But I know a lot people over the years who have gone into legal practice through the articles system have had considerably varied experiences of articles, and I think it is appropriate, as the Campbell review recommended, that we go to a comprehensive system of practical legal training in this state.

The plan for trainees that is going to come into operation from 1 July next year will mean that there is a common curriculum with appropriate standards and trained supervisors who will make sure that all people seeking to gain admission to practise in this state through practical legal training have all the core competencies that are required for a successful career in the law, and that is an appropriate and proper thing.

This bill builds on those recommendations of the Campbell review that have already been implemented through the rules, and it provides for the legislative amendment of some of the processes for legal admission. In particular it deals with the structure and composition of the Council of Legal Education and the Board of Examiners. I think it is fair to say that the council and the board are operating under a fairly archaic and rather cumbersome set of procedures and membership. The Council of Legal Education is responsible for setting the admission requirements for legal practice here in Victoria, and the Board of Examiners is the body responsible for assessing individual applications for admission.

The legislation before the house modernises the council and the board. It rationalises and reduces the number of members of both the council and the board and means that both the council and the board will be better able to carry out the important functions they are seized with in Victoria. Those important functions include setting the admission requirements to make sure that all law graduates who go through the practical legal training program that will be established are appropriately qualified for admission and that the core competencies that are necessary in order for people to properly set up a successful career in the law are achieved.

The board, under its modernised and restructured processes, will be better able to assess individual applications for admission, making sure that those who are qualified in Victoria but also those who come from other jurisdictions, including from overseas, are properly qualified, that they are assessed appropriately and that our legal profession here in Victoria will continue to be a leader, a modern 21st-century legal profession for the betterment of the community.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Legal Profession Amendment (Education) Bill. The purpose of this bill is to amend the Legal Profession Act 2004 regarding the assessment of applications for admission to practise as lawyers, the composition of the Council of Legal Education and the Board of Examiners and the requirements for statements of legal costs and the recovery of unpaid costs. The bill also seeks to make a number of amendments to the act. These include the requirement of applicants who apply for admission based on overseas qualifications to pay the reasonable cost of investigating the claimed qualifications, and I would like to deal with that a little bit later.

The bill contains amendments that allow the board to consider any disciplinary action taken against persons whilst they were students in deciding whether they are

fit for admission; require universities and other educational bodies to provide the board with documents relating to any disciplinary proceedings and require applicants to pay the cost of providing those documents; allow the council to make procedural rules regarding admission to practise and requiring applicants to undergo police checks; and allow the board to require mental impairment assessments, including assessments relating to alcoholism or drug dependency, of applicants for admission, if the board believes on reasonable grounds that they may have a mental impairment affecting fitness to practise.

Other amendments include altering the composition of the Council of Legal Education and the Board of Examiners from 1 July 2008. The council will also consist of judges and legal education representatives, and the board will consist of legal practitioners under the chairmanship of a former judge.

The amended bill will also provide for administrative support for the council by the staff of the board, instead of an honorary secretary, which is the current situation. It will provide for the removal from the roll of a practitioner whose interstate practising certificate is cancelled. It will also allow statements about legal costs provided by law firms to clients to be based on standard forms prescribed in the regulations and make clear that the existing $750 threshold for requirements for statements about legal costs is based on fees excluding GST, which is currently an issue. It also allows for legal fees held by the legal services commissioner to be released if a complainant fails to attend mediation, and it allows settlement agreements about legal fees to be enforced through the Magistrates Court.

As stated by the member for Box Hill, the Liberal Party will not be opposing this legislation. It deals with the implementation of a range of changes which have been brought about by the report which the member for Prahran alluded to earlier. As the member for Box Hill and the Leader of The Nationals indicated, we have some concerns about the draft legislation, and I refer to those points now.

The first is in regard to the proposed insertion of new subsection (1A) following section 2.3.2(1), which deals with the payment of reasonable costs incurred by the council in assessing overseas persons seeking admission to practise as a lawyer. We were advised by departmental staff who assisted us at the briefing that at present the qualifications of those persons are assessed on an honorary basis. Whilst it is not unreasonable to expect that a charge be levied for that service, we have some concern about the definition of 'reasonable cost'. Like most things, it is open to legal challenge, but we believe the proposed legislation does not provide a clear definition as to what a reasonable cost would be. There was some advice that a fee of, potentially, $250, may apply, but as members could appreciate, given that the legislation does not seek to provide any clarity as to what that fee will be, it is incumbent upon this government to provide that clarity, particularly so that people who are seeking admission as legal practitioners can be well aware of what the fee will be. I hope the minister, in his summing up on the bill, will provide some greater clarity on that point.

The other point I would like to discuss relates to disciplinary proceedings, which the member for Box Hill also alluded to. After section 2.3.3(1)(a) of the principal act a new provision, paragraph (ab) will be inserted. It says:

> '(ab) whether the person is or has been the subject of disciplinary action, however described, arising out of the person's conduct in —
>
> (i) attaining approved academic qualifications or corresponding academic qualifications; or
>
> (ii) completing approved practical legal training requirements or corresponding practical legal training requirements …

At the bill briefing it was put to us that this new provision would relate specifically to the area of plagiarism. On the face of it that is a position that we would not necessarily oppose, but given that the way it is provided for in the legislation is quite broad, because it relates solely to disciplinary action, one can only assume that this provision could be used to deal with a whole range of issues. These could include involvement in political activities at university — like many members in this place, I was engaged in political activities. It could cover various bodies, particularly student representative councils. That would be relevant if the body were not of the same political ilk and if it were the same as the one I was involved in. I am sure it is no surprise that the students representative council of La Trobe University was not dominated by the Liberal Party. Actions that could be brought before that body could well fall under those to be dealt with under the category of disciplinary action.

Whilst I understand and appreciate the need for this provision in the bill, as explained at the briefing, I believe there is a requirement for the minister to provide greater clarity. As the member for Box Hill said, in his second-reading speech on this bill the minister said that this provision includes extending the range of issues the Board of Examiners may be informed about to include conduct while in tertiary education. Obviously that is a very broad definition,

and whilst the legislation is a bit more specific we believe it is incumbent upon the minister to provide greater clarification on this issue so that the matter can be resolved. If that could happen at the earliest opportunity, it would reduce the need for this legislation to come back before the house to provide greater clarity and resolve both those issues.

As I have indicated, we will not be opposing the bill. We will be supporting the general thrust of the bill, but there are certainly areas of it which we have concerns about. It is incumbent upon the minister to provide clarity on these concerns.

Ms D'AMBROSIO (Mill Park) — I would like to take this opportunity to congratulate the member for Mount Waverley, who is at the table, on becoming a new minister.

The Legal Profession Amendment (Education) Bill continues the significant reforms to the legal system in Victoria that have been undertaken by this government. The objective is to consistently and continually improve the standards of legal practice. The phase of legislative reform in this bill continues the implementation of this government's response to recommendations contained in the Campbell report into legal education. Every one of those recommendations has been adopted by this government, to be implemented over the course of this year and next year.

This bill, and specifically the key reforms it will implement, will modernise the Council of Legal Education and the Board of Examiners. These bodies of course oversee the admissions to legal practice. In particular the Board of Examiners will have the authority to seek information pertaining to the suitability of an applicant seeking admission to the legal profession to practise law.

The Board of Examiners already has the broad power to consider matters which go to the suitability of candidates who are seeking admission to practise law. The bill improves the ability of the Board of Examiners to gather sufficient information so that it is able to make a fully informed decision about a candidate's suitability for admission. It does that through the various provisions articulated in the bill — for example, the provisions to do with the conduct of an applicant whilst studying law. Evidence of any disciplinary action which may have been taken against an applicant in the course of their studies may be considered as a matter that goes to the heart of an applicant's suitability for admission. Any evidence, though, that negates the evidence brought up on the matter of disciplinary action may still be presented to the Board of Examiners to show that an applicant who may at some stage have not been considered suitable for admission is, as a matter of currency, considered suitable.

I would suggest that the concerns that have been expressed by some of the members of the opposition with respect to disciplinary action taken during the course of an applicant's tertiary studies have no basis whatsoever. The Board of Examiners can quite clearly consider all evidence, including evidence which points to the current suitability of a candidate regardless of disciplinary action that may have been taken in the past. I do not believe there is any basis whatsoever for the concerns that have been raised to date in this house.

Examples of conduct that may have resulted in disciplinary action being taken against an applicant can include sexual harassment, matters to do with plagiarism and the like. The simple fact that disciplinary action has been taken does not of itself necessitate the Board of Examiners determining that an applicant for admission to legal practice is unsuitable. Another area of specific inquiry for the Board of Examiners is criminal record checks. There is no doubt that there is a significant public interest purpose to be served by this. Let me also say, however, that the Board of Examiners can only scrutinise criminal convictions.

Another issue concerns health assessments where mental impairment may be evident. The Board of Examiners must have reasonable grounds to believe that an applicant or legal practitioner has a mental impairment which may manifest itself in the person's not being fit to practise law. Therefore, a mental impairment of itself does not necessitate the Board of Examiners determining that an applicant is not fit.

This defined power could be exercised by either the Board of Examiners or the Legal Services Board. The power already exists for the Legal Services Board, and the bill provides for this authority to extend to the Board of Examiners. Requests for or the seeking of health assessments would of course have to be based on reasonable belief. But matters of privacy would be protected by the requirement that health assessment reports remain confidential to the Board of Examiners, and of course they could not be used in any other proceedings that were unrelated to the matter of the suitability or to an application for admission to the legal profession.

Clause 23 of the bill will allow for health assessments to be made only of applicants seeking admission from 1 July 2008. It is important to note that not all mental health problems would necessitate a health assessment. Further, a health assessment may not necessarily lead to

a person being denied admission. A health assessment may support the view that a person is indeed fit and suitable to engage in legal practice. That is an important balancing condition for consideration by the Board of Examiners.

The bill allows for a medical practitioner to be employed by the Board of Examiners in order to conduct a health assessment. This provision is vital in allowing the board to make a balanced and fully informed decision regarding the suitability of a candidate. One would imagine that a medical practitioner would be very fair in making a health assessment which would point to whether the presence of a mental impairment could go to the heart of the ability of a candidate seeking admission to conduct themselves in the manner expected of legal practitioners. The ability of the Board of Examiners to appoint or engage a medical practitioner would certainly help in the provision of balanced and fully informed information to the board. That would certainly allay any possibility of prejudice or presumption that could colour the information required to be disclosed by an applicant regarding their mental health.

Further, equal treatment before the law has been raised for consideration with respect to the bill. The principal act protects an applicant's right to equal treatment before the law, and the right of appeal to the Victorian Civil and Administrative Tribunal against a decision of the Board of Examiners is preserved. An applicant must be given 28 days written notice of a request for a health assessment, and a health assessment can be used only for the application before the board of examiners. It cannot be used in any proceedings unrelated to the application for admission to legal practice.

This is a very important balancing act. The government has delivered a high-quality bill which balances the privacy of individual applicants seeking admission to legal practice and the need for us to maintain and encourage higher standards of legal practice in our community.

Others have mentioned the fact that this bill derives from the terrific report by Professor Susan Campbell, who conducted a review of legal education last year. All the recommendations in the report have been supported by this government and are in the process of being implemented this year and next year. The Legal Profession Amendment (Education) Bill fits in quite nicely with and fulfils all of the recommendations pertinent to the principal act arising from the report. I wholeheartedly commend the bill to the house.

Mr BURGESS (Hastings) — I rise to speak on the Legal Profession Amendment (Education) Bill 2007. I will make only brief comments, but having been a member of the legal profession it is incumbent upon me to raise at least two matters of concern about this bill. The concerns are based not on any fear that the bill has evil intent but on a fear that there may be unintended consequences arising from the provisions within it.

Clause 4 in part 2 of the bill states that the council may require any person who received their training outside of Australia to 'pay the reasonable costs of the Council in assessing the person's qualifications'. The legal profession in Victoria and in Australia is one of the cornerstones of our democracy. It is therefore far too important, when dealing with who should be admitted to the profession, to leave too open for consideration by the bodies that have been given these powers the qualifications that are required or the hurdles that need to be jumped. In this circumstance to just say 'reasonable costs' is a risky thing, because there is a possibility that at some stage in the future such terminology could be used to create a significant barrier to entry to the profession. I do not think that would be a desirable barrier to erect in our democracy.

Clause 4 also states that the council may, when considering whether to admit a person to the legal profession, consider whether the person is or has been the subject of 'disciplinary action, however described'. That is an incredibly broad term by anybody's understanding. The provision in itself looks innocent enough and is obviously intended to address matters such as plagiarism. Preventing people who have been found guilty of significant plagiarism would be something most of the community would support. However, the bill does not clearly define what disciplinary action needs to be taken into account, nor does it define which body that disciplinary action needs to have been applied by. The problem is that the disciplinary action could have been taken by a student body or similar organisation. The broadness of this terminology could also present unintended consequences.

In my view the bill should define 'disciplinary action' much more succinctly. It would benefit from a definition that provided that the institution from which a person's qualifications were obtained would be the only body that could have imposed that disciplinary action. The definition should also require the council to satisfy itself, by conducting suitable inquiries, that the disciplinary action was in response to conduct that in the circumstances should deny a person entry into Victoria's legal profession.

Mr STENSHOLT (Burwood) — I rise to support the Legal Profession Amendment (Education) Bill, which seeks to modernise the operation of the statutory bodies associated with educating the legal profession and amend the powers and procedures used by bodies in assessing applications. It also provides for some other minor amendments.

I am always happy to support better professional training, be it at the entry level or at the in-service level, such as training for the judiciary. I have an interest in this matter, because prior to becoming a member of Parliament I was at Monash University, where as well as my work in international consulting I was also doing some work on legal training. At one stage I did a review of legal training in Laos, Cambodia and Vietnam.

Mr Robinson — It was an excellent review.

Mr STENSHOLT — It was an excellent review actually! I think a copy is in the law library at Monash University. I was also involved in organising a program, through the World Bank, to train some judicial officers from Indonesia. So whenever bills relating to improving training for the legal profession come up they attract my attention and my support.

This bill continues the government's commitment to modernising the legal profession. I would like to mention that the Attorney-General, who is now the Deputy Premier, has over a number of years now surely and consistently given direction to and overseen the reform of our legal profession here in Victoria. He has not quite persuaded the judges or barristers to take off their wigs, of course, but in a practical sense he has overseen, in association with the courts, a large program of modernisation, whether it be by building new courts or modernising courts and upgrading the systems that operate within them.

On the issue of legal education, Professor Sue Campbell was appointed to conduct a review of legal education, and in doing so she talked to a whole lot of people. I notice that the annual report of the Supreme Court, which was tabled just this morning, mentions that she prepared a report on her review of legal education. It says that in May 2006 the Board of Examiners provided a written submission to her on the subject of legal education services and that as part of the review she attended a regular board meeting to gain a wider appreciation of difficulties encountered by applicants. In its annual report for 2005–06, which is obviously some time ago, the board said that it awaited with keen interest the outcome of the review.

Of course we now have the outcome of that review, in which she made some 47 recommendations on reforms which have been either implemented or are in the process of being implemented. They include the replacement of articles of clerkship with a 12-month professional traineeship. The member for Prahran has already mentioned that.

I note an article regarding practical legal training (PLT) by Professor Sandford Clark, who is special counsel with Blake Dawson Waldron, headed 'All the way with PLT'. From 1 July next year Victoria will replace articles with a practical legal training module. There has been practical legal training at the Leo Cussen Institute, for example, the College of Law Victoria and Monash University, which are authorised by the Council of Legal Education as practical legal training providers. This extends PLT right across the board. It provides a new system of 12-month workplace training, which was part of this review and which is being implemented.

In terms of the details of the bill before the house, it seeks to modernise the Council of Legal Education and the Board of Examiners which oversee admission to the legal profession here in Victoria. The Campbell report identified a number of problems with the current governance framework. They are in the bill in proposed section 6.5.1A to be inserted in the principal act after section 6.5.1. There were up to some 31 members of the Council of Legal Education, which is actually bigger than the cabinet. Trying to work out who was saying what must have been something of a challenge.

I am interested to note that the quorum of a meeting was only 7 out of 31 members; the number has now been reduced to 15 and the quorum will be 5. Legal education is a serious matter and I would hope there would normally be at least half the number of members of this body at meetings. There seemed to be someone from everywhere under the previous arrangements — the Attorney-General, Solicitor-General, Director of Public Prosecutions, Chief Judge of the County Court, the Chief Justice of the Supreme Court, the President of the Court of Appeal, six other judges from the Supreme Court, two other judges from the Court of Appeal as well as the Chief Magistrate, another magistrate, various deans of faculties of law and other persons nominated by the university councils.

Things have moved on in that regard because we now have legal training courses in other institutes rather than just the universities of Melbourne, Monash, La Trobe or Deakin. The new composition of the council will be the Chief Justice, three other judges, the chairperson of the Legal Services Board, two persons nominated by

the Victorian Bar Council and three persons nominated by the Law Institute of Victoria, one of whom must be practising in country Victoria. I am sure the Acting Speaker would applaud this. I did a review of legal services in rural and regional Victoria as a member of the Law Reform Committee some years ago, and I noted that there was a need to support the development of the legal profession in rural and regional Victoria. I am glad to see someone from rural and regional Victoria is going to be on the Council of Legal Education.

I note there is change insofar as the appointments being made by the Governor in Council. I must admit that I am always a bit wary about high-level appointments by the Governor in Council insofar as I would prefer as a general rule that appointments be as close as possible to the working level. I understand, though, that some members are going to be nominated by the Attorney-General, so I can see a good and valid reason for the Governor in Council being involved. But I think as a general practice we should try to reduce or at least seriously question the number of appointments made by the Governor in Council.

Another part of the bill makes some technical changes. The Attorney-General was previously the person to oversee the publication of notice of proposed rules regarding the legal practice submission rules. This is now going to become the preserve of the Legal Services Board, which is actually responsible for the legal profession's rules. That is very much in line with putting responsibility for doing things at the level which is closest to it. I see that as a good move and good management of those arrangements.

There are also changes to the Board of Examiners, as has been mentioned by others, with six local legal practitioners to be appointed. From memory I do not think it says whether someone from the rural and regional areas is required, but I am sure there will be broad experience involved in this arrangement as well.

The ACTING SPEAKER (Mrs Powell) — Order! The member's time has expired.

Mr THOMPSON (Sandringham) — The Liberal Party does not oppose the Legal Profession Amendment (Education) Bill. The purpose of the bill is to amend the Legal Profession Act 2004 regarding the assessment of applications for admission to practise as lawyers; the composition of the Council of Legal Education and the Board of Examiners; and the requirement for statements of legal costs and recovery of unpaid costs. I also would note the requirement for applicants who apply for admission based on overseas qualifications to pay for the reasonable costs of investigating their claimed qualifications. The shadow Attorney-General has wisely outlined the concerns of the opposition in relation to this particular provision and a range of other provisions.

An English professor of genetics was once asked why he had moved to Ireland. He replied that it was the only country in the world where his dentist was also likely to be a playwright. In a different context and in a country that incorporates much of the Irish diaspora, the Australian film *The Castle* embodies elements of the richness between law and learning, principle and practical outcome. Arguments initially founded on the vibe were rearticulated subsequently in more precise legal form in the High Court to achieve a just outcome for the Kerrigans.

The bill deals with matters relating to the Council of Legal Education. A number of students commencing the study of law will later experience the tribulations of suburban practice as encountered by Dennis Denuto, while others will confront a range of different challenges. Solicitors, barristers, parliamentary counsel, ministerial advisers, departmental legal officers, all-party committee researchers, community legal centre lawyers, parliamentary electorate officers, legal aid lawyers, barristers' clerks, corporate lawyers, university academics, businessmen and women, stock market analysts, journalists, secondary school teachers, magistrates, judges, clerics and, I might add, even politicians number among the vocational areas or work roles that either require some legal training or attract people who have had legal training.

A paper given at the Australasian Institute of Judicial Administration in 2000 by Michael O'Mahoney, a former president of the Irish law society, on perspectives of nine categories of judges drew upon the observations of an 1890s advocate. The paper covered descriptions of the gentle judge; the quiet judge; the pragmatic judge; the witty judge — where the litigants were concerned at the preposterous spectacle of their highly paid counsel engaging in courtroom hilarity; the lawyer judge — where the parties cannot see what is on his mind until the very end of the judgement, and perhaps not even then; the intrusive judge; the impatient judge; the authoritarian judge; and the intellectually challenged judge — without deep talents or judicial learning and whose lack of capacity to hear is combined with lack of capacity to comprehend. These were the observations of a person in Ireland about judges in those days.

To what extent those observations may be true today is perhaps a matter for the barristers down at Owen Dixon

Chambers and in the surrounding precinct to wisely comment on further. It is sometimes stated that there are too many lawyers in politics. There is also the contrary view that there are not enough of them. It might depend whether the statement is being made by someone who is legally trained or not.

The study of law entails a process of thinking that incorporates the identification of a legal issue, the outlining of the law, the application of the law to the facts — identifying arguments for and against — and arriving at a conclusion. It represents a process of reasoned analysis and the important skills of critical thinking relevant to many working roles. As to the practice of law, the question has sometimes been asked whether lawyers could in fact afford to see themselves. Issues relating to the cost, delay and complexity of and accessibility to justice have long occupied the time of governments and legal academics. Some experts suggest the internet will continue to seriously transform access, cost and delay issues, with some firms moving towards the provision of 24-hour-a-day, 365-day-a-year legal services on a cross-border or international basis. According to a one-time chair of the American Bar Association, the internet will do to the legal profession what the printing press did to priests and rabbis.

For lawyers in Australia, and Victoria in particular, in the future work will be found in the challenges of redefining our constitutional framework, the advancement of indigenous issues, international law, migration settlement, trade, genome and reproductive technology, and the cyberworld.

As I noted before, the opposition has a number of reservations in relation to the bill before the house. The area of legal education is a very important one, and the opposition wishes the new Board of Examiners and the Council of Legal Education all the best in the fulfilment of their duty to ensure that those who embark on the practice of the law do so with a purpose and the ability to uphold the strong standards of legal practice that exist in Victoria, where fundamental rights under the Westminster system and through the public service continue to be observed, upheld and maintained.

Mr SEITZ (Keilor) — I rise to support the Legal Profession Amendment (Education) Bill 2007. The bill is a continuation of the commitment by the government to modernise the legal profession. I commend the Attorney-General and now Deputy Premier. Since he became the Attorney-General he has sought to demystify the whole legal profession and its processes. In many cases this has been about making understandable to the common man what the legal profession is all about.

The profession did operate under a shroud of mystery. When people get their bills the mystery is even bigger — why such high bills? They then want to go to a taxing agent, as it used to be, to assess the costing, and they find out that just having the taxing agent look at the costs claimed by the legal practitioner who supplied the bill will double that bill. Today we know members of the legal profession are required to give an estimated cost for the services they are asked to provide. That is done in writing and is quite clearly set out. People now know what they are up for in charges and costs before they decide to engage a legal professional or to go down a certain road and give instructions. That was a tremendous step forward in the legal profession.

The bill before us today is based on the review Susan Campbell did of education in the legal profession and the recommendations she made to the Attorney-General. There were some 47 recommendations which are either in the process of being implemented or form part of this legislation. This is important. When we first set up the new act for the legal profession, which was not that long ago, a number of people had an interest in being part of the Council of Legal Education and the Board of Examiners. You could never previously change something like that because that jurisdiction was in the hands of the legal profession, which was concerned about the radical changes that might take place.

It is very important that the reforms continue. The member for Sandringham talked about cyberspace, modern technology and globalisation, and it is particularly important that we come to one standard for training of the legal profession in this country. It was not so long ago that if you were registered in Victoria you could not represent a client across the road in New South Wales, especially in the border towns. You had to satisfy the registration requirements of the New South Wales board to be able to legally practise in its jurisdiction. It has always been a mystery to a lot of people. Australia is one country, but they see a lawyer and the lawyer says they cannot deal with their case because the person committed the crime in New South Wales. The lawyer could not act for that person but would have to engage another firm to do the work over there. People assumed that was about trying to build up the costs for them, but that was not the case. The fact is that this is how the system operated.

I hope that, with this education review and the standardisation we will now have with Victoria falling into line by abolishing the articles of clerkship and introducing a legal practice training scheme similar to that in other states, we will unify the training and the acceptance that if you are registered as a lawyer in this

state you are able to continue to represent your client in another state where they have committed a crime and have to front up to a court case, rather than having to engage another legal representative in that state.

It is important that we process that and look at Australia as one country, so that if you are qualified in one state, you will be able to practise in other states. A similar thing applies to the teaching profession, the medical profession, the accounting profession and others. We need to have professional people recognised right across the country. Most of the professions have moved a long way in the direction of having the recognition of their qualifications in other states become a matter of formality so that they can be registered without having to undergo a rigorous examination to meet the requirements of a particular state which previously did not recognise their qualifications. It is similarly the case with overseas lawyers wishing to practise in Australia. We have abolished the requirement for them to be registered if they only practise for 90 days in Victoria or Australia within a 12-month period.

This is particularly relevant when we look at the sorts of legal transactions taking place now. Australia is becoming more of an importing and exporting country, so there are numerous occasions when overseas companies send their legal teams to practise in Australia, negotiating what can be multimillion dollar projects at times — for example, the contracts with China for the supply of gas, iron ore and coal. Those legal teams do not now need to be registered when they are required to represent their overseas companies in Victoria or Australia, so long as they only practise for 90 days in a calendar year. However, it is a good step forward. As we are becoming a more global country our world is shrinking not only as a result of the internet and cyberspace activity but also because of the increase in the transport of commodities and the advent of faster and bigger aeroplanes to move people around the world.

The Council of Legal Education and the Board of Examiners have been in existence for some two years now and it is appropriate to review the situation and see what is needed. As the member for Burwood pointed out, the legislation reduces the numbers of members on the council and the board, and it reduces the quorum for meetings to five members. The bill also changes the representation on the council and board of members from the various sectors from which members can be selected.

Obviously the original legislation has worked quite well. The fact that these are the first amendments sought by the Legal Services Board and the legal services commissioner since the legislation was introduced into Parliament in December 2005 speaks highly of the Parliament and the Attorney-General. These amendments formed part of a report by Professor Susan Campbell. I am pleased to see that both sides of the house are supporting these changes because they will serve only to strengthen the legal fraternity in this state — and I hope also across Australia. They will make legal proceedings more understandable and easier to navigate for the mums and dads today, whether they are buying a house or unit at the Gold Coast or find that it is better to come back to live here in Melbourne. They will not need to have different lawyers operating for them as they exchange titles, or negotiate other aspects of the conveyancing process.

I well recall an instance in the early days in my career here where I witnessed documents in relation to a business transaction in Queensland. I actually witnessed the documents as an MP and assumed that I would be acceptable as a witness for the Queensland system. However, this was not the case and the people had great difficulty with this transaction and nearly lost out on their property purchase in Queensland at the time. Since then we have rectified the issue of who is authorised to sign documents and statutory declarations on behalf of people in this state for acceptance in other jurisdictions. I commend the bill to the house.

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

Mr MORRIS (Mornington) — I welcome the opportunity to make a few observations on the Legal Profession Amendment (Education) Bill 2007. I just make the preliminary observation that as a relatively new member one of the things that has struck me is the number of pieces of legislation that we have going through the Parliament that relate to the legal system in some way, whether it be judicial education or remuneration or, as in this case, legal profession education. As someone who has spent most of their life in, I guess, the real world and away from lawyers unless I could not avoid it, it is interesting to observe the complexity of the arrangements and the amount of time we have to spend on those issues here.

The purpose of the bill is to amend the Legal Profession Act 2004 with respect to the educational and other requirements for admission to the legal profession and, in the view of the government at least, to modernise the statutory bodies that oversee admission to the legal profession in Victoria. Whether we are actually seeking to modernise them is very much in the eye of the beholder. Part 1 is made up of the standard clauses, part 2 seeks to make changes to the education and

admission requirements and part 3 addresses a number of other issues, including inserting a new part 13 in schedule 2. It takes care of the Council of Legal Education, the Board of Examiners and the health assessment requirements.

Once again coming from the standpoint of a non-practitioner, it seems to me that this bill is really more about eligibility and admission requirements than education. Whatever it is really about, most of the provisions of the bill are not a bad thing. As we have been reminded by previous speakers and certainly the legislation that we dealt with yesterday, the world continues to evolve and change and hopefully all our professions, including the legal profession, will continue to evolve and maintain their relevance and ability to serve their clients effectively.

In looking at the detail of the bill, clause 4(1) inserts a new section 2.3.2(1A) into the principal act. It essentially requires applicants for admission to the legal profession, particularly those who have attained their academic qualifications outside Australia, to meet the reasonable costs of accessing their qualifications and training. I must say that the term 'reasonable costs' is always a concern, because one person's view of 'reasonable' is almost inevitably quite different from that of the next person, and the views of 'reasonable costs' of a public body or corporate body and that of an individual are often poles apart. I hope that, while they are quite reasonable, the provisions of the bill, in terms of the practice or the way they are applied, will mean that the Council of Legal Education will cover a reasonable portion of its costs but would not seek to subsidise its other operations by slugging applicants from outside.

Clause 4(2) allows the Board of Examiners, in deciding whether admission should be granted, to consider any disciplinary action that may have been taken in attaining approved academic qualifications. Once again that is not an unreasonable proposition, but there is some concern, and we need to ensure that transparency is maintained. The potential is there for abuse, and it is a matter of making sure that the process is as transparent as it can be in the context of the privacy of the individuals concerned. Clause 4(3) requires educational bodies to produce for inspection any documents held that are relevant to the clause above. Once again, that is not unreasonable. Clause 4(5) provides definitions for approved academic qualifications et cetera and education and training bodies. I have no argument with any of those.

Going to the admission rules, clause 5 inserts the authority for police checks, both within and outside Victoria. Going back to my earlier comments, I guess it is a commentary on our time in history and the fact that we are in the 21st century that these sorts of things are necessary, but necessary they are, and that proposal is certainly worthy of support.

Clause 6 provides the Board of Examiners with the authority to consider the police checks in its process and also to consider a health assessment, which is provided for by clause 7. It is not unreasonable to require such considerations. Essentially the board is allowed to require a mental impairment assessment of the applicant. I guess until now that is something that society as a whole has not considered. Now we know far more about issues in mental health. We know that problems in mental health are far more widespread than was thought, perhaps even only 5 or 10 years ago. In the work that the Drugs and Crime Prevention Committee is doing, particularly with regard to prescription drugs, we keep hearing time and again that you need to acknowledge that there is a problem before you can fix it. So I welcome those clauses.

The only other clause I made a brief comment on is clause 8, which relates to confidentiality. I just make the point that that is an absolutely essential part of this process. The more private details about individuals that come out and need to be assessed, the more we need to be vigilant about the need for confidentiality and the need to respect the privacy of the individual.

The remaining provisions of the bill are, of course, largely mechanical. As I said, I do have some concerns with the reasonable costs provisions in clause 4. There is the potential to go off the rails. Often in responses to freedom of information requests — not so much from government departments but certainly from local councils and so on — we have seen a tendency to gouge the applicant for funds. Hopefully that will not apply in this case. As I said, I also have some concerns about the range of disciplinary issues that might be considered in making a decision to allow entry. All in all, though, those concerns are not enough to cause me to oppose the bill, so I will not be opposing it.

Ms MUNT (Mordialloc) — I am very pleased to rise today to speak in support of the Legal Profession Amendment (Education) Bill 2007. I will go through the technical aspects of the bill and then concentrate on a particular aspect of it where I have some little experience.

I have had the pleasure of rising in this chamber on a number of occasions to speak on bills that have been put forward by the Attorney-General on a range of issues. It has usually been reformist legislation and

usually supportive of women and rights and general common sense. This is another piece of legislation firmly in that mould. I congratulate the Attorney-General for all his work in this area. As the member for Mornington said, a large number of bills come before the house in the legal area, and it is a credit to the Attorney-General.

The technical aspects of the bill are that it continues the government's commitment to modernising the legal profession. It deals with legal competencies and fairness. It implements some of the key recommendations of the review of legal education undertaken by Professor Sue Campbell last year. The Campbell report reviewed legal education services offered in Victoria and was widely applauded by the legal profession. Its purpose was to ensure Victorian legal practitioners at all stages in their careers are equipped with the appropriate level of knowledge and skills to support effective legal practice.

The 47 reforms recommended by Professor Campbell have either been or are in the process of being implemented. Many reforms, including the replacement of articles of clerkship with a 12-month professional traineeship, are being implemented through changes to the Legal Practice (Admission) Rules 1999. It is that particular aspect of the bill that I will concentrate on briefly and expand. The amendments in the bill give effect to the recommendations that require legislative amendment. They are primarily to modernise the two bodies that oversee admission to legal practice, namely, the Council of Legal Education and the Board of Examiners — the council and the board.

With this bill the Brumby government is modernising the legal profession for the 21st century. I have been reading an article by Professor Sandford Clark, who is a special counsel with Blake Dawson Waldron and a member of the Council of Legal Education's rules revision committee and chair of the Law Admissions Consultative Committee. He talks about the replacement of articles with a 12-month professional traineeship. I would like to quote a few parts from his article and concentrate on them. It states:

> For more than 30 years, practical legal training (PLT) courses have been offering postgraduate, pre-admission training for entry-level lawyers in Australia.
>
> In Victoria, the trend began with a six-month PLT course offered by the Leo Cussen Institute as an alternative to articles.

I well remember that my brother-in-law, back then, when he graduated from Monash University was one of the first to do the Leo Cussen course. He found it very helpful indeed. Many students who for one reason or another were not offered articles at the time went through Leo Cussen. Now, as well as Leo Cussen, the College of Law and Monash University are authorised by the Council of Legal Education as PLT providers. I return to the article:

> From 1 July 2008, Victoria will replace articles with a similar model.
>
> The new arrangements fundamentally recharacterise the old relationship of principal and clerk …

The new PLT competencies will set out that:

> … each student must be instructed in the practice areas of civil litigation, commercial and corporate practice, and property practice, plus two further optional practice areas.
>
> Each of these topics is divided into discrete elements and key performance indicators are specified with each element.
>
> The PLT competencies are kept under review by the Law Admissions Consultative Committee.

I would like to talk about that a little bit more from the perspective of the law student. My son was recently admitted to the Supreme Court of Victoria — —

Mr Robinson — That's fantastic!

Ms MUNT — Yes, I was a very proud mother down at the Supreme Court watching my son being admitted. I watched as he and his contemporaries went through university — a long, five-year course — and through the whole process of clerkships and internships. It was keenly sought after and very hard to then get an articled clerkship with a law firm. It was quite a process.

Once you go through that entire process and are successful in getting an articled clerkship, the quality of those clerkships can differ. Many law firms and lawyers are very good with their articled clerks and give them generalised experience and good grounding in all areas of law, but sometimes that is not the case. For young graduate students who go into law firms and start their clerkship to then not have a thorough professional grounding in all elements of the law during that year can be problematic. The move to replace articles with the PLT training module is a step forward.

It guarantees that students who study hard and go through all the rigours graduate and go into work and are then given a good grounding in many areas of the law before they go on to be fully fledged lawyers and are admitted to the Supreme Court. That of course is good for the students, but it is also good for the clients who come to these fledgling lawyers for expert advice, representation and help if they have had a proper grounding in all areas of legal practice. As I said, I congratulate the Attorney-General for putting this in

place. It is eminently sensible and helpful not only to the students and the clients but perhaps also to the law firms, because they can be confident that these newly admitted lawyers are competent in different areas of the law.

I support the bill. I am sure my son, as a newly admitted lawyer, would also support the bill. I tried to call him quickly before I spoke so that I could ask him if he did, but he was too busy being a lawyer to take my call — —

Dr Napthine — He would have charged you by the hour!

Ms MUNT — He probably would charge me by the hour, that is absolutely correct — if he is a good lawyer! Perhaps how to charge will be one of the competencies that is put into this PLT training module.

I am sure the bill will be widely supported within the legal community. I support this piece of legislation and commend it to the house.

Mr HULLS (Attorney-General) — I thank all members for their contributions on this very important bill. As we know, the legislation implements some of the key recommendations of the review of legal education undertaken by Professor Sue Campbell last year. I want to take this opportunity to thank Professor Campbell for the excellent work she did on that review. She consulted very widely, and I think by and large her recommendations have been widely accepted by all stakeholders.

A couple of issues were raised for clarification by the member for Box Hill and others, which I will address. The bill allows the Board of Examiners to gather additional information about applicants in considering their admission to practise, including their conduct while in tertiary education. I know this issue was raised by the member for Box Hill, and other members have asked if this includes disciplinary action at university which could have been taken by a students representative council and could simply have related to political activity. The bill refers to disciplinary action, however described, arising out of a person's conduct in attaining approved academic qualifications or in completing approved practical legal training. The disciplinary action must actually arise out of a person's conduct in attaining that qualification.

The bill allows the council — this is another issue that was raised — to require an overseas applicant seeking admission to practise in Victoria to pay the reasonable costs of assessing the application. The opposition suggested that this is unclear and could mean that the council could charge ridiculous fees and the like. The council actually requested flexibility in relation to this matter. The degree of work required to be undertaken by the council depends on the overseas jurisdiction involved, so there is some degree of flexibility in relation to that aspect.

I notice that the shadow Attorney-General raised some issues — to be frank, I am not too sure what his point was — in relation to the articled clerks course that was undertaken both by me and by the Leader of The Nationals. I can simply tell him that it was a great course that gave an enormous amount of practical experience to those who undertook it. Some of these reforms address the nature of the articles that have been undertaken in the past. I do not know what sort of articled clerkship the shadow Attorney-General had.

My experience is that I was very lucky to do articles with my father's firm — Frank C. Hulls and Co. — and to have an enormous amount of practical training. I know of people who have done articles who have ended up having a very close relationship with their principal's drycleaner. Some also ended up having a pretty close love affair with a photocopying machine, because basically that was really the only training they had as articled clerks. I was certainly very lucky. I gained a wealth of experience from both the articled clerks course and the articles I did with Frank C. Hulls and Co.

As the shadow Attorney-General would know, many great lawyers came through that articled clerks course. As a result of doing that course I had a very fulfilling legal career working for legal aid in Victoria for some years in both the Glenroy and Frankston offices before opening up my own practice in Mount Isa in North Queensland and being retained by the West Queensland Aboriginal and Torres Strait Islander Legal Services, which was just an amazing experience. I think I was well prepared for that job because of the nature of the very practical legal course I had done. I hope that in making those comments the shadow Attorney-General was not casting any aspersions on that articled clerks course, because it was a great course.

It is important that any young lawyer who wants to practise law gets the appropriate skills and training. I think the reforms that are being implemented in this bill will ensure that appropriate standards of training are achieved by lawyers before they finally get admitted. I welcome the support of all members in this house for this bill. I trust I have addressed the issues that members have raised and sought clarification on, and I certainly wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

GRAIN HANDLING AND STORAGE AMENDMENT BILL

Second reading

Debate resumed from 18 July; motion of Mr HELPER (Minister for Agriculture).

Dr NAPTHINE (South-West Coast) — I rise to speak on the Grain Handling and Storage Amendment Bill, which is another step in the deregulation of the grain industry in Victoria. The origin of the bill before the house is the Grain Handling and Storage Act 1995, which provided a legal framework for the privatisation of the Grain Elevators Board of Victoria. It also put in place a regulatory regime, overseen by the then Office of the Regulator-General, to protect the interests of and ensure there was fair play for grain producers, grain handlers and exporters in a deregulated and more competitive environment. That act was amended by the Grain Handling and Storage Amendment Bill in 2003, and the bill before us today is the next step in deregulation and increased competition.

Fundamentally the Liberal Party supports this step and this legislation, but what we say is that it does not go far enough. I think there is an opportunity to completely deregulate grain handling and storage in Victoria. The bill of 2003 provided a regulatory framework for grain handling and storage in the ports of Geelong and Portland but excluded the port of Melbourne. This legislation says there will be an extension of that minimalist regulation to the port of Melbourne, as well as retaining it for the ports of Geelong and Portland. What people are now saying, whether it be the Victorian Farmers Federation or the grain handling community, is that there is sufficient competition in the marketplace to completely deregulate this industry. But they also comment that, if you are not going to deregulate the industry completely, then at least there ought be a level playing field for the three ports, hence the support for including the port of Melbourne in the same process that applies to the ports of Geelong and Portland.

This is seen as an interim step. As I said, we have seen the original legislation in 1995, the 2003 amending bill and now the 2007 amending bill, and we need to take the next step. This process has been guided by a series of reports by the Essential Services Commission, and I will quote from the latest report shortly. Later on I will also refer to the earlier report. It is important in this context to say that in general the privatisation and deregulation of and the increased competition in this area have been an enormous success.

I hark back to 1995, when the original bill for the privatisation of the Grain Elevators Board was before the house. The then member for Morwell, the Honourable Keith Hamilton, said it would be the end of the world as we knew it. Many Labor members were scared of privatisation and deregulation. They thought it would be harmful to the grain industry, harmful to Victorian farmers and harmful to our ports. But some 12 years later the record shows that the privatisation of the ports of Geelong and Portland have been an enormous success in boosting trade, boosting competition and delivering benefits to the Victorian and Australian community. Privatisation, and the increased competition in the grain handling and export business, has been good for farmers, good for the community and good for the Victorian economy. It has been a winner.

As I said when I spoke on the 2003 bill, I am looking forward to the day when Labor members of this house stand up and say they were wrong in 1995, they were wrong in their negative comments on privatisation of the ports and they were wrong in their negative comments on privatisation of the Grain Elevators Board and that the regime put in place by the former Liberal-National coalition government for this industry and the ports has been a success — it has been the right regime for the industry and the right regime for Victoria. I am looking forward to the day when Labor members stand up and say ‘Congratulations’ to Alan Stockdale and ‘Congratulations’ to Jeff Kennett for what they did to improve the operation of the grain industry in this state. I will not hold my breath waiting for the day, but I hope they do.

The fact of the matter is that the proof of the pudding is in the eating, and the proof is that the Labor government is continuing down the same path of deregulation and increased competition. You cannot get any greater expression of support for the process initiated by Jeff Kennett and Alan Stockdale than the Labor Party saying, ‘Yes, you were right. Yes, we agree with you, because even though we protested in the mid-1990s we now know that what you did is working and that it was for the good of Victoria, and we are

continuing that same process'. Having made those remarks, let me go to some of the issues about the bill.

I refer to page 10 of the *Grain Handling Regime Review — Final Report* of June 2006 by the essential services commissioner, and I want to quote a couple of paragraphs to set the scene of what this is all about. It says:

> The GHSA —

the Grain Handling and Storage Act —

> establishes an access regime applying to the GrainCorp terminals at the ports of Portland and Geelong. Access regulation extends to the prescribed services of moving, inspecting, testing, stock control (including marshalling, storing and management), weighing, elevating and loading grain insofar as these services facilitate the export shipping through these two ports.
>
> Between 1996 and 2003, scheduled prices charged at the two terminals were subject to regulatory approval under the GHSA. However, following a major review of regulation of export grain handling terminals conducted by the commission in 2002 and resulting in amendments to the GHSA, the commission's role has, since October 2003, been confined to the resolution of access disputes.
>
> The grain terminal at the port of Melbourne, which was constructed after the regulatory regime was put in place, is not subject to either price or access regulation.

That is the background. Now we have the situation that this bill adds the port of Melbourne to that regime. I want to refer back to the speech I gave on the 2003 bill. I said:

> I have a comment to make about the fact that the legislation applies only to the ports of Portland and Geelong and not to the Melbourne port terminal.

I then quoted the Victorian Farmers Federation:

> VFF grains group position has always been that regulation should not only remain but should be extended to include the Melbourne port terminal.

I further said in my speech:

> When we asked during the briefings why the Melbourne port terminal was not included we were told it was because it was not in competition directly with the ports of Portland and Geelong. That is not true; it is very much not true.

That is what I said then, and I went on to argue quite vociferously that the port of Melbourne was in competition with Portland and Geelong and should have been included in the regime in 2003. I said:

> The government has introduced legislation that ties the hands of the ports of Geelong and Portland with this regulatory regime but does not cover the MPT —

Melbourne port terminal —

> or the port of Melbourne. It advantages its own against the private operators in Portland and Geelong.
>
> I agree with the VFF; it should be one in, all in … It makes me wonder whether this government, with its socialist tendencies still in the background, cannot help wanting to advantage its port of Melbourne against the privately owned ports of Geelong and Portland.

And I called for that to be addressed. So back in 2003 the Liberal Party and I were saying that the port of Melbourne should have been included, that that was the fair and reasonable thing to do. At the time the Labor Party opposed that. It said Melbourne port should not be included, but four years later it has once again come to accept the Liberal Party position. I welcome the fact that the Labor Party has accepted the Liberal Party position on the success of deregulation, privatisation and increased competition.

It has now accepted the position we put in 2003: that the port of Melbourne should be treated the same as the ports of Geelong and Portland. It has just taken it a long, long time to get it right. May I suggest that the next step it needs to take is to complete deregulation of this whole process. I can just about guarantee that between now and 2010, if the Minister for Agriculture is up to the mark and his parliamentary secretary is up to the mark, they will be back here with legislation completely deregulating this.

Let me refer back to the *Grain Handling Regime Review — Final Report* that I quoted from before. In the executive summary it says:

> Under the Grain Handling and Storage Act 1995 (GHSA), the Essential Services Commission (commission) is responsible for the economic regulation of prescribed services at the export grain terminals at the ports of Portland and Geelong. Its regulatory role is largely confined to resolving access disputes between access seekers and the service provider. Section 23(1) of the GHSA requires that the commission conduct and complete an inquiry as to whether or not Victorian export grain terminals are 'significant infrastructure facilities'. The commission is to make recommendations to the minister administering the Essential Services Act 2001 as to whether each of the Victorian export grain terminals should be regulated.

It says further:

> The industry is in transition as grain marketing arrangements are progressively deregulated. To the extent that there may be further deregulation of grain marketing arrangements, which is currently an open question, there may be significant implications for the benefit-cost assessment of the export terminal access regime. There is also a case for exercising some caution in the context of the significant degree of change in the industry.

> However, the Commission is not persuaded that, at the present time, the risk of misuse of market power directed towards the minor marketers is sufficient to warrant the continuation of access regulation over a five-year term.

It goes on further:

> The commission therefore:
>
> > recommends a further review in two years time …
> >
> > recommends in the interim that the commission have a monitoring role which will apply equally to all three terminals

It recommends that a formal review be scheduled for no later than 30 June 2008 and finishes as follows:

> During this two-year period the commission proposes that the government abolish licence fees for export grain handling facilities, and the commission will replace the requirement to provide audited regulatory accounts to the commission with the less intrusive requirement that the access-provider maintain the ability to produce regulatory accounts.

The clear situation is that the commission is saying we need to move further towards deregulation but that in the interim at least all three ports should be considered equally and a further report should be done later on. That is the summary of the report, which leads us to the bill before the house. The main purpose of the bill before the house, as described in the bill itself, is to regulate handling and storage services for grain to be exported from the port of Melbourne. That is why we have it.

What I would now like to do is refer to some comments from GrainCorp, one of the major exporters, so we can have comment from the exporters on this process. GrainCorp sent an email to my colleague John Vogels in the other place which states:

> GrainCorp participated in the ESC inquiry last year and acknowledged their recommendation which has led to the GHSA Amendment Bill. GrainCorp's views and background information are outlined in our submission made to ESC last year.
>
> In summary our views on the bill are:
>
> 1. GrainCorp believes that the regulation in Victoria of export grain terminals should be removed given the emergence of significant port competition since the legislation was put in place (between Port of Melbourne and Port of Adelaide in relation to the privatised Geelong and Portland terminals) and increased competition for grain from the domestic market over the past five years.
>
> 2. However as part of transition process we do not object to the bill as it will create a legislative level playing field between port operators and reduce ESC direct involvement and additional costs in this business — while providing the industry port access for export grain.

In its submission to the Essential Services Commission (ESC) GrainCorp said:

> GrainCorp believes that it is very important that regulation of the Australian agricultural industry allows parties to compete on a level playing field. In addition, GrainCorp believes that great care should be taken in regulating export facilities so that distortions are not created which discourage investment and which create inefficiencies. In particular, GrainCorp wishes to highlight the change in focus and approach to national export infrastructure regulation over the last few years, with the greater experience of various regulatory regimes. GrainCorp believes the continuation of the current Victorian grain regulatory regime would lead to inefficiencies, inconsistent regulatory approaches between regulators and contribute to market distortions between the states.

It is pretty clear where the industry is heading on these issues and that there is a need for further deregulation. As I said, GrainCorp and other people we have consulted, whether it be the Victorian Farmers Federation (VFF) or other grain handlers and the farming community, are saying 'We should move as fast as we can to further deregulation, but we accept this legislation in the interim which at least puts the port of Melbourne, port of Geelong and port of Portland on the same regime'.

It needs to be put in the context of the grain crop we have in Victoria. We are all hoping that this year's grain crop will not only return to normal but will be a bumper crop. The start to the season has been very good, and the prospects look promising. What we need are some good rains in the rest of August and during September and October in our grain-growing areas to produce the sort of crop our farmers need after some pretty devastating years under drought conditions.

I refer to the *Australian Crop Report* of 19 June 2007. With respect to Victoria it says:

> The area sown to winter crops in Victoria is forecast to increase by 8 per cent in 2007–08, to just below 3 million hectares. Assuming average yields, total winter crop production in 2007–08 is forecast to reach around 6.3 million tonnes, almost 5 million tonnes more than was produced in the previous season.

Further on the report says:

> … wheat production is forecast to exceed 3.1 million tonnes, a significant increase from the 650 000 tonnes produced in the 2006–07 drought year.

With respect to barley, the report continues:

> Production is forecast to exceed 2 million tonnes, almost four times what was produced last season …

It goes on to say:

> Canola production in Victoria is estimated to be over 380 000 tonnes in 2007–08, a significant increase from the 42 000 tonnes produced last year.

As I said, we are all praying for sufficient rains in the latter half of this year so that those crop predictions can be exceeded. But the real question is: if we do get the sort of crops we need, what sort of things do we need in our grain handling and storage facilities to be able to deliver on that?

I quote again from the email that GrainCorp sent to Mr Vogels:

> On another matter we wish to bring to John Vogels MP attention, as shadow Minister for Agriculture, is the perilous state of rail capability to handle the movement of grain in Victoria. Victoria will face two major issues which will adversely impact the movement of export grain for growers by rail, namely:
>
> 1. Lack of rail resources to handle the expected crop, and
>
> 2. The 200 per cent increase in rail access fees by the Vic government — which will increase rail rates by $5 per tonne on average and encourage increased grain volumes to move by road.

These are very serious issues. Under the Labor government the rail system in Victoria has deteriorated significantly. Rail is in poor condition. There is a lack of resources to handle a significant grain crop; the rail tracks are in poor condition; and there has been a lack of investment in rail despite promises by the government — they simply have not been delivered. To put it into context: in 2002, 85 per cent to 90 per cent of our grain was transported to ports by rail; in 2006 it was 70 per cent; and in 2007 it is expected by GrainCorp to be only 60 per cent. We are putting more trucks on the road and putting less grain on rail.

To illustrate how that relates to this legislation, I refer to the *Review of Export Grain Handling Regulation — Final Report*, which is an earlier report from the Essential Services Commission on this very issue. At page 11 it says:

> This report identifies several other developments that are impacting on the competitive dynamics of the industry, and are expected to enhance competition over the next few years …

It goes on to say that one of those is:

> Rail gauge standardisation which will largely integrate the catchment areas of the competing port terminals.

On page 63 the report goes on to say:

> The Department of Infrastructure has informed the commission that the first stage of track conversion, on the Mildura line, has been scheduled for early 2003.

The Essential Services Commission is fundamentally saying in this report that rail standardisation is an absolutely integral part of a competitive environment so that all three Victorian ports can have access to grain from all over Victoria. Then you do not have some grain terminals only serviced by broad-gauge lines, some only serviced by standard-gauge lines and some serviced by both, which means that producers and exporters are unable to make proper competitive choices.

In 2003 the Essential Services Commission made it very clear that rail standardisation was an integral part of this total process of improving competition in our grain handling industry, which this bill is about. Indeed the Essential Services Commission said that if you had increased competition there would be less need for regulation and that rail standardisation was vital to increase competition between grain handlers and ports.

But what is the situation with rail standardisation in Victoria? If we go back to May 2001, we find that the member for Ripon asked a question of the then Minister for State and Regional Development about rail standardisation — and he would remember asking that question. The then Minister for State and Regional Development, who is now the Premier, responded in these terms:

> … a key initiative in the budget brought down in this house two weeks ago —

I remind members this was in 2001 —

> was the provision of $96 million over the next few years for the regional freight links program to provide standardisation of the rail freight gauge right across Victoria, but particularly linking Mildura with Portland.

This was said by the Minister for State and Regional Development, who is now the Premier of the state. He went on to say:

> Those on the other side could never find the funding and could never get the budget decision to support it, but the Bracks government did in its second budget.

He further said:

> … if we accept the views of the managing director of the port of Portland, Mr Peter Davie, this decision is worth tens of millions of dollars to the Portland economy. So this is a great initiative never achieved in seven years under the Kennett government. It took just two budgets under the Bracks government.

That is what he proudly boasted about in May 2001. Here we are, six and a half years later, and not 1 kilometre — not 1 metre — of that track to Mildura has been converted to standard gauge. Six and a half

years later, it remains an absolutely broken promise. The person who is now the Premier of the state was saying that the other side could not do it but that he did it in his second budget. He was boasting that the Labor Party had done it in two years. Now, six and a half years on, we know what sort of boast that was: it was absolute and utter rubbish, absolute and utter nonsense and absolute and utter hot air. Six and a half years later the then Treasurer and Minister for State and Regional Development, now the Premier, has simply not delivered on that commitment.

An article in the *Weekly Times* of 23 April 2003 states:

> In the 2001 budget Treasurer John Brumby promised $96 million would be spent over four years to upgrade and convert 2000 km of dilapidated broad-gauge rail network into standardised gauge used across the rest of the nation.
>
> Work on this project was meant to start last June but was put off until February.
>
> Now the government says it has no firm start date.

We know we have no firm start date, because six and a half years later we still have not started. On the same day an article in the *Weekly Times* by Peter Hunt says:

> The Victorian Farmers Federation has branded the state government's failure to deliver on a $96 million rail promise as a missed opportunity.
>
> …
>
> … 'We are certainly disappointed in the government for not getting on with the job'.

I have no doubt that the government, the VFF, the grain handlers and everybody else are very disappointed that this government has not got on with the job and that it misled the people with its promise. It boasted it would get on and do it within two years, and six and a half years later not 1 metre of track has been laid.

In October 2002 Minister Brumby was asked in a question on notice what the top priority projects were for the $96 million rail standardisation program. The answer he gave was:

> The top priority is to provide standard-gauge access to the ports of Portland and Geelong … This will enable grain, mineral sands and general freight to compete with road in accessing all three ports and interstate markets and from the productive north-west of the state.

It would be able to do that, if the government had delivered it. If the Premier had delivered what he promised in 2001, we would have a much better system. We would have a rail system that was worthy of the 21st century — in other words, we would have a standardised rail system, overcoming 100 years of discrepancy between broad and standard-gauge rail. The port of Portland would be in a position to compete with the port of Geelong and the port of Melbourne, and we would have a much better outcome for the economy of the state and for our grain growers and grain handlers.

I want to refer to the port of Portland land use strategy of May 2007, which states:

> The part standardisation of the Victorian rail network has a significant impact on the use of rail in this region. The increased use of rail for the transport of goods to the port could significantly reduce the number of additional heavy vehicles on the road network. In addition, rail freight is a vital part of the transport task, and the existing rail network must be maintained and improved to prevent the shift of transport onto the road network. The following matters therefore require attention.
>
> Connection to the port by rail is through the Portland/Ararat rail line and its extension to Maryborough. The rail line from Maryborough to Portland is standardised, as is the rail line into the Wimmera/southern Mallee area through Horsham. Importantly the Mildura to Geelong line is not standardised and consequently significant volumes of grain, and possibly mineral sands … are therefore not able to be conveniently transported to Portland by rail.
>
> Apart from the importance of the standardisation of key rail lines, the existing rail connections … need to be maintained to a high standard to be able to attract the freight task from road to rail.

It highlights the need for the upgrading and standardisation of our lines.

An essential component of this whole legislation is about increasing competition and increasing efficiency in our grain handling business. Part of that is the legislation we have before us. The next step, which is absolutely essential, is to move to a completely deregulated environment. In the interim we accept that at least we ought to have a level playing field between the ports of Melbourne, Geelong and Portland.

But the other component of that is to have an efficient system to bring the grains to the ports to facilitate proper and fair competition, and an integral component of that is the standardisation of our rail system. The government promised it in May 2001 — but it has failed to deliver.

The newly appointed Premier, John Brumby, promised to be decisive and more involved in delivering major projects. Here is a challenge for him. In May 2001 he announced that he would standardise the rail system in western Victoria, particularly the rail line from Mildura through to Portland. If he is to be decisive and committed to major projects, that should be the first cab off the rank. Let him announce now and let the Minister for Agriculture in summing up on this bill announce

when work on that project, announced six and a half years ago, will actually commence. When will standardisation start? When will it be finished? And why has the government not got on with its six-and-a-half-year-old broken promise?

Sitting suspended 1.01 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the Leader of the Opposition for questions, I would like to welcome in the gallery today the Consul General of Indonesia, His Excellency Burdiaman Bahar.

QUESTIONS WITHOUT NOTICE

Police Association: pre-election agreement

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the fact that the Premier's personal intervention as Treasurer to stop the chief commissioner from agreeing to an industrial settlement with the police union — —

Honourable members interjecting.

The SPEAKER — Order! I will not have that level of interjection from government members, and I will not be warning people today.

Mr BAILLIEU — I will start again. I refer to the fact that the Premier's personal intervention as Treasurer to stop the chief commissioner from agreeing to an industrial settlement with the police union has today led to extraordinary industrial action by the police, and I ask: does the Premier accept responsibility for any threat to public safety arising from this ongoing debacle?

Mr BRUMBY (Premier) — The Leader of the Opposition asked a similar question yesterday, and I answered that question yesterday. The government has a wages policy, and that wages policy is well known. I described that policy yesterday. The police command and the police union are negotiating for a future enterprise bargaining agreement. They are negotiating in exactly the same way as anyone else in the private sector or the commonwealth public service or state public service might negotiate — that is, the employer has a position and the employees have a position. They are negotiating that through. They will continue to negotiate, and at the end of the day we will achieve an agreement between the police command and the police union which will best reflect the interests of the state.

Water: food bowl modernisation project

Ms DUNCAN (Macedon) — My question is to the Premier. Will the Premier outline to the house the wide-ranging support for modernising irrigation infrastructure — —

Mr Haermeyer interjected.

The SPEAKER — Order! The member for Kororoit! I will not tolerate interjections of that nature while members are on their feet asking a question.

Ms DUNCAN — My question is to the Premier. Will the Premier outline to the house the wide-ranging support for modernising irrigation infrastructure through the food bowl project?

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast! The Premier is on his feet to answer this question, and he will be heard in silence.

Mr BRUMBY (Premier) — As members of the house know, the government is proposing to invest $900 million — $600 million from the budget and $300 million from Melbourne Water, in addition to $100 million from Goulburn-Murray Water — into what will be the biggest upgrade of the Goulburn irrigation system since its inception 80 years ago.

Earlier today I met with the chairman of the Food Bowl Alliance, John Corboy, and the chair of the Northern Victorian Irrigators. They visited Melbourne to tell me of the strong support of their organisations and others for this proposal.

Honourable members interjecting.

The SPEAKER — Order!

Mr Pandazopoulos interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under the standing orders I ask the member for Dandenong to leave the chamber for 30 minutes.

Honourable member for Dandenong withdrew from chamber.

Questions resumed.

Mr BRUMBY (Premier) — As I said the other day, there are many community and business leaders who have strongly supported this project. I mentioned the meeting this morning with John Corboy and the Northern Victorian Irrigators. There are other groups as well. The Sunraysia Irrigators Council has written to the government strongly supporting the project. Fruit Growers Victoria has written to the government strongly supporting the project. The managing director of SPC Ardmona has strongly supported the project. Richard Pratt, who has had a longstanding interest in — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass and the member for Hastings each have a clear decision to make today: they either abide by my ruling that there is an excessive level of interjection and that I will not stand for it, or they will leave the chamber.

Mr BRUMBY — Just before question time the Minister for Water and I met with the committee organising the rally that occurred at the front of Parliament House today. We met with Andrew Leahy and members of his committee, and we listened to the views that they presented to us.

I am a very strong believer in this project. I made that very clear in the Parliament yesterday. I believe this is a project which will see an unprecedented level of investment in that region, a region which has not seen this investment for the best part of 80 years. It is an investment which will secure the future of that region and also provide 75 gigalitres of water to Melbourne.

I have been made aware of more recent support for this project. I received a letter recently — it was actually addressed to the former Premier — and I will just read a couple of paragraphs of it to the house. The letter says:

> Dear Premier,
>
> …
>
> In 2002 I conducted a study tour of the irrigation industry in California …
>
> Because the Colorado River was fully committed and all other resources had been utilised the course of action taken by the city of Los Angeles was to offer substantial funding for the upgrade of the irrigation infrastructure in two irrigation districts.
>
> The Imperial Valley irrigation district and the San Joaquin irrigation district in southern and central California both required a substantial upgrade of their infrastructure. These projects were successfully completed, with both irrigation districts enjoying the benefit of the introduction of state-of-the-art infrastructure which provided substantial water savings.
>
> A percentage of these savings was directed to the city of Los Angeles as payment for their funding of these projects.

The author concluded:

> The similarity of needs for the city of Melbourne and the city of Los Angeles led me to believe that a similar project could well be undertaken in the Goulburn irrigation district in Victoria, with the majority of funding coming from the city of Melbourne.
>
> On this basis I support the project and am fully prepared to work towards its successful implementation.
>
> …
>
> Yours sincerely,
>
> Tony Plowman

Tony Plowman is a former shadow Minister for Water in the Liberal Party. He is a prominent Liberal Party politician. He is regarded by many as having the best knowledge of water issues of just about anybody in this state.

Honourable members interjecting.

Mr BRUMBY — My attention has been drawn to an endorsement of this person by a former leader of the Liberal Party in a keynote address to the Liberal Party state conference in 2003. He described Tony Plowman as ‘a man who knows more about the crucial issue of water than any parliamentarian’. We welcome the endorsement of this project by Mr Plowman.

But he is like many other Victorians. He is grappling with the same issue that we all grapple with and that we grapple with as a government. We have the basin of the Darling and the Murray which is fully committed. How do we create new water? We create new water by using it more efficiently and more effectively. How do we do that? We do that by investing in modern infrastructure, infrastructure which is as modern today as it was 80 years ago when this scheme was first built.

This is a good project. It is about securing the future of the region, the needs of Melbourne and the needs of the environment. It is win, win, win. There are many people, many groups, many community leaders and many businesspeople who are on side and support this project. Obviously the government intends to proceed with this project and to implement it in the best interests of the people of northern Victoria and the people of Melbourne.

Water: north–south pipeline

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the Premier's comment in question time on Tuesday in relation to the north–south pipeline:

> The leading citizens and investors of northern Victoria strongly support this proposal.

I also refer to the chorus of opposition to the proposal, including the 1000-plus crowd which today protested on the steps of Parliament; the 14 000-plus people from the Goulburn Valley who have signed a petition against the initiative — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals is due some courtesy and respect from this chamber in order to have his question heard in silence, and I expect the answer to be heard in silence.

Mr RYAN — I refer to the Premier's comment in question time on Tuesday in relation to the north–south pipeline:

> The leading citizens and investors of northern Victoria strongly support this proposal.

I also refer to the chorus of opposition to the proposal, including the 1000-plus crowd which today protested on the steps of Parliament; the 14 000-plus people from the Goulburn Valley who have signed a petition against the initiative; the Victorian Farmers Federation and its president, Simon Ramsay, whom the Premier has just met; the mayor of Moira shire, Frank Malcolm, who has had the courage to speak out; the mayor of the Rural City of Swan Hill, Gary Norton; and a multitude of other people, and I ask: will the government now listen to the true leading citizens and investors of the Goulburn Valley and abandon this folly, which threatens the future of so many northern Victorian communities?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. As I indicated in answer to an earlier question, the Minister for Water and I just met with the representatives of the people who organised the rally. While I obviously listen to those who support the project, I also make the time to listen to those who do not support the project.

I just want to go to the essence of the Leader of The Nationals' question. I have taken great pride, and I believe all members of our government have taken great pride, in the fact that we have taken community cabinets to 70 council regions across country Victoria. To suggest, as the Leader of The Nationals implies, that we do not listen to country Victorians is just not true, and the facts show that that is not true. We have taken community cabinets out to 70 meetings.

Mr Ryan — Spare me!

Mr BRUMBY — The Leader of The Nationals says, 'Spare me'. Just for the record, the Leader of The Nationals was part of a coalition which described, in that abysmal way, the people of country Victoria as toenails. Let us get the record right.

Honourable members interjecting.

The SPEAKER — Order! I have anticipated the point of order. The Premier should ignore interjections, because interjections are disorderly. The Premier should not use an interjection to then debate the question. I bring the Premier back to the question.

Mrs Shardey interjected.

The SPEAKER — Order! Comments across the chamber from the member for Caulfield do not help in the smooth running of question time. I ask her in particular to desist.

Mr BRUMBY — As I made clear in my previous answer, many business people and many community leaders strongly support this project, and they are entitled to express that view.

I just want to make a broader point about this project. I remember back in the 1990s as the opposition leader when the now member for Swan Hill and Deputy Leader of The Nationals was the president of the Victorian Farmers Federation. One of the things that the then president of the VFF did for me as opposition leader was to take me on a tour of irrigation systems in northern Victoria, and I learnt a great deal from that.

The then president of the VFF took me to farms in the Boort area that were growing tomatoes to show me how they were using 10 per cent of the water that they had used in the past. He also took me to some of the irrigation systems. I remember particularly Woorinen amongst others that were built in the Great Depression and that were eroded, were leaking and were wasting water. He made the point very powerfully to me about the benefits, the savings and the new water that could be created by investing in infrastructure. I want to thank the Deputy Leader of The Nationals for the solid grounding and knowledge that he gave me in water policy and water issues.

Mr Ryan — On a point of order, Speaker, the Premier is debating the issue. While the history lesson is interesting, it is a pity that the Premier has learnt nothing from it. He has been asked a question, and I ask you to have him return to answering it.

The SPEAKER — Order! I uphold the point of order and bring the Premier back to answering the question.

Mr BRUMBY — It is important to bear in mind, as you look around Victoria and as you look around Australia, that there is now a multitude of examples of places where investment has occurred to replace irrigation infrastructure and significant water savings have been produced.

We believe this is a good project. The Nationals, for their part, as I have quoted in this Parliament before, have never had an objection to savings being sent south. It was in their policy at the last election, provided those were savings generated from investment in water infrastructure, and that is what this project is all about. I would hope that The Nationals — I have said this before — and the Liberal Party would take the longer term view about what is needed in this region to secure its future for decades to come, and I would hope they would make some constructive suggestions about the best way to deliver this project.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the member for Ballarat West I welcome also to the gallery today a former member of the Legislative Council, Helen Buckingham.

Questions resumed.

Economy: performance

Ms OVERINGTON (Ballarat West) — My question is also directed to the Premier. I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier update the house on any recently released economic data that demonstrates that the government is delivering on that commitment?

Mr BRUMBY (Premier) — I thank the honourable member for her question. I am delighted to inform the house that this morning the ABS (Australian Bureau of Statistics) released the results of the Labour Force, Australia survey for July. I am delighted to inform the house that the unemployment rate for Victoria is 4.4 per cent. That is the lowest unemployment rate since December 1989. I think it most pleasing for our state. The unemployment rate always moves around depending upon what the participation rate is. The most pleasing thing is that we have generated 13 400 new jobs in July, which means 53 900 new jobs for the seven months of this year for Victoria. I am delighted to advise the house that this is the highest number of new jobs generated in any state in Australia.

Participation rates are now 2.2 percentage points above where they were when we came to government. Access Economics noted recently in its June quarter release that Victoria has done impressively well in keeping participation rates high.

I note, too, other elements. If you looked at the article about the take-up of new properties in the 'Business day' section of the *Age* today, you will see that the Melbourne central business district has the strongest take-up of properties anywhere in Australia. Our population growth in the last year was 1.5 per cent, which is the fastest growth since 1972 — the fastest growth in 35 years. Building approvals over the last year were $17.8 billion, which is the highest of any state in Australia. Our economy is strong. We are not a resource state, yet our economy is strong because we have the mix: investment in skills, investment in infrastructure, competitive tax arrangements and competitive WorkCover arrangements. We have all those things right, building a very attractive state with a strong economy.

Obviously maintaining that job growth and that unemployment rate will be a major challenge in the future with what is the ninth consecutive interest rate increase. We have seen five increases since 2004, when the Prime Minister promised that he would keep interest rates low. Yesterday's increase will bite. There is no doubt that it will slow economic growth across Australia and that it will hit working families.

Members may have seen the comments in today's *Age* by Saul Eslake, the chief economist at the ANZ bank. Talking about this he said that the interest rate rise is a direct result of the irresponsible economic management of the federal government.

Mr Ryan — 'Direct result'?

Mr BRUMBY — That is what he said, and I quote:

> … personal income tax cuts in the past three budgets will boost … disposable incomes this … year by close to $21 billion.

> That more than outweighs the … impact of last year's three rate rises and this week's, which will cost households in aggregate about $7 billion.

Honourable members interjecting.

The SPEAKER — Order! Some cooperation from the Leader of The Nationals would be appreciated, and I ask opposition members to desist from that level of interjection.

Mr BRUMBY — We have put in place in Victoria the right mix of investment in infrastructure, the right mix of investment in skills and the right support for our innovation economy. We have put in place a competitive tax system, cutting payroll tax, cutting land tax and cutting WorkCover premiums. All of those things put together have produced the leading jobs growth in Australia this year. Obviously the further interest rate rise yesterday will slow that growth below what it otherwise would be, but we will focus here on getting the fundamentals right so we can continue to build a strong economy for the people of our state.

Police Association: pre-election agreement

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's failure to directly answer my question yesterday about the release of documents relating to the secret pre-election deal with the Police Association and also to today's announcement of industrial action to be undertaken by Victoria Police. I ask again: will the Premier release all documents relating to the secret pre-election deal, including the letter from the police union that led to the deal?

Mr BRUMBY (Premier) — As I made clear yesterday, the government's pre-election policies were released in detail before the last election, and they are all on the public record. We made commitments in relation to police numbers and police stations. In relation to the letter which the then Premier and police minister sent to the Police Association, that letter has been released publicly.

Agriculture: government assistance

Mr EREN (Lara) — My question is to the Minister for Agriculture. I refer the minister to the plight of farmers suffering from high interest rates, the high Australian dollar and the drought, and I ask: are there any signs for optimism, and what action is the government taking to support rural recovery?

Mr HELPER (Minister for Agriculture) — I thank the member for Lara for his question. The drought that we have been facing is an ongoing issue for many sectors and areas of agriculture across the state. It is true to say that recovery has occurred for some sectors and that it has occurred very well for some sectors. If we look at the grain sector, for example, we have seen the planting of 2 million hectares across the state. All things being well, we are looking at a record grain harvest of some $3 billion worth. As I say, if no unforeseen occurrences happen between now and the harvest, the grain sector will indeed be doing very well.

At the same time we have to recognise that other sectors and other areas are not doing as well. Irrigators, for example, have some uncertainty about water allocations. The government, as it has done in the past and will do in the future — as I will demonstrate in a moment — will continue to stand by farmers and will continue to support farmers to recovery. The pressures that farmers are facing are — —

Mr McIntosh — On a point of order, Speaker, the minister has been speaking for a little over 1 minute, and certainly during that time he appears to have been reading his answer rather than — —

Honourable members interjecting.

The SPEAKER — Order! Government members will not interject in that manner. I will hear the member for Kew in silence on his point of order.

Ms Munt interjected.

The SPEAKER — Order! The member for Mordialloc is warned and will not be warned again.

Mr McIntosh — As I said, the minister appears to be reading his answer, in defiance of the conventions of this house.

The SPEAKER — Is the minister reading his answer?

Mr HELPER — Speaker, I am referring to notes.

The SPEAKER — The minister, to continue his answer.

Mr HELPER — The pressures that are facing the agricultural sector are of course the ongoing drought, the high Australian dollar, international trade circumstances and other factors.

Honourable members interjecting.

The SPEAKER — Order! The minister will be shown some more courtesy and respect while he answers his question.

Mr HELPER — One of the pressures that is emerging for farmers — which, frankly, they need like a hole in the head — is of course the interest rate rise that we saw announced just yesterday. It is a disgrace that such an interest rate rise will indeed impact on the recovery and make the recovery that will take place — our farmers are resilient — more difficult for farmers as they move on.

As I was saying, the government has continued to support our agricultural sector through the drought, and it is now supporting the agricultural sector as it recovers from the drought. So far the government has committed $170 million in a myriad of different programs to support not only agriculture, not only farmers and not only rural Victoria but also individual communities that are benefiting from the programs that we have put in place.

Just last week I had the opportunity to announce three programs which are about the recovery phase as we emerge from this drought. One of the programs I announced at Speed is the $1.2 million drought recovery plans program. That program is about ensuring that we can work with farmers to put in place their drought recovery plans in a structured way to provide the quickest possible recovery so that they are in a better state after recovery than the state they were in when they went into the drought.

The second program that I announced was the rural futures forums. That is about saying, 'Okay, what are the challenges to a district's or a region's agricultural industries, whether they be national, international or local challenges, ranging across economic challenges, climate change and the whole gamut of challenges, and how can we as an agricultural sector in a given region look forward to exploiting the opportunities and challenges that lie ahead?'. Of course one issue that we will have to introduce into these rural futures forums is a very volatile and apparently upward trending set of interest rate figures, again courtesy of the federal government.

I was pleased to announce a commitment by the Brumby government of $2.9 million towards the Sustainable Farm Families program, which recognises that the impact of the drought is very much taking its toll not only on people's mental health but on the overall wellbeing of farmers. The program started with a trial in 2004. So far 400 families have taken part in the program and have evaluated the program as being very positive. Each and every one of them — 100 per cent of them — suggested that they would recommend the program to their friends and to others. That is why we have rolled out the program with a $2.9 million investment across the whole of Victoria. The government stands very proud in its support for the recovery of regional Victoria.

The member for Lara asked whether there were any signs of the level of confidence that exists in agriculture — —

Dr Napthine — On a point of order, Speaker, the minister has been reading his answer now for over 5 minutes. I think he started when there were 6 minutes 10 seconds to go on the clock. He has not only wound the clock down, but he is continuing. I would suggest in the interests of making his answer succinct that you suggest that he complete his answer as soon as possible.

The SPEAKER — Order! The minister has been speaking for 6 minutes, and there has been one reasonably long point of order in that 6 minutes. However, I have pointed out to the house before that while the minister is providing me with new information, I will continue to listen, always using, of course, a level of common sense that always applies in this chamber. The minister has been informing me and the chamber of three separate programs that are in place to assist farmers. I will continue to hear the answer, although I do accept it is becoming a little long. The minister will try to conclude his answer.

Mr HELPER — Thank you, Speaker, for making that suggestion and providing that subtle guidance. I appreciate that.

In conclusion, the member for Lara asked whether there were any indications of the level of confidence that exists in Victorian agriculture. I am pleased to report that the National Australia Bank survey, taken I must say before the latest increase in interest rates, shows that confidence is very strong, particularly looking forward in the sectors of wheat and beef. Victorian agriculture is showing that it is prepared to recover from the drought. The drought may not be over, but everybody is over the drought.

Government: accountability

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's recent promise of greater accountability and freedom of information, and I ask: will the Premier now instruct government solicitors to abandon the proceedings in the Court of Appeal and the Victorian Civil and Administrative Tribunal and now release the public sector comparator for the Scoresby EastLink freeway and the major projects quarterly reports, which are the

two most stunning examples of the government restricting access to public information and documents?

Mr BRUMBY (Premier) — It would seem that Kenneth Davidson is now writing the Leader of the Opposition's questions.

We have put in place many measures to significantly enhance accountability and accessibility in this state. We have changed the Parliament; we are dealing with 50 per cent more FOI applications than was the case under the previous government; and there is a raft of other initiatives we have put in place to keep government more open. In addition, I announced on Monday morning and announced here in Parliament yesterday a raft of other measures which the government is putting in place to further enhance accessibility and accountability. I made it clear in making those announcements — —

Mr Baillieu — On a point of order, Speaker, the Premier is quite clearly debating the question not answering it. It requires a simple yes or no, and the Premier needs to address the question that has been asked.

The SPEAKER — Order! I do not uphold the point of order. The question asked about recent promises of greater accountability. I do not write quickly, but it mentioned FOI and did go on to talk of Court of Appeal and VCAT applications and other issues. But clearly in the question there was reference to the 'recent promise of greater accountability and FOI'. The Premier is being relevant to the question, and I do not uphold the point of order.

Honourable members interjecting.

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

Mr Baillieu — On a further point of order, Speaker, the question was quite specific about whether or not the Premier would instruct government solicitors to abandon these FOI appeals.

The SPEAKER — Order! There may then be a difference of opinion between the Leader of the Opposition and the Speaker as to what was included in the question. I have stated in this house before that if questions come 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 Premier is being relevant to the question, and I will allow him to continue his answer.

Mr BRUMBY — As I said, under our government we have been releasing more documents, more often, to more people, and I am advised that less than 1 per cent of FOI decisions are appealed to the Victorian Civil and Administrative Tribunal. I announced the other day that we would be making further improvements to the FOI system. We will be introducing those via legislation which will be introduced by the Attorney-General in this session of Parliament. All governments, including ours, will obviously continue to protect what are genuinely cabinet documents and what are genuinely commercial-in-confidence documents. That has always been the case.

We have a very good record in this area, and we will continue to improve it going forward. But for this to come from the Leader of the Opposition and from a Liberal Party — —

The SPEAKER — Order! I will not allow the Premier to debate the question.

Mr BRUMBY — Sorry, Speaker. We remember the record of the former government when literally shopping trolleys full of documents were wheeled into cabinet. We have changed that, we have improved the system and we will do more in the future.

Regional and rural Victoria: investment

Mr HOWARD (Ballarat East) — My question is to the Minister for Regional and Rural Development. I ask the minister if she can update the house on projects that the government is delivering to support regional Victoria.

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. I must say how delighted I am to have been appointed the new Minister for Regional and Rural Development under the Brumby government. I might have learnt something from the previous minister, because this new government has been welcomed enthusiastically right across country Victoria from Bendigo, Geelong and Ballarat to Shepparton and Horsham. It has been enthusiastically welcomed right across the state — and I will even give these papers to the Leader of The Nationals for his future reference.

I look forward to continuing the good work of the previous government, including the previous minister's excellent track record, in governing for the whole of the state. The Labor government has backed country Victoria from day one. From day one we have been backing country Victoria, which is a far cry from the days when it was referred to as the toenails of the state.

This strong support from the Labor government is delivering real results for country Victoria and for regional economies.

Mr Weller interjected.

The SPEAKER — Order! I do not believe the minister needs to know about her vote in Rodney: I do not think she will be standing for election in Rodney! I ask the current member for Rodney for some cooperation so the minister can be heard in answering the question.

Ms ALLAN — As I said, this Labor government has backed country Victoria from day one, and we are seeing these results, particularly for regional Victoria's economy. The country Victoria jobs market is in great shape. We have heard that employment is growing well above the national average. We have already heard from the Premier that the latest Australian Bureau of Statistics figures show that one in every two jobs created in July in Australia was created here in Victoria. Of course that builds on the 128 000 new jobs that have been created in country Victoria under this Labor government, more than three times the number created under the previous Liberal-National government in the same time.

A significant number of these jobs are a direct result of this government's heavy investment in regional Victoria, in particular through the Regional Infrastructure Development Fund (RIFD), a fund that the opposition opposed the establishment of and a fund that was topped up with a further $200 million under the Moving Forward statement. I am pleased to be able to update the house on recent investments from the Regional Infrastructure Development Fund, which has contributed more than $363 million to 146 major capital works projects across the state. To highlight a couple of the more recent announcements, in Mildura we have seen $8 million for the Mildura riverfront project, which will pave the way for up to $122 million worth of investment with the linking of Mildura's city centre with the Murray River, and of course more than $840 000 for the upgrade of the port at Portarlington.

Just yesterday I was very pleased to join the member for Ballarat East in Ballarat to announce that, as part of the $3.8 million Reinventing the Magic project at Sovereign Hill, a local Ballarat company, Miller Bros Industries (Ballarat), had won a $940 000 contract to construct two inclined tram vehicles that will go underground to give visitors to the very popular Sovereign Hill tourist attraction a unique underground experience of the mining industry from the turn of the last century. This would not have been possible without $3 million in RIFD funding from the Brumby government. These are just a few of the great examples from right across Victoria of how our government is supporting regional Victoria.

There is always more to do, and I look forward to continuing to work with local councils and community, business and industry organisations to drive stronger growth and new investment opportunities under this government, a government that backs regional Victoria and a government that will listen to regional Victoria and support it as we continue to grow the whole of the state.

Regional and rural Victoria: health services

Mr TREZISE (Geelong) — My question is to the Minister for Health. Can the minister update — —

Honourable members interjecting.

The SPEAKER — Order! I ask government members to show some respect to the member for Geelong while he asks his question.

Mr TREZISE — I know where Sleepy Hollow is, Speaker!

Honourable members interjecting.

The SPEAKER — Order! The member for Geelong can consider himself warned.

Mr TREZISE — My question is to the Minister for Health, and I ask: can the minister update the house on recent government investments in high-quality health services for rural and regional Victorians?

Mr ANDREWS (Minister for Health) — I thank the member for Geelong for his question and for his ongoing advocacy on behalf of health services in his community. It is a timely question. There is no better evidence of this government's support for rural and regional communities, and no better evidence of this government's commitment to governing for the whole state, than its record investment in rural health services. That is clearly evidenced by the fact that since we came to office in 1999 every single health service in rural and regional Victoria in every single year of our government has received a funding boost. In every respect this government has, through their health services, given rural and regional communities the budgets they need and the funding they need to treat more patients and provide better care. What does that investment mean? What it means is that we have employed 2100 additional nurses and 235 additional

ambulance paramedics across rural and regional communities.

This year, through that record funding and through that record support, rural and regional health services will treat 120 000 extra patients compared to the number of patients treated in 1999. That investment is all about giving our health services the resources they need to improve services in rural and regional communities. Of course rural and regional Victoria has shared in this government's record $4.l billion investment — the biggest health capital works investment program in the history of this state.

Recently, and the member for Geelong asked me about recent initiatives — and I know the member for Shepparton is a great supporter of this program — we officially opened the new emergency department and ambulatory care centre at Goulburn Valley Health in Shepparton. We have also recently officially opened the Andrew Love Cancer Centre, which is part of expanding cancer services for Barwon Health in Portland. That is a great health challenge of our time, and we are giving Barwon Health and other health services the resources they need to meet that challenge. We have also recently announced additional support for new oncology and dialysis services for the Bairnsdale Regional Health Service. Of course right across the nearly eight years of our government we have provided rural and regional health services with record levels of investment in equipment, giving them the equipment they need to keep up with modern technology and provide the best possible care.

But we face substantial challenges, not the least of which is the failure of the commonwealth government to provide sufficient funding for undergraduate medical, nursing and allied health places. What that chronic underfunding means is that we face real workforce pressures, often in rural and regional areas, none perhaps more stark than rural maternity health services. That is why as a government we have, through the rural maternity initiative, provided this year — —

Mrs Shardey interjected.

Mr ANDREWS — What an extraordinary interjection — —

The SPEAKER — Order! The Minister for Health would not respond to an interjection!

Mr ANDREWS — Of course I would not respond to an interjection, Speaker!

That is why we have provided through the rural maternity initiative additional funding of $6.3 million in this year's budget. I think that takes the total program to more than $10 million.

Mrs Shardey interjected.

Mr ANDREWS — Speaker, there are no babies born in the 12 hospitals they closed!

The SPEAKER — Order! I have asked the minister not to respond to interjections. I ask the member for Caulfield once again to cease interjecting.

Mr ANDREWS — Whether it is about record levels of ongoing funding, whether it is about record levels of capital works, whether it is about doing what we need to do to meet workforce challenges or whether it is about doing what we need to do to deal with a commonwealth government that refuses to enter into a proper partnership, this government has provided record support to rural and regional communities through our health system — but we understand there are challenges. There is more to be done, and that is why we will continue to invest to provide the best possible health services for rural communities right across our state. There is more to be done, and I simply say again that this is the government to do it.

Victorian Environmental Assessment Council: river red gum forests report

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Regional and Rural Development. I refer to the recently released draft report of the Victorian Environmental Assessment Council inquiry, which contains a number of recommendations, one of those meaning, if adopted, that 90 people in the grazing and timber industries would lose their employment, and I ask: will the minister guarantee that she will not support that recommendation, which, if adopted, would mean that 90 people in that region would not have the opportunity to be able to live and to work and to raise a family?

Ms ALLAN (Minister for Regional and Rural Development) — I am glad The Nationals had the time to draft that question so rapidly. As the house has already heard today, Victoria's jobs growth is going very strongly. As we have heard, the latest Australian Bureau of Statistics data shows that one in every two jobs created in Australia in the last month was created here in Victoria. At 4.4 per cent we have the lowest unemployment rate since 1990, and in country Victoria we have seen the creation of over 128 000 new jobs, a far cry from the days when we saw only 41 000 jobs created by the previous Liberal-National government.

The Leader of The Nationals mentioned the Victorian Environmental Assessment Council report. I assume he means the report on the river red gum forests on the Murray River. It is a report that is obviously still in draft form, and the Leader of The Nationals knows very well the processes that are followed. He knows very well the statutory process that is followed when government considers reports of this kind. He knows that there are a number of community consultations going on around that area on this report. He knows that these are only draft proposals that are yet to come to the government for consideration as final proposals. When they come to the government in their final form we will, as every government should, consider those recommendations. I will take the opportunity to consult with all ministers. The government will take the time to consider these proposals.

I think it is important to remember that the Leader of The Nationals continues to shed crocodile tears for country Victoria. It is such a shame that he was not this vocal when he had the opportunity to stand up in his government party room for country Victoria. We will take our time to consider these proposals. We will take our time to continue to work to make regional Victoria the best place to live, work and raise a family.

GRAIN HANDLING AND STORAGE AMENDMENT BILL

Second reading

Debate resumed.

Mr WALSH (Swan Hill) — I rise to speak on the Grain Handling and Storage Amendment Bill. In considering the amendments in the legislation before the house it is worthwhile looking at a little bit of history. This legislation was set up in 1995, when there was a transition from the old Grain Elevators Board to what was then called VicGrain. It is interesting to look back at the history of that. The Kennett government, and in particular Alan Stockdale as Treasurer, can be complimented on the way they handled the shift from the Grain Elevators Board, which was a statutory authority of the state government, to the private ownership by the grain growers of Victoria of VicGrain. The grain industry and Alan Stockdale should be commended for the success of the government's action at that time.

As I said, the Grain Handling and Storage Act 1995 was set up to oversee the shift from a statutory government authority to a privatised, grower-owned grain handling and exporting company. As the board had monopoly powers, the legislation was put in place to make sure it did not extract economic rent from the market at that time. If you look at the history of the grain industry since that time, you will see that VicGrain merged with the New South Wales grain handler GrainCorp to set up a New South Wales-Victoria grain handling authority. The last time this act was amended was in October 2003, when GrainCorp had just recently taken over the Queensland bulk handler Grainco to set up an eastern seaboard grain handling business to give it the synergies that would come from a whole-of-eastern-seaboard grain handling and exporting business.

At the same time Grainco had recently formed a partnership with the Australian Wheat Board (AWB) to set up the Globex export facility at the Melbourne port, investing something like $40 million to do that. When this legislation was before us last time we did not oppose it, but we expressed very strongly the view that putting regulation on the port of Geelong and the port of Portland and not on the Globex facility at the port of Melbourne was not just and that there was potential to disadvantage the GrainCorp facilities at the port of Portland and the port of Geelong as a result.

GrainCorp at that time had invested something like $22 million in upgrading and building a new ship-loading facility and a new wharf at Geelong. In response to inquiries when the legislation was amended in 2003, Tom Keene expressed grave concerns about bringing in the Essential Services Commission to oversee those two ports but leaving the Globex port out. He said at the time in response to a Nationals inquiry:

> By extending access regulation, there is a risk the DSE will intervene to set fees, undermining this investment.
>
> Consequently the 2003 bill will negatively influence future port investment decisions as it opens GrainCorp (and presumably other investors at Geelong/Portland such as Toll) to additional regulatory burden and risk which AWB/ABA's Melbourne port terminal grain export terminal (MPT) is exempt from.

At the time we expressed reservations about how the regulations would work on two ports but not on the third one. It is pleasing to see that the legislation before the house corrects that situation. We have a situation now where the port of Melbourne, the port of Geelong and the port of Portland will have the same regime. It is light-handed regulation, as I think the minister described it in his second-reading speech. It is probably a pity that the minister did not take his light-handed regulatory approach and apply it to other industries, but we may talk about that later if there is time.

I do not think we could have a discussion about the export facilities at Melbourne, Geelong and Portland without looking at the grain industry as a whole. It is a very important industry that exports out of Victoria, and those ports are its access to the world. The grain industry can hold its head high as being one of the very progressive industries in this state. It is an industry that has adopted technology very quickly. If there is a new idea out there that will make a dollar and help make them more efficient at competing in a very competitive and corrupt world market, it will be adopted by farmers and industries associated with the grain industry.

Dr Napthine — Nearly as good as the dairy industry.

Mr WALSH — Nearly as good as the dairy industry — but not quite as good as the dairy industry. The dairy industry is only as competitive as it is because we have a competitive grain industry that can supply it with a cheap and very-good-quality source of food for its dairy cows. The grain industry has been at the leading edge of technology in what it has been able to achieve. This goes to the issue of the whole supply chain, of which the port is the last part as the product goes out of Australia.

I want to talk about some of the things the minister could do to help the grain industry go further in the future and make it more competitive. One of the problems is that the grain industry has been burdened with a moratorium on genetically modified (GM) crops. One of the things this government did, to its shame, was to introduce a moratorium on GM crops, something that has been an impediment to the industry over the last four years. It was not introduced for any real or worthwhile purpose. It was introduced solely for the purpose of getting Greens preferences for the Labor government.

If you look at the rules regarding genetically modified crops in Australia, you find that the Office of Gene Technology Regulator in Canberra had determined that genetically modified organisms are not hazardous to human health or the environment, but the state government used a very narrow loophole in saying there was a perceived threat to our markets, and of course the ports are part of that chain in getting exports out of this country. Although the grain industry is one of the industries in Victoria that has shown great innovation, it has been held back by this government and by this minister and the previous minister preventing it from having access to the world's best crop technology.

Everyone in this house has talked for a long time about the fact that, although it is currently breaking, we have lived through one of the worst droughts we have ever had in Victoria. The fact that we have not had dust storms across Victoria or in Melbourne, as we have had in previous droughts, is a real credit to the grain industry and how it has adopted technology to make sure it protects its vital resource: the soils of Victoria. We have seen the industry adopt direct-drilling technology. We have seen better plant varieties, even though it has not had access to genetically modified crops.

But one of the great differences we need to bear in mind as we talk about these issues is that we have not had rabbits. We have not had the rabbits in Victoria that we had in previous droughts. That has been to the great credit of the farmers of Victoria and of the Landcare movement in Victoria. But again I come back to the fact that perhaps the minister could have had a more conciliatory and light-handed approach to regulations in that area also.

Controlling the rabbits was initially due in part to myxomatosis. There was also the calicivirus, and there have been integrated programs of ripping and poisoning and other things that destroy rabbit habitat. One of the great assets we have had over time has been the 1080 carrots. It has taken a long time and a lot of effort to get the minister to finally realise that 1080 oats just do not work. I am grateful that the minister has stopped being a bunny and realised that 1080 carrots are the best way to get rid of rabbits. I commend the minister and his department for finally realising that and opening things up so that private enterprise has the opportunity to sell those carrots. We realise that the department no longer has the staff or the will to handle this sort of product and retail it, so it is going to hand it over to private enterprise.

Can I foreshadow with the minister that we are encountering challenges about where we hold the courses that people will have to do to be able to handle those 1080 baits. There was a view that there would not be much demand and the courses should be held in areas where sales of 1080 product were recorded, not necessarily the places where the 1080 product was being used.

I will come back to the grain industry. I got slightly off track.

Dr Napthine — You were rabbiting on!

Mr WALSH — It is unruly to respond to interjections — or even to listen to them.

The grain industry has been at the leading edge, and that has been partly due to companies like the Birchip Cropping Group and Southern Farming Systems. They have made sure that farmers have had access to new technology.

Talking about ports and their regulation, if you are taking grain from a farm to an export market overseas, the cost of going through the port is probably only 20 per cent of the cost of the whole supply chain from farmer to market. Eighty per cent of the cost is made up of freight within Australia and within Victoria. One of the great cost imposts on farmers who are at the leading edge of best practice on their farms and who go to great lengths to be competitive in the international market is the cost of shifting their product from the farm gate to the port.

We are taking a more light-handed approach to the regulatory process for the ports now, which I think is a step forward from what we had. However, the system is going to break down. This year, if we get the harvest that we are all hoping and expecting to get, the system will crumble under the weight of that harvest. The cost of getting the grain from farm to port, with only 20 per cent of the cost in the port and 80 per cent in the freight, is because we do not have the train tracks to cart the grain to the port.

If you look back over the last seven and a half years of this government, you will see numerous promises were made about how the government would upgrade the train tracks and improve the efficiency of that transport network so we could more easily get grain from farm to port. In 2001–02 the government appropriated $96 million to upgrade the train tracks in Victoria, particularly the Mildura–Melbourne railway line. That money has never been spent. There was an appropriation two years ago of $54 million to do similar works. We have never got to the bottom of whether that $54 million was what was left over from the $96 million or whether it was in addition to that $96 million for the train tracks. But we have a real issue in that the train tracks of Victoria will not be able to handle this year's harvest and get it to port and out of this state.

One of the rising issues in northern Victoria is the Manangatang line, where the line speeds now are so slow that quite often the trains cannot get to Manangatang in the time of a driver's shift. Drivers are actually abandoning the trains on the track and taking a taxi to a motel, because they have run out of hours. The train tracks are in such a poor condition that they cannot get a train through in the shift of one driver.

There is the issue of the Murrayville line going west from Ouyen. It takes the shifts of several drivers to actually get a train from Murrayville to Ouyen. Because of the state of the Victorian transport system there, we run the risk of quite a lot of grain going into the South Australian system because the system and the train tracks over there are more efficient than those in Victoria. That will have an impact on the cost of freight here in Victoria. It will have an impact on the cost at the ports, because we will not have the throughput at the ports to keep the unit costs down.

The Brumby government has missed two opportunities now to improve that rail situation. When Freight Australia was sold to Patrick Corporation, I believe there was an opportunity for the government to be proactive and take back the lease on the tracks, and to set up a better access and maintenance regime.

When Patrick sold out to Toll Holdings, the government took up that opportunity to take back the lease, but there are reservations within the industry as to whether the government has set up an appropriate access regime so we get competition onto those tracks. One of the problems is that in the takeover of Patrick by Toll Holdings, quite a bit of the rolling stock had to be sold to comply with the Australian Competition and Consumer Commission's orders for that takeover. Quite a few of the locomotives have been sold to SCT transport. Those locomotives have now been converted to standard gauge and will never again run on the grain tracks here in Victoria. It is the same with quite a few of the wagons. They have also been changed to standard gauge and have been taken away to the mining industry.

We have a real challenge in the future, particularly with the harvest we are expecting this year — and keeping our fingers crossed that we get — that not only will the tracks not be good enough, but there will be no rolling stock to put on those poor tracks to shift the grain. That leads to the significant challenge of that grain being shifted by road and the damage that will occur to the roads in Victoria by having that additional tonnage on them. What is more significant is the fact that quite a bit of that freight will be on what you would call local roads, and local government will bear the cost of the road maintenance for that damage because this government has wasted seven and half years and not upgraded Victoria's rail tracks so that we have an efficient transport system to take that grain from farm gate to port, and subsequently overseas.

The amendments we are making in the Grain Handling and Storage Amendment Bill 2007 are a step in the right direction. Looking at how the grain industry has

evolved over time, I believe there is probably no need for any regulation at all in the industry, not even a light-handed regulation of those particular ports. Given the competition that is in the market now, I think the market is robust enough. If we can get competition into the rail section of the supply chain, I believe we could make sure there is no need for regulation within the ports.

Mr HARDMAN (Seymour) — I rise to contribute to the debate on the Grain Handling and Storage Amendment Bill 2007. I am pleased to hear that the opposition parties are supporting this bill. The purpose of the bill to is to regulate handling and storage services for grain to be exported from the port of Melbourne. That is going to mean the Essential Services Commission will be able to apply the intergovernmental competition principles agreement relating to access to prescribed services, which I will go into a bit later, and also to provide the general access determinations relating to those prescribed services.

The bill came about from a requirement in the act that the Essential Services Commission review by June 2006 the arrangements for the handling and storage of grain for export. The review concluded that the Essential Services Commission should take a monitoring role rather than a regulatory role through the licence regime. The members for Swan Hill and South-West Coast talked about that as well. They raised a concern about whether we should go down the path of total deregulation.

The Essential Services Commission in its recommendations suggested that, because of the significant change in movement within the grain handling industry at the moment, it was best to maintain a monitoring role for now. The government is taking a cautious approach on this particular issue, as it does with a number of other issues that are out there. The Essential Services Commission will require all terminals to prepare an access undertaking that would contain the principles on which access would be provided. That is a light-handed approach and will apply equally to the ports of Geelong and Melbourne and also the port in Portland. It is fair that all the ports have the same regulatory regime and light-handed approach to their monitoring.

The key recommendations of the Essential Services Commission final report were to reduce the regulation of the grain handling and storage sector to a light-handed access regime where undertakings would become the basis for accessing the facilities, and to extend the regulatory regime to the port of Melbourne, which would remove discrimination between the terminals. Essentially that is what this bill does, as I have described. The Bracks government understood, and now the Brumby government understands, that regulation can be a major burden on business and industry, so this change is consistent with our approach to reducing the burden on industry. It is great to see more examples of this coming through.

The services which are to be regulated by monitoring include the receiving, moving, inspecting, stock control, testing, weighing, elevating and loading of grain. Access undertakings are also required to ensure that GrainCorp and Australian Bulk Alliance (ABA) provide access to grain handling and storage facilities on fair and reasonable terms. That is important as well. I understand there is competition there now, which is good. This measure will help police that.

These undertakings contain the principles underlying the access arrangements for grain handling facilities. They include a dispute resolution process which will be binding on GrainCorp and ABA. The role of the Essential Services Commission is to improve the content of those undertakings. They will then be recognised by a general access determination made under section 19 of the Grain Handling and Storage Act. Dispute resolution will occur through a private arbitration process. It is worth noting that since the current regulatory framework was put in place in 2003 there have been no access disputes, which is great for the grain industry.

The grain industry in Victoria is hoping for its biggest year this year. The Department of Primary Industries (DPI) Topcrop network is predicting up to $3 billion in crops, which is quite big. Wheat alone is expected to come in at 5.6 million tonnes, the current record of 4 million tonnes having been produced in 1984. Everybody knows that extreme weather events and disease outbreaks can affect the agriculture sector, so although there is great hope and optimism for the future among farmers, there is also caution.

In this time of drought it is fantastic to see farmers having that little bit of hope. There has now been 10 years of ongoing drought, and in the last year in particular many farmers have been destocking or choosing to borrow significant sums of money to keep their herds alive. They will have to pay that back over time, so it will take a number of years for them to become profitable again.

I was pleased to hear the minister talk today about the drought recovery packages and processes that we are putting in place. I urge the government to listen to rural communities in the Seymour electorate and beyond

about the types of things that can be done to assist with this recovery process. From talking to DPI staff I know there are a number of projects they are working on out there to ensure that farmers, farming families and farming communities are supported over the next few years while they get back on their feet. The Premier has also said that drought recovery for farmers will be the focus of this government. It is a positive thing for people to know that Premier Brumby understands the difficulties that exist out there at the moment.

In his speech the member for South-West Coast talked a bit about the cost of rail freight and the condition of the infrastructure forcing grain freight onto the road and about the need for the standardisation of the rail network. It is important to note that the state government is committed to improving the rail freight network. It has demonstrated that recently by purchasing back Victoria's rail freight network system, a failed privatisation attempt by the Kennett government, at a cost of $134 million. I commend the government for doing that. It was a great election promise, and I am glad we did that straightaway.

I have rural railway lines running through my electorate, and in the past the difficulties involved in getting problems fixed have been horrendous. It felt as though every time I went to get a problem fixed it was somebody else's fault, which was always quite frustrating for me and my constituents. The maintenance of the system fell down during the time of the privatisation and probably in the lead-up to the sell-off.

On 6 August the Minister for Public Transport announced that the closing date for submissions to the road freight network review is Friday, 17 August. So people still have a chance to put in submissions to the review on the opportunities that exist to improve the network and what things should be done first so that the state government gets the best bang for its buck. That is essential. The committee will be chaired by the Honourable Tim Fischer, AC. He will analyse the issues facing rail freight in Victoria and identify opportunities for future development and improvement. I am pleased to see that. In supporting rail freight I should point out that the state government subsidises access charges by about 60 per cent. That shows a real commitment to supporting the rail freight system in Victoria.

The member for Swan Hill tried to rewrite history on the genetically modified (GM) canola moratorium. He would recall that there was significant industry concern about growing GM canola across Victoria, and we have taken that same cautious approach. The government has an expert review panel looking at whether GM canola should be allowed, and it will make a decision by early next year. I wish this bill a speedy passage.

Mr DELAHUNTY (Lowan) — I thank the house for the opportunity to speak on the Grain Handling and Storage Amendment Bill 2007, which is a very important bill for the Lowan electorate in western Victoria.

I want to comment on the statements by the member for Seymour about rail standardisation. Talk about rewriting history! We can all go back to 2000, I think it was, when the state government promised $90 million to standardise the rail network, particularly the Mildura line. To my understanding not one sleeper has been laid, not one stake has been put in the ground and not one bit of rail line has been laid under that project. The only rail standardisation this government has done is a little bit of work at the Geelong port, which had to be done to facilitate the grain coming in to the port on two lines. So the government has nothing to brag about on rail standardisation.

I also note the comment that the member made about the rail freight network review that is being chaired by the Honourable Tim Fischer, AC. I know, like all of us here in this place, that Victoria's freight task is expected to double in the next 30 years. If we are to handle that, obviously it is important that our rail freight network is up to standard. This government has done a lot of talking about the rail freight network but has done very little about it — except spend nearly $1 billion on the regional 'farce' rail project. It has gained very little time but has cost a lot of money which could have been spent on other projects, like facilitating for export the products which go out through the ports of Melbourne and Geelong and also through the great port of Portland.

This bill is important to people in western Victoria. Back in 1995 the Grain Handling and Storage Act required the Essential Services Commission to review the regulatory arrangements for the handling and storage of grain which was destined for export. Coming out of that review we have the recommendations we are dealing with today. The review found that the port of Melbourne had joined the ports of Geelong and Portland as the dominant grain handlers in Victoria and that therefore the regulations that apply to Geelong and Portland should be extended to the port of Melbourne.

As I said earlier, my region has long been recognised as Australia's premier producer of wheat, commonly known as the golden grain. Today that region's production extends well beyond wheat. Through the

innovation and adaptability of our farmers, they now produce a large percentage of Victoria's pulses and oilseeds. Productivity has improved immensely over the last 20 years, but unfortunately it was slowed dramatically by the last few years of drought.

The economic and employment activity figures reflect a strong reliance on the agricultural sector. Many secondary processing enterprises are located in my region, but good rail and road access is vital to their prosperity, to the jobs they provide and importantly to the jobs they could provide. Rail freight costs are important to this debate today. With great angst we read in the *Weekly Times* of 13 June 2007 under the headline 'Railroaded':

> Grain freight costs to surge
>
> Victorian and southern Riverina grain growers are facing freight rate rises of up to about 22 per cent this harvest.
>
> After struggling through the worst drought on record, grain growers are about to be slugged some of the biggest freight rises in decades, as new rail access charges are passed on to network users.
>
> ….
>
> Victorian Farmers Federation grains group president Geoff Nalder said the industry could not afford the freight rate increases, especially after suffering the drought.

Another article dated 20 June talks about wheat growers in the Piangil district now facing rail freight costs of nearly $31 a tonne to move their grain to port. At Nullawill wheat growers will see their costs rise to $27 a tonne. Mr Amery, who is the Victorian Farmers Federation grains group deputy president, is quoted as saying that the price increases facing farmers made it considerably cheaper to send their grain to port by road.

That brings us to the next issue. If we do not get good rail access and handling facilities on the rail network, we are going to see freight come on to the roads. The member for South-West Coast, who is at the table, has a lot of experience in this. He would remember back in his days in government when former Prime Minister Keating provided money for the standardisation of the line from Melbourne to Adelaide. We all know what that did. We welcomed that announcement, but it disenfranchised the rail network going from Dimboola to Rainbow and Murtoa to Hopetoun, and also the Ararat–Portland line. Those lines had to be standardised to be able to capture the grain. Otherwise we would have seen all the grain grown in the north-west come down to western Victoria over all the council roads.

I had a job in the department in those days, and along with the development association we worked with our local member, Bill McGrath, and with other members in western Victoria. At that stage, when the state was nearly broke from the Cain and Kirner days, we got $22 million to standardise those rail lines. We have seen nothing like that with this government.

Dr Napthine — It was 100 per cent state funded.

Mr DELAHUNTY — It was 100 per cent state funded. That government did not go screaming to the federal government. It gave the opportunity for grain to be put on rail, and it was done.

The last thing I want to comment on is that we have seen a war of words.

Mr Helper interjected.

Mr DELAHUNTY — It is to do with the bill. We are talking about grain handling and storage. I quote from the *Wimmera Mallee Times* of 23 May, where the good federal member for Mallee, John Forrest, is quoted as having 'called on the state government to show more support for the proposed $9.7 million Dooen intermodal freight hub'. As we know, all the containers come into Horsham, and with B-doubles it is very difficult. Good work has been done by councils and other groups in our region to cater for the $900 million grain industry and to develop the Dooen intermodal freight hub. The Horsham council has put in $500 000 and ABB Grain has put in $500 000. The state has promised $2.25 million, and it is calling on the federal government to put in the last $6.5 million. The state is responsible for rail. The land is owned by the state government, and here it is putting in $2.5 million and the federal government is putting in $6.5 million. It should be the other way around. This project is too important for the state government not to lift its game and fund this very important project.

With those few words, and in view of the time limits, I indicate that I will be supporting this legislation.

Mr EREN (Lara) — Geelong has long been a hub for grain handling and storage in this state. I am certainly pleased to speak on the Grain Handling and Storage Amendment Bill. Before I do, I sincerely want to congratulate the Minister for Agriculture on this bill, which obviously cuts out a lot of red tape and makes it a level playing field for this very important industry. I also note that the minister is cautiously optimistic about a bumper crop this year, which obviously brings some urgency to refining and cutting red tape in relation to the bill we are debating today.

It has been well over a decade now since the original Grain Handling and Storage Act 1995 came into effect.

We have seen a lot of changes at Geelong's port in that time. I know that the member for South-West Coast commented about privatisation of the port and said it was a wonderful thing. Once in a while governments make decisions that are very tough, and in relation to privatisation the Kennett government went absolutely overboard. Everything that was not bolted down was basically privatised. Having said that, on this occasion the port has operated very well.

An honourable member interjected.

Mr EREN — It has, I must say. Obviously the Geelong port is the largest regional port in Victoria. It supports hundreds of jobs and investment in and around the Geelong area and employs many people in my electorate. Many industries rely on the port including Shell, Alcoa and all the big employers in Geelong. These companies produce petroleum products, general cargo, grains, forest products, aluminium, oil, and fertiliser and mineral products. They are vital to our economy in Geelong. That is why there was a degree of angst when the port of Geelong was sold to private interests back in the 1990s. It was then we had the original act, back in 1995, that saw the sale of the Grain Elevators Board to GrainCorp and the takeover of grain handling terminals in Portland and Geelong.

That act provided the framework for the regulation of grain handling terminals by the Essential Services Commission. An amendment to the act in 2003 changed the role of the commission and replaced its price-setting role with a negotiation and arbitration role whereby the commission could determine access to grain handling facilities only if parties could not agree on terms and conditions of access. As I understand it, that amendment also stopped the setting of prices. More importantly, and this is why we are speaking about this today, that amendment said the commission needed to conduct an inquiry no later than 30 June 2006 on whether the terminals should remain regulated.

The inquiry was held, and it found that while the increased competition between facilities had been a success there was still a need for some regulation in the short term. The member for South-West Coast commented in his contribution to the debate that the industry should be totally deregulated. That is his view, but at this stage we do not consider it to be mature enough to be totally deregulated. There needs to be a degree of monitoring, so to speak, and arbitrating in certain circumstances. I do not think the ports are at a stage where we can totally deregulate the whole industry. I think this is the right way to go at this point in time. There will be limited regulation in the form of undertakings that providers must give the commission in relation to terms and conditions of terminal use. This bill amends the act to extend its operation to the grain handling terminal at the port of Melbourne and to facilitate the introduction of undertaking-based general access determinations.

Essentially this legislation is about putting in place light regulation for grain handling at the ports of Portland and Geelong and extending that regulation to the port of Melbourne. Fortunately for Geelong, we have a port that is going strong, and the port owners are committed to making it a success for many years to come. Having said all that, I commend the bill before the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to discuss the Grain Handling and Storage Act 1995 and the changes that are proposed to in particular review the port handling charges and take a more light-handed approach. Grain handling is important to my electorate because without ports we would not be able to move our valuable grain to the markets of the world. Transportation and storage must be internationally as well as nationally competitive. The proposed changes to the terminals are designed to make them more efficient, something we in country areas certainly applaud. The profit-and-loss effect that will have on grain growers in my area is also extremely important. Small efficiencies mean large gains to country people.

For the first time in many years we are expecting a large grain crop. In the *Weekly Times* of 25 July the Minister for Agriculture supported this, canvassing a crop of 13 million tonnes, of which 5.6 million will be wheat. Wheat will be the dominant crop in my electorate. It is being extensively discussed that the consumption of grain worldwide now exceeds the production of grain worldwide, so we will be selling into a very strong market, particularly in the first half of the year. Transportation, storage and handling through terminals will be very important components in realising a strong market and assisting our growers to recover from the devastating drought we have just had.

Loading ships efficiently is the job of the terminals. However, we need to be able to deliver the grain to the terminals from our inland storages. The expectation is that 60 000 tonnes will be delivered to a port to allow a boat to be loaded in a 7 to 10-day period, and this is absolutely critical. The transport infrastructure to supply those terminals is principally rail. For a long time the transport infrastructure has met the terminal requirements. There is a real concern that the rail infrastructure from northern Victoria is no longer capable of the task required by the port terminals.

As I understand it, there are only 200 broad-gauge rail wagons remaining in service, and there is barely adequate locomotive capacity. The level of rolling stock has been adequate for drought-affected grain production and a world with some reserves of grain stocks, but things have now changed. My concern is that the savings from the reduced regulation costs at the terminals will not be passed on to recovering drought-affected grain growers but will be spent by the terminals on expanding facilities to secure export grain delivered by road transport.

Jack Tansley of GrainCorp stated in the press in early August that he expects a million tonnes of grain to be moved by road — 25 000 trucks and a considerable strain on our roads. The solution is simple: fix the rail infrastructure and make it fit for the task. Standardise the rail infrastructure so that the rolling stock shortage can be addressed by interstate compatibility and so Victoria has interport and interterminal capability. Hesitation in addressing this issue will be costly to the country in two ways: we will still have to fix the rail infrastructure, and there will be a need to repair the country roads that will be affected by shifting such large amounts of grain.

Fixing country roads saves country lives, destroying country roads will destroy the same country families. I urge the government to extend the effort of making terminals more efficient by ensuring the rail delivery infrastructure is also efficient. I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am also pleased to speak on the Grain Handling and Storage Amendment Bill. As we have heard, this bill follows on from previous examinations of grain handling through the ports in this state. It derives particularly from the consolidation of GrainCorp's hold over the ports of Portland and Geelong. Before that happened there was great concern among producers and some grain handling companies that once GrainCorp had control over the two ports there would be issues that might disenfranchise some people in terms of access to those ports. Therefore there was a need to develop a regulatory regime associated with those ports, and a licensing system was set in place. That helped to allay some of those concerns held by various sectors of the industry about gaining access to those ports.

However, we have since seen the Australian Bulk Alliance port facilities out of the port of Melbourne develop strongly. They are providing some sort of competition to the operations at Geelong and Portland. At the same time we sought from the Essential Services Commission a review of the way the ports were operating overall and whether changes should be made to the regulatory regime in regard to the access and handling arrangements through those ports. As a result of that, as we have heard, the Essential Services Commission recommended that the licensing system need not continue and that it may be possible to have a lighter monitoring regime in place. We still want to have a monitoring regime to ensure that port accessibility continues to follow a fair arrangement, but we want to reduce the red tape substantially.

This is very much a positive move in regard to the handling of grain through all three ports. The three ports will be treated evenly, but there will be less regulation associated with them. We trust that the operators of those ports will continue to offer fair and sound access to all producers and grain handling companies so that in years to come even this form of regulation may be able to be wound back.

This is a sound way of moving forward at this stage, and it appears to have been significantly welcomed by the industry. We know that this is something we are going to watch very closely in the coming year. At last we are seeing a much greater sense of optimism, with good rains having fallen through the last few months. Many more crops have been sown across the state than were sown in previous years, so we could have an absolute bumper crop if we continue to have reasonable rain through the spring period. This is clearly going to test out our port system as well as the transport arrangements into those ports.

It was amazing to hear the member for South-West Coast say how wonderful it was that under the former Kennett government the ports were privatised and that we should say what a wonderful job that was. I notice he did not say what a wonderful job it was that the Kennett government privatised the rail freight network. That was the biggest disaster that the Kennett government caused in regard to transporting grain around this state by rail, and it has required this government to undertake the upgrade works that have been discussed in this house today.

We know this government had a significant plan to standardise the freight network across this state, and we know why it was not delivered. Every time this government tried to undertake it, the fact that the network had been privatised meant that the private operator could say: 'Look at the contract. We can get money out of this one'. It simply meant that those works could not take place. For the member for South-West Coast to crow about the privatisation of the ports but then forget about the absolute failure of the privatisation of the rail freight network to work in the

state's interest is a significant miscarriage of information on his part.

I am very pleased that our state government has been able to buy back the rail freight network and is now in a position to upgrade it. It is certainly something that this government is intending to do in the years to come to ensure that we can get more freight back on our rail network. I look forward to that happening.

This is a sound bill that will ensure a good flow of our grain through our ports, a good balance across the three ports, and opportunities for competition. I look forward to seeing those ports operating very soundly. I hope they are able to put in place, through their own self-management, good mechanisms to ensure fair play and good mechanisms to deal with any disputes that may arise from time to time. I trust they will show good management and that this legislation will show itself able to provide those benefits.

Mr TREZISE (Geelong) — I am also very pleased to be speaking in support of the Grain Handling and Storage Amendment Bill 2007. I am pleased to be supporting this bill, because, firstly, it highlights the Bracks government's and also the Brumby government's ongoing commitment to the grain industry and our ports and their ongoing work in ensuring that grain handling and storage in Victoria is carried out in an effective and efficient manner, not only from an operating point of view but also from a cost-efficient point of view.

Secondly, I am also pleased to be speaking in support of this bill because, as you are aware, Acting Speaker, immediately prior to coming to this house I was employed as the shipping manager at Toll Geelong Port. In that position I came to fully appreciate the important role that grain export plays not only for the ports — the port of Geelong, the port of Portland and the port of Melbourne — but also for the growers, the economy of Victoria and indeed the economy of Australia.

The port of Geelong is in many ways the gateway to international trade for the south-west region, as is the port of Portland. It is essential that port services such as our grain handling facilities operate to their full potential and that, of course, the exporters and growers have full access to those facilities. As I said, this is important not only to the port of Geelong in my electorate but also to the port of Portland and the port of Melbourne. I listened to the contribution of the member for South-West Coast and I must say that through the 1990s the port of Geelong always saw that the port of Melbourne was in competition with it.

Grain is one of the major cargoes shipped through both the port of Portland and the port of Geelong. As I said, this business of grain handling and storage is important not only to those ports and cities but also to the wider Victorian economy. Hence in the last decade we have seen major upgrades to storage, loading and shipping facilities, especially within the port of Geelong. I well remember in the mid-1990s the privatisation and sale of the old Grain Elevators Board to Vicgrain and GrainCorp and the establishment of the original Essential Services Commission (ESC) regulations. At the same time we saw the privatisation of the then Port of Geelong Authority, which was sold off to TNT, which onsold it to Toll Holdings.

As an employee of the port at the time, I must say that they were tumultuous times within the port of Geelong. I well remember employees of both the Port of Geelong Authority and the old Grain Elevators Board being very fearful for their jobs, because with very little consultation or information from the Kennett government both the port of Geelong and the GEB were sold. I recall this because it was during that time as an employee that I first came to meet John Brumby. I remember the current Premier coming into the port in the mid-1990s to speak to port employees about their future. I remember John speaking at the port social club building and, after the meeting, employees coming up to John and me and saying that it was the closest they got to and the most information they had got out of anybody from Spring Street. Of course, with John Brumby the rest is now history.

In relation to the bill, as I said, I remember the privatisation of the Grain Elevators Board and the establishment of GrainCorp in late 1995. At the time the Essential Services Commission put up a regulatory framework under which the new entity, GrainCorp, was to operate. GrainCorp was operating out of Geelong and Portland but, as members have also heard, it was not operating out of Melbourne and therefore the regulatory framework was not put in place for Melbourne. The regulations were first established under the Grain Handling and Storage Act 1995, and they are relevant to the legislation that is before members today.

In 2003 amendments to the original act saw the price-setting framework replaced with a negotiation and arbitration framework. That was an important role that the ESC took on. In 2003 the prescriptive setting of prices and costs for handling and storage services were discontinued and replaced with the ESC playing a far less hands-on role and becoming an active party only where disputes existed. I am mindful of the time, so I will conclude by saying that this is important legislation

and good legislation, and therefore I commend it to the house.

Ms D'AMBROSIO (Mill Park) — In the very short time I have I wish to give my strong support to the Grain Handling and Storage Amendment Bill. The bill provides for a reduction in regulation, which has been welcomed by the grain industry — growers, freight operators and marketers alike.

The bill arises from a report by the Essential Services Commission following an inquiry into the regulatory framework that has applied to the handling and storage of grain for export. The report highlighted the need to reduce regulation but maintain a light regulatory framework to ensure that there is fair access to grain storage and handling facilities, given that essentially there is a duopoly in the facilities. The bill also reflects the change in the Essential Services Commission's role from removing licences in the area to monitoring and providing a dispute resolution framework in terms of access to the facilities.

On the question of rail freight, members have heard a lot from the opposition on this matter. Members of the opposition have obviously forgotten the dire circumstances that arose out of the privatisation of the rail freight system under the previous Liberal-National government. Our government has taken very strong steps to ameliorate the negative effects of that by buying back that rail freight network. In the recent state budget the government has allocated $53 million for that purpose. Victoria subsidises access charges by about 60 per cent. The government is certainly very serious about its commitment to the rail freight system in partnership with rail freight operators and users and the bill recognises that. Without further ado, I give my support to the bill.

Mr CAMERON (Minister for Police and Emergency Services) — I rise to support the bill. The grain industry is very important in large parts of country Victoria, particularly in the west and the north, including the country areas in my electorate. This bill continues the reform of the grain industry, which the current Minister for Agriculture is overseeing. It is important that we continue to see reform in the grain industry because of its importance to the state.

We also have to remember that the grain industry has had a very difficult period with drought, and we hope there is a great crop later this year, as the Minister for Agriculture was able to set out for the house during question time today. I put on record my support for this legislation and also for the support that the minister gives to the grain industry.

Mr HELPER (Minister for Agriculture) — I thank all members who have spoken in the debate on the bill and I will go through their contributions one by one. The member for South-West Coast basically put out the challenge, asking why the government does not deregulate fully right at this point. One of the very important reasons that the government is not doing that is that in its report the Essential Services Commission recommended that, due to the rapid change that is occurring in the grain industry, a light-handed level of regulation is called for in current circumstances. The regime may well head to total deregulation but we will gauge that in a careful way.

The Deputy Leader of The Nationals highlighted the strength and innovation of the grain sector, which are sentiments I very much agree with. He also indicated that as far as he was concerned the government was holding back that innovation in the grain sector as a consequence of not unilaterally overturning the moratorium on growing genetically modified (GM) crops — canola, to be accurate — in Victoria. The government is proud of its careful and deliberative approach to the moratorium on GM crops. We have in place a panel that will advise the government on the merits or otherwise of continuing with the moratorium, and I look forward to that panel reporting. I note that the GM moratorium is a long way off the mark in terms of what the bill is actually about. However, I thank the Deputy Leader of The Nationals for acknowledging that the legislation is a step in the right direction.

I want to personally thank my parliamentary secretary, the member for Seymour, for his support in the preparation of the bill. I also thank him for his presentation to the house, during which went into an enormous amount of detail.

The member for Lowan again expressed a strong enthusiasm for the grain industry, and I am grateful to him for that. I share his enthusiasm, not only for the grains areas in his electorate but for the many grains areas right across Victoria. I tried to keep track of how many times the member for Lowan mentioned the bill. I think he mentioned it once or maybe twice in his introductory remarks, but then he talked about everything under the sun other than the bill.

I thank the member for Lara for his enormous insight into the importance of the port of Geelong, and I also thank the member for Geelong for his contribution. They understand and have great insight into the history of and all that has gone into the port of Geelong. An aspect that the member for Geelong concentrated on was the history of privatisation. I thank both members

for their ongoing support for the port of Geelong and for the positive impact this legislation will have.

The member for Mildura commented again on the buoyancy of the grain industry. I share those sentiments and thank him for them.

The member for Ballarat East talked about the bill in a great deal of detail, especially in terms of the stepping down of regulation, and referred to the potential in the grains sector for this season. He highlighted the disaster of the privatisation of the rail freight network in Victoria. I share his abhorrence at the way it was done and the incompetence that the previous government brought to the privatisation of the network.

I thank the member for Mill Park for her understanding of and support for the bill. I very much thank the member for Bendigo West, my ministerial predecessor, for the work he did up until the time I filled his shoes as Minister for Agriculture. He of course highlighted to the house the importance of the bill.

In summing up, I thank my department, the Department of Primary Industries, for its preparation of this bill.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! It is time under the standing orders for me to interrupt the business of the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL

Second reading

Debate resumed from 8 August; motion of Mr BRACKS (then Premier).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Cobboboonee State Forest: management

Dr NAPTHINE (South-West Coast) — I raise an issue for the Minister for Environment and Climate Change in another place. The action I seek is that the minister come to south-west Victoria and visit the magnificent, well-managed Cobboboonee State Forest and meet with interested groups, individuals and adjoining land-holders, who are vitally interested in the future management of this state forest.

The Cobboboonee State Forest covers 27 000 hectares west of Heywood in Victoria's great south-west. It adjoins the 27 300 hectare Lower Glenelg National Park, and it is close to the Discovery Bay Coastal Park and Mount Richmond National Park. The Department of Sustainability and Environment (DSE) advises that, and I quote from its document:

> The Cobboboonee forest is valued for conservation and recreation …
>
> The forest is an integral and important part of the rural landscape and the social fabric of the area. Many people enjoy the forest and what it has to offer and have developed a great connection and knowledge of the area.

At a recent meeting a local landowner said that the Cobboboonee is their MCG, their art gallery and part of their culture, their history and their recreation, but now they are being thrown out of the forest and nobody is listening to them. I refer to the same DSE document:

> Over the previous three years, the Department of Sustainability and Environment had conducted an extensive community engagement program in relation to the proposed Portland-Horsham forest management plan. A community consultative committee was involved in establishing a vision and principles for the management of the area including the Cobboboonee State Forest. Many people invested a great deal of time and energy and contributed their expertise to the process.

Before the process could be completed, the state Labor government stepped in, ignored this consultation and unilaterally announced that Cobboboonee would become a national park. There was no Victorian Environmental Assessment Council process, and the announcement was in direct contradiction to the process the Labor government had established.

The locals want the new minister to visit the Cobboboonee and hear their concerns about its important ongoing uses, including access to the park for firewood collection, for horseriding, for trail bike riding, for beekeeping, for simply taking walks, for operating the great south-west walk and for camping. They want the minister to hear the concerns locals have about fire-risk management and vermin and weed control. They want to highlight the fact that the current management of the Cobboboonee delivers high-standard conservation plus well-controlled multi-use access. Over 900 submissions have been received on the future of the Cobboboonee, and 800-plus say that they want it to remain as a state forest. Andrew Morrow, a local DSE officer, said that no flora or fauna species have been lost from the Cobboboonee in the past 25 years.

The Cobboboonee is a well-managed state forest that provides for good conservation and the proper protection of the flora and fauna in the area, provides access for a range of uses, including horseriding and trail bike riding, and provides great protection against fire and protection for adjoining landowners. I call on the minister to come down and visit local stakeholders.

Roxburgh Rise Primary School: bike shed

Ms BEATTIE (Yuroke) — I wish to raise a matter for the urgent attention of the Minister for Sport, Recreation and Youth Affairs. While I am on my feet, I would also like to congratulate the minister on recently acquiring the portfolio of assisting the Premier on multicultural affairs.

The matter I raise today concerns bike storage facilities. I would like the minister to provide a $5000 grant to the Roxburgh Rise Primary School.

Honourable members interjecting.

Ms BEATTIE — Members on the other side are scoffing, but they do not even know where Roxburgh Rise Primary School is! Roxburgh Rise primary is in the new suburb of Roxburgh Park, and the population of that school is increasing dramatically. As members well know, it is part of a large multicultural area. We want to encourage those children to get on bikes, but we want those bikes to be secured safely during the day. I am sure many of the children in Roxburgh Park, despite the sneering of the member for South-West Coast, have never before had the pleasure of owning a bike, and they really treasure their bikes and want them to be secured safely during the day.

The school is a greenfield site. It is a brand-new school built by the Bracks government, as promised in the 1999 election. It opened in 2007 — another promise delivered by the Labor government, now the Brumby government. We really need that bike storage facility to be funded. As members know, children are becoming more and more obese, and we want to give the children of Roxburgh Park a good grounding. We want them on their bikes; we want them active and healthy; and we want them having sensible lunches. We have also introduced Free Fruit Friday.

To follow that up we want them on their bikes cycling to school and getting healthy and active and participating in sport. But we want those bikes, which are treasured by the children, to be locked and stored safely during the day so they can then cycle home safely to their parents at night. I urge the minister to fund the bike shed for Roxburgh Rise Primary School.

Samaria Road, Benalla: intersections

Dr SYKES (Benalla) — My adjournment matter is for the Minister for Roads and Ports, and the issue is grey spot funding for dangerous intersections. The particular action I request is for the minister to ensure funding for safety upgrades at two dangerous intersections in Benalla, the first being the Samaria Road–Old Hume Highway intersection and the second being the Samaria Road–Kilfeera Road intersection.

The background to this is that there have been a large number of requests coming to me expressing concern about the dangers associated with those two intersections. Nicole Briggs, a 12-year-old girl, has written to me on a couple of occasions. Barbara Cochrane, one of our long-term residents has written to me. I have also had Michael Tabe, who is the manager of the Glider City Motel, expressing concern about the safety of the intersection. The mayor, Pat Claridge, has expressed concern on behalf of the Benalla Rural City Council.

The issue relates to high traffic volumes and the fact that traffic involving log trucks and school buses presents an unacceptable risk. This issue has been raised with VicRoads, whose response has been that it is not a funding priority issue and that there have been few recorded accidents. To assist the minister in

making an informed decision I invite him to visit Benalla to inspect these intersections as well as other dangerous intersections in the area and to talk with concerned local residents.

I also note that at this stage there has been no announcement of grey spot funding for roads in north-east Victoria in the first funding round. Given that this government has indicated it governs for all Victorians, I ask the minister to ensure that there is funding for north-east Victoria from the grey spot pool in the future. I also remind the minister that over the past six years, while deaths on city roads have decreased significantly, deaths on country roads have increased. A significant cause of those deaths is inadequate road maintenance and inadequate upgrades. As the minister knows well: if you fix country roads, you save country lives.

I would like to finish by highlighting that these country lives are the lives of real people. As I said, Nicole Briggs wrote to me on 12 December last year and again on 3 January, when she said:

> As you know I have seen one accident happen, a result of another, and just yesterday, 2 January, my dad was hit by a car riding his bike back to work. If something doesn't get done, there will be more accidents and someone will really get hurt there.
>
> Please, please!!! Get a roundabout put there, make people slow down and be more careful when travelling along these roads.

That is the request from a young girl not wanting her dad or her friends or other people in the community to be injured. I repeat my request to the minister to ensure that grey spot funding is made available for these two intersections in the Benalla area. If you fix country roads, you save country lives.

Barwon Health: facilities

Mr TREZISE (Geelong) — This afternoon I raise an issue for action by the newly appointed Minister for Health. I take this opportunity to congratulate the minister on his elevation to the position. I know he will be very effective in carrying out the great work the government is and has been doing in rebuilding the health sector in Victoria since its election in 1999. The action I seek from the minister is for him to visit Geelong, meet with local health administrators and inspect current works being carried out at Barwon Health in Geelong.

In his new role the minister would be well served to visit Barwon Health as soon as possible to see for himself the extensive work that is being undertaken. Knowing the minister, he will be very keen to take up the invitation. As the minister will be aware, when he comes to Geelong he will see the ongoing renaissance of Barwon Health, particularly at Geelong Hospital and at the Grace McKellar Centre, as we now know it. Although the centre falls under the responsibility of the aged care minister, I think it is important for the minister to see for himself the renaissance of the Grace McKellar Centre.

On numerous occasions I have spoken about the centre and explained that it was to have been flogged off by the previous Kennett government. Of course that was before this government stepped in. It not only stopped the sale of the centre, but since 1999 it has spent more than $100 million in transforming the centre into what is now a magnificent state-of-the-art rehabilitation and aged care facility — a facility that the people of Geelong, and indeed those of the south-west region of Victoria, are very proud of. These works are ongoing today. Only two Fridays ago I had the pleasure of being in attendance when the Minister for Mental Health opened the new Hilary Blakiston Centre.

The minister would also see first hand the magnificent, newly refurbished and extended Andrew Love Cancer Centre at Geelong Hospital, where $20 million has been spent on providing state-of-the art cancer treatment equipment and extending the centre itself. The minister will also see that new works have begun for the accident and emergency unit, and more than $20 million will be spent on upgrading that. I encourage the newly appointed Minister for Health to visit Geelong in the near future, and I know that he will be very keen to do so.

Northern Assessment, Referral and Treatment Team: funding

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the attention of the Minister for Mental Health in her capacity as minister with responsibility for drug services. The action I seek is that recurrent funding be provided to the Northern Assessment, Referral and Treatment Team, NARTT, which targets offenders who have either drug or alcohol abuse problems or who are perpetrators of domestic violence. Drugs and alcohol are dominant factors in 75 per cent of presentations. Local police are a pivotal partner and make 80 referrals to the team every month. Since its inception NARTT has had over 3500 client contacts. A multidisciplinary team works proactively with clients to get them the treatment services they need.

NARTT was established as a pilot in 2003 in Whittlesea and Darebin. It has received three lots of

one-year funding of $90 000 from the Department of Justice. Put simply, NARTT provides early intervention and joined-up services. It is innovative, it is dirt cheap and it gets results. It is not only a program that should continue, but one that should be replicated across the state. An independent evaluation of NARTT carried out by the University of Melbourne in 2004 found that 60 per cent of clients remain actively involved in treatment and that recidivism dramatically fell with participation. The evaluation also argued forcefully that NARTT plays an extremely valuable role in bridging the gap between the police and the service sector and recommended that it be mainstreamed and that it continue to receive long-term funding. In fact it said that termination of the program would have a long-term negative and lasting effect on police and the local community.

So what has happened? As of 30 June 2006 the program has had no funding from government. Three months after funding ceased the former health minister awarded NARTT the minister's award for outstanding team achievement at the 2006 Victorian public health-care awards. She obviously had not checked the program's status when she gushed at the time about its outstanding success, even though the Attorney-General and her own parliamentary secretary, now the Minister for Health, had informed NARTT months earlier that they were unable to make a commitment to recurrent funding from the Department of Human Services or from the Department of Justice. Now, a year on, and despite a personal meeting with the former Minister for Health, the Department of Human Services said as recently as June that there is no funding for the program.

Drug-related crime is a huge issue in Victoria. Every year there are more than 12 000 drug-related arrests in the state, and Justice reports that two-thirds of new prisoners and between 80 and 90 per cent of prisoners with subsequent sentences are there for drug-related crime. We have a program that has reduced recidivism by 50 per cent — a program so successful that it received an award — but now it gets no funding.

I would like to highlight this hypocrisy by referring to the Attorney-General's Victorian Law Enforcement Drug Fund. There is over $1 million a year in this fund to distribute, but there has not been a funding round since August 2004. We have a proven, recognised, innovative program to combat drug-related crime which goes unfunded and a pool of funds — —

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

Yan Yean Road: alignment study

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is that he update my community on the progress of the $125 000 alignment study for Yan Yean Road, which was announced last year. I am pleased to note that, following his ascension to the position, Premier Brumby has indicated his strong support for the outer suburbs through the creation of the new Department of Planning and Community Development and through his intention to accelerate projects in progress under the Labor government's Meeting Our Transport Challenges program.

Our government is committed not just to new suburbs but to new communities, and providing road upgrades is a very important part of that. Yan Yean Road is the spine of my electorate and is carrying increasing volumes of traffic from the new communities in Doreen. I welcomed the announcement in this year's state budget of funding for a new turning lane as a congestion measure at the bottom of Yan Yean Road. That will be of great assistance, but we have to look to the future and do more. The alignment study will be very important in resolving what is the best alignment of that road so it can be widened in the future.

The government has a good record in looking after roads in my electorate, and I am pleased to see that the $32 million project of duplicating Plenty Road, which is another important north–south arterial road, is progressing very well. We have also seen the duplication of Cooper Street at a cost of some $30 million and the $12 million project to extend Edgars Road. The member for Eltham and I certainly welcome the new lights at Civic Drive, because they have helped the traffic flow adjacent to the end of the northern ring-road. The $17.2 million bridge duplication has also assisted our community. The government has a very good record. We will soon see new lights switched on at the Elizabeth Street–Main Road intersection in Diamond Creek.

Dr Napthine — On a point of order, Deputy Speaker, the member in her contribution has merely asked the Minister for Roads and Ports to update her community, if I recall her words correctly. I understand from previous rulings by the Chair that one must seek more definitive action than simply a community update or community information. I ask that in the remaining 30 seconds you direct the member to ask for more definitive action to ensure that her contribution is not ruled out of order.

Ms GREEN — I think it is important that it is about 10 months now since the project was announced — —

The DEPUTY SPEAKER — Order! I ask the member to clarify on the point of order.

Ms GREEN — On the point of order, Deputy Speaker, I have asked the minister to investigate the status of the alignment study and to report back.

The DEPUTY SPEAKER — Order! The member has clarified that she wishes the minister to take action to investigate the status of the alignment study.

Dr Napthine — But that is not what she said.

The DEPUTY SPEAKER — Order! The member for South-West Coast requested that the member clarify. She did clarify it, and I rule it in order.

Water: Gippsland

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Water. The action I seek is that the government reject the proposals put forward by a number of people to take even more water from Gippsland as an alternative to the north–south pipeline and the desalination plant in order to quench the thirst of Melbourne. The government is coming under increasing pressure, as we have seen from the rally on the steps of Parliament today, to reject both the north–south pipeline and desalination. I am very disappointed that some protesters are pushing a proposal to dam the Mitchell, Aberfeldy or Barclay rivers in Gippsland instead of using desalination or other options.

This has been totally rejected by my community at every election, and it is something that we will not put up with. However, it is a proposal that has been put forward by a vast number of people within the wider community, and I am making sure that both the Parliament and the minister understand that this is not something that the community of Gippsland supports. It has, for example, been put forward by the VFF (Victorian Farmers Federation). It was reported in the *Herald Sun* of 26 September 2006 that Simon Ramsay believes that ideally the water should not come from the Goulburn River but should come from Gippsland, where water is more plentiful. He also mentioned in a radio interview at that time that another option was south-west Victoria, either at Colac or in the Otways. I am sure residents there would not be very happy to have their water taken for Melbourne.

The Leader of The Nationals has also been out there saying that there should be more dams in Gippsland and that water coming out of that area could go back to Melbourne. That is rejected by my community as well. On ABC radio on 8 February this year the Leader of The Nationals said water storages should be built south of the range, particularly in Gippsland. He commented that people in Melbourne were saying 'Steve Bracks is killing my garden'. I raise this in the house because it is not acceptable. Seventy per cent of the Thomson River's water goes to Melbourne. The Gippsland Lakes present an incredible environmental challenge. We do not support the construction of more dams in Gippsland when there are plenty of other opportunities like a desalination plant, which has been proposed, like investment in infrastructure to improve water use efficiency, and like more recycling and more efficient water use in metropolitan Melbourne.

I point out to the house that the policies that keep being put forward in the media by The Nationals, the VFF and others are not supported across my community. At every election this issue comes up, and at every election these policies are rejected.

Australian Maritime College: Rosebud campus

Mr HERBERT (Eltham) — I rise to request action from the Minister for Skills and Workforce Participation in regard to the provision of tertiary education by the Australian Maritime College (AMC), which currently is operating temporarily out of the Chisholm Institute of TAFE's Rosebud campus. I ask the minister, firstly, to seek the commonwealth government's assurance that the funded undergraduate higher education contribution scheme (HECS) places that are allocated to the AMC remain in Victoria; secondly, to intervene and ensure that the plans to offer a substandard, low-quality undergraduate provision at Rosebud in 2008 be renegotiated; and thirdly, to ensure that the students currently studying at AMC Rosebud be guaranteed places in similar courses offered by other Victorian universities when the AMC withdraws to Tasmania in 2008.

Before I go on to clarify my request for action I should state that I have a son who is currently studying at AMC Rosebud, so I have firsthand knowledge of the angst that the AMC's actions have caused students who are trying to undertake what is a technically challenging university course. The AMC came to Victoria as a result of the controversial proposal by the commonwealth government to privatise the old commonwealth quarantine station at Point Nepean. Following much opposition from local groups and the state government the plans were changed, and as part of the solution the commonwealth government decided to establish the National Centre for Marine and Coastal

Conservation at Point Nepean, to be run as a tertiary institution by the maritime college.

Funding was provided to enable the AMC to begin temporary operations at Rosebud and to renovate buildings at Point Nepean. Some 120 HECS-funded places were allocated. Local federal MP Greg Hunt applauded the decision, and students were attracted to undertake courses. Up until May this year everything was fine. The university was planning to shift to the newly renovated facilities at Point Nepean in 2008, and students were prepared to put up with the temporary accommodation. How wrong they were! In June the AMC dropped a bombshell. The new campus at Point Nepean was cancelled, and the AMC said it was withdrawing its operations back to Tasmania.

As reported locally, students have been offered a mere $5000 per year to relocate to Launceston or to continue their studies by block learning at Rosebud, condensing 15-week semesters down to 3-week blocks. What a shoddy proposition that is. I doubt that anyone in this place would find that in any way satisfactory under our quality Australian university provisions. Quite frankly it sounds more like education off the back of a truck or degrees from dodgy offshore education providers than an education from a quality university system. These students have been duped by the Australian Maritime College, and I know that the commonwealth government is concerned about what has gone on there. They desperately need help to continue their tertiary studies, and I ask the minister to provide that help.

Special schools: eastern suburbs

Mr WAKELING (Ferntree Gully) — I wish to raise a matter of grave concern with the Minister for Education, and the action I seek is for the Brumby government to provide appropriate educational facilities for children with additional needs in Melbourne's eastern suburbs. Currently, the Heatherwood School, which is located in Donvale, serves as the only major educational facility for children with additional needs who reside in the eastern suburbs of Melbourne. The current school facility has been in operation for many years. I am advised that this facility is at capacity, given that no further space exists for an extension to be constructed on the site. Furthermore, children from the Knox community who attend this school are currently travelling to Heatherwood by school bus. Many parents have raised concerns with me that their children are forced to travel in excess of 1½ hours on this bus just to get to school.

Against this backdrop, parents have called for an examination of the need to construct a similar facility in closer proximity to the Knox community. Earlier this year there was much debate throughout the Heatherwood School community regarding a proposed relocation of the facility to the former Ferntree Gully Secondary College site located on Dorset Road in Ferntree Gully. Whilst the school community did not endorse the relocation of the Heatherwood facility, this debate has highlighted the need for new facilities for children with additional needs to be more appropriately located closer to the Knox community.

This Labor government prides itself on its supposed commitment to the education of our children, yet it has done little to address this important issue. On behalf of concerned parents I raised this issue with the former Minister for Education in the other place, who provided the residents of my electorate no comfort, as he would not confirm the construction of a new facility.

The Ferntree Gully community has seen the closing of both the Ferntree Gully primary and secondary schools on the watch of this state Labor government. The primary school closed at the end of the 2005 school year, whilst the secondary school closed at the end of the 2006 school year. It is several months later, and no public decision has been made regarding the future of both of these former school sites. Understandably, Knox-based parents at Heatherwood have rightly asked why the former secondary school site has not been identified as a future site for a facility to cater for children with additional needs.

It is clear that residents in the Knox community expect the government to act on this important issue. I ask the Minister for Education to take action and establish appropriate educational facilities to meet the requirements of children with additional needs who reside in Melbourne's eastern suburbs and, more specifically, in the Knox area.

Schools: librarians

Mrs MADDIGAN (Essendon) — I also have a matter I wish to raise with the Minister for Education. I ask her to get her department to examine the educational opportunities for the current supply of school librarians and the possible opportunities for them in the future. This may also involve having discussions and seeking cooperative arrangements with the federal government.

There used to be a one-year teacher training course for librarians to enable them to work in schools as school librarians. That course was quite widely used by tradespeople who wished to become teachers as well. That course no longer exists, and the only opportunity

for Victorians, particularly librarians, is to do a correspondence course at Charles Sturt University. The end result is that in the future we are going to be extremely short of school librarians because these courses are not being offered by tertiary institutions and are not being funded by the federal government.

This matter was brought to my attention last weekend when I launched *A Manual for Developing Policies and Procedures in Australian School Library Resource Centres*, which is a publication put together by the schools division of the Australian Library and Information Association and the Victorian Catholic Teacher Librarians. They raised with me their considerable concerns about the future of librarians in schools. Obviously, with increasing technology, students need to be able to find and manipulate their way through the very different ways in which information is provided. It is essential not only for their schooling but, obviously, also for their long-term careers. If you think about it, many people now have six, seven or even eight different careers during their life, therefore having the capacity to gain information is extremely important. The last thing we want to do is to create an information-rich, information-poor society.

This problem is perhaps not urgent at the moment, but it certainly will be in the next few years. Now is the time for the minister and her staff to assess what the problem is and work with the federal government to try to overcome it so that we can ensure that schoolchildren in Victoria have the capacity to access the information sources that are available and that they get all the benefits they can from their education system.

The DEPUTY SPEAKER — Order! Ten matters having been raised, I ask the Minister for Housing to refer the matters raised by members during the debate.

Mr Kotsiras — On a point of order, Deputy Speaker, this is the first week of the new government under Premier Brumby, who promised an open and accountable Parliament. There has only been one minister in the chamber on each night during the adjournment debate.

The DEPUTY SPEAKER — Order! The member for Bulleen is very aware — —

Mr Kotsiras — I think it is a disgrace.

The DEPUTY SPEAKER — Order! I am going to rule on the point of order, although it is not a point of order. I call on the minister to refer matters raised by members.

Dr Napthine — Deputy Speaker, I draw your attention to the state of the house.

Quorum formed.

Responses

Mr WYNNE (Minister for Housing) — The member for South-West Coast raised a matter relating to the Cobboboonee State Forest and asked that the Minister for Environment and Climate Change in the other place meet with local stakeholders. I will pass that matter on for the minister's attention.

The member for Yuroke raised the issue of a bike storage area at Roxburgh Rise Primary School in Roxburgh Park. I will pass that matter on for the attention of the Minister for Sport, Recreation and Youth Affairs.

The member for Benalla raised an issue for the Minister for Roads and Ports in relation to two intersections on Samaria Road, Benalla, seeking support from the minister for grey spot funding.

The member for Geelong raised a matter for the Minister for Health in relation to a proposed visit by the minister to Barwon Health in order to be further appraised of the work that is going on in the Geelong region. I will pass that on to the minister as well.

The member for Doncaster raised a matter for the Minister for Mental Health in her capacity as the minister dealing with drug and alcohol issues in relation to the funding of the Northern Assessment, Referral and Treatment Team project. I will pass that on for the minister's attention.

The member for Yan Yean raised a matter for the Minister for Roads and Ports in relation to the status of the alignment of Yan Yean Road, seeking a further update upon that important project. That will be raised with the minister.

The member for Gippsland East raised a matter for the Minister for Water, seeking an assurance that the government will reject plans to take further water from Gippsland for Melbourne's water consumption. That matter will be brought to the attention of the Minister for Water.

The member for Eltham raised some issues for the Minister for Skills and Workforce Participation in relation to the future of the Australian Maritime College, in particular the proposed move of that college back to Launceston in Tasmania and the future curriculum of the students who are currently involved

at that college. That matter will be brought to the attention of the minister.

The member for Ferntree Gully also raised a matter for the Minister for Education in relation to the provision of educational services for children with special needs in the Knox area. That matter will be brought to the new minister's attention as well.

Finally, the member of the Essendon also raised a matter for the Minister for Education pertaining to the training of school librarians and the further support that would be required from the federal government in relation to their future training. That matter will be brought to the minister's attention as well.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 4.35 p.m. until Tuesday, 21 August.